

**DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))

FINAL

REGULATORY IMPLEMENTING ORDER

286 Application Fee For Educator Licensure

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 286 Application Fee for Educator Licensure. This regulation is being created pursuant to House Bill 146 of the 148th General Assembly, codified at 14 **Del.C.** §122(b)(27) and to comply with 14 **Del.C.** §122 related to educator licensure. This regulation establishes a one-time non-refundable fee of \$100 for educators seeking new licenses in Delaware.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on November 1, 2015, in the form hereto attached as Exhibit "A". No public comments were received, but the Department of Education clarified that it is both Section 121(c) and subchapter II of Chapter 12 of 14 Del. Code that is referenced in the definitions of Advanced License, Continuing License and Initial License. Additionally it removed Section 3.3 as it was not needed.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to create 14 **DE Admin. Code** 286 Application Fee for Educator Licensure in accordance with House Bill 146 of the 148th General Assembly, codified at 14 **Del.C.** §122(b)(27) and to comply with 14 **Del.C.** §122 related to educator licensure. This regulation establishes a one-time non-refundable fee of \$100 for educators seeking new licenses in Delaware.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 286 Application Fee for Educator Licensure. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 286 Application Fee for Educator Licensure attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 286 Application Fee for Educator Licensure hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 286 Application Fee for Educator Licensure amended hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 286 Application Fee for Educator Licensure in the *Administrative Code of Regulations* for the Department of Education.

V. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on December 17, 2015. The effective date of this Order shall be ten (10) days from the date this Order is published in the Delaware *Register of Regulations*.

IT IS SO ORDERED the 17th day of December 2015.

Department of Education
Steven Godowsky, Secretary of Education

Approved this 17th day of December 2015

State Board of Education
Teri Quinn Gray, Ph.D., President
Jorge L. Melendez, Vice President

Gregory B. Coverdale, Jr.
Terry M. Whittaker, Ed.D.

286 Application Fee For Educator Licensure

1.0 Purpose

The purpose of this regulation is to comply with 14 Del.C. §122(b)(27) related to educator licensure. This regulation sets forth the rules and guidelines related to fees for educator licensure. Specifically, the Department of Education will implement a one-time, non-refundable fee of not more than \$100 for an educator's application in Delaware. This application may be for an Initial, Continuing or Advanced License.

2.0 Definitions

"Advanced License" means a license issued as part of the three tiered licensure system set forth in 14 Del.C. [§121(c) and 14 Del.C.] Ch. 12, subchapter II.

"Continuing License" means a license issued as part of the three tiered licensure system set forth in and 14 Del.C. [§121(c) and 14 Del.C.] Ch. 12, subchapter II.

"Department" means the Delaware Department of Education.

"Educator Licensure Application Fee" means the one-time, non-refundable fee of not more than \$100 an individual pays for a first educator license in Delaware.

"Initial License" means a license issued as part of the three tiered licensure system set forth in 14 Del.C. [§121(c) and 14 Del.C.] Ch. 12, subchapter II.

3.0 Application Process

3.1 Effective the later of January 15, 2016 or upon activation of the online payment option within the electronic licensure and certification system, applicants seeking an educator licensure in Delaware shall:

3.1.1 Establish an online account in the electronic licensure and certification system in Delaware;

3.1.2 Submit official documents to the Department to support their application;

3.1.3 Pay a one-time, non-refundable \$100 application fee via debit or credit card through the electronic licensure and certification system when applying for an Initial, Continuing, or Advanced License; and

3.1.4 Meet all statutory and regulatory requirements.

3.2 An application will not be processed until all conditions of 3.1 are met.

~~3.3 Upon online payment and submission of the application for educator licensure, the application will be reviewed and processed by the Department.~~

3.[43] Submission of an online fee and application does not entitle the applicant to the requested license.

4.0 Exemptions From Application Fee

4.1 Any person who submits an application for their first license in Delaware prior to January 15, 2016 shall be exempt from the application fee.

4.2 Any person who is already licensed and certified to teach in Delaware prior to January 15, 2016 shall be exempt from the application fee.

5.0 Fee Payment and Collection

5.1 No installment or partial payments of the fee will be accepted. Only full payment of the fee, to be made as part of the online electronic application, is permitted.

5.2 No appeals, exceptions, or waivers shall be granted for the fee.

5.3 All fees collected pursuant to this regulation shall be deposited in the General Fund.

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