

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), 1305(o), and 1305(l) (14 **Del.C.** §§1203, 1205(b), 1305(o), & 1305(l))
14 **DE Admin. Code** 1501

FINAL

ORDER

1501 Salary Supplements for Educators

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203, 1205(b), 1305(l), and 1305(o), the Professional Standards Board, acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1501 Salary Supplements for Educators. The regulation concerns knowledge and skills salary supplements pursuant to 14 **Del.C.** §1305(k), national certification salary supplements pursuant to 14 **Del.C.** §1305(l), and additional responsibility assignment salary supplements pursuant to 14 **Del.C.** §1305(n). In accordance with 14 **Del.C.** §1305(o), the Professional Standards Board is required to annually review the supplements and promulgate recommendations as necessary. The proposed amendment to this regulation is to revise subsection 4.1.7 as a result of HB 231 of the 152nd General Assembly. HB 231 amended 14 **Del.C.** §1305(l) to allow salary supplements for school-based physical therapists who have passed the National Physical Therapy Exam (NPTE) administered by the Federation of State Boards of Physical Therapy and was signed into law on August 3, 2023.

Notice of the proposed regulation was published in the *Register of Regulations* on October 1, 2023. The Professional Standards Board did not receive any written submittals concerning the proposed regulation.

II. FINDINGS OF FACTS

On November 2, 2023, the Professional Standards Board voted to propose 14 **DE Admin. Code** 1501 Salary Supplements for Educators, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendment to subsection 4.1.7 is consistent with HB 231 of the 152nd General Assembly. In addition, the Department finds that the proposed amendment to the regulation is necessary to implement 14 **Del.C.** Ch. 12 and is designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1501 Salary Supplements for Educators.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1501 Salary Supplements for Educators subject to the State Board of Education's approval. On November 16, 2023, the State Board of Education approved amending 14 **DE Admin. Code** 1501 Salary Supplements for Educators. Therefore, pursuant to 14 **Del.C.** §§1203, 1205(b), 1305(l), and 1305(o), 14 **DE Admin. Code** 1501 Salary Supplements for Educators, attached hereto as Exhibit A, is hereby amended.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1501 Salary Supplements for Educators amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1501 Salary Supplements for Educators in the *Administrative Code of Regulations* for the Department.

V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 16th day of November, 2023.

Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 16th day of November, 2023.

State Board of Education

/s/ Shawn Brittingham, President

/s/ Wali W. Rushdan, II

/s/ Deborah Stevens, Vice President

/s/ Candice Fifer

/s/ Rev. Provey Powell, Jr.

***Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

1501 Salary Supplements for Educators

1.0 Content

- 1.1 The following requirements shall be met in order to receive the salary supplements established by 14 **Del.C.** §1305. This regulation shall apply to the awarding of salary supplements as a percentage of the State portion of an Educator's annual salary paid in accordance with the provisions of 14 **Del.C.** §1305 for gaining knowledge and skills that lead to more effective instruction, for achieving national certification from the National Board for Professional Teaching Standards or from an equivalent program, and for accepting Additional Responsibility Assignments that impact student achievement.
- 1.2 Supplements are available subject to an annual appropriation from the General Assembly.

5 DE Reg. 2297 (06/01/02)

8 DE Reg. 73 (07/01/04)

23 DE Reg. 571 (01/01/20)

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning:

"Additional Responsibility Assignments" means additional assignments for Educators that are academic in nature and that impact student achievement. For purposes of this regulation and pursuant to 14 **Del.C.** §1305(n), extracurricular or noninstructional supervisory activities are specifically excluded from additional responsibility assignments.

"Administrator Mentor" means a certified administrator who holds a Continuing License, is currently employed as an administrator, performs the duties and responsibilities in the State's administrator mentor program, and is rated as satisfactory on the State's current evaluation system or the equivalent thereof on a state-approved alternative educator evaluation system. A certified administrator is an Educator who holds at least one of the following Standard Certificates: School Principal and Assistant School Principal Standard Certificate (14 **DE Admin. Code** 1591), Certified Central Office Personnel Standard Certificate (14 **DE Admin. Code** 1592), Superintendent and Assistant Superintendent Standard Certificate (14 **DE Admin. Code** 1593), and Special Education Director Standard Certificate (14 **DE Admin. Code** 1594).

"Base Salary" means the salary earned by an Educator as determined by the Educator's level of education and years of service on the Delaware educators' salary schedule pursuant to 14 **Del.C.** §1305.

"Department" means the Delaware Department of Education.

"Educator" means a person licensed and certified by the State under 14 **Del.C.** Ch. 12 to engage in the practice of instruction, administration, or other related professional support services in Delaware public schools, including charter schools, pursuant to the rules and regulations developed by the Professional Standards Board, in consultation and cooperation with the Department, and approved by the State Board of Education. The term 'educator' does not include substitute teachers.

"Knowledge and Skills" means understandings and abilities that, when acquired by Educators, lead to more effective instruction.

"National Certification" means an Educator has achieved and maintains a current national certification as provided in 14 **Del.C.** §1305(l).

"Salary Supplement", when referring to knowledge, skills, national certification, and additional responsibility based supplements, means additional State salary as described in 14 **Del.C.** §1305.

"Teacher or Specialist Lead Mentor" means a teacher or specialist who holds a Continuing or Advanced License, has participated in the training approved by the Department for Teacher or Specialist Lead Mentors, is employed by an employing authority as a Teacher or Specialist Lead Mentor, and performs the duties and responsibilities assigned to that position. Educators serving as Teacher or Specialist Lead Mentors must have all satisfactory evaluations on the State's current evaluation system, or the equivalent thereof on a state-approved alternative educator evaluation system, during the school year in which they are mentors and may

not be on an improvement plan, or the equivalent therefore in a state-approved alternative educator evaluation system. Teacher or Specialist Lead Mentors oversee the comprehensive induction program at the building level, train Teacher or Specialist Mentors, and provide support to teachers or specialists in years 3 and 4 of the program. Teacher or Specialist Lead Mentors may mentor an Educator in years 1 and 2 of the program.

“**Teacher or Specialist Mentor**” means an Educator who holds a Continuing or Advanced License and has participated in the training for mentors of teachers and specialists specified by the Department and the employing authority. Educators serving as Teacher or Specialist Mentors must have satisfactory evaluations on the State’s current evaluation system, or the equivalent thereof on a state-approved alternative educator evaluation system, during the school year in which they are mentors and may not be on an improvement plan, or the equivalent therefore in a state-approved alternative educator evaluation system. Teacher or Specialist Mentors provide 1 to 1 support for Educators in years 1 and 2 of the program.

8 DE Reg. 73 (07/01/04)

23 DE Reg. 571 (01/01/20)

24 DE Reg. 867 (03/01/21)

3.0 Knowledge and Skills Salary Supplements

Currently, there are not any approved Knowledge and Skills Salary Supplements.

8 DE Reg. 73 (07/01/04)

23 DE Reg. 571 (01/01/20)

4.0 National Certification

4.1 An Educator may receive a Salary Supplement for achieving and currently maintaining the following certifications as provided in 14 **Del.C.** §1305(l):

4.1.1 National Board Certification from the National Board for Professional Teaching Standards;

4.1.2 Certificate of Clinical Competence in Audiology (CCC-A) or Certificate of Clinical Competence Speech-Language Pathology (CCC-SLP) from the American Speech-Language-Hearing Association;

4.1.3 National Certified School Counselor from the National Board for Certified Counselors;

4.1.4 Music Therapist – Board Certified (MT-BC) from the Certification Board for Music Therapists;

4.1.5 Nationally Certified School Psychologist (NCSP) from the National Association of School Psychologists;

4.1.6 Nationally Certified School Nurse (NCSN) from the National Board for Certification of School Nurses;

4.1.7 ~~Nationally Certified Physical Therapy Specialist in any specialty area from the American Board of Physical Therapy Specialists.~~ School-based physical therapists who have passed the National Physical Therapy Exam (NPTE) as administered by the Federation of State Boards of Physical Therapy (FSBPT); or

4.1.8 Occupational Therapist Advanced Certification from the American Occupational Therapy Association or the Occupational Therapist Registered from the National Board for Certification in Occupational Therapy.

4.2 In order to be eligible for a National Certification Salary Supplement, the Educator shall maintain current certification through the applicable national organization.

4.3 An Educator who is employed as a superintendent, assistant superintendent, or director or in a non-instructional area of transportation, finance/business management, human resources/personnel management, purchasing, community/public relations, administrative services, pupil services, audiology, occupational therapist, physical therapist, psychologist, speech language pathologist, human relations, nurse, social work/services, information technology, or a specialized assignment comparable to these non-instructional areas shall not be eligible for a Salary Supplement for National Certification from the National Board for Professional Teaching Standards.

4.4 An Educator who achieves and maintains National Certification shall receive an annual Salary Supplement equal to 12 percent of the Educator’s Base Salary for the certification in subsection 4.1.1 or 6 percent of the Educator’s Base Salary for the certifications in subsections 4.1.2 through 4.1.8.

5 DE Reg. 2297 (06/01/02)

8 DE Reg. 73 (07/01/04)

23 DE Reg. 571 (01/01/20)

26 DE Reg. 1063 (06/01/23)

5.0 Additional Responsibility Assignments

5.1 Additional Responsibility Assignments shall be:

5.1.1 Focused on school improvement issues that impact student achievement;

- 5.1.2 Supported by high quality, targeted professional development; and
- 5.1.3 Academic in nature.
- 5.2 In order to qualify for an Additional Responsibility Assignment Salary Supplement, an Educator shall have completed the State approved training program for the position or, in the absence of a training program, shall meet the criteria set forth for the position by the State, school district, charter school, or other employing authority and shall provide State, school district, charter school, or other employing authority approved levels of service, participate in designated activities throughout the period of responsibility, and document the satisfactory fulfillment of the specified assignment.
- 5.3 Additional Responsibility Assignment Salary Supplements may be renewed.
- 5.4 The following assignments are currently an approved Additional Responsibility Assignment:
 - 5.4.1 Administrator Mentor, Teacher or Specialist Lead Mentor, and Teacher or Specialist Mentor as provided in 14 DE Admin. Code 1503.
 - 5 DE Reg. 2297 (06/01/02)**
 - 8 DE Reg. 73 (07/01/04)**
 - 10 DE Reg. 1589 (04/01/07)**
 - 23 DE Reg. 571 (01/01/20)**
 - 24 DE Reg. 867 (03/01/21)**

6.0 Educators' Eligibility for Salary Supplements

Additional Responsibility Assignments: An Educator shall provide the school district, charter school, or other employing authority with such information as may be required to enable the school district, charter school, or other employing authority to verify that the Educator has fulfilled the requirements of subsection 5.2 of this regulation.

- 8 DE Reg. 73 (07/01/04)**
- 10 DE Reg. 1589 (04/01/07)**
- 23 DE Reg. 571 (01/01/20)**

7.0 Payment of Salary Supplements

- 7.1 Salary Supplements for Additional Responsibility Assignments
 - 7.1.1 Salary supplements earned by Educators who are paid in accordance with the provisions of 14 Del.C. §1305 as a result of fulfilling Additional Responsibility Assignments shall be effective following receipt by the Department of documentation from the school district, charter school, or other employing authority of satisfactory completion of the duties associated with the Additional Responsibility Assignment and shall be paid annually.
 - 8 DE Reg. 73 (07/01/04)**
 - 23 DE Reg. 571 (01/01/20)**

8.0 Limits on Salary Supplements

Salary supplements shall be paid to an Educator in accordance with the provisions of 14 Del.C. §1305.

- 5 DE Reg. 2297 (06/01/02)**
- 8 DE Reg. 73 (07/01/04)**
- 8 DE Reg. 1137 (02/01/05)**
- 10 DE Reg. 1589 (04/01/07)**
- 16 DE Reg. 623 (12/01/12)**
- 23 DE Reg. 571 (01/01/20)**
- 24 DE Reg. 867 (03/01/21)**
- 26 DE Reg. 1063 (06/01/23)**
- 27 DE Reg. 525 (01/01/24) (Final)**