

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD
14 DE Admin. Code 1513
Statutory Authority: 14 Delaware Code,
Section 122(D) (14 Del.C. §122(D))**

REGULATORY IMPLEMENTING ORDER

1513 Denial Of Licenses

I. Summary of the Evidence and Information Submitted

The Professional Standards Board, acting in cooperation and consultation with the Department of Education, seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 1513 Denial of Licenses. It is necessary to amend this regulation to add "Certificates" to the title and to the content of the regulation, as an educator must have both a license and a certificate to be employed in a Delaware public school. It is further being amended to clarify that the Department may refuse to issue a license or certificate to an applicant who fails to meet the prerequisites for a license or certificate. The number of days an individual has to request a hearing has been reduced from 30 to 10 to facilitate speedy resolution of disputes.

Notice of the proposed amendment of the regulation was published in the *News Journal* and the *Delaware State News* on April 26, 2005, in the form hereto attached as Exhibit "A". The notice invited written comments. No comments were received.

II. Findings of Facts

The Professional Standards Board and the State Board of Education find that it is appropriate to adopt this regulation.

III. Decision to Adopt the Regulation

For the foregoing reasons, the Professional Standards Board and the State Board of Education conclude that it is appropriate to amend the regulation. Therefore, pursuant to 14 **Del.C.** §1205(b), the regulation attached hereto as Exhibit "B" is hereby adopted. Pursuant to the provision of 14 **Del.C.** §122(e), the regulation 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 the regulation amended shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 1513 of the *Administrative Code of Regulations* of the Department of Education.

V. Effective Date of Order

The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

APPROVED BY THE PROFESSIONAL STANDARDS BOARD THE 2ND DAY OF JUNE, 2005

Harold Roberts, Chair	Sharon Brittingham
Norman Brown	Heath Chasanov
Edward Czerwinski	Angela Dunmore
Karen Gordon	Barbara Grogg
Bruce Harter	Valerie Hoffmann
Leslie Holden	Carla Lawson
Mary Mirabeau	Gretchen Pikus
Karen Schilling Ross	Carol Vukelich

FOR IMPLEMENTATION BY THE DEPARTMENT OF EDUCATION:

Valerie A. Woodruff, Secretary of Education

IT IS SO ORDERED THIS 16TH DAY OF JUNE, 2005

STATE BOARD OF EDUCATION

Dr. Joseph A. Pika, President
Jean W. Allen, Vice President
Richard M. Farmer, Jr.
Mary B. Graham, Esquire
Barbara Rutt
Dennis J. Savage
Dr. Claibourne D. Smith

1513 Denial of Licenses and Certificates

1.0 Content:

This regulation shall apply to the denial of an Initial License, Continuing License and/or Advanced License for educators pursuant to 14 **Del.C.** §1210, 1211,1212,1213,1214, and 1217-; and to the denial of a Standard or Emergency Certificate pursuant to 14 **Del.C** §§1220 and 1221.

2.0 Definitions:

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise.

“Advanced License” means a license issued as part of the three-tiered licensure system set forth in 14 **Del.C.** §1213 and §1214.

“Continuing License” means a license issued as part of the three-tiered licensure system set forth in 14 **Del.C.** §1211 and §1212.

“Department” means the Delaware Department of Education.

“Educator” means a public school employee who holds a license issued under the provisions of 14 **Del.C.**, Chapter 12, and includes teachers and administrators, and as otherwise defined by the Standards Board and the State Board, pursuant to 14 **Del.C.**, §1203, but does not include substitute teachers.

“Good Moral Character” means conduct which is consistent with the rules and principles of morality expected of an educator.

“Immorality” means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator’s effectiveness by reason of his or her unfitness or otherwise.

“Initial License” means a license issued as part of the three-tiered licensure system set forth in 14 **Del. C.** §1210.

“Secretary” means the Secretary of the Delaware Department of Education.

“Standard Certificate” means a credential issued to verify that an educator has the prescribed knowledge, skill and/or education to practice in a particular area, teach a particular subject, or teach a category of students.

“Standards Board” means the Professional Standards Board established pursuant to 14 **Del.C.** §1205.

“State” means the State of Delaware.

“Unfit” means lack of good moral character, misconduct in office, incompetence, a pattern of ineffective teaching, wilful neglect of duty, disloyalty or falsification of credentials.

3.0 The Department may refuse to issue an Initial License, Continuing License, Advanced License or a Standard or Emergency Certificate to an applicant upon a finding that the applicant fails to meet the statutory or regulatory requirements for a license or certificate.

43.0 Upon a finding that an applicant is unfit to be licensed or certified in the State, the Department may refuse to issue an Initial License, Continuing License or an Advanced License or a Standard or Emergency Certificate to an

applicant who otherwise meets the requirements set forth in 14 **DE Admin. Code** 1510, 1511, ~~and 1512, 1515 and 1516.~~

5.0 ~~4.0~~ Notwithstanding any other provisions stated herein or in 14 **DE Admin. Code** 1510, 1511, and 1512, no license or certificate shall be issued to an applicant for an Initial, Continuing or Advanced License or Standard or Emergency Certificate if:

~~5.1~~ ~~4.1~~ There is legal evidence that the applicant is not of good moral character; or

~~5.2~~ ~~4.2~~ The applicant has had a certificate or license revoked in another state for immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty or falsification of credentials.

6.0 ~~3.1~~ The Secretary shall give written notice to the applicant of the denial and the reasons therefore. The notice of denial shall be sent by certified mail and shall give notice that a full and fair hearing may be requested before the Standards Board within ten (10) ~~thirty (30)~~ days.

~~6.1~~ ~~3.2~~ An applicant who is denied an Initial, Continuing, or Advanced License or a Standard or Emergency Certificate may appeal the decision, and is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with the Standard Board's Hearing Procedures and Rules.

7 DE Reg. 161 (8/1/03)

9 DE Reg. 138 (8/1/03) (Final)