

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 Del.C. §122(b))  
14 DE Admin. Code 286

### PROPOSED

### PUBLIC NOTICE

#### Education Impact Analysis Pursuant To 14 Del.C. Section 122(d)

#### 286 Application Fee For Educator Licensure

##### A. Type of Regulatory Action Required

Amendment to Existing Regulation

##### B. Synopsis of Subject Matter of the Regulation

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 amended to align with changes to 14 Del.C. §122(b)(27) related to educator licensure. It clarifies that the application fee for educator licensure shall be reimbursed for any applicant who becomes a teacher in a Delaware public school and that \$90,000 will be set aside for the sole purpose of reimbursing such educators.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before November 7, 2016 to Tina Shockley, Education Associate, Department of Education, Regulatory Review, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Register of Regulation's website, [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml), or obtained at the Department of Education, Finance Office located at the address listed above.

##### C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation does not specifically address student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation is intended to continue to help ensure all students receive an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amendments do not address students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to help ensure that all student's legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the decision making at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place any unnecessary reporting or administrative requirements on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated does not change because of the amendment.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The amendment is consistent with and not an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a less burdensome method for addressing the purpose of the regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? The expected cost to the State is reflected in the \$90,000 that has been set aside for the sole purpose of reimbursing qualified educators.

#### 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 first application for licensure in Delaware. However, the fee shall be reimbursed for any applicant who becomes employed as a teacher in a Delaware Public School. 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.

**"Charter School"** means a non home-based public school including two or more of grade kindergarten through twelve, operating in an approved physical plant for the personal physical attendance of all students and is managed by a board of directors. It exists under a charter granted by a public school district or the State Department of Education, with the approval of the State Board of Education, pursuant to 14 **Del.C.** Ch. 5.

**"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.

**"Eligible Educator for Reimbursement"** or **"Eligible Educator"** means an educator who has paid the one-time \$100 educator licensure fee and who has become employed as a teacher in a Delaware public school.

**"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.

**"Public School"** means a physical plant having any or all of grades kindergarten through twelve, supported primarily from public funds and under the supervision of public school administrators. A Charter School, as defined herein, is also a public school.

## **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~~ 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 subsection 3.1 are met.
- 3.3 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~~ An applicant 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, with the exception of \$90,000, which shall be retained annually by the Department in a special fund to be established for the sole purpose of reimbursing Eligible Educators.

## **6.0 Reimbursement**

- 6.1 An Eligible Educator For Reimbursement shall receive a reimbursement of the one-time \$100 educator licensure fee. The reimbursement shall be processed by the Department of Education in coordination with the Division of Accounting for those Eligible Educators for Reimbursement identified November 1 and March 1 of each fiscal year.

6.2 Eligible Educators for Reimbursement shall receive their reimbursement check through either a direct deposit transaction or live check.

**19 DE Reg. 620 (01/01/16)**

**20 DE Reg. 220 (10/01/16) (Prop.)**