

**DEPARTMENT OF EDUCATION  
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Section 1205(b) (14 **Del.C.** §1205(b))  
14 **DE Admin. Code** 1561

**PROPOSED**

**PUBLIC NOTICE**

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

**1561 Bilingual Teacher**

**A. Type of Regulatory Action Required**

Amendment to Existing Regulation

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

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation 14 **DE Admin. Code** 1561 Bilingual Teacher. This regulation concerns the requirements for certification of educational personnel, pursuant to 14 **Del.C.** §1220(a). It is necessary to amend this regulation in order to update requisite performance levels in oral and written proficiency in English and the target language. This regulation is also being reviewed as part of the five year review cycle. This regulation sets forth the requirements for a Bilingual Teacher.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on Monday, October 31, 2016 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. Copies of this regulation are available from the above address or may be viewed at the Professional Standards Board Business Office.

**C. Impact Criteria**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation addresses student achievement by establishing standards for the issuance of a standard certificate to educators who have acquired the prescribed knowledge, skill and/or education to practice in a particular area, to teach a particular subject or to instruct a particular category of students to help ensure that students are instructed by educators who are highly qualified.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation helps to ensure that all teachers employed to teach students meet high standards and have acquired the prescribed knowledge, skill and/or education to practice in a particular area, to teach a particular subject or to instruct a particular category of students.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation will preserve the necessary authority and flexibility of decision makers 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 will not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

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 rests with the Professional Standards Board, in collaboration with the Department of Education, and with the consent of the State Board of Education.

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 amended regulation will 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.

9. Is there a less burdensome method for addressing the purpose of the regulation? 14 **Del.C.** §1205 requires that we

promulgate this regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no additional cost to local school boards for compliance with the regulation.

## 1561 Bilingual Teacher

### 1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Bilingual Teacher (Category). ~~This certification is required for grades K to 12.~~
  - 1.1.1 ~~This certification is required for an educator within district-identified bilingual classrooms or bilingual programs for grades K to 12 that are identified to serve students who are English Language Learners or immersion program students.~~
  - 1.1.2 ~~This certification is a category certificate and does not certify an educator to practice in a particular area or teach a particular subject. A category certificate only establishes that an educator has met the prescribed knowledge, skill, or education to instruct a particular category of students specified. This certification is limited to the specific category of teaching students who are English Language Learners or immersion program students.~~
  - 1.1.3 ~~This certification may not be issued alone and an educator shall hold at least one subject or area certification.~~
- 1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

### 2.0 Definitions

- 2.1 The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 2.2 The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:
  - ~~"Nationally recognized equivalent examination" means a standardized test which measures knowledge in a specific content area that is nationally recognized as having at a minimum the same rigor and reliability as a Praxis II examination.~~
  - "**Passing score**" means a minimum score as established by the Standards Board, in consultation with the Department and with the ~~concurrence~~ approval of the State Board of Education.
  - "**Target language**" means, for the purpose of this regulation, the world language of the bilingual classroom or bilingual program.

### 3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Bilingual Teacher to an educator who has met the following:
  - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Limited Standard, Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and,
  - 3.1.2 Has met the requirements as set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto; and
  - 3.1.3 ~~Has satisfied the additional requirements in this regulation.~~ Holds a Standard Certificate in a subject or area; and
  - 3.1.4 Has satisfied the additional requirements in this regulation.

### 4.0 Additional Requirements

~~An educator must also have met the following:~~

- 4.1 ~~Demonstrated oral and written proficiency in English and the target language of the bilingual program by having completed the following:~~
  - 4.1.1 ~~Achieved a passing score on an oral proficiency examination in English; and~~
  - 4.1.2 ~~Achieved a passing score on a written proficiency examination in English; and~~
  - 4.1.3 ~~Achieved a passing score on an oral proficiency examination in the target language of the bilingual program; and~~

- 4.1.4 Achieved a passing score on a written proficiency examination in the target language of the bilingual program; and
- 4.1.5 The written proficiency and oral proficiency examinations required may be a Praxis II examination if applicable and available or as specified in section 4.2.
- 4.2 If an examination of content knowledge such as Praxis II is not applicable and available for the Standard Certificate requested, an educator must also meet the following:
  - 4.2.1 Where no PRAXIS II examination is applicable and available, nationally recognized equivalent examinations may be substituted. The applicant shall achieve a passing score on the examination as established by the Standards Board, in consultation with the Department and with the concurrence of the State Board.
  - 4.2.2 For the purposes of this regulation, the following test shall be accepted as a nationally recognized equivalent examination: the American Council on the Teaching of Foreign Languages (ACTFL) Oral Proficiency Interview and the ACTFL Writing proficient test.
    - 4.2.2.1 For purposes of this regulation the following shall be considered a passing score:
      - 4.2.2.1.1 For tests of languages using a Roman alphabet, candidates are required to achieve as a minimum score an Advanced Low level of the oral skills and an Advanced Low level on the writing skills based on the ACTFL Proficiency Guidelines.
      - 4.2.2.1.2 For tests of languages using a non-Roman alphabet, candidates are required to achieve as a minimum score an Advanced Low Level on the oral skills and an Intermediate High level on the writing skills based on the ACTFL Proficiency Guidelines.
- 4.3 If the educator is applying for their first Standard certificate pursuant to 14 ~~DE Admin. Code~~ 1505 Standard Certificate 3.1.5.1 the required 15 credits or their equivalent in professional development required in 14 ~~DE Admin. Code~~ 3.1.5.1 that must be satisfactory completed for this standard certificate must at a minimum include the following areas:
  - 4.3.1 Methods of Teaching English as a Second Language (3 credits);
  - 4.3.2 Second Language Acquisition (3 credits);
  - 4.3.3 Teaching Literacy for English Language Learners (3 credits);
  - 4.3.4 Second Language Testing (3 credits);
  - 4.3.5 Structure of the English Language (3 credits).
- 4.4 If the educator is applying for their second standard Certificate pursuant to 14 ~~DE Admin. Code~~ 1505 Standard Certificate 3.1.5, the satisfactory completion of fifteen (15) credits or their equivalent in professional development in the areas of:
  - 4.4.1 Methods of Teaching English as a Second Language (3 credits);
  - 4.4.2 Second Language Acquisition (3 credits);
  - 4.4.3 Teaching Literacy for English Language Learners (3 credits);
  - 4.4.4 Second Language Testing (3 credits);
  - 4.4.5 Structure of the English Language (3 credits).
- 4.1 An educator shall also have satisfied each of the following requirements:
  - 4.1.1 Demonstrated oral and written proficiency in English by:
    - 4.1.1.1 Completion of a bachelor's, master's, or doctoral degree from a regionally accredited college or university that is located in the United States or in a permanently inhabited territory of the United States in which the majority of courses were taught and assessed in the English language; or
    - 4.1.1.2 Achieving a minimum level of Advanced Mid based on the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines on:
      - 4.1.1.2.1 the ACTFL Oral Proficiency Interview (OPI) in English, and
      - 4.1.1.2.2 the ACTFL Writing Proficiency Test (WPT) in English.
  - 4.1.2 Demonstrated oral and written proficiency in the target language of the bilingual classroom or bilingual program by:
    - 4.1.2.1 Achieving a minimum level of Advanced Mid based on the ACTFL Proficiency Guidelines on the ACTFL OPI in the target language, and
    - 4.1.2.2 Achieving a passing score on the ACTFL WPT in the target language.
      - 4.1.2.2.1 For the purposes of subsection 4.1.2.2 of this regulation, a passing score shall be:
        - 4.1.2.2.1.1 For tests using the Roman alphabet, achieving a minimum level of Advanced Mid based on the ACTFL Proficiency Guidelines.

4.1.2.2.1.2 For tests using a non-Roman alphabet, achieving a minimum level of Advanced Low based on the ACTFL Proficiency Guidelines.

**4.1.3** Completion of either:

4.1.3.1 A bachelor's, master's, or doctoral degree from a regionally accredited college or university with a major or its equivalent in bilingual education from an educator preparation program approved or recognized by National Council for the Accreditation of Teacher Education (NCATE), the Council for Accreditation of Educator Preparation (CAEP), or a state where the state approval body employed the appropriate standards; or

4.1.3.2 A minimum of fifteen (15) credits or the equivalent thereof in professional development as approved by the Department in the following content areas:

4.1.3.2.1 Methods of Teaching English as a Second Language (3 credits);

4.1.3.2.2 Second Language Acquisition (3 credits);

4.1.3.2.3 Teaching Literacy for English Language Learners (3 credits);

4.1.3.2.4 Second Language Testing (3 credits); and

4.1.3.2.5 Structure of the English Language (3 credits).

**5.0** Past Certification Recognized

The Department shall recognize a Standard Certificate Bilingual Teacher issued before January 1, 2017. A teacher holding such a Standard Certificate issued by the Department before January 1, 2017 shall be considered certified as a Bilingual Teacher.

**6.0** Effective Date

This regulation shall be effective on January 1, 2017.

**7 DE Reg. 775 (12/1/03)**

**10 DE Reg. 693 (10/01/06)**

**Renumbered effective 6/1/07 - see Conversion Table**

**12 DE Reg. 339 (09/01/08)**

**20 DE Reg. 240 (10/01/16) (Prop.)**