

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b)(18) (14 **Del.C.** §122(b)(18))  
14 **DE Admin. Code** 910

### PROPOSED

### PUBLIC NOTICE

#### Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

#### 910 Delaware Requirements for Issuance of the Secondary Credential

#### A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

#### B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §122(b)(18), the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 910 Delaware Requirements for Issuance of the Secondary Credential. The regulation provides the requirements for a Secondary Credential. This regulation is being amended pursuant to 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The amendments include corrections to grammar and style in order to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before November 1, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

#### C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The regulation addresses the Secondary Credential, which is given to applicants who satisfactorily pass a Department-approved secondary credential assessment. The proposed amendments to the regulation are not designed to help improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The regulation addresses the Secondary Credential, which is given to applicants who satisfactorily pass a Department-approved secondary credential assessment. The proposed amendments to the regulation are not designed to help ensure that all students receive an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The regulation addresses the Secondary Credential, which is given to applicants who satisfactorily pass a Department-approved secondary credential assessment. The proposed amendments to the regulation are not designed to help ensure that all students' health and safety are adequately protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The regulation addresses the Secondary Credential, which is given to applicants who satisfactorily pass a Department-approved secondary credential assessment. The proposed amendments to the regulation are not designed to help to ensure that all students' 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 proposed amendments do not change 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 proposed amendments do 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 amended regulation does not change the decision-making authority and accountability for addressing the subject to be regulated. By statute (14 **Del.C.** §121(b)(18)), the Department is authorized to prescribe a regulation that provides for the operation of adult education and family literacy programs. Such regulation is proposed by the Secretary of Education and is subject to the approval 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 is consistent with, and not an impediment to, the implementation of other state educational policies, and 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? There is not a less burdensome method for addressing the purpose of the proposed amendments.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no expected cost to the State or to the local school boards of complying with this amended regulation.

## **910 Delaware Requirements for Issuance of the Secondary Credential**

### **1.0 Purpose**

Pursuant to 14 Del.C. §122(b)(18), a Delaware secondary credential is given to persons who satisfactorily pass a secondary credential assessment approved and recognized by the Delaware Department of Education.

**17 DE Reg. 724 (01/01/14)**

**22 DE Reg. 944 (05/01/19)**

### **2.0 Definitions**

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

**“Assessment”** means a set of tests that evaluates high school skill levels in the content areas of English Language Arts, Math, Science and Social Studies.

**“Department”** means the Delaware Department of ~~Education~~ Education.

**“Secondary Credential”** means a document that verifies the successful completion of the assessment that evaluates high school level skills in the areas of English Language Arts, Math, Science and Social Studies.

**22 DE Reg. 944 (05/01/19)**

### **3.0 Eligibility for a Secondary Credential Assessment**

3.1 For persons 18 years of age or older, ~~an applicant~~ the person shall:

3.1.1 Be a resident of Delaware or, if a resident of another state, be currently employed in Delaware and have been ~~so~~ employed for a minimum of ~~six~~ 6 months prior to taking the test; and

3.1.2 Certify by signature on the secondary credential assessment application form that ~~they are~~ the person is not enrolled in a public or ~~non-public~~ nonpublic school program.

3.2 For a person 16 or 17 years of age ~~an applicant~~ age, the person shall:

3.2.1 Seek a waiver of the 18 years of age requirement by completing a written application to the ~~Delaware Department of Education~~ that includes showing good cause for taking the test early and designating where the test will be taken; and

3.2.2 Be a resident of ~~the State of~~ Delaware; and

3.2.3 Verify that ~~they are~~ the person is at least 16 years of age at the time of the application for the waiver of the age requirement using a birth certificate, driver’s license, a State of Delaware Identification Card or other comparable and reliable documentation of age; and

3.2.4 Provide verification of withdrawal from the applicant’s public or ~~non-public~~ nonpublic school program; and

3.2.5 Provide a transcript from the applicant’s public or ~~non-public~~ nonpublic school program.

**17 DE Reg. 724 (01/01/14)**

**22 DE Reg. 944 (05/01/19)**

### **4.0 Scores Required for a Delaware Secondary Credential**

An individual shall attain ~~the minimum passing standard as approved by the Department~~ a minimum score of 145 on each subject test of the GED®.

**17 DE Reg. 724 (01/01/14)**

**22 DE Reg. 944 (05/01/19)**

### **5.0 Assessment Approval Process**

5.1 The assessment provider must complete a Department-approved application. The application must include, at a minimum, all of the following:

- 5.1.1 Provider's qualification and experience;
- 5.1.2 Assessment content and form;
- 5.1.3 Validation and norming processes;
- 5.1.4 Assessment delivery;
- 5.1.5 Technology processes;
- 5.1.6 Security provisions;
- 5.1.7 Accommodations processes;
- 5.1.8 Assessment scoring and reporting processes;
- 5.1.9 Assessment data access requirements;
- 5.1.10 Practice test and supplementary instructional materials;
- 5.1.11 Staff training;
- 5.1.12 Alignment with college and career readiness standards and Delaware accountability system; and
- 5.1.13 Cost and timeframe for implementation.

5.2 Completed applications shall be submitted to the Department.

5.3 The Department will evaluate the application based on the criteria in subsections 5.1.1 through 5.1.13.

**17 DE Reg. 724 (01/01/14)**

**22 DE Reg. 944 (05/01/19)**

## **6.0 Currently Recognized Assessments and Publication**

~~6.1~~ The GED® Test has been ~~previously~~ approved and is a currently the only Department-recognized secondary credential assessment.

~~6.2~~ ~~The Department will publish annually a list of approved assessments.~~

**2 DE Reg. 375 (09/01/98)**

**5 DE Reg. 1285 (12/01/01)**

**10 DE Reg. 862 (11/01/06)**

**15 DE Reg. 1008 (01/01/12)**

**17 DE Reg. 724 (01/01/14)**

**22 DE Reg. 944 (05/01/19)**

**27 DE Reg. 223 (10/01/23) (Prop.)**