

**DEPARTMENT OF EDUCATION  
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Section 1205(b) (14 **Del.C.** §1205(b))  
14 **DE Admin. Code** 1562

**FINAL**

**REGULATORY IMPLEMENTING ORDER**

**1562 English to Speakers of Other Languages (ESOL) Teacher**

**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** 1562 English to Speakers of Other Languages (ESOL) teacher in order to provide additional avenues for content knowledge attainment, if a Praxis II examination is not applicable and available. This regulation sets forth the requirements for a teacher of English as a Second Language.

Notice of the proposed amendment of the regulation was published in the *News Journal* and the *Delaware State News* on Monday, June 2, 2008 in the form hereto attached as Exhibit "A". The notice invited written comments. No written comments were received.

**II. Findings of Facts**

The Professional Standards Board and the State Board of Education find that it is appropriate to amend this regulation to comply with changes in statute.

**III. Decision to Amend 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 amended. 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** 1562 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 ON THE 7TH DAY OF AUGUST, 2008

Kathleen Thomas, Chair  
Samtra Devard

Joanne Christian  
Marilyn Dollard

Karen Gordon  
Lori Hudson  
Jill Lewandowski  
Gretchen Pikus  
Karen Schilling-Ross  
Carol Vukelich

Cristy Greaves  
David Kohan  
Wendy Murray  
Whitney Price  
Michael Thomas  
Cathy Zimmerman

**FOR IMPLEMENTATION BY THE DEPARTMENT OF EDUCATION:**

Valerie A. Woodruff, Secretary of Education

IT IS SO ORDERED THIS 21<sup>ST</sup> DAY OF AUGUST, 2008

**STATE BOARD OF EDUCATION**

Jean W. Allen, President  
G. Patrick Heffernan  
Barbara Rutt  
Terry M. Whittaker Ed.D.

Richard M. Farmer, Jr., Vice President  
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**1562 English to Speakers of Other Languages (ESOL) Teacher**

**1.0 Content**

This regulation shall apply to the requirements for a Standard Certificate, pursuant to ~~14 Del.C. §1220(a), for English to Speakers of Other Languages Teachers K to 12.~~

**7-DE-Reg-775 (12/01/03)**

**2.0 Definitions**

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

**“Certification”** means the issuance of a certificate, which may occur regardless of a recipient's assignment or employment status.

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

**“Educator”** means a person licensed and certified by the State under ~~14 Del.C. §1202~~ to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Standards Board approved by the State Board. The term ‘educator’ does not include substitute teachers.

**“Examination of Content Knowledge”** means a standardized test which measures knowledge in a specific content area, such as PRAXIS™ II.

**“Fifteen (15) Credits or Their Equivalent in Professional Development”** means college credits or an equivalent number of hours, with one (1) credit equating fifteen (15) hours, taken either as part of a degree program or in addition to it, from a regionally accredited college or university or a professional development provider approved by the employing school district or charter school.

**“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.

**“License”** means a credential which authorizes the holder to engage in the practice for which the license is issued.

**“Major or Its Equivalent”** means a minimum of thirty (30) semester hours of course work in a particular content area.

**“NASDTEC”** means The National Association of State Directors of Teacher

Education and Certification. The organization represents professional standards boards, commissions and departments of education in all 50 states, the District of Columbia, the Department of Defense Dependent Schools, the U.S. Territories, New Zealand, and British Columbia, which are responsible for the preparation, licensure, and discipline of educational personnel.

**“NGATE”** means The National Council for Accreditation of Teacher Education, a national accrediting body for schools, colleges, and departments of education authorized by the U.S. Department of Education.

**“Standard Certificate”** means a credential issued to certify that an educator has the prescribed knowledge, skill, 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. §1201.

**“State Board”** means the State Board of Education of the State pursuant to 14 Del.C. §104.

**“Valid and Current License or Certificate from Another State”** means a current full or permanent certificate or license issued by another state. It does not include temporary, emergency or expired certificates or licenses issued from another state.

**7-DE-Reg-775 (12/01/03)**

**10-DE-Reg-995 (12/01/06)**

### **3.0 Standard Certificate**

The Department shall issue a Standard Certificate as an English to Speakers of Other Languages Teacher to an educator who 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 who has met the following requirements:

3.1 Acquired the prescribed knowledge, skill or education to practice in a particular area, to teach a particular subject or to instruct a particular category of students by:

3.1.1 Obtaining National Board for Professional Teaching Standards certification in the area, subject, or category for which a Standard Certificate is requested; or

3.1.2 Graduating from an NGATE specialty organization recognized educator preparation program or from a state approved educator preparation program, where the state approval body employed the appropriate NASDTEC or NGATE specialty organization standards, offered by a regionally accredited college or university, with a major or its equivalent in English to Speakers of Other Languages; or

3.1.3 Satisfactorily completing the Alternative Routes for Licensure and Certification Program, the Special Institute for Licensure and Certification, or such other alternative educator preparation programs as the Secretary may approve; or

3.1.4 Holding a bachelor's degree from a regionally accredited college or university in any content area and for applicants applying after September 11, 2006 for their first Standard Certificate, satisfactory completion of fifteen (15) credits or their equivalent in professional development related to their area of certification, of which at least six (6) credits or their equivalent must focus on pedagogy, selected by the applicant with the approval of the employing school district or charter school which is submitted to the Department; and

3.1.4.1 Demonstrating oral and written proficiency in English and satisfactory completion of fifteen (15) graduate or undergraduate credits, as more specifically set forth in 3.1.4.1.1 through 3.1.4.1.5. With approval of a committee comprised of the candidate's principal or other designated school administrator, a higher education representative who teaches one of the approved courses, and a DOE representative, other verifiable professional experience may be substituted for no more than nine (9) of the required credits.

3.1.4.1.1 Methods of Teaching English as a Second Language;

3.1.4.1.2 Second Language Acquisition;

3.1.4.1.3 Teaching Literacy for English Language Learners;

3.1.4.1.4 Second Language Testing;

3.1.4.1.5 Structure of the English Language; and

3.2 For applicants applying after December 31, 2005, where a Praxis™ II examination in the area of the Standard Certificate requested is applicable and available, achieved a passing score as established by the

~~Standards Board, in consultation with the Department and with the concurrence of the State Board, on the examination; or~~

~~3.3 Met the requirements for licensure and holding a valid and current license or certificate from another state in English to Speakers of Other Languages;~~

~~3.3.1 The Department shall not act on an application for certification if the applicant is under official investigation by any state or local authority with the power to issue educator licenses or certifications, where the alleged conduct involves allegations of immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty or falsification of credentials, until the applicant provides evidence of the investigation's resolution; or~~

~~3.4 Met the requirements for a Meritorious New Teacher Candidate Designation adopted pursuant to 14 Del.C §1203.~~

~~7 DE Reg. 775 (12/01/03)~~

~~10 DE Reg. 995 (12/01/06)~~

#### **4.0 Multiple Certificates**

~~Educators may hold certificates in more than one area.~~

~~5 DE Reg. 1904 (04/01/02)~~

~~7 DE Reg. 775 (12/01/03)~~

~~10 DE Reg. 995 (12/01/06)~~

#### **5.0 Application Requirements**

~~An applicant for a Standard Certificate shall submit:-~~

~~5.1 Official transcripts; and~~

~~5.2 Official scores on the Praxis II examination if applicable and available; or~~

~~5.3 Evidence of passage of the National Board for Professional Teaching Standards Certificate, if applicable; or-~~

~~5.4 An official copy of the out of state license or certification, if applicable.~~

~~5.5 If applied for simultaneously with application for an Initial License, the applicant shall provide all required documentation for that application in addition to the documentation cited above.~~

~~10 DE Reg. 995 (12/01/06)~~

#### **6.0 Application Procedures for License Holders**

~~If an applicant holds a valid Initial, Continuing, or Advanced Delaware License; or a Limited Standard, Standard or Professional Status Certificate issued prior to August 31, 2003 and is requesting additional Standard Certificates, only that documentation necessary to demonstrate acquisition of the prescribed knowledge, skill or education required for the additional Standard Certificate requested is required.~~

~~10 DE Reg. 995 (12/01/06)~~

#### **7.0 Effect of Regulation**

~~This regulation shall apply to all requests for issuance of a Standard Certificate, except as specifically addressed herein. Educators holding a Professional Status Certificate or a Standard Certificate issued on or before August 31, 2003 shall be issued a Continuing License upon the expiration of their current Professional Status Certificate or Standard Certificate. The Standard Certificate for each area in which they held a Professional Status Certificate or a Standard Certificate shall be listed on the Continuing License or the Advanced License. The Department shall also recognize a Limited Standard Certificate issued prior to August 31, 2003, provided that the educator successfully completes the requirements set forth in the prescription letter received with the Limited Standard Certificate. Requirements must be completed by the expiration date of the Limited Standard Certificate, but in no case later than December 31, 2008.~~

~~10 DE Reg. 995 (12/01/06)~~

#### **8.0 Validity of a Standard Certificate**

~~A Standard Certificate is valid regardless of the assignment or employment status of the holder of a certificate or certificates, and is not subject to renewal. It shall be revoked in the event the educator's Initial, Continuing, or Advanced License or Limited Standard, Standard, or Professional Status Certificate is revoked in accordance with 14 DE Admin. Code 1514. An educator whose license or certificate is revoked is entitled to a full~~

and fair hearing before the Professional Standards Board. Hearings shall be conducted in accordance with the Standards Board's Hearing Procedures and Rules.

~~10 DE Reg. 995 (12/01/06)~~

## **9.0 Secretary of Education Review**

The Secretary of Education may, upon the written request of the superintendent of a local school district or charter school administrator or other employing authority, review credentials submitted in application for a Standard Certificate on an individual basis and grant a Standard Certificate to an applicant who otherwise does not meet the requirements for a Standard Certificate, but whose effectiveness is documented by the local school district or charter school administrator or other employing authority.

~~10 DE Reg. 995 (12/01/06)~~

~~Renumbered effective 6/1/07—see Conversion Table~~

## **1.0 Content**

1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 Del.C. §1220(a), for English to Speakers of Other Languages (ESOL) Teacher. This certification is required for grades K to 12.

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 of the State Board.

## **3.0 Standard Certificate**

3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Standard Certificate as an English to Speakers of Other Languages (ESOL) 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.

## **4.0 Additional Requirements**

An educator must also have met the following:

4.1 Demonstrated oral and written proficiency in English 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 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 English, 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.
- 4.3 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).

**10 DE Reg. 995 (12/01/06)**

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

**12 DE Reg. 341 (09-01-08) (Final)**