

DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD
1500 Professional Standards Board

1513 Denial of Licenses, Standard Certificates, and Permits

1.0 Content

This regulation shall apply to the denial of a license and standard certificate for educators pursuant to 14 **Del.C.** §1217 and a permit for paraprofessionals pursuant to 14 **Del.C.** §1205(b).

7 DE Reg. 161 (08/01/03)

9 DE Reg. 138 (07/01/05)

19 DE Reg. 496 (12/01/15)

22 DE Reg. 478 (12/01/18)

23 DE Reg. 760 (03/01/20)

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.

"Immorality" means conduct which is inconsistent with the rules and principles of morality expected of an educator or paraeducator and may reasonably be found to impair an educator's or paraeducator'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.

"Nolo Contendere" means a plea by a defendant in a criminal prosecution that, without admitting guilt, subjects him or her to conviction but does not preclude him or her from denying the truth of the charges in a collateral proceeding.

"Paraeducator" means a paraprofessional as it is used in 14 **Del.C.** §1205(b). Paraeducators are not "educators" within the meaning of 14 **Del.C.** §1202(5).

"Permit" means a document issued by the Department that verifies an individual's qualifications and training to serve as a Title I, Instructional, or Service Paraeducator.

"Standards Board" means the Professional Standards Board established pursuant to 14 **Del.C.** §1201.

7 DE Reg. 161 (08/01/03)

9 DE Reg. 138 (07/01/05)

12 DE Reg. 1307 (04/01/09)

22 DE Reg. 478 (12/01/18)

3.0 Grounds for Denial

3.1 The Department may deny an application and refuse to issue a license, standard certificate, or permit based on one or more of the following grounds:

3.1.1 Failure to meet the qualifications for an Initial License as provided in 14 **DE Admin. Code** 1510 Issuance of Initial License;

3.1.2 Failure to meet the qualifications for a Continuing License as provided in 14 **DE Admin. Code** 1511 Issuance and Renewal of Continuing License;

3.1.3 Failure to meet the qualifications for an Advanced License as provided in 14 **DE Admin. Code** 1512 Issuance and Renewal of Advanced License;

3.1.4 Failure to meet the qualifications for a Paraeducator Permit as provided in 14 **DE Admin. Code** 1517 Paraeducator Permit; or

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- 3.1.5 Failure to meet the qualifications for the standard certificate sought as provided in the applicable regulation:
- 3.1.5.1 14 **DE Admin. Code** 1520 Early Childhood Teacher;
 - 3.1.5.2 14 **DE Admin. Code** 1521 Elementary Teacher;
 - 3.1.5.3 14 **DE Admin. Code** 1522 Elementary School Counselor;
 - 3.1.5.4 14 **DE Admin. Code** 1531 Middle Level English Language Arts Teacher;
 - 3.1.5.5 14 **DE Admin. Code** 1532 Middle Level Mathematics Teacher;
 - 3.1.5.6 14 **DE Admin. Code** 1533 Middle Level Science Teacher;
 - 3.1.5.7 14 **DE Admin. Code** 1534 Middle Level Social Studies Teacher;
 - 3.1.5.8 14 **DE Admin. Code** 1539 Health Education Teacher;
 - 3.1.5.9 14 **DE Admin. Code** 1540 Secondary English Language Arts Teacher;
 - 3.1.5.10 14 **DE Admin. Code** 1542 Secondary Mathematics Teacher;
 - 3.1.5.11 14 **DE Admin. Code** 1543 Secondary Science Teacher;
 - 3.1.5.12 14 **DE Admin. Code** 1544 Secondary Social Studies Teacher;
 - 3.1.5.13 14 **DE Admin. Code** 1545 Secondary School Counselor;
 - 3.1.5.14 14 **DE Admin. Code** 1549 Dance Teacher;
 - 3.1.5.15 14 **DE Admin. Code** 1550 AgriScience Teacher;
 - 3.1.5.16 14 **DE Admin. Code** 1551 Business Education Teacher;
 - 3.1.5.17 14 **DE Admin. Code** 1553 Driver Education and Traffic Safety Education Teacher;
 - 3.1.5.18 14 **DE Admin. Code** 1554 Family and Consumer Sciences Teacher;
 - 3.1.5.19 14 **DE Admin. Code** 1555 Marketing Education Teacher;
 - 3.1.5.20 14 **DE Admin. Code** 1556 School to Work Transition Teacher;
 - 3.1.5.21 14 **DE Admin. Code** 1557 Technology Education Teacher;
 - 3.1.5.22 14 **DE Admin. Code** 1558 Theater Teacher;
 - 3.1.5.23 14 **DE Admin. Code** 1559 Skilled and Technical Sciences Teacher;
 - 3.1.5.24 14 **DE Admin. Code** 1560 Art Teacher;
 - 3.1.5.25 14 **DE Admin. Code** 1561 Bilingual Teacher;
 - 3.1.5.26 14 **DE Admin. Code** 1562 Teacher of English Learners;
 - 3.1.5.27 14 **DE Admin. Code** 1563 Music Teacher;
 - 3.1.5.28 14 **DE Admin. Code** 1564 Physical Education Teacher;
 - 3.1.5.29 14 **DE Admin. Code** 1565 World Language Teacher;
 - 3.1.5.30 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher;
 - 3.1.5.31 14 **DE Admin. Code** 1571 Special Education Teacher of Students with Disabilities;
 - 3.1.5.32 14 **DE Admin. Code** 1572 Teacher of Students Who Are Gifted and Talented;
 - 3.1.5.33 14 **DE Admin. Code** 1573 Teacher of Students with Autism or with Severe Intellectual Disabilities;
 - 3.1.5.34 14 **DE Admin. Code** 1574 Teacher of Students Who Are Deaf or Hard of Hearing;
 - 3.1.5.35 14 **DE Admin. Code** 1575 Teacher of Students with Visual Impairments;
 - 3.1.5.36 14 **DE Admin. Code** 1580 School Library Media Specialist;
 - 3.1.5.37 14 **DE Admin. Code** 1581 School Reading Specialist;
 - 3.1.5.38 14 **DE Admin. Code** 1582 School Nurse;
 - 3.1.5.39 14 **DE Admin. Code** 1583 School Psychologist;
 - 3.1.5.40 14 **DE Admin. Code** 1584 School Social Worker;
 - 3.1.5.41 14 **DE Admin. Code** 1591 School Principal and Assistant School Principal;
 - 3.1.5.42 14 **DE Admin. Code** 1592 Certified Central Office Personnel;
 - 3.1.5.43 14 **DE Admin. Code** 1593 Superintendent and Assistant Superintendent; or
 - 3.1.5.44 14 **DE Admin. Code** 1594 Special Education Director; or
- 3.1.6 For any of the following causes:
- 3.1.6.1 Obtaining or attempting to obtain a license, certificate, or permit by fraudulent means or through misrepresentation of material facts;

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- 3.1.6.2 Falsifying official school records, documents, statistics, or reports;
- 3.1.6.3 Knowingly violating any of the provisions of the state assessment system set forth in 14 **Del.C.** §172;
- 3.1.6.4 Pleading guilty or Nolo Contendere with respect to, or is convicted of, any crime against a child constituting a misdemeanor, except for unlawful sexual contact in the third degree in violation of 11 **Del.C.** §767;
- 3.1.6.5 Pleading guilty or Nolo Contendere with respect to, or is convicted of, possession of a controlled substance or a counterfeit controlled substance classified as such in Schedule I, II, III, IV, or V of 16 **Del.C.** Ch. 47;
- 3.1.6.6 Immorality, incompetence, misconduct in office, wilful neglect of duty, disloyalty, or misconduct involving any cause for suspension or revocation of a license, certificate, or permit;
- 3.1.6.7 Having a license, certificate, or permit suspended, revoked, or voluntarily surrendered in another jurisdiction for cause which would be grounds for suspension or revocation;
- 3.1.6.8 Pleading guilty or Nolo Contendere with respect to, or is convicted of, any of the following:
 - 3.1.6.8.1 Any crime constituting the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance or counterfeit controlled substance as classified in Schedule I, II, II, IV, or V of 16 **Del.C.** Ch. 47;
 - 3.1.6.8.2 Any crime constituting a violent felony as defined in 11 **Del.C.** §4201(c);
 - 3.1.6.8.3 Any crime against a child constituting a felony, or unlawful sexual contact in the third degree in violation of in violation of 11 **Del.C.** §767;
 - 3.1.6.8.4 Any crime constituting a felony sexual offense;
 - 3.1.6.8.5 Any crime constituting a felony offense against public administration involving bribery, improper influence, or abuse of office; or
- 3.1.6.9 Committing a sexual offense against a child.

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4.0 Right to Hearing, Burden of Proof, and Standards Board Hearing Procedures

- 4.1 The Department shall not take action to deny a license, a standard certificate, or a permit without providing the applicant with written notice of the reasons for denial and an opportunity for a full and fair hearing before the Standards Board.
- 4.2 The burden of proof in a license, standard certificate, or permit denial action shall be on the applicant to show by a preponderance of the evidence that he or she should not be denied a license, standard certificate, or permit because he or she meets the qualifications for a license, standard certificate, or permit pursuant to the applicable laws and regulations or he or she did not engage in misconduct as provided in subsection 3.1.6.
- 4.3 Hearings shall be conducted in accordance with 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

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