Delaware Register of Regulations

Issue Date: April 1, 2021
Volume 24 - Issue 10, Pages 893 - 949

IN THIS ISSUE:

Regulations:
- Errata
- Proposed
- Final

Calendar of Events & Hearing Notices

Pursuant to 29 Del.C. Chapter 11, Subchapter III, this issue of the Register contains all documents required to be published, and received, on or before March 15, 2021.
The Delaware Register of Regulations is an official State publication established by authority of 69 Del. Laws, c. 107 and is published on the first of each month throughout the year.

The Delaware Register will publish any regulations that are proposed to be adopted, amended or repealed and any emergency regulations promulgated.

The Register will also publish some or all of the following information:

- Governor’s Executive Orders
- Governor’s Appointments
- Agency Hearing and Meeting Notices
- Other documents considered to be in the public interest.

CITATION TO THE DELAWARE REGISTER

The Delaware Register of Regulations is cited by volume, issue, page number and date. An example would be:

19 DE Reg. 1100 (06/01/16)

Refers to Volume 19, page 1100 of the Delaware Register issued on June 1, 2016.

SUBSCRIPTION INFORMATION

The cost of a yearly subscription (12 issues) for the Delaware Register of Regulations is $135.00. Single copies are available at a cost of $12.00 per issue, including postage. For more information contact the Division of Research at 302-744-4114 or 1-800-282-8545 in Delaware.

CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

Delaware citizens and other interested parties may participate in the process by which administrative regulations are adopted, amended or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

Under 29 Del.C. §10115 whenever an agency proposes to formulate, adopt, amend or repeal a regulation, it shall file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the Register of Regulations pursuant to §1134 of this title. The notice shall describe the nature of the proceedings including a brief synopsis of the subject, substance, issues, possible terms of the agency action, a reference to the legal authority of the agency to act, and reference to any other regulations that may be impacted or affected by the proposal, and shall state the manner in which persons may present their views; if in writing, of the place to which and the final date by which such views may be submitted; or if at a public hearing, the date, time and place of the hearing. If a public hearing is to be held, such public hearing shall not be scheduled less than 20 days following publication of notice of the proposal in the Register of Regulations. If a public hearing will be held on the proposal, notice of the time, date, place and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation. The notice shall also be mailed to all persons who have made timely written requests of the agency for advance notice of its regulation-making proceedings.
The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt, within the time allowed, of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A decision to adopt, amend or repeal a regulation or to take no action and the decision shall be supported by its findings on the evidence and information received; (4) The exact text and citation of such regulation adopted, amended or repealed; (5) The effective date of the order; (6) Any other findings or conclusions required by the law under which the agency has authority to act; and (7) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends or repeals a regulation shall be not less than 10 days from the date the order adopting, amending or repealing a regulation has been published in its final form in the *Register of Regulations*, unless such adoption, amendment or repeal qualifies as an emergency under §10119.

Any person aggrieved by and claiming the unlawfulness of any regulation may bring an action in the Court for declaratory relief.

No action of an agency with respect to the making or consideration of a proposed adoption, amendment or repeal of a regulation shall be subject to review until final agency action on the proposal has been taken.

When any regulation is the subject of an enforcement action in the Court, the lawfulness of such regulation may be reviewed by the Court as a defense in the action.

Except as provided in the preceding section, no judicial review of a regulation is available unless a complaint therefor is filed in the Court within 30 days of the day the agency order with respect to the regulation was published in the *Register of Regulations*.

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**DIVISION OF RESEARCH STAFF**

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Statutory Authority: 16 Delaware Code, Section 122(3)c (16 Del.C. §122(3)c)  
16 DE Admin. Code 4462  

ERRATA  

4462 Public Drinking Water Systems  

*Please Note: The final regulation for 4462 Public Drinking Water Systems as published in the February 1, 2021 issue of the Delaware Register of Regulations contained a typographical error in the final order. The order inadvertently referenced a different regulation and stated that “the proposed State of Delaware Regulations Governing Control of Communicable and Other Disease Conditions is adopted and shall become effective February 11, 2021, 10 days after publication of the final regulation in the Delaware Register of Regulations.” This part of the final order is reprinted below with the error corrected. The effective date for the final order and regulation appearing in the February Register remains the same.  

4462 Public Drinking Water Systems  

THEREFORE, IT IS ORDERED, that the proposed State of Delaware Regulations Governing Public Drinking Water Systems is adopted and shall become effective February 11, 2021, 10 days after publication of the final regulation in the Delaware Register of Regulations.  

*Please Note: The full text of the final regulation is not being republished. A copy of the regulation is available at:  

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL  
DIVISION OF WATERSHED STEWARDSHIP  
Statutory Authority: 7 Delaware Code, Sections 6006 and 6010 (7 Del.C. §§6006 & 6010)  
7 DE Admin. Code 7201  

ERRATA  

Amendment to Secretary's Order No.: 2021-WSS-0004  

7201 Regulations Governing the Control of Water Pollution  

*Please Note: The Secretary’s Order that approved Final Regulatory Amendments to 7 DE Admin. Code 7201: Regulations Governing the Control of Water Pollution, Part 2 – Special Conditions for Stormwater Discharges from Construction Activities, as published in the March 1, 2021 issue of the Delaware Register of Regulations (24 DE Reg. 882) by the State Registrar’s Office, contained the following clerical error:  

Under the first section of the Order, “Background, Procedural History and Findings of Fact,” labeled as page 884 in the published .pdf version of said document in the aforementioned March 1, 2021 issue, in the last sentence of the second paragraph therein, the word “constructive” should have been “construction.” The sentence containing the error is reprinted below, with the error corrected:
The TRM also incorporated a CGP Fact Sheet that provides a very detailed description of the CGP permit development performed by the Department and offers the requisite reasoning as to why a general permit for constructive construction activities is the appropriate approach for the Department to take in this matter.

The regulatory text itself, as previously published by the State Registrar as referenced above, is accurate.

DATE: March 15, 2021

Shawn M. Garvin
Secretary
DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), 1210(c), and 1212 (14 Del.C. §§1203, 1205(b), 1210(c) & 1212)
14 DE Admin. Code 1503

PUBLIC NOTICE
Educational Impact Analysis Pursuant to 14 Del.C. §122(d)
1503 Educator Mentoring

A. TYPE OF REGULATORY ACTION REQUESTED
Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION
Pursuant to 14 Del.C. §§1203, 1205(b), 1210(c), and 1212, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1503 Educator Mentoring. The regulation concerns mentoring requirements for licensed educators in Delaware public schools. The proposed amendments include revising the title of the regulation; adding "Administrator Mentor" as a defined term, revising several defined terms, and striking several defined terms in Section 2.0; revising Section 3.0, which concerns the requirements for comprehensive educator induction programs for teachers and specialists; adding "Administrator Mentor" as a defined term, revising several defined terms, and striking several defined terms in Section 2.0; revising Section 3.0, which concerns the requirements for comprehensive educator induction programs for teachers and specialists who hold an initial license; revising Section 8.0, which concerns the requirements of the comprehensive educator induction program for teachers and specialists who hold a continuing or advance license and are new to an area; adding Section 9.0, which concerns the requirements for comprehensive educator induction programs for administrators; adding Section 10.0, which concerns the requirements for year one of the comprehensive educator induction program for administrators who hold an initial, continuing, or advanced license; adding Sections 11.0 and 12.0, which concern the requirements for years two and three and four, respectively, of...
the comprehensive educator induction program for administrators who hold an initial license; revising Section 13.0, which concerns the duties and responsibilities of mentors; revising and clarifying Section 14.0, which concerns mentors’ eligibility for salary supplements; and revising Section 15.0, which concerns the Department’s requirement to report data on comprehensive educator induction programs to the Board.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation’s website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The requirements for comprehensive educator induction programs are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The requirements for comprehensive educator induction programs are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses mentoring requirements for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses mentoring requirements for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. School districts and charter schools have the option to develop and implement a distinct comprehensive induction program for educators and teachers (subsection 3.2) and administrators (subsection 9.2).

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 unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The Department collects data from schools to evaluate comprehensive educator induction programs (Section 14.0). Under the proposed regulation, the Department would report such data to the Board upon the Board's request.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 Del.C. Ch. 12 relating to licensure and certification of educators.

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 amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There are no additional expected costs to the state and to the local school boards of complying with this amended regulation.

*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

1503 Educator Mentoring Comprehensive Educator Induction Programs

1.0 Content
This regulation shall apply to comprehensive induction programs, including mentoring and professional development activities required of educators licensed Educators in Delaware public schools, pursuant to 14 Del.C. Ch. 12.

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

“Administrator Mentor” means a certified administrator who holds a Continuing License, is currently employed as an administrator, performs the duties and responsibilities in the State’s administrator mentor program, and is rated as satisfactory on the State’s current evaluation system or the equivalent thereof on a state-approved alternative educator evaluation system. A certified administrator is an Educator who holds at least one of the following Standard Certificates: School Principal and Assistant School Principal Standard Certificate (14 DE Admin. Code 1591), Certified Central Office Personnel Standard Certificate (14 DE Admin. Code 1592), Superintendent and Assistant Superintendent Standard Certificate (14 DE Admin. Code 1593), and Special Education Director Standard Certificate (14 DE Admin. Code 1594).

“Approved Comprehensive Induction Program” means all educator induction programs, including mentoring and professional development for educators, an educator induction program approved by the Department to provide mentoring and professional development for Educators.

“Contact Hours” means the face-to-face time a Teacher or Specialist Mentor or Lead Mentor spends with his or her mentor’s mentee working specifically on mentoring activities, which may include a combination of in-school and after school time and virtual or electronic communication.

“Department” means the Delaware Department of Education.

“DPAS II” means Delaware Performance Appraisal System II, an approved State educator performance evaluation system pursuant to 14 Del.C. Ch. 12, Subchapter VII.

“Educator” means a person licensed and certified who holds an active license issued by the State Department under 14 Del.C. Ch. 12 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 and approved by the State Board and is currently employed by a district or charter school.

“Employing Authority” means any entity which employs Educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.

“Experienced Educator” is an educator who holds a Continuing or Advanced License.

“Teacher or Specialist Lead Mentor” means a teacher, specialist, or administrator or specialist who holds a Continuing or Advanced License, has participated in the training approved by the Department for Teacher or Specialist Lead Mentors, is employed by an employing authority as a Teacher or Specialist Lead Mentor, and performs the duties and responsibilities assigned that position. Educators serving as Teacher or Specialist Lead Mentors must be rated as Highly Effective or Effective on DPAS II evaluations, are those that have all satisfactory evaluations on the State’s current evaluation system, or the equivalent thereof on a state-approved alternative educator evaluation system, during the school year in which they are mentors and may not be on a DPAS II an improvement plan, or the equivalent thereof in a state-approved alternative educator evaluation system. Teacher or Specialist Lead Mentors oversee the comprehensive induction program at the building level, train Teacher or Specialist Mentors, and provide support to teachers or specialists in years three and four of the program as provided in Section 13.0. Teacher or Specialist Lead Mentors may mentor an Educator in years one and two of the program as provided in Sections 4.0 and 5.0.
"License" means a credential which authorizes the holder to engage in the practice for which the license is issued.

"Teacher or Specialist Mentor" means an educator Educator who holds a Continuing or Advanced License and has participated in the training for Mentors mentors of teachers and specialists specified by the Department and the employing authority Employing Authority. Educators serving as Teacher or Specialist Mentors must be rated as Highly Effective or Effective on DPAS II evaluations, are those that have satisfactory evaluations on the State’s current evaluation system, or the equivalent thereof on a state-approved alternative educator evaluation system, during the school year in which they are mentors and may not be on a DPAS II Improvement Plan an improvement plan, or the equivalent thereof in a state-approved alternative educator evaluation system. Teacher or Specialist Mentors provide one-to-one support for Educators in years one and two of the program and may be eligible for an additional responsibility assignment salary supplement as provided in Section 14.0.

"Mentoring" means activities, training and service in mentoring support or assistance provided through a formally organized approved comprehensive induction program or such supplemental mentoring programs as required by regulation or by the educator’s employing authority Educator’s Employing Authority. Mentoring includes, but is not limited to the mentoring that occurs in the approved comprehensive induction programs required for educators Educators during their four (4) year Initial Licensure period, Continuing Licensure period, or any other mentoring program as required by law.

"New to an Area" means that an educator has moved from the position of a teacher to the position of either a specialist or an administrator; has moved from the position of an administrator to the position of a teacher or a specialist; or has moved from the position of a specialist to the position of a teacher, an administrator, or to a different type of certificated specialist position. Examples include but are not limited to a teacher changing positions to a school nurse, or a teacher changing positions to a principal or assistant principal, or a school nurse changing positions to a school counselor, or a teacher changing positions to a school counselor.

"Novice Educator" means an educator who holds an Initial License.

"Site Coordinator" means an individual appointed by an employing authority Employing Authority to oversee an approved comprehensive induction program Approved Comprehensive Induction Program for teachers and specialists at the district or charter school.

"Specialist" is an educator Educator other than a teacher or administrator and includes, but is not limited to, School Counselors, Library Media Specialists, School Psychologists, and School Nurses.

"Standards Board" means the Professional Standards Board established pursuant to 14 Del.C. §4204.

"State Board" means the State Board of Education pursuant to 14 Del.C. §104.

3.0 Comprehensive Educator Induction Programs for Teachers and Specialists

3.1 The Department shall develop and approve comprehensive educator induction programs for the following-teachers and specialists:

3.1.1 The teachers’ program shall be aligned with Delaware Teaching Standards set forth in 14 DE Admin. Code 1597 Delaware Professional Teaching Standards applicable state standards for teachers and shall include training and support of the components of DPAS II the State’s current evaluation system or a state-approved alternative educator evaluation system, including descriptive, non-evaluative feedback.

3.1.2 The specialists’ program shall be aligned with applicable national specialist standards for specialists and shall include training and support of the components of DPAS II the State’s current evaluation system or a state-approved alternative educator evaluation system, including descriptive, non-evaluative feedback.

3.1.3 The administrators’ program shall be based on 14 DEAdmin. Code 1590 Delaware Administrator Standards and shall include training and support of the components of DPAS II or a state-approved alternative educator evaluation system, including descriptive, non-evaluative feedback.
3.2 An employing authority Employing Authority may develop and then implement a distinct comprehensive induction program for teachers and specialists as specified in Sections 4.0, 5.0, 6.0, 7.0, 8.0, and 9.0.13.0 of this regulation.

3.2.1 Each comprehensive induction program shall meet the requirements in the distinct mentoring programs as specified in Sections 4.0, 5.0, 6.0, 7.0, 8.0, and 9.0.14.0 of this regulation.

3.2.2 The employing authority Employing Authority shall submit each distinct comprehensive induction program plan to the Department for review and consideration of approval according to the application procedure and timelines set by the Department.

3.3 An Educator is required to complete either the State’s program or the Educator’s Employing Authority’s program that has been preapproved by the Department. Failure by an educator the Educator to successfully complete the requirements of an Approved Comprehensive Induction Program may result in the denial of an application for a Continuing License or suspension of the license disciplinary action as provided in 14 DE Admin. Code 1510 Initial License and 14 DE Admin. Code 1511 Issuance and Renewal of Continuing License.

3.4 The Department shall also develop the following programs: a training for Teacher or Specialist Lead Mentors. Teacher or Specialist Lead Mentors are required to complete the training yearly in order to receive an additional responsibility salary supplement as provided in 14 DE Admin. Code 1501 Salary Supplements for Educators.

3.4.1 A training program for Lead Mentors, and

3.4.2 A training program for Administrator Lead Mentors.

4.0 Novice Educators in Their First Year of Employment Year One of the Comprehensive Educator Induction Program for Initial License Holders (Teachers and Specialists)

4.1 In accordance with 14 Del.C. §1210(c), an educator who holds an Initial License as his or her first license and intends to apply for a Continuing License shall complete the professional development and mentoring activities specified in subsection 4.2 of this regulation within the educator’s first year of employment.

4.24.1 Within the first year of employment, the Novice Educator in year one of the program, the Educator shall:

4.24.1.1 At a minimum, meet have weekly Contact Hours with his or her assigned the Educator's Teacher or Specialist Mentor, which may include a combination of in-school and after-school time and virtual or electronic communication.

4.24.1.1.1 The employing authority shall assign the Novice Educator a Mentor Teacher or Specialist Lead Mentor or Site Coordinator shall match the Educator with a Teacher or Specialist Mentor.

4.24.1.1.2 The Teacher or Specialist Mentor shall assist the Novice Educator in becoming acclimated to the role, the school or other setting, the Delaware content standards, and the Delaware Professional Teaching Standards or applicable national specialist standards the applicable state standards for teachers or national standards for specialists.

4.24.1.2 Complete the requirements of an ethics course that has been approved by the Department.

4.24.1.3 Be observed a minimum of four (4) times by his or her assigned the Educator's Teacher or Specialist Mentor.

4.24.1.4 Participate in a minimum of two (2) professional learning experiences designed to provide new educators teachers or specialists with the support necessary to become familiar with school and district policies and procedures, hone their professional skills, help them evaluate and reflect upon their own professional performance, and develop an individualized growth plan to improve their effectiveness as planned by the Department or the employing authority Employing Authority.

4.24.1.5 Observe experienced educators in practice licensed and certified Educators who exemplify best practices a minimum of four (4) times, reflecting upon what was seen, implementing strategies learned, and reflecting upon the Novice Educator’s own performance.
5.0 Novice Educators in Their Second Year of Employment Year Two of the Comprehensive Educator Induction Program for Initial License Holders (Teachers and Specialists)

5.1 In accordance with 14 Del.C. §1210(c), an educator who holds an Initial License and intends to apply for a Continuing License shall complete the professional development and mentoring activities specified in subsection 5.2 of this regulation within the educator’s second year of employment.

5.25.1 Within the second year of employment, the Novice Educator shall:

5.2.45.1.1 At a minimum, meet hold weekly Contact Hours with his or her assigned the Educator’s Teacher or Specialist Mentor, which may include a combination of in-school and after-school time and virtual or electronic communication.

5.2.45.1.1.1 The employing authority shall assign the Novice Educator a Mentor Teacher or Specialist Lead Mentor or Site Coordinator shall match the Educator with a Teacher or Specialist Mentor if the Educator’s previous Teacher or Specialist Mentor is not able to continue or is not an appropriate match.

5.2.45.1.2 The Teacher or Specialist Mentor shall assist the Licensee Educator in becoming acclimated to the role, the school or other setting, the Delaware content standards, and the Delaware Professional Teaching Standards or applicable national specialist standards the applicable state standards for teachers or national standards for specialists.

5.2.25.1.2 Be observed a minimum of four (4) times by his or her assigned the Educator’s Teacher or Specialist Mentor.

5.2.35.1.3 Participate in a minimum of two (2) professional learning experiences designed to provide new educators teachers or specialists with the support necessary to become familiar with school and district policies and procedures, hone their professional skills, help them evaluate and reflect upon their own professional performance, and develop an individualized growth plan to improve their effectiveness as planned by the Department or the employing authority Employing Authority.

5.2.45.1.4 Observe experienced educators in practice licensed and certified Educators who exemplify best practice a minimum of four (4) times, reflecting upon what was seen, implementing strategies learned, and reflecting upon the Novice Educator’s own performance.

5.3 The assignment of a Teacher or Specialist Mentor beyond the second year of employment in Delaware year two of the program is at the discretion of the employing authority Employing Authority, based upon a review of the Novice Educator’s performance.

5.4 Notwithstanding subsection 5.3 5.2 of this regulation, the employing authority Employing Authority shall provide continuing support to the Novice Educator beyond his or her second year of employment the Educator’s year two of the program until the Novice Educator’s Initial License has expired, including, but not limited to, ensuring a Teacher or Specialist Lead Mentor monitors the educator’s Educator’s progress toward meeting the requirements set forth in subsection 6.2 6.1 of this regulation.

6.0 Novice Educators in Their Third and Fourth Years of Employment Third and Fourth Years of the Comprehensive Educator Induction Program for Initial License Holders (Teachers and Specialists)

6.1 In accordance with 14 Del.C. §1210(c), an educator who holds an Initial License and intends to apply for a Continuing License shall complete the professional development and mentoring activities specified in subsection 6.2 of this regulation within the educator’s third and fourth years of employment.

6.26.1 The Novice Educator shall:

6.2.26.1.1 Within his or her third year of employment. During year three of the program, the Educator shall participate in a Professional Learning Community (PLC) specific to the statewide or an alternative mentoring program that focuses on using data to make instructional decisions that best meet the needs of his or her the Educator’s students.

6.2.26.1.2 Within his or her fourth year of employment During year four of the program, the Educator shall:

6.2.2.26.1.2.1 Conduct a self-analysis to assess his or her the Educator’s professional development learning needs in content knowledge and pedagogical skills; and
6.2.2.2 Develop and implement a personalized professional growth plan that addresses his or her individual needs identified through the self-analysis.

7.0 Experienced Educators New to the State of Delaware

7.1 Experienced educators new to the State of Delaware who hold a Continuing or Advanced License shall, within the first year of employment, participate in, and successfully complete, an approved comprehensive induction program. The educator shall either:

7.1.1 Participate in a Professional Learning Community (PLC) as provided in subsection 6.2.1 of this regulation; or

7.1.2 Conduct a self-analysis and develop and implement a personalized professional growth plan as provided in subsection 6.2.2 of this regulation.

8.0 Experienced Educators New to an Area

8.1 Experienced educators who are new to an area shall, within the first year of employment, be assigned a Mentor and participate in and complete an approved comprehensive induction program consisting of the professional development and mentoring activities specified in subsection 8.2 of this regulation, which address the educator’s specific needs and which focus on current best practices in curriculum, instruction, assessment or a specialist’s or an administrator’s position within the district or charter school and is aligned to State and national standards. An Educator is new to an area if the Educator has moved from the position of a teacher to the position of a specialist; has moved from the position of an administrator to the position of a teacher or a specialist; or has moved from the position of a specialist to the position of a teacher or to a different type of certificated specialist position. Examples include a teacher changing positions to a school nurse, a school nurse changing positions to a school counselor, or a school counselor changing positions to a teacher.

8.2 During the first year of employment in a new area, an experienced educator who is new to an area shall:

8.2.1 At a minimum, meet weekly with his or her assigned Mentor, which may include a combination of in-school and after school time and virtual or electronic communications.

8.2.1.1 The employing authority shall assign the educator a Mentor. The employing authority shall match the educator with a mentor.

8.2.1.2 The Mentor shall assist the educator in becoming acclimated to the role, the school or other setting, the Delaware content standards, and the Delaware Professional Teaching Standards or applicable national specialist or administrator standards.

8.2.2 Be observed a minimum of four times by his or her assigned Mentor.

8.2.3 Participate in a minimum of two professional learning experiences designed to provide educators with the support necessary to become familiar with school and district policies and procedures, hone their professional skills, help them evaluate and reflect upon their own professional performance, and develop an individualized growth plan to improve their effectiveness as planned by the Department or the employing authority.

8.2.4 Observe educators who have experience in the area in practice a minimum of four times, reflecting upon what was seen, implementing strategies learned, and reflecting upon the educator’s own performance.
9.0 Comprehensive Educator Induction Programs for Administrators

9.1 The Department shall develop and implement comprehensive educator induction programs for administrators. The administrators’ program shall be based on the applicable national standards for administrators.

9.2 An Employing Authority may develop and then implement a distinct comprehensive induction program for administrators as specified in Sections 8.0, 10.0, 11.0, 12.0, and 13.0 of this regulation.

9.2.1 Each comprehensive induction program shall meet the requirements in the distinct mentoring programs as specified in Sections 8.0, 10.0, 11.0, 12.0, and 13.0 of this regulation.

9.2.2 The Employing Authority shall submit each distinct comprehensive induction program plan to the Department for review and consideration of approval according to the application procedure and timelines set by the Department.

9.3 All Educators who are new to administration or who are new to the state and hold a Continuing or Advanced License, regardless of the standard certificates held, shall complete year one of the program.

9.4 For Educators who are new to the state and hold an Initial License, regardless of the standard certificates held, shall complete year one through year four of the program.

9.5 An Educator is required to complete either the State’s program or the Educator’s Employing Authority’s program that has been preapproved by the Department. Failure by the Educator to successfully complete the requirements of an Approved Comprehensive Induction Program may result in the denial of an application for a Continuing License or disciplinary action as provided in 14 DE Admin. Code 1510 Initial License and 14 DE Admin. Code 1511 Issuance and Renewal of Continuing License.

9.6 The Department shall provide a program for all Administrator Mentors regardless of whether their Employing Authority develops and implements a program as provided in subsection 9.2. Administrator Mentors are required to complete the program yearly in order to receive an additional responsibility salary supplement as provided in 14 DE Admin. Code 1501 Salary Supplements for Educators.

10.0 Year One of the Comprehensive Educator Induction Program for Administrators

10.1 During year one of the program, the Educator shall:

10.1.1 Attend at least 12 hours of the approved professional learning that is aligned to the approved national standards for administrators.

10.1.2 At a minimum meet once monthly with the Educator’s mentor to complete the requirements included in the Administrator Mentor Program.

11.0 Year Two of the Comprehensive Educator Induction Program for Initial License Holders (Administrators)

During year two of the program, the Educator shall complete 20 hours of coaching activities aligned to the approved national standards for administrators.

12.0 Years Three and Four of the Comprehensive Educator Induction Program for Initial License Holders (Administrators)

12.1 During years three and four of the program, the Educator shall:

12.1.1 Conduct a self-analysis to assess the Educator’s professional learning needs in content knowledge and pedagogical skills; and

12.1.2 Develop and implement a personalized professional growth plan that addresses the Educator’s individual needs identified through the self-analysis.

9.013.0 Duties and Responsibilities of Mentors

9.413.1 Teacher or Specialist Lead Mentors shall:

9.4.413.1.1 Complete the annual approval process as defined by the Department.
9.1.2 Oversee the school-level implementation of an approved comprehensive induction program, including but not limited to, a combination of in-school and after school activities, serving in a leadership role within the program, monitoring educators’ progress toward meeting the requirements of Sections 4.0, 5.0, 6.0, 7.0, and 8.0 of this regulation, planning mentor training, providing mentor training to aspiring mentors, assisting mentors with specific issues, and other responsibilities as directed by the Site Coordinator.

9.1.3 Teacher and/or Specialist Lead Mentors shall satisfactorily complete training in mentoring and coaching development approved by the Department for Teacher or Specialist Lead Mentors. A minimum of one (1) Teacher or Specialist Lead Mentor per district or charter school shall be trained in the applicable Department approved specific specialist mentoring program.

9.1.4 Administrator Lead Mentors shall satisfactorily complete training in mentoring and coaching development approved by the Department and based on 14 DE Admin. Code 1590 Delaware Administrator Standards.

9.2.2 Teacher or Specialist Mentors shall:

9.2.2.1 Complete the annual approval process as defined by the Department.

9.2.2.2 Facilitate mentoring activities as specified in Sections 4.0, 5.0, and 8.0 of this regulation, which may include a combination of in school and after school time and virtual or electronic communication with their mentees annually which are designed to help new teacher or specialist acquire additional skills and knowledge appropriate to their specific positions.

9.2.2.3 Submit contact log documentation accounting for all mentoring activities provided during the specified time period to their Site Coordinator by May 15.

9.2.2.4 Teacher and/or Specialist Mentors also shall:

9.2.2.4.1 Satisfactorily complete training in mentoring and coaching development aligned with the appropriate Department approved specific teacher or specialist mentoring program provided by the Teacher or Specialist Lead Mentors.

9.2.2.4.2 Attend structured meetings concerning the approved comprehensive induction program, Approved Comprehensive Induction Program as directed by the employing authority, Employing Authority.

9.2.5 Administrator Mentors also shall:

9.2.5.1 Satisfactorily complete training in mentoring and coaching development based on 14 DE Admin. Code 1590 Delaware Administrator Standards and aligned with DPAS II or a state-approved alternative educator evaluation system.

9.2.5.2 Satisfactorily complete training in DPAS II or a state-approved alternative educator evaluation system.

9.2.5.3 Attend a minimum of three (3) structured meetings with mentees, including but not limited to, team-level, school-level, district-level, and community-level meetings or events.

10.0 Payment of Salary Supplement

Mentors and Lead Mentors Administrator Mentors, Teacher or Specialist Lead Mentors, and Teacher or Specialist Mentors in years one and two of the program who are paid in accordance with the provisions of 14 Del.C. §1305 may be paid an additional responsibility assignment salary supplement annually, upon documentation of satisfactory fulfillment of duties and responsibilities, as provided in 14 DE Admin. Code 1501 Salary Supplements for Educators. A Teacher or Specialist Mentor is not eligible for and shall not be paid an additional responsibility assignment salary supplement if the mentor is assigned to an Educator who, at the Employing Authority’s discretion, is required to repeat year one or year two of the program or is assigned beyond year two of the program.
PROPOSED REGULATIONS

110.0 Reporting

The Department shall require and collect data used to evaluate the Approved Comprehensive Induction Programs and shall provide an annual presentation of the data to the Professional Standards Board upon request. These data will include at a minimum, an assessment of the implementation of the Approved Comprehensive Induction Program and Mentors' and Mentees' compliance and delivery.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))

14 DE Admin. Code 1543

PUBLIC NOTICE

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

1543 Secondary Science Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203 and 1205(b), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1543 Secondary Science Teacher. The regulation concerns the requirements for a Secondary Science Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include specifying the required certificates for teachers who are assigned to teach integrated science courses in subsection 1.2.1; specifying the required certificates for teachers who are assigned to teach physical science courses in subsection 1.2.2; adding defined terms to Section 2.0; clarifying the requirements for issuing a Secondary Science Teacher Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Secondary Science Teacher Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Secondary Science Teacher Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certificates that were issued by the Department.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended
regulation addresses a standard certificate for educators and is not designed to help ensure students’ legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 Del.C. §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Secondary Science Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 8.0 is consistent with the statute.

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 unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 Del.C. Ch. 12 relating to licensure and certification of educators.

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 amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

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

*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

1543 Secondary Science Teacher

1.0 Content


1.2 An educator Educator shall hold a Standard Certificate in each secondary science curricular area the Educator is teaching. Educator teaches in grades nine (9) to twelve (12) in Delaware public schools unless subsection 1.2.1 or 1.2.2 applies.

1.2.1 Notwithstanding the requirements in 1.2, a secondary science teacher who holds a Standard Certificate in each of the secondary science curricular areas within a discrete integrated science course, may teach the course without holding a Standard Certificate Secondary Science Teacher Integrated Science An Educator who is assigned to teach an integrated science course may hold a Secondary Science Teacher Standard Certificate in any of the secondary science curricular areas relevant to the course the Educator is assigned to teach.

1.2.2 An Educator who is assigned to teach a physical science course may hold a Secondary Science Teacher Standard Certificate in the secondary curricular areas of Biology, Chemistry, Earth Science, Physical Science, or Physics.

1.3 Any the Secondary Science Teacher Standard Certificate in any secondary science curricular area may be used in lieu of 14 DE Admin. Code 1533 Middle Level Science Teacher for teachers teaching
middle level science in grades six (6) to eight (8) for grades 6, 7, 8 in a middle level Delaware public school in lieu of the Middle Level Science Teacher Standard Certificate.

4.4 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
The definitions set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

The following words and terms, when used in this regulation, shall have the following meaning:

“Department” means the Delaware Department of Education.

“Educator” means a person licensed and certified by the State under 14 Del.C. Ch. 12 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 Professional Standards Board and approved by the State Board of Education. The term ‘educator’ does not include substitute teachers.

“Employing Authority” means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.

“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 the educator’s unfitness or otherwise.

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

“Passing Score” means a minimum score established by the Standards Board in consultation with the Department and with the approval of the State Board of Education.

“Regionally Accredited” means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher 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.

“Valid and Current License or Certificate” means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Secondary Science Teacher Standard Certificate as a Secondary Science Teacher in the individual secondary science curricular areas of Biology, Chemistry, Earth Science, Integrated Science, Physical Science, and Physics to an educator applicant who has met the following:

3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; License or a Limited Standard, Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and, 2003 and meets the requirements set forth in Section 4.0 of this regulation; or

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. Has met the requirements for licensure and presents proof of a Valid and Current License or Certificate as a secondary science teacher in the secondary science curricular area sought.

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3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for Secondary Science Teacher Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation’s resolution.

4.0 Testing Prescribed Education, Knowledge, and Skill Requirements

Pursuant to 14 Del.C. §1220, where an examination of content knowledge such as a Praxis™ II examination is applicable and available in the individual secondary science curricular area, the applicant shall achieve a passing score as established by the Standards Board, in consultation with the Department and with the concurrence of the State Board for each Standard Certificate issued.

4.1 For an applicant who does not hold a content area Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.

4.1.1 The applicant shall have:

4.1.1.1 Obtained and currently maintain a Science certificate in the secondary science curricular area sought from the National Board for Professional Teaching Standards; or

4.1.1.2 Earned a bachelor’s degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in secondary science education from an educator preparation program approved or recognized by the National Council for the Accreditation of Teacher Education (NCATE), the Council for the Accreditation of Educator Preparation (CAEP), or a state where the state approval body employed the appropriate standards; or

4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach secondary science as provided in 14 Del.C. §§1260 – 1266; or

4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in secondary science education.

4.1.2 The applicant shall have achieved a Passing Score on the Praxis Subject Assessment as provided in subsections 4.1.2.1 through 4.1.2.5.

4.1.2.1 For a Secondary Science Teacher Standard Certificate – Biology, the applicant shall have achieved on the Praxis Subject Assessment – Biology: Content Knowledge (ETS Test Code #5235) a Passing Score of 150.

4.1.2.2 For a Secondary Science Teacher Standard Certificate – Chemistry, the applicant shall have achieved on the Praxis Subject Assessment – Chemistry: Content Knowledge (ETS Test Code #5245) a Passing Score of 151.

4.1.2.3 For a Secondary Science Teacher Standard Certificate – Physics, the applicant shall have achieved on the Praxis Subject Assessment – Physics: Content Knowledge (ETS Test Code #5265) a Passing Score of 140.

4.1.2.4 For a Secondary Science Teacher Standard Certificate – Earth Science, the applicant shall have achieved on the Praxis Subject Assessment – Astronomy, Earth, and Space Sciences: Content Knowledge (ETS Test Code #5571) a Passing Score of 150.

4.1.2.5 For a Secondary Science Teacher Standard Certificate – Integrated or Physical Science, the applicant shall have achieved on the Praxis Subject Assessment – General Science: Content Knowledge (ETS Test Code #5235) a Passing Score of 151.

4.2 For an applicant who holds at least one content area Standard Certificate, the applicant shall have achieved a Passing Score on the Praxis Subject Assessment as provided in subsection 4.1.2.

5.0 Application Requirements

5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for an Initial License, and the applicant shall also provide all required documentation for the License.
5.2 For applicants who are applying for a Secondary Science Teacher Standard Certificate under subsections 3.1.1 and 4.1, the following documentation is required:

5.2.1 Evidence of obtaining and maintaining a Science certificate from the National Board for Professional Teaching Standards, if applicable; and

5.2.2 Official transcript from the applicant's Regionally Accredited college or university.

5.2.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or

5.2.2.2 Sealed paper transcripts may be submitted.

5.2.2.3 The Department will not accept copies of transcripts; and

5.2.3 Official score on the Praxis Subject Assessment as provided in subsection 4.1.2; and

5.2.4 Additional documentation as required by the Department.

5.3 For applicants who are applying for a Secondary Science Teacher Standard Certificate under subsections 3.1.1 and 4.2, the following documentation is required:

5.3.1 Official score on the Praxis Subject Assessment as provided in subsection 4.2; and

5.3.2 Additional documentation as required by the Department.

5.4 For applicants who are applying for the Secondary Science Teacher Standard Certificate under 3.1.2, the following documentation is required:

5.4.1 An official copy of the Valid and Current License or Certificate; and

5.4.2 Additional documentation as required by the Department.

6.0 Validity of a Standard Certificate

6.1 A Secondary Science Teacher Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.

6.2 A Secondary Science Teacher Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

7.1 An Educator's Secondary Science Teacher Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 DE Admin. Code 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.

7.2 An Educator's Secondary Science Teacher Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 Del.C. §1222.

7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 DE Admin. Code 1515 Hearing Procedures and Rules.

8.0 Secretary of Education Review

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

8.1.1 For school districts, requests shall be approved by the superintendent of the school district.

8.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.
9.0 **Past Certificate Recognized**

The Department shall recognize a Secondary Science Teacher Standard Certificate that was issued by the Department prior to the effective date of this regulation. An Educator holding such a Standard Certificate shall be considered certified to teach secondary science in the secondary science curricular area for which the certificate was issued.

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**PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))

14 DE Admin. Code 1561

PUBLIC NOTICE

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

1561 Bilingual Teacher

A. **TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

B. **SYNOPSIS OF SUBJECT MATTER OF REGULATION**

Pursuant to 14 Del.C. §§1203 and 1205(b), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1561 Bilingual Teacher. The regulation concerns the requirements for a Bilingual Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include clarifying Section 1.0; adding defined terms to Section 2.0; clarifying the requirements for issuing a Bilingual Teacher Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Bilingual Teacher Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Bilingual Teacher Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certificates that were issued by the Department.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education’s Office of the Secretary, located at the address above.

C. **IMPACT CRITERIA**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.
5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 Del.C. §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Bilingual Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 8.0 is consistent with the statute.

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 unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 Del.C. Ch. 12 relating to licensure and certification of educators.

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 amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

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


1561 Bilingual Teacher

1.0 Content

1.1 This regulation shall apply to the issuance of a Standard Certificate, Bilingual Teacher Standard Certificate (Category) pursuant to 14 Del.C. §1220(a), for Bilingual Teacher (Category).

1.1.1 This certification Standard Certificate is required for an educator Educator within charter school and 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 in Delaware public schools.

1.1.2 This certification The Bilingual Teacher Standard Certificate is a category certificate Standard Certificate and does not certify an educator Educator to practice in a particular area or teach a particular subject. A category certificate Standard Certificate only establishes that an educator Educator has met the prescribed knowledge, skill, or education, knowledge, or skill to instruct a particular category of students specified. This certification The Bilingual Teacher Standard Certificate 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 An Educator shall hold at least one content area Standard Certificate.

4.2 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:

“Department” means the Delaware Department of Education.

“Educator” means a person licensed and certified by the State under 14 Del.C. Ch. 12 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 Professional Standards Board and approved by the State Board of Education. The term ‘educator’ does not include substitute teachers.

“Employing Authority” means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.

“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 the educator’s unfitness or otherwise.

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

“Passing Score” means a minimum score as established by the Standards Board, in consultation with the Department and with the approval of the State Board of Education.

“Regionally Accredited” means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher 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.

“Target Language” means, for the purpose of this regulation, the world language of the bilingual classroom or bilingual program.

“Valid and Current License or Certificate” means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Bilingual Teacher Standard Certificate as a Bilingual Teacher to an educator applicant who has met the following:

3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Limited Standard, License or a 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 met the requirements for licensure and holds a Valid and Current License or Certificate in bilingual education.

3.1.4 Holds a Standard Certificate in a subject or area; and

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Bilingual Teacher Standard Certificate if the applicant is under official investigation by any national,
state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation’s resolution.

4.0 Additional Prescribed Education, Knowledge, and Skill Requirements

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).

4.1 An applicant shall have satisfied the requirements in subsections 4.1.1 through 4.1.3.

4.1.1 The applicant shall have satisfied one of the following education requirements:

4.1.1.1 Obtained and currently maintain an English as a New Language certificate from the National Board for Professional Teaching Standards; or

4.1.1.2 Earned a bachelor’s, master’s, or doctoral degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in bilingual education from an educator preparation program approved or recognized by the National Council for the Accreditation of Teacher Education (NCATE), the Council for the Accreditation of Educator Preparation (CAEP), or a state where the state approval body employed the appropriate standards; or
4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach English Learners as provided in 14 Del.C. §§1260 - 1266; or
4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in bilingual education; or
4.1.1.5 Earned a bachelor’s degree from a Regionally Accredited college or university in any content area and satisfactorily completed 15 college credits or the equivalent number of hours with one credit equating to 15 hours taken either as part of or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department in the following areas:

| 4.1.1.5.1 | Methods of Teaching English as a Second Language (3 credits); |
| 4.1.1.5.2 | Second Language Acquisition (3 credits); |
| 4.1.1.5.3 | Teaching Literacy for English Learners (3 credits); |
| 4.1.1.5.4 | Second Language Testing (3 credits); and |
| 4.1.1.5.5 | Structure of the English Language (3 credits). |

4.1.2 The applicant shall have demonstrated oral and written proficiency in English by satisfying one of the following requirements:

| 4.1.2.1 | Earned 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 |
| 4.1.2.2 | Achieved a minimum level of Advanced Mid based on the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines on: |
  | 4.1.2.2.1 | The ACTFL Oral Proficiency Interview (OPI) in English; and |
  | 4.1.2.2.2 | The ACTFL Writing Proficiency Test (WPT) in English. |

4.1.3 The applicant shall have demonstrated oral and written proficiency in the Target Language of the bilingual classroom or bilingual program by satisfying both of the following requirements:

| 4.1.3.1 | Achieved a minimum level of Advanced Mid based on the ACTFL Proficiency Guidelines on the ACTFL OPI in the Target Language; and |
| 4.1.3.2 | Achieved a Passing Score on the ACTFL WPT in the Target Language. |

| 4.1.3.2.1.1 | For tests using the Roman alphabet, achieving a minimum level of Advanced Mid based on the ACTFL Proficiency Guidelines. |
| 4.1.3.2.1.2 | For tests using a non-Roman alphabet, achieving a minimum level of Advanced Low based on the ACTFL Proficiency Guidelines. |

5.0 Application Requirements

5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.

5.2 For an applicant who is applying for a Bilingual Teacher Standard Certificate under subsection 3.1.1 of this regulation, the following documentation is required in the application:

| 5.2.1 | Evidence of obtaining and maintaining an English as a New Language certificate from the National Board for Professional Teaching Standards, if applicable; and |
| 5.2.2 | Official transcript from the applicant's Regionally Accredited college or university. |

| 5.2.2.1 | Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or |
| 5.2.2.2 | Sealed paper transcripts may be submitted. |
| 5.2.2.3 | The Department will not accept copies of transcripts; and |
5.2.3 Official scores on the ACTFL OPI and WPT in English as provided in subsection 4.1.2.2, if applicable; and

5.2.4 Official scores on the ACTFL OPI and WPT in the Target Language as provided in subsection 4.1.3; and

5.2.5 Additional documentation as required by the Department.

5.3 For an applicant who is applying for the Bilingual Teacher Standard Certificate under subsection 3.1.2, the following documentation is required in the application:

5.3.1 An official copy of the Valid and Current License or Certificate; and

5.3.2 Additional documentation as required by the Department.

6.0 Validity of a Standard Certificate

6.1 A Bilingual Teacher Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator’s License remains current and valid.

6.2 A Bilingual Teacher Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

7.1 An Educator’s Bilingual Teacher Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 DE Admin. Code 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.

7.2 An Educator’s Bilingual Teacher Standard Certificate shall be revoked if the Educator’s Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator’s application in accordance with 14 Del.C. §1222.

7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 DE Admin. Code 1515 Hearing Procedures and Rules.

8.0 Secretary of Education Review

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

8.1.1 For school districts, requests shall be approved by the superintendent of the school district.

8.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school’s board of directors and requests concerning all other applicants shall be approved by the charter school’s head of school.

6.09.0 Past Certification Certificate Recognized

The Department shall recognize a Bilingual Teacher Standard Certificate issued by the Department prior to the effective date of this regulation. A teacher holding such a Standard Certificate issued by the Department before January 1, 2017 shall be considered certified as a Bilingual Teacher. An Educator holding such a Standard Certificate shall be considered certified to instruct English Learners or immersion program students.

6.0 Effective Date

This regulation shall be effective on January 1, 2017.
PROFESSIONAL STANDARDS BOARD
Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))
14 DE Admin. Code 1562

PUBLIC NOTICE

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

1562 Teacher of English Learners

A. TYPE OF REGULATORY ACTION REQUESTED
Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION
Pursuant to 14 Del.C. §§1203 and 1205(b), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1562 Teacher of English Learners. The regulation concerns the requirements for a Teacher of English Learners Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include adding defined terms to Section 2.0; clarifying the requirements for issuing a Teacher of English Learners Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Teacher of English Learners Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Teacher of English Learners Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certificates that were issued by the Department.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation’s website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education’s Office of the Secretary, located at the address above.

C. IMPACT CRITERIA
1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.
2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.
3. Will the amended regulation help to ensure all students’ health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.
4. Will the amended regulation help to ensure that all students’ legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students’ legal rights are respected.
5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 Del.C. §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Teacher of English Learners Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 8.0 is consistent with the statute.
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 unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 Del.C. Ch. 12 relating to licensure and certification of educators.

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 amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

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

*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

1562 Teacher of English Learners

1.0 Content

1.1 This regulation shall apply to the issuance of a Standard Certificate, Teacher of English Learners Standard Certificate pursuant to 14 Del.C. §1220(a), for Teacher of English Learners. This certification Standard Certificate is required for grades K to 12 in Delaware public schools.

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:

"Department” means the Delaware Department of Education.

"Educator” means a person licensed and certified by the State under 14 Del.C. Ch. 12 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 Professional Standards Board and approved by the State Board of Education. The term ‘educator’ does not include substitute teachers.

"Employing Authority” means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.

"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 the educator’s unfitness or otherwise.

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

"Passing score Score” means a minimum score as established by the Professional Standards Board, in consultation with the Department and with the approval of the State Board of Education.
“Regionally Accredited” means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher 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.

“Valid and Current License or Certificate” means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Teacher of English Learners Standard Certificate as Teacher of English Learners to an educator applicant who has met the following:

3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Limited Standard, License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and 2003 and meets the requirements set forth in Section 4.0 of this regulation; or

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 Has met the requirements for licensure and presents proof of a Valid and Current License or Certificate as a teacher of English Learners.

3.1.3 Has satisfied the additional requirements in this regulation.

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Teacher of English Learners Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation’s resolution.

4.0 Additional Prescribed Education, Knowledge, and Skill Requirements

4.1 An educator shall also have satisfied each of the following requirements:

4.1.1 Demonstrated oral and written proficiency in English by either:

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; 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 the ACTFL Oral Proficiency Interview (OPI) in English and the ACTFL Writing Proficiency Test (WPT) in English; and

4.1.2 Completion of either:

4.1.2.1 A bachelor’s, master’s, or doctoral degree from a regionally accredited college or university with a major or its equivalent in Teaching English Learners 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 a state approval body employed the appropriate standards; or

4.1.2.2 A minimum of fifteen (15) credits or the equivalent thereof in professional development as approved by the Department in the following content areas:
4.1.2.2.1 Methods of Teaching English as a Second Language (3 credits);
4.1.2.2.2 Second Language Acquisition (3 credits);
4.1.2.2.3 Teaching Literacy for English Learners (3 credits);
4.1.2.2.4 Second Language Testing (3 credits); and
4.1.2.2.5 Structure of the English Language (3 credits).

4.1.3 Achieved on the Praxis Subject Assessment – English to Speakers of Other Languages (ETS Test #5362) a passing score of 149.

4.1 An applicant shall have satisfied the requirements in subsections 4.1.1 through 4.1.3.
4.1.1 The applicant shall have satisfied one of the following education requirements:
4.1.1.1 Obtained and currently maintain an English as a New Language certificate from the National Board for Professional Teaching Standards; or
4.1.1.2 Earned a bachelor’s, master’s, or doctoral degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in Teaching English Learners from an educator preparation program approved or recognized by the National Council for the Accreditation of Teacher Education (NCATE), the Council for the Accreditation of Educator Preparation (CAEP), or a state where the state approval body employed the appropriate standards; or
4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach English Learners as provided in 14 Del.C. §§1260 – 1266; or
4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in Teaching English Learners; or
4.1.1.5 Earned a bachelor’s degree from a Regionally Accredited college or university in any content area and satisfactorily completed 15 college credits or the equivalent number of hours with one credit equating to 15 hours taken either as part of or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department in the following areas:
4.1.1.5.1 Methods of Teaching English as a Second Language (3 credits);
4.1.1.5.2 Second Language Acquisition (3 credits);
4.1.1.5.3 Teaching Literacy for English Learners (3 credits);
4.1.1.5.4 Second Language Testing (3 credits); and
4.1.1.5.5 Structure of the English Language (3 credits).

4.1.2 The applicant shall have demonstrated oral and written proficiency in English by satisfying one of the following requirements:
4.1.2.1 Earned 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
4.1.2.2 Achieved a minimum level of Advanced Mid based on the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines on the ACTFL Oral Proficiency Interview (OPI) in English and the ACTFL Writing Proficiency Test (WPT) in English.

4.1.3 The applicant shall have achieved a Passing Score of 149 on the Praxis Subject Assessment – English to Speakers of Other Languages (ETS Test Code # 5362).

5.0 Application Requirements
5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.
For an applicant who is applying for a Teacher of English Learners Standard Certificate under subsection 3.1.1 of this regulation, the following documentation is required in the application:

5.2.1 Evidence of obtaining and maintaining an English as a New Language certificate from the National Board for Professional Teaching Standards, if applicable; and

5.2.2 Official transcript from the applicant’s Regionally Accredited college or university.

5.2.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant’s Regionally Accredited college or university; or

5.2.2.2 Sealed paper transcripts may be submitted.

5.2.3 The Department will not accept copies of transcripts; and

5.2.3.1 Official scores on the ACTFL OPI and WPT in English, as provided in subsection 4.1.2.2, if applicable; and

5.2.4 Additional documentation as required by the Department.

5.2.4.1 Official score on the Praxis Subject Assessment as provided in subsection 4.1.3; and

5.2.5 Additional documentation as required by the Department.

For an applicant who is applying for the Teacher of English Learners Standard Certificate under subsection 3.1.2, the following documentation is required in the application:

5.3.1 An official copy of the Valid and Current License or Certificate; and

5.3.2 Additional documentation as required by the Department.

6.0 Validity of a Standard Certificate

6.1 A Teacher of English Learners Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator’s License remains current and valid.

6.2 A Teacher of English Learners Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

7.1 An Educator’s Teacher of English Learners Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 DE Admin. Code 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.

7.2 An Educator’s Teacher of English Learners Standard Certificate shall be revoked if the Educator’s Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator’s application in accordance with 14 Del.C. §1222.

7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 DE Admin. Code 1515 Hearing Procedures and Rules.

8.0 Secretary of Education Review

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

8.1.1 For school districts, requests shall be approved by the superintendent of the school district.

8.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school’s board of directors and requests concerning all other applicants shall be approved by the charter school’s head of school.

5.09.0 Past Certification Certificate Recognized

The Department shall recognize a Standard Certificate English to Speakers of Other Languages (ESOL) Teacher Standard Certificate issued by the Department before January 1, 2017. The Department shall also
recognize a Teacher of English Learners Standard Certificate issued by the Department prior to the effective date of this regulation. A teacher holding such a Standard Certificate issued by the Department before January 1, 2017 shall be considered certified as a Teacher of English Learners. An Educator holding an ESOL Teacher Standard Certificate issued before January 1, 2017 or a Teacher of English Learners Standard Certificate issued prior to the effective date of this regulation shall be considered certified to instruct English learners.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))

14 DE Admin. Code 1574

PUBLIC NOTICE

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

1574 Teacher of Students Who Are Deaf or Hard of Hearing

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203 and 1205(b), the Professional Standards Board (“Board”), acting in consultation and cooperation with the Delaware Department of Education (“Department”), developed amendments to 14 DE Admin. Code 1574 Teacher of Students Who Are Deaf or Hard of Hearing. The regulation concerns the requirements for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include clarifying Section 1.0; adding defined terms to Section 2.0; clarifying the requirements for issuing a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certificates that were issued by the Department.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students’ health and safety is protected.

4. Will the amended regulation help to ensure that all students’ legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students’ legal rights
are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 Del.C. §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 8.0 is consistent with the statute.

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 unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 Del.C. Ch. 12 relating to licensure and certification of educators.

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 amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

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

*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

1574 Teacher of Students Who Are Deaf or Hard of Hearing

1.0 Content

1.1 This regulation shall apply to the issuance of a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate, Certificate (Category) pursuant to 14 Del.C. §1220(a), for a Teacher of Students Who Are Deaf or Hard of Hearing. Eighteen (18) months from the effective date of this regulation, this certification shall be required for all educators within the Delaware public school system whose primary assignment is teaching children who are deaf or hard of hearing.

1.1.1 This Standard Certificate is required for an Educator whose primary assignment is teaching Deaf or Hard of Hearing Students in Delaware public schools.

1.1.2 The Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate is a category Standard Certificate and does not certify an Educator to practice in a particular area or teach a particular subject. A category Standard Certificate only establishes that an Educator has met the prescribed education, knowledge, or skill requirements to instruct a particular category of students. The Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate is limited to the category of Deaf or Hard of Hearing Students.

1.1.3 An Educator shall hold at least one content area Standard Certificate.

4.2 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

The definitions set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

The following words and terms, when used in this regulation, shall have the following meaning:

"CED" means the Council on Education for the Deaf.

"Deaf or Hard of Hearing Student" means a student with "deafness" or a "hearing impairment" as defined in Section 3.0 of 14 DE Admin. Code 922 Children with Disabilities Subpart A, Purposes and Definitions.

"Department" means the Delaware Department of Education.

"Educator" means a person licensed and certified by the State under 14 Del.C. Ch. 12 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 Professional Standards Board and approved by the State Board of Education. The term 'educator' does not include substitute teachers.

"Employing Authority" means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.

"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 the educator's unfitness or otherwise.

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

"Regionally Accredited" means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher 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.

"Valid and Current License or Certificate" means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate as a Teacher of Students Who Are Deaf or Hard of Hearing to an educator applicant who has met the following:

3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and, 2003 and meets the requirements set forth in Section 4.0 of this regulation; or

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, Has met the requirements for licensure and holds a Valid and Current License or Certificate in deaf education or teaching students who are deaf or hard of hearing.

3.1.3 Has satisfied the additional requirements in this regulation.

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate if the applicant is under
official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

4.0 Additional Prescribed Education, Knowledge, and Skill Requirements

4.1 An educator shall also have satisfied at least one (1) of the following additional education requirements:

4.1.1 Holding a master’s degree from a regionally accredited college or university in Deaf Education from a program approved by the Council for Education of the Deaf; or

4.1.2 The successful completion of twenty-one (21) credits from a regionally accredited college or university or their equivalent in professional development as approved by the Department in the following areas:

4.1.2.1 Human Growth and Development Characteristics of the Deaf and Hard of Hearing (3 credits);

4.1.2.2 Assessment, Diagnosis and Prescriptive Techniques for the Deaf or Hard of Hearing (3 credits);

4.1.2.3 Curriculum and Instructional Methods for the Deaf or Hard of Hearing (3 credits);

4.1.2.4 Auditory Language Development (3 credits);

4.1.2.5 Audiology (3 credits);

4.1.2.6 Deaf and Hard of Hearing Practicum (3 credits); and either

4.1.2.7 Visual Language Development (3 credits); or

4.1.2.8 American Sign Language (3 credits).

4.1.3 An applicant for the Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate shall have satisfied one of the following education requirements:

4.1.1 Obtained and currently maintain an Exceptional Needs Specialist certificate in the specialty area of Deaf/Hard of Hearing from the National Board for Professional Teaching Standards;

4.1.2 Earned a master's degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in deaf education from an educator preparation program approved or recognized by the CED; or

4.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach students who are deaf or hard of hearing as provided in 14 Del.C. §§1260 - 1266; or

4.1.4 Satisfactorily completed a Department-approved educator preparation program in deaf education; or

4.1.5 Earned a bachelor's degree from a Regionally Accredited college or university in any content area and satisfactorily completed 21 college credits or the equivalent number of hours with one credit equating to 15 hours taken as part of or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department with a focus in deaf education that are guided by and include the following CED Initial Preparation Standards:

4.1.5.1 Learner Development and Individual Learning Differences for Students Who Are Deaf or Hard of Hearing;

4.1.5.2 Learning Environments for Students Who Are Deaf or Hard of Hearing;

4.1.5.3 Curricular Content Knowledge for Students Who Are Deaf or Hard of Hearing;

4.1.5.4 Assessment for Students Who Are Deaf or Hard of Hearing;

4.1.5.5 Instructional Planning and Strategies for Students Who Are Deaf or Hard of Hearing;

4.1.5.6 Professional Learning and Ethical Practice for Students Who Are Deaf or Hard of Hearing; and

4.1.5.7 Collaboration for Students Who Are Deaf or Hard of Hearing.
5.0 Application Requirements

5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with application for the Initial License, and the applicant shall also provide all required documentation for the License.

5.2 For an applicant who is applying for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate under subsection 3.1.1 of this regulation, the following documentation is required with the application:

5.2.1 Evidence of obtaining and maintaining an Exceptional Needs Specialist certificate in the specialty area of Deaf/Hard of Hearing from the National Board for Professional Teaching Standards, if applicable; and

5.2.2 Official transcript from the applicant's Regionally Accredited college or university.

5.2.2.1 Electronic transcripts may be submitted by the applicant's Employing Authority or Regionally Accredited college or university.

5.2.2.2 Sealed paper transcripts may be submitted.

5.2.2.3 The Department will not accept copies of transcripts; and

5.2.3 Additional documentation as required by the Department.

5.3 For an applicant who is applying for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate under subsection 3.1.2 of this regulation, the following documentation is required with the application:

5.3.1 An official copy of the Valid and Current License or Certificate; and

5.3.2 Additional documentation as required by the Department.

6.0 Validity of a Standard Certificate

6.1 A Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.

6.2 A Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

7.1 An Educator's Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 DE Admin. Code 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.

7.2 An Educator's Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 Del.C. §1222.

7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 DE Admin. Code 1515 Hearing Procedures and Rules.

8.0 Secretary of Education Review

8.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate but whose effectiveness is documented by the local school district or charter school.

8.1.1 For school districts, requests shall be approved by the superintendent of the school district.
8.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

5.0 9.0 Past Certification Certificate Recognized

The Department shall recognize a Standard Certificate Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate that was issued by the Department between January 11, 2007 and prior to the effective date of this regulation. An Educator holding such a Standard Certificate Teacher of Students Who Are Deaf or Hard of Hearing issued between January 11, 2007 and the effective date of this regulation shall be considered certified to teach students who are deaf or hard of hearing instruct Deaf or Hard of Hearing Students.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))

14 DE Admin. Code 1583

PUBLIC NOTICE

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

1583 School Psychologist

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203 and 1205(b), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1583 School Psychologist. The regulation concerns the requirements for a School Psychologist Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include adding defined terms to Section 2.0; clarifying the requirements for issuing a School Psychologist Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a School Psychologist Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a School Psychologist Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certificates that were issued by the Department.

The proposed amendments were published in the Register of Regulations on February 1, 2021. The Board received written submittals from the State Council for Persons with Disabilities ("SCPD"), the Delaware Association of School Psychologists ("DASP"), and the Delaware State Education Association ("DSEA"). On March 4, 2021, the Board considered the written submittals. Both DASP and DSEA each commented that proposed language in subsection 4.1.1.1, i.e., "the equivalent of an Ed.S. degree," is vague and suggested that the Board add language from the 2020 National Association of School Psychologist Professional Standards. As a result of DASP's and DSEA's comment, the Board added the suggested language to the subsection to define the equivalent of an Ed.S. degree. The Board decided not to make any additional changes as a result of DASP's and DSEA's other comments or SCPD's comments. Because the additional change to subsection 4.1.1.1 is substantive, this proposed regulation includes the changes that were originally published on February 1, 2021 and the additional change to define the equivalent of an Ed.S. in subsection 4.1.1.1 in accordance with 29 Del.C. §10118(c).

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOEregulations.comment@doe.k12.de.us. A copy of this regulation
C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 Del.C. §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a School Psychologist Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 8.0 is consistent with the statute.

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 unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 Del.C. Ch. 12 relating to licensure and certification of educators.

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 amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

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

*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:


1583 School Psychologist

1.0 Content

This regulation shall apply to the requirements for issuance of a School Psychologist Standard Certificate, Certificate pursuant to 14 Del.C. §1220(a), for School Psychologist. This certification is required for all school psychologists providing services to children within the Delaware public school system schools.
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:

“Internship” means a supervised, culminating, comprehensive field experience, completed at or near the end of formal training, through which school psychology candidates have the opportunity to integrate and apply professional knowledge and skills acquired in prior courses and practica, as well as to acquire new competencies consistent with training program goals.

“Department” means the Delaware Department of Education.

“Educator” means a person licensed and certified by the State under 14 Del.C. Ch. 12 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 Professional Standards Board and approved by the State Board of Education. The term ‘educator’ does not include substitute teachers.

“Employing Authority” means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.

“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 the educator's unfitness or otherwise.

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

“Passing Score” means a minimum score as established by the Standards Board in consultation with the Department and with the approval of the State Board of Education.

“Regionally Accredited” means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher 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.

“Valid and Current License or Certificate” means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a School Psychologist Standard Certificate as a School Psychologist to an educator applicant who has met the following:

3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License or Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and, 2003 and meets the requirements set forth in Section 4.0 of this regulation;
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 Has met the requirements for licensure in Delaware and presents proof of a Valid and Current License or Certificate as a school psychologist.

3.1.3 Has satisfied the additional requirements in this regulation.

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a School Psychologist Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation’s resolution.

4.0 Additional Prescribed Education, Knowledge, and Skill Requirements

4.1 An educator shall also have satisfied at least one (1) of the following additional education and internship requirement Options:

4.1.1 NASP or APA School Psychology Degree:

4.1.1.1 Has successfully completed an organized graduate level program of study in “School Psychology” offered by a regionally accredited college or university and approved by the National Association of School Psychologists (NASP) or the American Psychological Association (APA), culminating in an Educational Specialist (Ed.S.) degree or its equivalent or a Doctoral degree in School Psychology; and

4.1.1.2 Has successfully completed a supervised internship.

4.1.2 NCSP Certificate:

4.1.2.1 Holds a valid Nationally Certified School Psychologist (NCSP) Certificate from the National Association of School Psychologists (NASP).

4.1.3 License or certificate from other state:

4.1.3.1 Holds a valid and current license or certificate from another state in school psychology.

4.1 An applicant for a School Psychologist Standard Certificate shall have satisfied the requirements in subsections 4.1.1 through 4.1.3.

4.1.1 The applicant shall have earned one of following:

4.1.1.1 An Educational Specialist (Ed.S.) degree, the equivalent of an Ed.S. degree, or a doctoral degree through a program approved by the National Association of School Psychologists (NASP) at a Regionally Accredited college or university. The equivalent of an Ed.S. degree means a degree earned by completing a specialist-level program of study in school psychology that includes a minimum of three years of full-time study at the graduate level or the equivalent, inclusive of structured field experiences, and at least 60 graduate semester hours or the equivalent, with at least 54 hours exclusive of credit for the supervised specialist-level internship; or

4.1.1.2 A doctoral degree in school psychology through a program approved by the American Psychological Association (APA) at a Regionally Accredited college or university.

4.1.2 The applicant shall have achieved a Passing Score of 147 on the Praxis Subject Assessment - School Psychology (ETS Test Code # 5042).

4.1.3 The applicant shall have completed a supervised, culminating, comprehensive field experience of at least 1,200 hours, 600 hours of which must have been completed in an educational setting, in an institution or agency that is approved by the applicant’s graduate program or the Department, completed at or near the end of formal training, through which the applicant had the opportunity to integrate and apply professional knowledge and skills acquired in prior courses and practica as well as to acquire new competencies consistent with training program goals.

4.2 Notwithstanding subsection 4.1, the Department may issue a School Psychologist Standard Certificate to an applicant who holds a Nationally Certified School Psychologist (NCSP) certificate from NASP that is in good standing.
5.0 Internship

An internship must be in an institution or agency approved by the Department or the applicant's graduate program.

5.0 Application Requirements

5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.

5.2 For applicants who are applying for the School Psychologist Standard Certificate under subsections 3.1.1 and 4.1, the following documentation is required:

5.2.1 Official transcript from the applicant's Regionally Accredited college or university.

5.2.1.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or

5.2.1.2 Sealed paper transcripts may be submitted.

5.2.1.3 The Department will not accept copies of transcripts; and

5.2.2 Official score on the Praxis Subject Assessment as provided in subsection 4.1.2;

5.2.3 The Department-approved form verifying the applicant's completion of the requirement in subsection 4.1.3; and

5.2.4 Additional documentation as required by the Department.

5.3 For applicants who are applying for the School Psychologist Standard Certificate under subsections 3.1.1 and 4.2, the following documentation is required:

5.3.1 Documentation that the applicant holds a NCSP certificate from NASP that is in good standing; and

5.3.2 Additional documentation as required by the Department.

5.4 For applicants who are applying for the School Psychologist Standard Certificate under subsection 3.1.2, the following documentation is required:

5.4.1 An official copy of the Valid and Current License or Certificate; and

5.4.2 Additional documentation as required by the Department.

6.0 Emergency Certificate

An Emergency Certificate for a School Psychologist is not available.

6.0 Validity of a Standard Certificate

6.1 A School Psychologist Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.

6.2 A School Psychologist Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

7.1 An Educator's School Psychologist Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 DE Admin. Code 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.

7.2 An Educator's School Psychologist Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 Del.C. §1222.

7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 DE Admin. Code 1515 Hearing Procedures and Rules.
8.0 Secretary of Education Review

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

8.1.1 For school districts, requests shall be approved by the superintendent of the school district.

8.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

9.0 Past Certificate Recognized

The Department shall recognize a School Psychologist Standard Certificate that was issued by the Department prior to the effective date of this regulation. An Educator holding such a Standard Certificate shall be considered certified to practice as a school psychologist.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
1900 BOARD OF NURSING

Statutory Authority: 24 Delaware Code, Section 1904(c) (24 Del.C. §1904(c))
24 DE Admin. Code 1900

PUBLIC NOTICE

1900 Board of Nursing

The Delaware Board of Nursing, pursuant to 24 Del. C. § 1904(c), proposes to revise its regulations to add a requirement that nurses provide workforce data upon renewal and reinstatement. In addition, the proposed changes clarify all renewal and reinstatement requirements. Finally, the proposed changes add "gender identity and expression" to the list of bases upon which a nurse shall not discriminate against a patient.

The Board will hold a telephonic public hearing on the proposed regulation changes on May 12, 2021 at 9:00 a.m. The telephone number will be posted at least seven days prior to the hearing on the Delaware public meeting calendar and Division of Professional Regulation website. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until May 27, 2021 pursuant to 29 Del. C. § 10118(a).

*Please Note:
(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:
1900 Board of Nursing
Symbol Key

Arial type indicates the text existing prior to the regulation being promulgated. Underlined text indicates new text added at the time of the proposed action. Language which is stricken through indicates text being deleted. [Bracketed Bold language] indicates text added at the time the final order was issued. [Bracketed bold stricken through] indicates language deleted at the time the final order was issued.

Final Regulations

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the Register of Regulations. At the conclusion of all hearings and after receipt within the time allowed of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A decision to adopt, amend or repeal a regulation or to take no action and the decision shall be supported by its findings on the evidence and information received; (4) The exact text and citation of such regulation adopted, amended or repealed; (5) The effective date of the order; (6) Any other findings or conclusions required by the law under which the agency has authority to act; and (7) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends or repeals a regulation shall be not less than 10 days from the date the order adopting, amending or repealing a regulation has been published in its final form in the Register of Regulations, unless such adoption, amendment or repeal qualifies as an emergency under §10119.

DEPARTMENT OF AGRICULTURE
HARNESS RACING COMMISSION
Statutory Authority: 3 Delaware Code, Section 10005 (3 Del.C. §10005)
3 DE Admin. Code 501

ORDER

501 Harness Racing Rules and Regulations

BEFORE THE DELAWARE HARNESS RACING COMMISSION

ORDER

Pursuant to 29 Del. C. §10118 and 3 Del. C. §10005, the Delaware Harness Racing Commission issues this Order adopting proposed amendments to the Commission’s Rules. Following notice and a public hearing on March 9, 2021, the Commission makes the following findings and conclusions:

SUMMARY OF THE EVIDENCE

1. The Commission posted public notice of the proposed amendments to DHRC Rule 6.3.3.15 in the February 1, 2021 Register of Regulations.
2. The Commission received no written comments. The Commission held the public comment period open from February 1, 2021 until close of business on March 3, 2021. The Delaware Harness Racing Commission will finalize the regulations at its regularly scheduled monthly meeting on March 9, 2021. Monthly meetings are noticed public meetings.
FINDINGS OF FACT AND CONCLUSIONS

3. The public was given notice and an opportunity to provide the Commission with comments in writing and by testimony at the public hearing on the proposed amendments to the Commission's Rules.

4. After considering the rule changes as proposed, the Commission hereby adopts the rule changes as proposed. The Commission believes that these rule changes will allow the Delaware Harness Racing Commission rules to more accurately reflect current policy and procedures.

5. The effective date of this Order will be ten (10) days from publication of this Order in the Register of Regulations on April 1, 2021.

IT IS SO ORDERED this 9th day of March 2021.
Beverly H. Steele, Chairman
Patt Wagner, Vice-Chairman
George P. Staats, Commissioner
Jack Berberian, Commissioner
Stephanie Liguori, Commissioner

*Please note that no changes were made to the regulation as originally proposed and published in the February 2021 issue of the Register at page 752 (24 DE Reg. 752). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

501 Harness Racing Rules and Regulations

HARNESS RACING COMMISSION
Statutory Authority: 3 Delaware Code, Section 10005 (3 Del.C. §10005)
3 DE Admin. Code 501

ORDER

501 Harness Racing Rules and Regulations

BEFORE THE DELAWARE HARNESS RACING COMMISSION

ORDER

Pursuant to 29 Del. C. §10118 and 3 Del. C. §10005, the Delaware Harness Racing Commission issues this Order adopting proposed amendments to the Commission's Rules. Following notice and a public hearing on March 9, 2021, the Commission makes the following findings and conclusions:

SUMMARY OF THE EVIDENCE

1. The Commission posted public notice of the proposed amendments to DHRC Rule 8.9.8 in the February 1, 2021 Register of Regulations.

2. The Commission received no written comments. The Commission held the public comment period open from February 1, 2021 until close of business on March 3, 2021. The Delaware Harness Racing Commission will finalize the regulations at its regularly scheduled monthly meeting on March 9, 2021. Monthly meetings are noticed public meetings.

FINDINGS OF FACT AND CONCLUSIONS

3. The public was given notice and an opportunity to provide the Commission with comments in writing and by testimony at the public hearing on the proposed amendments to the Commission's Rules.

4. After considering the rule changes as proposed, the Commission hereby adopts the rule changes as proposed. The Commission believes that these rule changes will allow the Delaware Harness Racing Commission
rules to more accurately reflect current policy and procedures.

5. The effective date of this Order will be ten (10) days from publication of this Order in the Register of Regulations on April 1, 2021.

IT IS SO ORDERED this 9th day of March 2021.
Beverly H. Steele, Chairman
Jack Berberian, Commissioner
Patt Wagner, Vice-Chairman
Stephanie Liguori, Commissioner
George P. Staats, Commissioner

*Please note that no changes were made to the regulation as originally proposed and published in the February 2021 issue of the Register at page 752 (24 DE Reg. 752). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

501 Harness Racing Rules and Regulations

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF AIR QUALITY
Statutory Authority: 7 Delaware Code, Section 6010(a) and (c) (7 Del.C. §6010(a) & (c))
7 DE Admin. Code 1124

Secretary's Order No.: 2021-A-0009

RE: Approving Final Regulations to Amend 7 DE Admin. Code 1124, Control of Volatile Organic Compound Emissions, Section 36.0, Vapor Emission Control at Gasoline Dispensing Facilities

Date of Issuance: March 11, 2021

Effective Date of the Amendment: April 11, 2021

1124 Control of Volatile Organic Compound Emissions

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), pursuant to 7 Del.C. §§6006 and 6010, and all other relevant statutory authority, the following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary in the above-referenced promulgation.

Background, Procedural History and Findings of Fact

This Order relates to proposed regulation amendments ("Amendments") to 7 DE Admin. Code 1124, Control of Volatile Organic Compound Emissions, Section 36.0, Vapor Emission Control at Gasoline Dispensing Facilities ("Regulation"). Specifically, the Department proposes to amend the Regulation to update the California Air Resources Board ("CARB") Executive Orders (as modified between July 17, 2019 and June 3, 2020) referenced in the Amendments regarding Stage I enhanced vapor recovery systems used at Delaware gasoline dispensing facilities. The proposed Amendments include updates of the latest Executive Order numbers, the effective dates, and will provide the regulated community with additional Stage I enhanced vapor recovery ("EVR") system component flexibility.

On July 11, 2020 the Department adopted amendments to the Regulation (hereafter referred to as the "2020 Amendment") to establish adjustments to the Regulation and specific compliance schedules. The 2020 Amendment requires gasoline dispensing facilities in Delaware to install one of the Stage I EVR systems certified in CARB Executive Orders to meet 98% volatile organic compound's emission control efficiency. The CARB
Executive Orders demonstrate compliance with the CARB certification and list the individual components that can be used within a certified Stage I EVR system. Six (6) CARB Executive Orders for Stage I EVR systems were incorporated into the 2020 Amendment.

During the time of the Department's regulatory development of the 2020 Amendments, CARB modified their Executive Orders for Stage I EVR systems from July 17, 2019 through June 3, 2020. The Department is now incorporating these modifications in the Amendments to reflect the most recent updates to CARB Executive Order numbers VR-1010-T, VR-102-U, VR-104-K, VR-105-I, VR401-F, VR-402-E, and VR-202-Z. The latest update to the CARB Executive Orders include: (1) modifications to the Husky Model 5885 Pressure/Vacuum vent valve; (2) the extension of certifications of the modified 5885 Pressure/Vacuum vent valve to May 31, 2021; (3) the addition of OPW 723 Pressure/Vacuum vent valve for E85 applications; and (4) the addition of the Franklin Fueling aluminum drop tube and Defender Overfill Protection Valve to the equipment list as alternate parts in Executive Order VR 102.

More specifically, the Amendments include the title number changes of CARB Executive Orders referenced in the following Regulation subsections: (1) 36.4.1.1.1 through 36.4.1.1.4; (2) 36.4.1.2.1 through 36.4.1.2.2, (3) 36.10.2, and (4) 36.11.3.1 through 36.11.3.6. In addition, the Amendments include adding a phrase in subsection 36.1.3 to specify July 1, 2019 as the effective date of 40 CFR 80.22(j).

The Department published its initial proposed Amendments in the November 1, 2020 Delaware Register of Regulations. Thereafter the public hearing notice was issued, the Department revised the proposed Amendments to include a non-substantive change. Referenced in subsections 36.5.1, 36.5.3, and 36.11.5, the non-substantive change revises the CARB Executive Order "VR-202-W (August 30, 2018)" to "VR-202-Z (November 5, 2019)".

The virtual public hearing regarding this matter was held on December 8, 2020. There were two (2) members of the public in attendance at the virtual public hearing. Pursuant to 29 Del.C. §10118(a), the hearing record remained open for receipt of written comment for 30 days following the public hearing. The hearing record formally closed for comment in this matter at close of business on January 7, 2021, with one (1) comment received by the Department during the phase of this formal promulgation. It should be noted that the proposed revised Amendments were fully vetted at the time of the virtual public hearing.

Subsequent to the close of record, the Department's Division of Air Quality staff prepared a Technical Response Memorandum to address the comment received by the public.

Thereafter, Hearing Officer Theresa Newman prepared her report dated January 27, 2021 ("Report"), which expressly incorporated the Department's proposed Amendments into the hearing record generated in this matter. The Report documents the proper completion of the required regulatory amendment process, establishes the record, and recommends the adoption of the proposed revised Amendments as attached to the Report as Appendix "A."

The Department has the statutory basis and legal authority to act with regard to the formal promulgation of these proposed revised Amendments, pursuant to 7 Del.C. §6010(a) and (c). It should be noted that all notification and noticing requirements concerning this matter were met by the Department. Proper notice of the hearing was provided as required by law.

Reasons and Conclusions

Based on the record developed by the Department's staff in the Division of Air Quality, and established by the Hearing Officer's Report, I find that the proposed revised regulatory Amendments are well-supported and will enable the Department to update the CARB Executive Orders (as modified between July 17, 2019 and June 3, 2020) referenced in the Amendments regarding Stage I EVR systems used at Delaware gasoline dispensing facilities and will provide the regulated community with additional Stage I EVR system component flexibility. I further find that the Department's Air Quality experts fully developed the record to support adoption of these Amendments. Therefore, the recommendations of the Hearing Officer are hereby adopted, and I direct that the proposed Amendments be promulgated as final.

The following reasons and conclusions are hereby entered:

1. The Department has the statutory basis and legal authority to act with regard to this proposed regulatory promulgation, pursuant to 7 Del. C. §6010(a) and (c);
2. The Department has jurisdiction under its statutory authority, pursuant to 7 Del.C. Ch. 60, to issue an Order adopting these proposed revised Amendments as final;
3. The Department provided adequate public notice of the initial proposed Amendments and all proceedings in a manner required by the law and regulations, and provided the public with an adequate opportunity to comment on the same, including at the time of the virtual public hearing held on December 8, 2020 and during the 30 days subsequent to the hearing (through January 7, 2021), before making any final decision;

4. Promulgation of the proposed revised Amendments to 7 DE Admin. Code 1124: Section 36.0, Vapor Emission Control at Gasoline Dispensing Facilities, will enable the Department to update CARB Executive Order numbers and effective dates (as modified between July 17, 2019 and June 3, 2020), referenced in the Amendments regarding Stage I EVR systems used at Delaware gasoline dispensing facilities, and provide the regulated community with additional Stage I EVR system component flexibility;

5. The Department has reviewed the proposed revised Amendments in the light of the Regulatory Flexibility Act, consistent with 29 Del.C. §104, and believes the same to be lawful, feasible and desirable, and the recommendations as proposed should be applicable to all Delaware citizens equally;

6. The Department's Hearing Officer's Report, including its established record and the recommended proposed Amendments as set forth in Appendix "A," are hereby adopted to provide additional reasons and findings for this Order;

7. The Department's proposed regulatory Amendments, as initially published in the November 1, 2020 Delaware Register of Regulations, and then subsequently revised, as set forth in Appendix "A" hereto, are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, they are approved as final regulatory Amendments, which shall go into effect ten days after their publication in the next available issue of the Delaware Register of Regulations; and

8. The Department has an adequate Record for its decision, and no further public hearing is appropriate or necessary; and

9. The Department shall submit this Order approving the proposed revised Amendments as final regulatory to the Delaware Register of Regulations for publication in its next available issue, and provide such other notice as the law and regulation require and the Department determines is appropriate.

Shawn M. Garvin
Secretary

1124 Control of Volatile Organic Compound Emissions
(Break in Continuity of Sections)

36.0 Vapor Emission Control at Gasoline Dispensing Facilities
07/14/2020 [xx/xx/xxxx 04/11/2021]
(Break in Continuity Within Section)

36.5 Requirements for Stage I Facilities with Continuous Pressure Monitoring Systems
36.5.1 The owner or operator of any gasoline dispensing facility identified in subsection 36.1.4.2 shall use a continuous pressure monitoring (CPM) system as identified in Exhibit 1 Section II, Exhibit 2 Section II, and Exhibit 3 Section II of CARB Executive Order [VR-202-W (August 30, 2018) VR-202-Z (November 5, 2019)], hereby incorporated by reference as specified in subsection 36.11.5.1. The leak detection software identified in [VR-202-W VR-202-Z], and use a console, a vapor pressure sensor, and an automatic tank gauge as compatible per the CPM manufacturer. The owner or operator of any gasoline dispensing facility may petition the Department to allow the use of any other CPM system that is certified by CARB as being equivalent to the systems identified in CARB Executive Order [VR-202-W VR-202-Z], and the Department may allow such a system on a case-by-case basis.
36.5.3 Within 10 days after installation of the required Stage I EVR system, an operability test of the CPM system shall be performed and passed in accordance with Exhibit 9 or Exhibit 10, as applicable, of CARB Executive Order [VR-202-W (August 30, 2018) VR-202-Z (November 5, 2019)], hereby incorporated by reference as specified in subsection 36.11.5.2 or subsection 36.11.5.3, as applicable.

36.11 Referenced Standards

36.11.5 Assist Phase II Enhanced Vapor Recovery (EVR) System including In-Station Diagnostics (ISD), Executive Order [VR-202-W (August 30, 2018) VR-202-Z (November 5, 2019)]. California Air Resources Board. Specifically, the referenced standards include:

*Please note that no additional changes were made to the regulation as originally proposed and published in the November 2020 issue of the Register at page 466 (24 DE Reg. 466). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at: 1124 Control of Volatile Organic Compound Emissions
3. Pursuant to 24 Del. C. § 4006 (a)(1) the Board has the statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.

4. Having reviewed no public comments, the Board finds no reason not to amend the regulations as proposed.

DECISION AND ORDER CONCERNING THE REGULATIONS

NOW THEREFORE, pursuant to 24 Del.C. § 4006 (a)(1) and for the reasons set forth above, the Board does hereby ORDER that the regulations be, and that they hereby are, adopted and promulgated as set forth in the Delaware Register of Regulations on September and November 1, 2020. The effective date of this Order is ten days from the date of its publication in the Delaware Register of Regulations, pursuant to 29 Del. C. § 10118(g).

The new regulations are attached hereto as Exhibit A.

SO ORDERED this 16th day of February, 2021.

DELAWARE BOARD OF REAL ESTATE APPRAISERS
/\s/ Earl Timmons, Chairperson /\s/ Marilyn Berman
/\s/ Christopher Schneider /\s/ Kimberly Holiday-Hopkins
/\s/ James Barczewski /\s/ Patricia Ennis
Scott Brown (absent) Kevin Gillis (absent)

*Please Note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).

*Please note that no changes were made to the regulation as originally proposed and published in the September 2020 issue of the Register at page 265 (24 DE Reg. 265). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

2930 Council on Real Estate Appraisers
DEPARTMENT OF EDUCATION
PUBLIC NOTICE

On March 12, 2020, Governor Carney issued a declaration of a state of emergency for the state of Delaware due to a public health threat. The State of Emergency allows all public meetings of executive branch public bodies, including the SBE, to be conducted electronically, either by means of telephone conference call or video-conference call.

In accordance with the State of Emergency, the State Board of Education is currently holding meetings electronically. The meeting information can be accessed via the public meeting calendar (https://publicmeetings.delaware.gov/Search?q=&AnyAll=Any&AgencyID=22&StartDateInclusive=2020-08-01). Members of the public can join the meeting via the web or telephone.

Meeting materials are available on the State Board of Education's eBoard site (https://simbli.eboardsolutions.com/index.aspx?s=190001). (If you are having technical difficulties accessing the site, please try a different browser.)

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
1900 BOARD OF NURSING
PUBLIC NOTICE

The Delaware Board of Nursing, pursuant to 24 Del. C.  § 1904(c), proposes to revise its regulations to add a requirement that nurses provided workforce data upon renewal and reinstatement. In addition, the proposed changes clarify all renewal and reinstatement requirements. Finally, the proposed changes add "gender identity and expression" to the list of bases upon which a nurse shall not discriminate against a patient.

The Board will hold a telephonic public hearing on the proposed regulation changes on May 12, 2021 at 9:00 a.m. The telephone number will be posted at least seven days prior to the hearing on the Delaware public meeting calendar and Division of Professional Regulation website. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until May 27, 2021 pursuant to 29 Del. C.  § 10118(a).