

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 **Del.C.** §§1203 & 1205(b))
14 **DE Admin. Code** 1532

PROPOSED

PUBLIC NOTICE

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

1532 Middle Level Mathematics 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** 1532 Middle Level Mathematics Teacher. The regulation concerns the requirements for a Middle Level Mathematics Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments included specifying the courses for which the Middle Level Standard Certificate is required in Section 1.0; adding defined terms in, and striking a defined term from, Section 2.0; clarifying the requirements for issuing a Middle Level Mathematics Teacher Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Middle Level Mathematics 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 Middle Level Mathematics 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.

The proposed amendments were initially published in the *Register of Regulations* on October 1, 2021. The Board received one written submittal from Sam Golder, Senior Director of Teaching and Learning, and Christine Smith, Director of Human Resources, for the Red Clay Consolidated School District. They commented that the proposed regulation "would force LEAs that offer courses above Algebra 1 in the middle school to ensure that at least one high school certified teacher is on staff to teach all courses above Algebra 1" and that the Praxis Subject Assessment - Middle School Mathematics (ETS Test Code #5169) includes 38% Geometry content whereas the Praxis Subject Assessment for high school math contains 20% Geometry content and almost half of the test covers Calculus and other advanced math concepts. On November 4, 2021, the Board considered the written submittal, withdrew the proposed regulation, and requested further information regarding Geometry courses taught at the middle school level.

On December 2, 2021, the Board considered information on the development of the amendments to the regulation, data on the number of teachers who currently teach Geometry or Integrated Math II at the middle school level, and data on the Praxis Subject Assessment - Middle School Mathematics. The Board also heard from the Department's Mathematics Education Associates. The Board voted to publish the amendments that were originally published on October 1, 2021 and did not propose any further changes at that time.

On January 1, 2022, the proposed amendments that were initially published in the *Register of Regulations* on October 1, 2021 were published in the *Register of Regulations* again. The Board received one written submittal from Eugene Montano, the Acting Director of Secondary Curriculum for the Capital School District, who commented that he supported the proposed amendments.

On February 3, 2022, the Board considered the written submittal and voted to propose the amendments that were published on January 1, 2022 for adoption by the Department subject to the State Board of Education's approval. However, the motion did not receive the required number of affirmative votes, so the motion failed.

On March 3, 2022, the Board voted to withdraw the amendments that were published on January 1, 2022 and to publish Sections 1.0 and 9.0 without specifying the courses that an educator holding the Middle Level Standard Certificate can teach. In addition, the proposed amendments include revising the definition of the term "Valid and Current License or Certificate" in Section 2.0 to clarify it is referring to an educator's license or certificate; moving the section concerning Secretary of Education review up to Section 6.0 and renumbering the subsequent sections concerning validity and disciplinary actions; and adding Section 10.0, which concerns applicants' and Educators' contact information with the Department and specifies how they can change their name or address. The other proposed amendments are the same as the proposed amendments that were published on October 1, 2021 and January 1, 2022.

Persons wishing to present their views regarding this matter may do so in writing by the close of business (4:30 p.m.)

on or before May 3, 2022 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 Middle Level Mathematics Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 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. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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.

1532 Middle Level Mathematics Teacher

1.0 Content

4.1 This regulation shall apply to the issuance of a Middle Level Mathematics Teacher Standard Certificate pursuant to 14 **Del.C.** §1220(a), ~~for Middle Level Mathematics Teacher~~. This certification Standard Certificate is required for grades 6, 7 and 8 in a Middle Level middle level Delaware public school. Notwithstanding the above requirement, the Secondary Mathematics Teacher Certification Standard Certificate may be used for grades 6, 7 and 8 in a Middle Level middle level school in lieu of ~~this certification~~ the Middle Level Mathematics Teacher 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.~~

12 DE Reg. 333 (09/01/08)

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 word words and term 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 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 as an educator issued by another state or jurisdiction. This means the applicant is fully credentialed by having met all of the requirements for full licensure or certification as an educator 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.

21 DE Reg. 306 (10/01/17)

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Middle Level Mathematics Teacher Standard Certificate as a Middle Level Mathematics Teacher 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~~; 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 an educator's license in Delaware and presents proof of a Valid and Current License or Certificate as a middle level mathematics teacher issued by another state or jurisdiction.

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 Middle Level Mathematics 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.

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

10 DE Reg. 100 (07/01/06)

11 DE Reg. 752 (12/01/07)

16 DE Reg. 841 (02/01/13)

21 DE Reg. 306 (10/01/17)

4.0 Additional Prescribed Education, Knowledge, and Skill Requirements

4.1 An educator shall have also met the following:

- 4.1.1 ~~achieved on the Praxis Subject Assessment – Middle School Mathematics (ETS Test # 5169) a Passing Score of 165.~~
- 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 Mathematics certificate 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 middle level mathematics 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 middle level mathematics as provided in 14 Del.C. §§1260 - 1266; or
- 4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in middle mathematics education.
- 4.1.2 The applicant shall have achieved a minimum score on one of the following examinations:
- 4.1.2.1 A minimum score of 155 on the Praxis Subject Assessment - Middle School Mathematics (ETS Test Code # 5164).
- 4.1.2.2 A minimum score of 165 on the Praxis Subject Assessment - Middle School Mathematics (ETS Test Code # 5169); or
- 4.2 For an applicant who holds at least one content area Standard Certificate, the applicant shall have achieved a minimum score on the Praxis Subject Assessment as provided in subsection 4.1.2.

21 DE Reg. 306 (10/01/17)

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 An applicant must disclose the applicant's criminal conviction history upon application for a Middle Level Mathematics Teacher Standard Certificate. Failure to disclose a criminal conviction history is grounds for denial of a Middle Level Mathematics Teacher Standard Certificate as specified in 14 Del.C. §1219.
- 5.3 For an applicant who does not hold a content area Standard Certificate, the following documentation is required with the application for a Middle Level Mathematics Teacher Standard Certificate:
- 5.3.1 Evidence of obtaining and maintaining a Mathematics certificate from the National Board for Professional Teaching Standards, if applicable; and
- 5.3.2 Official transcript from the applicant's Regionally Accredited college or university.
- 5.3.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
- 5.3.2.2 Sealed paper transcripts may be submitted.
- 5.3.2.3 The Department will not accept copies of transcripts; and
- 5.3.3 Official score on the Praxis Subject Assessment as provided in subsection 4.1.2; and
- 5.3.4 Additional documentation as required by the Department.
- 5.4 For an applicant who holds at least one content area Standard Certificate, the following documentation is required in the application for a Middle Level Mathematics Teacher Standard Certificate:
- 5.4.1 Official score on the Praxis Subject Assessment as provided in subsection 4.2; and
- 5.4.2 Additional documentation as required by the Department.
- 5.5 For applicants who have met the requirements for licensure and hold a Valid and Current License or Certificate as a middle level mathematics teacher, the following documentation is required in the application for a Middle Level Mathematics Teacher Standard Certificate:
- 5.5.1 An official copy of the Valid and Current License or Certificate; and
- 5.5.2 Additional documentation as required by the Department.

6.0 Secretary of Education Review

6.1 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 Middle Level Mathematics 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 Middle Level Mathematics Teacher Standard Certificate but whose effectiveness is documented by the local school district or charter school.

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

6.1.2 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.

7.0 Validity of a Standard Certificate

7.1 A Middle Level Mathematics 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.

7.2 A Middle Level Mathematics Teacher Standard Certificate is not subject to renewal.

8.0 Disciplinary Action

8.1 An Educator's Middle Level Mathematics 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.

8.2 An Educator's Middle Level Mathematics 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.

8.3 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.

9.0 Past Certificate Recognized

The Department shall recognize a Middle Level Mathematics 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 middle level mathematics.

10.0 Contact Information and Change of Name or Address

10.1 All applicants and Educators are required to update their contact information in DEEDS if their contact information changes.

10.2 An Educator who legally changes the Educator's name and wishes to change the name on the Middle Level Mathematics Teacher Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.

10.3 An applicant or Educator whose mailing address, email address, or phone number changes shall provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change.

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

10 DE Reg. 100 (07/01/06)

11 DE Reg. 752 (12/01/07)

12 DE Reg. 333 (09/01/08)

16 DE Reg. 841 (02/01/13)

21 DE Reg. 306 (10/01/17)

25 DE Reg. 916 (04/01/22) (Prop.)