

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(22) and 1260-1266 (14 **Del.C.** §§122(b)(22) and 1260-1266)

FINAL

ORDER

291 Alternative Routes to Certification (ARTC) Programs

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§122(b)(22) and 1260 - 1266, the Delaware Department of Education ("Department") developed a new regulation, 14 **DE Admin. Code** 291 Alternative Routes to Certification (ARTC) Programs. The new regulation concerns the approval, modification, and review, probation, and revocation of alternative routes to certification (ARTC) programs for teachers and leaders. The new regulation includes language from Sections 8.0, 9.0 and 10.0 of 14 **DE Admin. Code** 290, which are simultaneously being proposed to be stricken.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on June 1, 2024. The Department did not receive any written comments concerning the proposed regulation.

II. FINDINGS OF FACTS

The Department finds that it is appropriate to adopt 14 **DE Admin. Code** 291 Alternative Routes to Certification (ARTC) Programs to set forth the requirements for approval, modification, and review, probation, and revocation of alternative routes to certification (ARTC) programs for teachers and leaders. The new regulation includes language from Sections 8.0, 9.0 and 10.0 of 14 **DE Admin. Code** 290, which are simultaneously being proposed to be stricken.

III. ASSESSMENT OF IMPACT

The Secretary of Education has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical.

IV. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to adopt 14 **DE Admin. Code** 291 Alternative Routes to Certification (ARTC) Programs. Therefore, pursuant to 14 **Del.C.** §§122(b)(22) and 1260 - 1266, 14 **DE Admin. Code** 291 Alternative Routes to Certification (ARTC) Programs attached hereto as *Exhibit "A"* is hereby created. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 291 Alternative Routes to Certification (ARTC) Programs hereby adopted shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below unless it is amended or repealed sooner.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 291 Alternative Routes to Certification (ARTC) Programs created hereby shall be in the form attached hereto as *Exhibit "A"*, and said regulation shall be cited as 14 **DE Admin. Code** 291 Alternative Routes to Certification (ARTC) Programs in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 8th day of July 2024.

Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 8th day of July 2024

291 Alternative Routes to Certification (ARTC) Programs

1.0 Content

Pursuant to 14 **Del.C.** §122(b)(22) and §§1260 - 1266, this regulation shall apply to the approval, modification, and

review, probation, and revocation of alternative routes to certification (ARTC) programs for teachers and leaders. ARTC programs are programs provided by any individual, public or private educational association, corporation, or institution which includes coursework, clinical experiences, and training components that render a participant eligible for educator licensure, certification, or both in the State upon completion. This regulation does not apply to traditional educator preparation programs pursuant to 14 Del.C. §1280 and 14 DE Admin. Code 290.

2.0 Definitions

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

"Administrator" means the Department employee charged with oversight of ARTC programs.

"CAEP" means the Council for the Accreditation of Educator Preparation, which is a national accrediting body for educator preparation program providers.

"Cohort" means the set of individuals who matriculate into a program or exit a program in the same year.

"Credentialed observer" means an individual, not always the supervisor of the teacher, who has successfully completed Delaware Teacher Growth and Support System (DTGSS) credentialing in accordance with Section 10.0 of 14 DE Admin. Code 106A. Credentialed observer means any individual who may conduct observations as part of a teacher's appraisal process. The term credentialed observer encompasses those Leaders who are responsible for a teacher's summative evaluation.

"Department" means the Delaware Department of Education.

"Exit" means completion of a program by a participant.

"Leader" means an individual who seeks or holds 1 or more of the following Standard Certificates: School Principal and Assistant School Principal Standard Certificate (14 DE Admin. Code 1591), Certified Central Office Personnel (14 DE Admin. Code 1592), Superintendent or Assistant Superintendent Standard Certificate (14 DE Admin. Code 1593), Special Education Director (14 DE Admin. Code 1594), and Charter School Leader (14 DE Admin. Code 1596).

"Participant" means an individual enrolled and participating in an ARTC program who is preparing for or serving in a position as an educator in schools that serve students in preschool through grade 12.

"Provider" means an individual, public or private educational association, corporation, or institution that seeks approval to operate or is approved by the Department to operate an ARTC program in the State.

"Specialized professional association" or "SPA" means a national organization of teachers, professional education faculty, and other school professionals with expertise in a specific content area, developmental level, or professional roles that has developed standards for preparing educators in their respective roles.

3.0 Prior Approval from the Department Required to Offer ARTC Programs

3.1 Pursuant to 14 Del.C. §122(b)(22), an individual, public or private educational association, corporation, or institution, including any college, university, or other postsecondary institution authorized to operate in this State, shall not offer an ARTC program in this State without having first procured the approval of the Department for the offering of such a program.

3.2 The Department shall not issue an Initial, Continuing, or Advanced License or a Standard Certificate to an applicant who completes an ARTC program for which the Department's approval is required but the institution failed to procure such approval.

3.3 Operation of an ARTC program in the State that is not approved by the Department may result in action by the Department, the Department of Justice, or both as provided in 14 Del.C. §§185-194.

4.0 ARTC Program Requirements

4.1 In order to be approved by the Department, an ARTC program shall complete the process in Section 5.0 and meet the applicable requirements set forth in subsections 4.2 through 4.4, State requirements, and, where applicable, national standards appropriate to the program.

4.2 ARTC programs for teachers shall meet the requirements of subsections 4.2.1 and 4.2.2.

4.2.1 The ARTC program shall provide a period of intensive on-the-job supervision.

4.2.1.1 Teachers who are hired as a teacher of record prior to March 1 of any school year shall be observed by a credentialed observer in accordance with 14 DE Admin. Code 106A and receive a formal written progress report before the end of a 10-week period beginning on the first day the teacher assumes full responsibility of the classroom. In addition, teachers shall be observed formally and evaluated by a credentialed observer in accordance with 14 DE Admin. Code 106A.

4.2.1.1.1 No more than 2 months shall pass without a formal observation.

6.0 ARTC Program Approval Process

- 6.1 Providers must apply for new program approval to the Administrator in a format and timeline determined by the Department as provided in subsections 6.1.1 through 6.1.4.
 - 6.1.1 If the program is in a content area and seeks SPA recognition, the program shall submit an application to the Administrator and documentation of seeking SPA recognition.
 - 6.1.2 If the program is in a content area and seeks Department approval, the program shall notify the Department of its intent to initiate the review process at least 6 months before approval is required. In addition, at least 90 days before approval is required the provider shall submit the application to the Administrator. The application shall include all of the information provided in subsections 6.1.2.1 through 6.1.2.9.
 - 6.1.2.1 A description of the program for which approval is sought and other administrative information, including the plan for implementing Department-mandated program components as provided in Section 4.0. The description shall include a detailed description and outline of the proposed program content and coursework and of the alignment with content standards.
 - 6.1.2.2 Identification of the certifications the program will address.
 - 6.1.2.3 Justification for the new program.
 - 6.1.2.4 A needs assessment demonstrating the demand for such program graduates in the employment market and demand by potential participant.
 - 6.1.2.5 The curriculum for the program, including finalized syllabi for any new courses.
 - 6.1.2.6 Descriptions of the expected outcomes of the programs and of how those outcomes will be assessed.
 - 6.1.2.7 Vitae for all faculty delivering instruction in or administering the program.
 - 6.1.2.8 Descriptions of materials, media and resources available for the program, and how technology is integrated into the curriculum or program.
 - 6.1.2.9 A description of how the program is aligned to applicable content and pedagogy standards.
 - 6.1.3 If the program is in a content area and seeks CAEP Evidence Review of Standard 1 shall submit an application to the Administrator and documentation of the CAEP Evidence Review of Standard 1.
 - 6.1.4 If the program is not in a content area, is for teachers of students with disabilities, or is for leaders, the program shall notify the Department of its intent to initiate the review process at least 6 months before approval is required. In addition, at least 90 days before approval is required the provider shall submit the application to the Administrator. The application shall include all of the information provided in subsections 6.1.4.1 through 6.1.4.9.
 - 6.1.4.1 A description of the program for which approval is sought and other administrative information, including the plan for implementing Department-mandated program components as provided in Section 4.0. The description shall include a detailed description and outline of the proposed program content and coursework and of the alignment with content standards.
 - 6.1.4.2 Identification of the certifications the program will address.
 - 6.1.4.3 Justification for the new program.
 - 6.1.4.4 A needs assessment demonstrating the demand for such program graduates in the employment market and demand by potential participants.
 - 6.1.4.5 The curriculum for the program, including finalized syllabi for any new courses.
 - 6.1.4.6 Descriptions of the expected outcomes of the programs and of how those outcomes will be assessed.
 - 6.1.4.7 Vitae for all faculty delivering instruction in or administering the program.
 - 6.1.4.8 Descriptions of materials, media and resources available for the program, and how technology is integrated into the curriculum or program.
 - 6.1.4.9 A description of how the program is aligned to applicable content and pedagogy standards.
- 6.2 Review of applications submitted pursuant to subsections 6.1.1 or 6.1.4.
 - 6.2.1 Upon completion of the application review, the Department will appoint individuals to review the application as a team and the review team shall complete a report on the proposed program.
 - 6.2.1.1 Applications shall be reviewed by a Department review team, which shall consist of at least 2 members including the Administrator or the Administrator's designee, 1 of whom shall be the chair. The provider shall be notified as to the members chosen for the review.

- 6.2.1.2 Experts in the content of the proposed program shall be included on the review team. The Department may select members of the review team from outside the Department if a content expert in the field of the proposed program is not available within the Department.
- 6.2.1.3 If those initially selected are unable to serve, substitute members may be selected and the provider shall be notified of the substitute members.
- 6.2.1.4 Prior to participating in the review, review team members shall receive training by the Department in the procedure for review of program proposals and timelines for proposal review.
- 6.2.2 The review team's report will contain the Department's determination of approval or disapproval of the proposed program.
- 6.2.3 The Administrator shall provide a copy of the report to the provider. Providers shall have 30 calendar days after Departmental provision of the report to submit a response in writing pointing out any perceived factual errors and providing any available documentation to support those claims.
- 6.2.4 The Administrator shall review a provider's response and may amend the report.
- 6.3 Review of applications and documentation submitted pursuant to subsections 6.1.1 or 6.1.3. The Department will review submitted applications and documents and provide approval of the program or rejection of the proposal, notifying representatives of the provider.
- 6.4 Programs that have been approved under subsections 6.2 or 6.3 will be given provisional approval for 1 year if the application meets standards set forth in subsections 6.4.1 through 6.4.9. For the purpose of this regulation, provisional approval means the provider is authorized to proceed with the program identified in the application, and to admit the first cohort of participants to the program.
 - 6.4.1 The program shall have a comprehensive curriculum that aligns with the standards and requirements set forth by the State for educator preparation. The curriculum content shall cover essential areas, such as pedagogy, subject matter knowledge, instructional strategies, assessment techniques, and classroom management.
 - 6.4.2 The program's instructors shall possess appropriate qualifications and expertise in their respective fields. They shall demonstrate proficiency in teaching methodologies and instructional practices.
 - 6.4.3 The program shall include practical, hands-on field experiences in educational settings, such as student teaching, practicum, or internship placements. The program shall provide opportunities for students to engage in meaningful and supervised clinical experiences in authentic settings. Field experiences shall provide opportunities for candidates to apply theoretical knowledge in real-world teaching environments.
 - 6.4.4 The program shall provide comprehensive preparation for the responsibilities and challenges of teaching in the relevant subject area and grade level.
 - 6.4.5 The program shall demonstrate a commitment to ongoing evaluation and improvement, utilizing data-driven processes to assess student outcomes, program effectiveness, and overall quality.
 - 6.4.6 The program shall maintain transparency in its operations, providing clear information to stakeholders regarding program requirements, expectations, policies, and outcomes.
 - 6.4.7 The program shall uphold ethical standards in all aspects of its operation, including recruitment, admissions, instruction, assessment, and support services.
 - 6.4.8 The program shall maintain financial stability to ensure its long-term viability and ability to fulfill its commitments to students, faculty, and other stakeholders.
 - 6.4.9 The program shall comply with all applicable laws, regulations, and statutes governing educator preparation, including those outlined in 14 **Del.C.** §§185 - 194.
- 6.5 Upon receipt and review of the first annual report aligned with the requirements stated in Sections 4.0 and 8.0, the Department may extend provisional approval for up to 4 additional years. Programs on provisional approval shall be required to comply with all data reporting requirements in Section 8.0 and any additional data as required by the Department.
- 6.6 Full (non-provisional) program approval may be granted after the submission and approval of data and reporting as provided in Section 8.0 for the first cohort to exit the program.

7.0 Modifications after Program Approval

- 7.1 After an ARTC program is fully approved by the Department, the provider shall obtain the Department's prior approval for the modifications set forth in subsections 7.1.1 through 7.1.6.
 - 7.1.1 To change the program's name.
 - 7.1.2 To change the program's terminal degree.
 - 7.1.3 To combine 2 or more programs.
 - 7.1.4 To changes portions of the program.

- 7.1.5 To change the program's curriculum, such as adding or removing courses.
- 7.1.6 To change the program's overall credit hours.
- 7.2 In order to obtain the Department's approval of a modification, the provider shall submit an application to the Administrator. Programs in content areas shall also submit proof of maintaining CAEP accreditation.
- 7.3 A provider shall not modify a program until the provider has obtained the Department's approval for the modification or modifications.
- 7.4 A provider's failure to obtain the Department's prior approval for modifications may result in revocation of the program's full approval.

8.0 Program Review and Reporting

- 8.1 Compliance with program requirements.
 - 8.1.1 For programs in content areas, providers shall be required to submit the CAEP annual report to CAEP and provide the Department with timely communication and materials regarding the formal CAEP approval and, where applicable, SPA recognition review processes.
 - 8.1.2 Providers shall submit data and reports annually demonstrating each program's compliance with requirements outlined in Section 4.0, in a format determined by the Department. These reports shall include documentation of compliance with the following measures:
 - 8.1.2.1 Entrance requirements, including documentation of the admission requirements by which members of the cohort were accepted;
 - 8.1.2.2 Requirements for clinical experiences, including documentation certifying placements with high quality cooperating educators and high quality clinical supervisors;
 - 8.1.2.3 Instruction and content requirements;
 - 8.1.2.4 Exit requirements, including candidate passage rates on content exams or compliance with 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge, assessment of pedagogical skills, the rate of participant exit of the program, and documentation of participants who do not exit the program;
 - 8.1.2.5 Participant evaluation requirements, including documentation of evaluation processes and remediation policies, as defined by the program.
 - 8.1.2.6 Notwithstanding the requirement to submit data and reports annually in subsection 8.1.3, ARTC programs for teachers of students with disabilities shall report on the progress of participants, which may be modified by the Department. Reports shall be submitted no later than January 15 and June 15 of each year.
 - 8.1.3 Providers shall compile and report data for each graduating cohort and for the most recent 5 years of program cohorts on a selection of metrics by the Department. Metrics may include:
 - 8.1.3.1 Program completion, including number and demographics of completers and non-completers.
 - 8.1.3.2 Post-graduate employment in Delaware schools by subject-area, grade-level, and local education agency (LEA) employer, including placement in high-needs schools and subjects.
 - 8.1.3.3 Performance including pass rates and cut scores on performance assessments required by the program and content-exams, average applicable State-approved educator evaluation system ratings, including student improvement component, and measures of employer or supervisor satisfaction with job performance.
 - 8.1.3.4 Retention within the program and as an educator each year.
 - 8.1.4 The Department may conduct monitoring or an interim review of an approved program.
 - 8.1.5 Programs in content areas are subject to full CAEP review at the request of the Department.
- 8.2 Data compilation and review.
 - 8.2.1 The Department will review all data, reports and outcomes provided in subsection 8.1 and create and publish program reports for each program.
 - 8.2.2 The program report will include:
 - 8.2.2.1 Relevant metrics as provided in subsection 8.1.
 - 8.2.2.2 Ratings based on analysis of all required data points and information.
 - 8.2.2.3 The process, standards, and methodologies for each rating are determined by the Department.
 - 8.2.3 The Department will compile program level reports with annual data for programs for annual cohorts of 10 or more participants. For programs with cohorts of fewer than 10 participants, the Department will compile reports using up to the most recent 5 years of data, if this provides a cumulative cohort of at least 10

graduates. Programs with cohorts of fewer than 10 participants may report an overall rating but not report any specific metrics that violate the privacy of individuals.

8.2.4 Department reports will be provided to the program prior to being released to the public.

8.2.4.1 Programs shall have 30 calendar days after the Department provides the report to submit a response in writing pointing out any perceived factual errors, and to provide any documentation to support those claims.

8.2.4.2 The Administrator shall review a program's response and may amend the report.

9.0 Oversight and Revocation

9.1 Review.

9.1.1 The Department will regularly review program outcomes every 2 years.

9.1.2 Programs which meet the requirements and standards on the Department report are approved by the Department as a Tier 1 or Tier 2.

9.1.3 Programs which fail to meet the requirements and standards addressed in Section 7.0 shall be placed on probation as a Tier 3 or Tier 4.

9.2 Probation.

9.2.1 Following the process provided in Section 8.0, if the approved program fails to meet the standards and benchmarks, reporting, or compliance requirements set forth by this regulation, it shall be placed on probation.

9.2.2 Programs which are deemed non-compliant with requirements for program approval as provided in Section 4.0, which do not comply with data sharing pursuant to Section 8.0, or whose CAEP accreditation or SPA recognition is revoked or expires may be placed on probation status or face revocation of the Department's approval.

9.2.3 Programs may continue to accept participants for entry while on the first probation cycle.

9.2.4 Probation shall last 2 years or until the next program review cycle unless, via annual reporting requirements, the program provides evidence to substantiate meeting full program approval, as decided by the Department. If a program provides such evidence, it may be removed from probation after 1 year.

9.2.5 Within 30 days of the notification to the program that its probation is renewed for a second 2-year cycle, the provider shall notify each participant individually in writing of the probation of program approval and provide documentation of the notification to the Department.

9.2.6 While a program is on probation, it must continue to provide all annual reporting.

9.2.7 The Department will monitor program progress towards meeting the goals for the program cited by the Department throughout the probationary period, including review of required data reports and monitoring visits.

9.2.8 If, after the first 2-year probation cycle, a program is deemed by the Department to have not made satisfactory progress toward meeting program standards, reporting, and compliance requirements as set forth in this regulation, its approval may be revoked. For the purpose of this regulation, "satisfactory progress" means a participant is on track to satisfy all program requirements within the required timeframe.

9.2.9 Probation may be renewed after the first 2-year probation cycle has been completed if the program is deemed to be making satisfactory progress. However, no new participants may enter the program during this time. Within 30 days of the notification to the program that its probation is renewed for a second 2-year cycle, the program must notify each participant individually in writing of its probationary status and provide documentation of the notification to the Department.

9.2.10 Programs that fail to meet the standards for approval after 4 years on probation will have approval revoked.

9.3 Revocation.

9.3.1 If a program fails to meet the standards, reporting, or compliance requirements set forth by this regulation, and the program is not on probation, its approval shall be revoked.

9.3.2 The Department will make the final determination regarding revocation of the Department's approval.

9.3.3 If, upon review of a program, the Department decides that it will move to revoke program approval, the Department will notify the program in writing.

9.3.4 Upon provision of such notification, program approval is considered revoked. The program shall not recruit or accept new participants. Participants enrolled in the program who have accumulated enough credits to be on track for graduation within the current academic year may be deemed as having completed the program.

9.3.5 An individual, public or private educational association, corporation, or institution must wait 2 years after the program has been revoked before it can apply to the Department for approval of a program that is substantially the same as the program that was revoked.

9.4 Appeal.

9.4.1 A program subject to a decision of revocation may file a petition with the Department for review of that decision not later than 30 calendar days after the notice of revocation has been provided.

9.4.2 The petition for review of revocation decision shall include a short statement explaining the rationale for contesting the decision. The petition shall be accompanied by a statement of position and evidence supporting the rationale.

9.4.3 The Department shall review the materials submitted by the program, including written statements of position, documents, and comments supporting the claims.

9.4.4 The Department, after considering the evidence presented and the arguments made by the petitioner, shall make a decision and inform the petitioner in writing of that decision within 60 working days of receipt of the materials. The decision of the Department is final.

10.0 Contact Information and Change of Name or Address

10.1 All providers are required to update their contact information if their contact information changes by notifying the Administrator in writing.

10.2 A provider 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.

28 DE Reg. 114 (08/01/24) (Final)