

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), 1213, and 1214 (14 Del.C. §§1203, 1205(b), 1213 & 1214)
14 DE Admin. Code 1512

PROPOSED

PUBLIC NOTICE

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

1512 Issuance and Renewal of Advanced License

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), 1213, and 1214, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1512 Issuance and Renewal of Advanced License. The regulation concerns the requirements for the issuance, renewal, and retention of an Advanced License in accordance with 14 Del.C. §§1213 and 1214. The proposed amendments include revising the title of the regulation; clarifying Section 1.0; adding and striking defined terms in Section 2.0; clarifying the requirements for issuing an Advanced License in Section 3.0; specifying the requirements for obtaining an Advanced License in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the requirements for renewing an Advanced License; adding Section 7.0, which concerns the validity of an Advanced License; adding Section 8.0, which concerns extensions for exigent circumstances; adding Section 9.0, which concerns leaves of absence; adding Section 10.0, which concerns the requirements for retaining an Advanced License; adding Section 11.0, which concerns disciplinary actions; and adding Section 12.0, which concerns applicants' and Educators' contact information with the Department and specifies how they can change their name or address.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before January 3, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The requirements for the issuance of an Advanced License in Section 4.0, the renewal of an Advanced License in Section 6.0, and the retention of an Advanced License in Section 10.0 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 requirements for the issuance of an Advanced License in Section 4.0, the renewal of an Advanced License in Section 6.0, and the retention of an Advanced License in Section 10.0 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 license 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 license 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. The requirements for an Advanced License are based on the requirements set forth in the governing statute (14 Del.C. §§1213 and 1214).

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 12.0 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.

1512 Issuance and Renewal of Advanced License

1.0 Content

This regulation shall apply to the ~~issuance and renewal~~ issuance, renewal, and retention of an Advanced License for ~~educators~~ Educators, pursuant to 14 **Del.C.** §1213 and §1214.

2.0 Definitions

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.

"Comprehensive Educator Induction Program" means an educator induction program approved by the Department to provide mentoring and professional development for Educators.

"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 Standards Board and approved by the State Board of Education. The term 'educator' does not include substitute teachers.

~~**"Exigent Circumstances"** means unanticipated circumstances or circumstances beyond the educator's control, including, but not limited to, expiration of a license during the school year, serious illness of the educator or a member of his or her immediate family, activation to active military duty, and other serious emergencies which necessitate the educator's temporarily leaving active service.~~

"Immorality" means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator's effectiveness by reason of his or her unfitness or otherwise.

~~**"National Board Certification"** means certification of an educator by the National Board for Professional Teaching Standards.~~

"Standard Certificate" means a credential issued to certify that an educator has the prescribed education, knowledge, or skill to practice in a particular area, teach a particular subject, or teach a category of students.

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

"State" means State of Delaware.

13 DE Reg. 647 (11/01/09)

20 DE Reg. 897 (05/01/17)

3.0 Issuance of an Advanced License

3.1 ~~In accordance with 14 **Del.C.** §1213, the Department, upon application and receipt of the list of successful candidates provided annually by the National Board for Professional Teaching Standards, shall issue an Advanced License to any educator who receives National Board for Professional Teaching Standards certification. An Advanced License is valid for up to ten (10) years unless extended pursuant to 14 **Del.C.** §1216 or revoked for cause, as defined in 14 **Del.C.** §1218 shall issue an Advanced License to an applicant who meets the requirements for issuance of an Advanced License as set forth in Section 4.0 of this regulation.~~

3.2 ~~The term of the Advanced License shall be the same as the balance of the term of the educator's National Board for Professional Teaching Standards certification.~~

3.3 ~~The Department may issue, upon application, an Advanced License to an educator licensed in another jurisdiction who provides verification of receipt of National Board certification.~~

3.4 3.2 The Notwithstanding any provision to the contrary herein, the Department shall not act on an application for licensure an Advanced License if the applicant is under official investigation by any state national, state, or local authority with the power to issue educator licenses or certifications, where the alleged conduct involves allegations of immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty or falsification of credentials, until the applicant provides evidence of the investigation's resolution. 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.

13 DE Reg. 647 (11/01/09)

19 DE Reg. 495 (12/01/15)

20 DE Reg. 897 (05/01/17)

4.0 ~~RESERVED (For Equivalent Program See 14 Del.C. §1213)~~

5.0 ~~Renewal of Advanced License~~

~~5.1 In accordance with 14 Del.C. §1214, upon application, the Department shall renew an Advanced License, valid for up to an additional ten (10) years, to an educator who has maintained proficiency through the National Board for Professional Teaching Standards. Proficiency for National Board certification shall be deemed to have been maintained if the educator provides evidence of valid renewal of National Board for Professional Teaching Standards certification.~~

~~5.2 The term of the renewed advanced license shall be the same as the balance of the term of the educator's National Board for Professional Teaching Standards certification.~~

~~5.3 The Department shall renew an Advanced License upon application and receipt of a list of successful Delaware candidates for renewal provided annually by the National Board for Professional Teaching Standards.~~

~~5.4 An applicant who elects not to renew with the National Board for Professional Teaching standards or who fails to meet the recertification requirements set forth by the National Board shall be issued a Continuing License.~~

~~**13 DE Reg. 647 (11/01/09)**~~

~~**19 DE Reg. 495 (12/01/15)**~~

~~**20 DE Reg. 897 (05/01/17)**~~

6.0 ~~Extension for Exigent Circumstances~~

~~6.1 The Department may extend an Advanced License for a period not to exceed one (1) year, upon the license holder's showing of exigent circumstances warranting the necessity of such extension.~~

~~6.1.1 A license holder whose Advanced License expires during the school year may have the Advanced License extended until the last day of the fiscal year upon a request from the district superintendent or charter school administrator. This extension shall be considered an exigent circumstance and shall not exceed one (1) year in length.~~

~~**20 DE Reg. 897 (05/01/17)**~~

7.0 ~~Leave of Absence~~

~~7.1 At the discretion of the hiring district or charter school, an educator may take a leave of absence of up to three years. The date of expiration of the Advanced License will be extended commensurate with the length of the leave of absence.~~

~~7.2 The Department may require that the educator provide documentation sufficient to establish the leave of absence.~~

~~7.3 An educator's Advanced License shall not be automatically extended under this section and the burden is on the educator to submit an extension request with sufficient documentation to the Department and to establish the leave of absence.~~

~~**20 DE Reg. 897 (05/01/17)**~~

8.0 ~~Criminal Conviction History~~

~~An applicant shall disclose his or her criminal conviction history upon application for an Advanced License, the renewal of an Advanced License, or upon the issuance of a Continuing License pursuant to subsection 5.4. Failure to disclose a criminal conviction history is grounds for denial or revocation of an Advanced License or a Continuing License and criminal prosecution as specified in 14 Del.C. §1219.~~

4.0 Requirements for an Advanced License

- 4.1 Pursuant to 14 **Del.C.** §1213, the Department may issue an Advanced License to an applicant who meets the requirements of subsections 4.1.1 and 4.1.2.
- 4.1.1 The applicant achieves and currently maintains National Board Certification from the National Board for Professional Teaching Standards.
- 4.1.2 The applicant holds a Standard Certificate issued by the Department.

5.0 Application Requirements for Issuance of an Advanced License

- 5.1 An applicant must disclose the applicant's criminal conviction history upon application for the issuance of an Advanced License. Failure to disclose a criminal conviction history is grounds for denial of an Advanced License as specified in 14 **Del.C.** §1219.
- 5.2 The Department will not process an application for an Advanced License until the applicant has submitted all of the required documentation.
- 5.3 The following documentation is required for applicants who are applying for the Advanced License:
- 5.3.1 Proof the applicant holds a certificate from the National Board for Professional Teaching Standards; and
- 5.3.2 Proof the applicant holds a Standard Certificate issued by the Department; and
- 5.3.3 Additional documentation as required by the Department.

6.0 Renewal of the Advanced License

- 6.1 In order to continue practicing as an educator in a Delaware public school, an Educator who holds an Advanced License shall renew the Educator's Advanced License prior to the expiration date. Pursuant to 14 **Del.C.** §1214, the Department may renew an Educator's Advanced License for up to 10 additional years if the Educator maintained proficiency through the National Board for Professional Teaching Standards. The term of renewal shall be the same as the balance of the term of the Educator's National Board for Professional Teaching Standards certificate.
- 6.2 Application for Renewal
- 6.2.1 An applicant must disclose the applicant's criminal conviction history upon application for renewal of an Advanced License. Failure to disclose a criminal conviction history is grounds for denial of an Advanced License as specified in 14 **Del.C.** §1219.
- 6.2.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application to renew an Advanced License 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.
- 6.2.3 The Department will not process an application to renew an Advanced License until the applicant has submitted all of the required documentation. The following documentation is required to be submitted to the Department with the application for renewal of an Advanced License:
- 6.2.3.1 A completed renewal application; and
- 6.2.3.2 Proof of renewal of National Board for Professional Teaching Standards certificate or the applicable equivalent certificate; and
- 6.2.3.3 Additional documentation as required by the Department.
- 6.3 An applicant who elects not to renew the applicant's National Board for Professional Teaching Standards certificate or who fails to meet the recertification requirements set forth by the National Board for Professional Teaching Standards shall notify the Department and apply for a Continuing License if the applicant wants to continue practicing as an Educator in a Delaware public school.

7.0 Validity of an Advanced License

- 7.1 For an applicant who applied for and met the requirements of the Advanced License under Section 4.0, the Advanced License is issued for a period of up to 10 years. The term of the applicant's Advanced License shall

be the same as the balance of the term of the applicant's National Board for Professional Teaching Standards certificate.

- 7.2 For an applicant who applied for and met the requirements for renewal of the applicant's Advanced License under Section 6.0, the Advanced License may be renewed for up to 10 years. The term of the applicant's Advanced License shall be the same as the balance of the term of the applicant's National Board for Professional Teaching Standards certificate.

8.0 Extension for Exigent Circumstances

- 8.1 The Department may extend an Advanced License for a period not to exceed 1 year, upon the license holder's showing of exigent circumstances warranting the necessity of such extension. Exigent circumstances are unanticipated circumstances or circumstances beyond the license holder's control, including serious illness of the license holder or a member of the license holder's immediate family, activation to active military duty, and serious emergencies that necessitate the license holder's temporarily leaving active service as an Educator.
- 8.2 A license holder whose Advanced License expires during the school year may have the Advanced License extended until the last day of the fiscal year upon a request from the public school district superintendent or charter school administrator. This extension shall be considered an exigent circumstance and shall not exceed 1 school year in length. Notwithstanding an extension, the effective date of any renewed license shall be the original expiration date.

9.0 Leave of Absence

- 9.1 An Educator who holds an Advanced License may take a leave of absence for up to 3 years with no effect upon the validity or expiration of the Educator's Advanced License if approved by the Department.
- 9.2 The Educator shall submit to the Department a request with documentation that the Educator is approved by the Educator's employing school district or charter school to take a leave of absence and the length of the leave of absence.
- 9.3 If the Department approves the Educator's request, the Educator's Advanced License will be frozen for an amount of time that is commensurate with the length of the leave of absence up to 3 years.

10.0 Requirements Related to Retention of the Advanced License

- 10.1 In order to retain an Advanced License, the Educator shall:
- 10.1.1 Hold at least one Standard Certificate and meet any requirements related to retention of the Standard Certificate.
 - 10.1.2 Maintain the Educator's National Board for Professional Teaching Standards certificate.
 - 10.1.3 For an Educator who is new to the state or new to an area, complete the applicable Comprehensive Educator Induction Program as provided in 14 DE Admin. Code 1503.
- 10.2 If an Educator fails to meet any of the requirements related to retaining an Advanced License, the Educator shall immediately notify the Department in writing.
- 10.3 The requirements set forth in subsection 10.1 apply to all Educators regardless of the date the Advanced License was issued.

11.0 Disciplinary Action

- 11.1 An Educator's Advanced License 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 or for the Educator's failure to comply with the requirements related to the retention of an Advanced License as provided in Section 10.0.
- 11.2 An Educator's Advanced License shall be revoked if the Educator's Standard 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.
- 11.3 An Educator whose license 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.

12.0 Contact Information and Change of Name or Address

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

- 12.2 An Educator who legally changes the Educator's name and wishes to change the name on the Advanced License shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 12.3 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.

6 DE Reg. 77 (07/01/02)

7 DE Reg. 956 (01/01/04)

13 DE Reg. 647 (11/01/09)

19 DE Reg. 495 (12/01/15)

20 DE Reg. 897 (05/01/17)

26 DE Reg. 459 (12/01/22) (Prop.)