

**DEPARTMENT OF EDUCATION  
PROFESSIONAL STANDARDS BOARD**

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

**PROPOSED**

**PUBLIC NOTICE**

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

**1568 Elementary Dual Language Immersion Teacher**

**A. TYPE OF REGULATORY ACTION REQUESTED**

Adoption of New 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 14 **DE Admin. Code** 1568 Elementary Dual Language Immersion Teacher. The regulation concerns the requirements for an Elementary Dual Language Immersion Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. Section 1.0 provides who would be required to hold the Elementary Dual Language Immersion Teacher Standard Certificate and exceptions to requirement; Section 2.0 provides definitions for the proposed regulation; Section 3.0 concerns the issuance of an Elementary Dual Language Immersion Teacher Standard Certificate; Section 4.0 provides the prescribed education, knowledge, and skill requirements for the issuance of an Elementary Dual Language Immersion Teacher Standard Certificate; Section 5.0 provides the application requirements; Section 6.0 concerns Secretary of Education review; Section 7.0 concerns the validity of a Elementary Dual Language Immersion Teacher Standard Certificate; Section 8.0 concerns disciplinary actions; and Section 9.0 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 March 6, 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 new 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 new 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 new regulation help to ensure all students' health and safety are adequately protected? The proposed new regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

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

5. Will the new regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The proposed new regulation does not change authority or 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 an Elementary Dual Language Immersion Teacher Standard Certificate but whose effectiveness is documented by the district or school. Section 6.0 is consistent with the statute.

6. Will the new regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The proposed new 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 9.0 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 new 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 proposed new 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 new regulation? There is not a less burdensome method for addressing the purpose of the proposed new regulation.

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

## **1568 Elementary Dual Language Immersion Teacher**

### **1.0 Content**

- 1.1 This regulation shall apply to the issuance of an Elementary Dual Language Immersion Teacher Standard Certificate pursuant to 14 **Del.C.** §1220(a). The Elementary Dual Language Immersion Teacher Standard Certificate is required for Partner Language Teachers who are assigned to teach math, science, and partner language literacy in grades K to 6 in Delaware public schools.
- 1.2 Notwithstanding the requirement set forth in subsection 1.1, a Partner Language Teacher who is assigned to teach math, science, and partner language literacy in grades K to 2 may hold an Early Childhood Teacher Standard Certificate (14 **DE Admin. Code** 1520) and either the Bilingual Teacher Standard Certificate (14 **DE Admin. Code** 1561) or the World Language Teacher Standard Certificate (14 **DE Admin. Code** 1565) in lieu of the Elementary Dual Language Immersion Teacher Standard Certificate.
- 1.3 Notwithstanding the requirement set forth in subsection 1.1, a Partner Language Teacher who is assigned to teach math, science, and partner language literacy in grades K to 6 may hold an Elementary Teacher Standard Certificate (14 **DE Admin. Code** 1521) and either the Bilingual Teacher Standard Certificate (14 **DE Admin. Code** 1561) or the World Language Teacher Standard Certificate (14 **DE Admin. Code** 1565) in lieu of the Elementary Dual Language Immersion Teacher Standard Certificate.

### **2.0 Definitions**

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 his or her unfitness or otherwise.

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

**"Partner Language"** means the language other than English in which instruction is being provided in a Delaware dual language immersion program.

**"Partner Language Teacher"** means a teacher who is assigned to teach math, science, and partner language literacy in grades K to 6 in a Delaware dual language immersion program in a Delaware public school.

**"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. 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 an Elementary Dual Language Immersion Teacher Standard Certificate to an applicant who:
  - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003 and meets the requirements set forth in Section 4.0 of this regulation; or
  - 3.1.2 Has met the requirements for an educator's license in Delaware and holds a Valid and Current License or Certificate as an elementary dual language immersion teacher issued by another state or jurisdiction.
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for an Elementary Dual Language Immersion 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 Prescribed Education, Knowledge, and Skill Requirements**

- 4.1 For an applicant who holds an Elementary Teacher Standard Certificate (14 DE Admin. Code 1521), the applicant shall have demonstrated oral and written proficiency in the Partner Language of the dual immersion program by satisfying the requirements in subsections 4.1.1 and 4.1.2.
  - 4.1.1 The applicant achieved a minimum level of Advanced Mid on the America Council of the Teaching of Foreign Languages (ACTFL) Oral Proficiency Interview (OPI) in the Partner Language based on the ACTFL's Proficiency Guidelines.
  - 4.1.2 The applicant achieved the applicable minimum level on the ACTFL Writing Proficiency Test (WPT) as provided in subsections 4.1.2.1 and 4.1.2.2.
    - 4.1.2.1 For tests using the Roman alphabet, the applicant achieved a minimum level of Advanced Mid in the Partner Language based on the ACTFL's Proficiency Guidelines.
    - 4.1.2.2 For tests using a non-Roman alphabet, the applicant achieved a minimum level of Advanced Low in the Partner Language based on the ACTFL's Proficiency Guidelines.
- 4.2 For an applicant who does not hold a content area Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.2.1 and 4.2.2.
  - 4.2.1 The applicant shall have satisfied one of the following requirements.
    - 4.2.1.1 The applicant earned a bachelor's degree from a Regionally Accredited college or university in which English was the primary language of instruction with a minimum of 30 semester hours of coursework in elementary education from an educator preparation program approved or recognized by the Council for the Accreditation of Educator Preparation (CAEP) and demonstrated oral and written proficiency in the Partner Language by satisfying the requirements in subsections 4.1.1 and 4.1.2.
    - 4.2.1.2 The applicant earned a bachelor's degree in elementary education from a college or university in which the Partner Language was the primary language of instruction and achieved a minimum level of Intermediate High on both the ACTFL OPI and the ACTFL WPT in English.
    - 4.2.1.3 The applicant satisfactorily completed an alternative routes for licensure or certification program to teach grades K to 6 as provided in 14 Del.C. §§1260 - 1266 and demonstrated oral and written proficiency in either the Partner Language or English as provided in subsections 4.2.1.3.1 and 4.2.1.3.2.
      - 4.2.1.3.1 If the applicant earned the applicant's bachelor's degree from a college or university in which English was the primary language of instruction, the applicant shall demonstrate oral and written proficiency in the Partner Language by satisfying the requirements in subsections 4.1.1 and 4.1.2.
      - 4.2.1.3.2 If the applicant earned the applicant's bachelor's degree from a college or university in which the Partner Language was the primary language of instruction, the applicant shall demonstrate oral and written proficiency in English by achieving a minimum level of Intermediate High on both the ACTFL OPI and the ACTFL WPT in English.
    - 4.2.1.4 The applicant satisfactorily completed a Department-approved educator preparation program in elementary education or immersion education and demonstrated oral and written proficiency in either the Partner Language or English as provided in subsections 4.2.1.4.1 and 4.2.1.4.2.

4.2.1.4.1 If the applicant earned the applicant's bachelor's degree from a college or university in which English was the primary language of instruction, the applicant shall demonstrate oral and written proficiency in the Partner Language by satisfying the requirements in subsections 4.1.1 and 4.1.2.

4.2.1.4.2 If the applicant earned the applicant's bachelor's degree from a college or university in which the Partner Language was the primary language of instruction, the applicant shall demonstrate oral and written proficiency in English by achieving a minimum level of Intermediate High on both the ACTFL OPI and the ACTFL WPT in English.

4.2.2 The applicant shall have achieved a minimum score on the examinations specified in subsections 4.2.2.1 and 4.2.2.2.

4.2.2.1 The applicant shall have achieved a minimum score of 157 on the Praxis Subject Assessment - Elementary Education Mathematics Subtest (ETS Test Code #5003) or a minimum score of 143 on the Praxis Elementary Education: Content Knowledge for Teaching Mathematics CKT Subtest (ETS #7813).

4.2.2.2 The applicant shall have achieved a minimum score of 159 on the Praxis Subject Assessment - Elementary Education Science Subtest (ETS Test Code #5005) or a minimum score of 144 on the Praxis Elementary Education: Content Knowledge for Teaching Science CKT Subtest (ETS #7814).

4.3 For an applicant who does not hold an Elementary Teacher Standard Certificate but holds a Standard Certificate in another area, the applicant shall have satisfied the requirements in subsections 4.3.1 and 4.3.2.

4.3.1 The applicant shall have demonstrated oral and written proficiency in either the Partner Language or English as provided in subsections 4.3.1.1 and 4.3.1.2.

4.3.1.1 If the applicant earned the applicant's bachelor's degree from a college or university in which English was the primary language of instruction, the applicant shall demonstrate oral and written proficiency in the Partner Language by satisfying the requirements in subsections 4.1.1 and 4.1.2.

4.3.1.2 If the applicant earned the applicant's bachelor's degree from a college or university in which the Partner Language was the primary language of instruction, the applicant shall demonstrate oral and written proficiency in English by achieving a minimum level of Intermediate High on both the ACTFL OPI and the ACTFL WPT in English.

4.3.2 The applicant shall have achieved a minimum score on the examinations specified in subsections 4.3.2.1 and 4.3.2.2.

4.3.2.1 The applicant shall have achieved a minimum score of 157 on the Praxis Subject Assessment - Elementary Education Mathematics Subtest (ETS Test Code #5003) or a minimum score of 143 on the Praxis Elementary Education: Content Knowledge for Teaching Mathematics CKT Subtest (ETS #7813).

4.3.2.2 The applicant shall have achieved a minimum score of 159 on the Praxis Subject Assessment - Elementary Education Science Subtest (ETS Test Code #5005) or a minimum score of 144 on the Praxis Elementary Education: Content Knowledge for Teaching Science CKT Subtest (ETS #7814).

## **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 If the applicant is also applying for the issuance or renewal of an educator's license or paraeducator's permit, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license or permit application as specified in 14 **Del.C.** §1219 and it could delay the processing or result in the denial of the application for an Elementary Dual Language Immersion Teacher Standard Certificate.

5.3 For an applicant who holds an Elementary Teacher Standard Certificate, the following documentation is required with the application for an Elementary Dual Language Immersion Teacher Standard Certificate:

5.3.1 Proof the applicant holds an Elementary Teacher Standard Certificate issued by the Department; and

5.3.2 Official scores on the ACTFL OPI and WPT as provided in subsections 4.1.1 and 4.1.2; and

5.3.3 Additional documentation as required by the Department.

5.4 For an applicant who does not hold a content area Standard Certificate, the following documentation is required in the application for an Elementary Dual Language Immersion Teacher Standard Certificate:

- 5.4.1 Official transcript from the applicant's college or university.
  - 5.4.1.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's college or university; or
  - 5.4.1.2 Sealed paper transcripts may be submitted.
  - 5.4.1.3 The Department will not accept copies of transcripts; and
- 5.4.2 For degrees earned from a college or university located outside of the United States, an evaluation report of the transcript from a member of either the National Association of Credential Evaluation Services (NACES) or Association of International Credential Evaluators, Inc. (AICE), if applicable; and
- 5.4.3 Official scores on the ACTFL OPI and WPT as provided in subsections 4.1.1 and 4.1.2, if applicable; and
- 5.4.4 Official scores on the ACTFL OPI and the ACTFL WPT in English, if applicable; and
- 5.4.5 Official scores on the Praxis Subject Assessment or Praxis Elementary Education: Content Knowledge for Teaching as provided in subsection 4.2.2; and
- 5.4.6 Additional documentation as required by the Department.

5.5 For an applicant who does not hold an Elementary Teacher Standard Certificate but holds a Standard Certificate in another area, the following documentation is required in the application for an Elementary Dual Language Immersion Teacher Standard Certificate:

- 5.5.1 Official scores on the ACTFL OPI and WPT as provided in subsections 4.1.1 and 4.1.2, if applicable; and
- 5.5.2 Official scores on the ACTFL OPI and the ACTFL WPT in English, if applicable; and
- 5.5.3 Official scores on the Praxis Subject Assessment or Praxis Elementary Education: Content Knowledge for Teaching as provided in subsection 4.3.2; and
- 5.5.4 Additional documentation as required by the Department.

5.6 For applicants who have met the requirements for licensure as an educator in Delaware and hold a Valid and Current License or Certificate as an elementary dual language immersion teacher from another state or jurisdiction, the following documentation is required in the application for an Elementary Dual Language Immersion Teacher Standard Certificate:

- 5.6.1 An official copy of the Valid and Current License or Certificate; and
- 5.6.2 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 an Elementary Dual Language Immersion Teacher Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for an Elementary Dual Language Immersion 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 An Elementary Dual Language Immersion 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 An Elementary Dual Language Immersion Teacher Standard Certificate is not subject to renewal.

## **8.0 Disciplinary Action**

- 8.1 An Educator's Elementary Dual Language Immersion 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 Elementary Dual Language Immersion Teacher Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Standard 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 the 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

**9.0 Contact Information and Change of Name or Address**

- 9.1 All applicants and Educators are required to update their contact information in DEEDS if their contact information changes.
- 9.2 An Educator who legally changes the Educator's name and wishes to change the name on the Elementary Dual Language Immersion Teacher Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 9.3 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.

**26 DE Reg. 670 (02/01/23) (Prop.)**