

**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** 1539

**FINAL**

**REGULATORY IMPLEMENTING ORDER**

**1539 Health Education Teacher**

**I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

Pursuant to 14 **Del.C.** §§1203 and 1205(b), the Professional Standards Board, acting in consultation and cooperation with the Delaware Department of Education (“Department”), developed amendments to 14 **DE Admin. Code** 1539 Health Education Teacher. The regulation concerns the requirements for a Health Education Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include adding and striking defined terms in Section 2.0; clarifying the requirements for issuing a Health Education Teacher Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Health Education 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 Health Education 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.

Notice of the proposed regulation was published in the *Register of Regulations* on October 1, 2021. The Professional Standards Board did not receive any written submittals concerning the proposed amendments.

**II. FINDINGS OF FACTS**

On November 4, 2021, the Professional Standards Board considered the proposed regulation. The Professional Standards Board found that the word “Standard” erroneously appears twice in subsection 3.1. In accordance with 29 **Del.C.** § 10118(c), the Professional Standards Board’s Chairperson determined that striking the extra “Standard” is a nonsubstantive change that does not require the Professional Standards Board to repropose the regulation. The Professional Standards Board voted to propose 14 **DE Admin. Code** 1539 Health Education Teacher, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education’s approval.

The Department finds that removing the extra “Standard” from subsection 3.1 is a nonsubstantive change under 29 **Del.C.** § 10118(c). The Department further finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1539 Health Education Teacher.

**III. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1539 Health Education Teacher subject to the State Board of Education’s approval. Therefore, pursuant to 14 **Del.C.** §§1203 and 1205(b), 14 **DE Admin. Code** 1539 Health Education Teacher, attached hereto as Exhibit A, is hereby amended.

**IV. TEXT AND CITATION**

The text of 14 **DE Admin. Code** 1539 Health Education Teacher adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1539 Health Education Teacher in the *Administrative Code of Regulations* for the Department.

**V. EFFECTIVE DATE OF ORDER**

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

**IT IS SO ORDERED** the 18th day of November, 2021.

**Department of Education**

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 18th day of November, 2021.

### State Board of Education

/s/ Whitney Sweeney, President

/s/ Audrey J. Noble, Ph.D.

/s/ Shawn Brittingham, Vice President/s/

/s/ Provey Powell, Jr.

/s/ Candice Fifer

/s/ Wali W. Rushdan, II

/s/ Vincent Lofink

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

### 1539 Health Education Teacher

#### 1.0 Content

4.1 This regulation shall apply to the issuance of a ~~Standard Certificate~~, Health Education Teacher Standard Certificate pursuant to 14 ~~Del.C. §1220(a), for Health Education Teacher~~. This ~~certification Standard Certificate~~ is required for all ~~Health Education Teachers~~ health education teachers in Delaware public schools.

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.~~

16 DE Reg. 761 (01/01/13)

#### 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 issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

21 DE Reg. 312 (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 Health Education Teacher Standard [Standard] Certificate as a Health Education 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 health education 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 Health Education 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)  
11 DE Reg. 668 (11/01/07)  
16 DE Reg. 761 (01/01/13)  
21 DE Reg. 312 (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:~~
    - 4.1.1.1 ~~Health Education (ETS Test # 5551) a Passing Score of 162; or~~
    - 4.1.1.2 ~~Health and Physical Education: Content Knowledge (ETS Test # 5857) a Passing Score of 160.~~
  - 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 satisfied one of the following education requirements:
      - 4.1.1.1 Obtained and currently maintain a Health Education 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 health 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 health education as provided in 14 **Del.C.** §§1260 – 1266; or
      - 4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in health education; or
      - 4.1.1.5 If the applicant is applying for an Initial License after the applicant completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school as provided in subsection 4.1.3.1 of 14 **DE Admin. Code** 1510, earned a bachelor's degree from a Regionally Accredited college or university in any content area and also satisfactorily completed 15 college credits or an equivalent number of hours in professional development with one credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department related to health education of which at least six credits focus on pedagogy.
        - 4.1.1.5.1 The applicant, in consultation with the applicant's Employing Authority, shall select the 15 credits or the equivalent number of hours in professional development subject to the Department's approval.
        - 4.1.1.5.2 If the applicant does not have an Employing Authority or is applying for a Standard Certificate outside of the applicant's current spectrum of employment, the applicant shall select the 15 credits or the equivalent number of hours in professional development in consultation with the Department and subject to the Department's approval.

4.1.1.5.3 For the purpose of subsection 4.1.1.5, professional development means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change the participants' attitudes, insights, and perspectives and ultimately results in improved professional practice.

4.1.1.5.4 Professional development hours may be approved if the applicant shows that the activity meets all of the following criteria:

4.1.1.5.4.1 Relevant courses from a Regionally Accredited college or university in health education are not available to the applicant online or in the applicant's county of residence; and

4.1.1.5.4.2 The activity is grounded in research and current best practices as judged by the Department's content specialist in health education; and

4.1.1.5.4.3 The activity is documented by the provider to provide knowledge and skills that are required for the health education certification; and

4.1.1.5.4.4 The activity is part of a professional development program that includes knowledge acquisition, skill mastery, descriptive feedback, and refinement of practice in the work setting.

4.1.2 The applicant shall have achieved the minimum score on one of the following examinations:

4.1.2.1 A minimum score of 162 on the Praxis Subject Assessment – Health Education (ETS Test Code # 5551); or

4.1.2.2 A minimum score of 160 on the Praxis Subject Assessment – Health and Physical Education – Content Knowledge (ETS Test Code # 5857).

4.2 For an applicant who holds at least one content area Standard Certificate, the applicant shall have achieved the minimum score on an examination as provided in subsection 4.1.2.

## **21 DE Reg. 312 (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 For an applicant who does not hold a content area Standard Certificate, the following documentation is required with the application for a Health Education Teacher Standard Certificate:

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

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

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

5.2.2.2 Sealed paper transcripts may be submitted.

5.2.2.3 The Department will not accept copies of transcripts; and

5.2.3 Documents verifying successful completion of Department-approved professional development, if applicable; and

5.2.4 An experience form, completed in full and signed by the applicant, if applicable; and

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

5.2.6 Additional documentation as required by the Department.

5.3 For an applicant who holds at least one content area Standard Certificate, the following documentation is required in the application for a Health Education Teacher Standard Certificate:

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

5.3.2 Additional documentation as required by the Department.

5.4 For applicants who have met the requirements for licensure as an educator in Delaware and hold a Valid and Current License or Certificate in health education from another state or jurisdiction, the following documentation is required in the application for a Health Education Teacher Standard Certificate:

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

5.4.2 Additional documentation as required by the Department.

### **6.0 Validity of a Standard Certificate**

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

6.2 A Health Education Teacher Standard Certificate is not subject to renewal.

## **7.0 Disciplinary Action**

- 7.1 An Educator's Health Education Teacher Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 DE Admin. Code 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.
- 7.2 An Educator's Health Education 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.
- 7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 DE Admin. Code 1515 Hearing Procedures and Rules.

## **8.0 Secretary of Education Review**

- 8.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Health Education 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 Health Education Teacher Standard Certificate but whose effectiveness is documented by the local school district or charter school.
- 8.1.1 For school districts, requests shall be approved by the superintendent of the school district.
- 8.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

## **9.0 Past Certificate Recognized**

The Department shall recognize a Health Education Teacher Standard Certificate issued by the Department prior to effective date of this regulation. An Educator holding such a Standard Certificate shall be considered certified to teach health education.

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

**Renumbered effective 06/01/07 - see Conversion Table**

**11 DE Reg. 668 (11/01/07)**

**16 DE Reg. 761 (01/01/13)**

**21 DE Reg. 312 (10/01/17)**

**25 DE Reg. 708 (01/01/22) (Final)**