

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)

FINAL

ORDER

1596 Charter School Leader

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed 14 **DE Admin. Code** 1596 Charter School Leader. The proposed regulation concerns the requirements for a Charter School Leader Standard Certificate in accordance with 14 **Del.C.** §1220. Section 1.0 provides who would be required to hold the Charter School Leader Standard Certificate; Section 2.0 provides definitions for the proposed regulation; Section 3.0 concerns the issuance of a Charter School Leader Standard Certificate; Section 4.0 provides the prescribed education, knowledge, and skill requirements for the issuance of a Charter School Leader 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 Charter School Leader 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.

Notice of the proposed regulation was published in the *Register of Regulations* on April 1, 2023. The Professional Standards Board received 95 written submittals.

Derrell Bradford, Executive Vice President of 50CAN, commented that the proposed regulation does not meet the standard of data-driven results and "there is no credible research that shows a correlation between leadership licensure and certification and improved student outcomes." Linda Zankowsky, of Montessori Works, commented that the proposed regulation "will impede the ability for Montessori schools to compete nationally for qualified leaders." Todd Ziebarth, of the National Alliance for Public Charter Schools, commented that the National Alliance for Public Charter Schools opposes the proposed regulation because it "would remove critical charter school autonomy."

Charles Taylor, President of the Delaware Charter School Network ("DCSN") Board of Directors, commented that "[c]harter schools are Corporations, not Traditional School Districts" and they "have the right to hire whom they want to fit the mission and carry on the mission of the school." Kendall Massett requested the Professional Standards Board table the proposed regulation and create a "distinct path for Charter School Leadership Licensure and Certification" and commented that "[b]y denying a certification path specific to charter school leadership, you are denying us the ability to hire leaders that may not fit the district mold, but are exactly the right person for our schools and to meet the needs of the students we serve" and "[d]etermining that charter school leaders should be like traditional district school leaders is exactly the opposite of the intent of the charter school law." In addition, Ms. Massett submitted an April 19, 2023 letter addressed to Governor Carney, Senator Sokola, and Representative Schwartzkopf from her and an April 19, 2023 letter addressed to Governor Carney, Senator Sokola, and Representative Schwartzkopf from the Delaware Charter School Board Chairs and the DCSN Governing Board.

Of the individuals affiliated with Academia Antonia Alonso Charter School, Maria Alonso, Board President, commented that the proposed regulation is "completely unnecessary" because current school leadership regulations provide Secretary of Education review. Nora Lewis, who is the Chair of La Academia Antonia Alonso Board of Directors, commented that the proposed regulation does not take into consideration the nature of charter schools and why they exist in Delaware. Ms. Lewis further commented that the proposed regulation runs counter to the vision of innovation and flexibility and it "will be extremely detrimental not only to La Academia, but to all public charters' ability to recruit and retain effective leaders who understand and serve their unique missions and approaches. In addition, Ms. Lewis commented that the portfolio requirement in subsection 4.1.2 "seems unnecessarily burdensome." Celeste Payne commented that the proposed regulation is unnecessary and that there are concerns about resources, including time and money, and representation. Mercedes Sofia Alonso also submitted a comment in opposition to the proposed regulation.

LaRetha Odumosu, who is also affiliated with Charter School of New Castle and Great Oaks Charter School, commented that she is "opposed to any regulation that makes decisions about a community without authentically consulting the actual members of that community first."

Of the individuals affiliated with Charter School of Wilmington, Logan Sturgill, a board member, commented that "the proposed regulation could limit the pool of qualified candidates, and hamper the innovation and creativity of Charter schools." Melissa Miller, who is also a board member, provided a link to a website that compares states' requirements for

school leaders and commented that "[w]hat we really need to understand is the implications of each change and if that is really for the better of the students/community." Brandon Hoffmann also submitted a comment in opposition to the proposed regulation.

Of the individuals affiliated with EastSide Charter School, Charles McDowell, who is also affiliated with Early College School at DSU, commented that he has found it is more important for school leaders to have certain business and management skills rather than academic experience. Aaron Bass and Jocelyn Stewart also submitted comments in opposition to the proposed regulation.

Ryan Payus, who is affiliated with First State Military Academy, commented that the proposed regulation is unnecessary because the current school leadership regulations allow for Secretary of Education review.

Of the individuals affiliated with First State Montessori Academy, Courtney Fox commented that "[c]harter schools should be able to select leaders that meet their criteria and charter school boards should have oversight of that person." Stephany Pachowka commented that charter schools "should be able to maintain the liberty intended at the development of DE Public Charter Schools" and that the proposed regulation is unnecessary.

Clinton Walker, Board President of Freire Charter School of Wilmington, commented that "charter schools not be limited in who they can hire; rather that they be allowed to hire whomever they think is the best possible leader for their school - whatever the background of that individual."

Of the individuals affiliated with Gateway Charter School, Pam Draper, lead founder, commented that the proposed regulation is unnecessary and the "process needs to be less cumbersome than the regulation as written." Catherine Dolan, Tia Hargrove, Mike Purcell, and Shannon Staab each submitted comments in opposition to the proposed regulation.

Of the individuals affiliated with Las Américas ASPIRA Academy, Guillermina Gonzalez, Board President, commented that the "traditional path of five years of teaching experience and a Master's degree in School Leadership does not automatically guarantee success in leadership roles, particularly in charter schools." Lina Haycurrie commented that the proposed regulation is unnecessary because the Secretary of Education can review a person for certification under the current school leadership regulations. Eli Oriol, Director of Operations, commented that charter schools do not get the same funding as school districts and charter leaders do not have the same level of support as their district counterparts and that the proposed regulation is unnecessary because the current school leadership regulations provide for Secretary of Education review. Greg Panchisin, Chief Operating Officer, commented that "[c]harter leaders do not have the same level of support as their district counterparts, and many [charter] leaders wear many hats due to funding constraints of operating a charter school." Board Member Rebecca Penix-Tadsen, who is also a teacher at Freire Charter School, commented that the proposed regulation is unnecessary and the process "needs to be less cumbersome than the regulation as written." Margie López Waite, Chief Executive Officer, commented that "[b]eing a teacher for 5 years and earning a Master's in School Leadership does not equip an individual to become a successful school leader" and that "[i]f we continue to have this elitist attitude in education, believing that education leaders can only be grown within education, then we are going to deprive our students of the innovation, diverse perspectives, passion and compassion that exists all around us." In addition, Kathleen Chappel-Corea, Karen Contreras, Kristen Egan, Lyn Henshaw, Wanda Lopez, Lilia Meredith, Deborah Panchisin, Michael Reitemeyer, and Kim Whyte also submitted comments in opposition to the proposed regulation.

Of the individuals affiliated with MOT Charter School, Jennifer Taylor, a founding board member and the current Chair, commented that "[c]harter schools were established to be creative incubators" and asked "Why would we add yet another impediment to working within Delaware's schools?" Steve Doan, Louis Savino, Samuel Sullivan, Kelly Swab, and Donald Whitaker each submitted comments in opposition to the proposed regulation.

Of the individuals affiliated with Newark Charter School, James DeChene, Board of Directors Vice Chair, commented there is a difference between "standards and experience versus licensure and certification." Jennifer Brown also submitted a comment in opposition to the proposed regulation.

Ananaria Anagnostou, President of Odyssey Charter School, commented that "[w]e need this flexibility in the selection of the charter leadership to maintain that innovation."

Rachael Straightiff, Human Resources Coordinator at Providence Creek Academy, commented that "[b]y creating additional requirements for school administration, [she is] concerned that our employees who want to grow and advance will be concerned about the additional requirements that are proposed." Ms. Straightiff also commented that the proposed regulation is unnecessary because the current school leadership regulations provide for Secretary of Education review.

Lisa Coldiron, of Sussex Montessori School, requested that "charter school boards continue to be permitted to have the flexibility to hire the leader they need to support the creation of, and on-going support of, the charter school in their purview."

Marsha Horton, of Delaware State University, commented that "[c]harter schools have proven that administrative licensure is not something that is required for excellent student outcomes" and "[t]here is no correlation between leadership licensure and certification and excellent student outcomes." Laurisa Schutt, of First State Educate, commented that "[a]dding this requirement for leaders amid unspent ESSER funds, national and local teacher and leader shortage, lost learning, sinking scores, and lead-infused water may further challenge our competitiveness to attract and retain top talent with the flexibility in conditions that excellence needs." Britney Mumford, of DelawareCAN, commented that the proposed

regulation is a "direct threat" to charter schools' mission that new learning models are tested and new programs piloted. In addition, Jessica Bradley, Rebecca Collins, Lauren Connelly, Jerry Corradin, Kellie Cruz, Deborah Curry, Patti Damiri, Linda Fitzgerald, Donna Johnson, Mir Sadiq Ali Khan, Monica Lee, Carolin Lion, Joseph Menna, Andrew Moore, Keith Mumford, Jerry Nordman, Angela Perry, Penny Short, Ryan Russ, Roger Seedorf, Sean Steward, Rachel Valentin, and Lisa White each submitted comments in opposition to the proposed regulation.

Karen Gray requested the Professional Standards Board "require all administrators at charter schools be held accountable to the same set of rules and certifications required of all other public-school administrators."

Jackie Wilson, of the National Policy Board for Educational Administration, commented in support of the proposed regulation, stating that "[i]t is important that schools be led by an effective principal, prepared by a university or professional organization where the program content and clinical experiences are aligned to national standards for leader preparation (NELP) and meets the state departments requirements for a license and certification."

On behalf of the Delaware State Education Association ("DSEA"), Stephanie Ingram commented that DSEA supports the proposed regulation because it "established a fair and equitable process that is not overly burdensome to either charter school leaders serving their communities or to future charter school leaders." Jayshree Taylor commented that "[w]hen Delaware parents send their children to Charter Schools there is an assumption that: 1) the leaders at those schools meet the baseline level of requirements as other district leaders, and 2) that the Charter leaders would have additional qualifications on top of that baseline which then set them apart." In addition, Sharon Brittingham, Chester Cox, Sue Dutton, Donna Hall, Leslie Hayes, Jacqueline Lee, John McGowan, Susan Nancarrow, Emily Poag, Jenn Ruebush, Michael Ryan, Stephanie Smith, Michelle Webb, and two other individuals who did not provide their full names submitted comments in support of the proposed regulation.

II. FINDINGS OF FACTS

On May 11, 2023, the Professional Standards Board considered the written submittals. The Professional Standards Board found that its role is to work with Department to get individuals licensed and certified and to uphold licensure and certification requirements for all public school educators. The Professional Standards Board further found that it addresses matters related to licensure and certification at all public schools. It found that the process of developing the regulation on the public record and being presented with necessary information made the board informed. The Professional Standards Board also found that by statute, all educators must be licensed and certified in accordance with Chapter 12 and that the definition of educator for the purpose of Chapter 12 specifically includes charter schools. The Professional Standards Board further found that by adopting the new regulation, it would allow a license disciplinary action for misconduct under Chapter 12 and ensure that such misconduct could be reported to NASDTEC. Regarding Secretary of Education review, the Professional Standards Board found that such review is available for all certification areas by statute. The Professional Standards Board also found that charter school leaders are not being asked to do more, there are no financial costs for reviewing the portfolio, and professional learning will be provided to help charter school leaders successfully complete the portfolio.

The Professional Standards Board voted not to make any changes as result of the written submittals and to propose 14 **DE Admin. Code** 1596 Charter School Leader, 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 the proposed regulation is 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 adopt 14 **DE Admin. Code** 1596 Charter School Leader.

III. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to adopt 14 **DE Admin. Code** 1596 Charter School Leader subject to the State Board of Education's approval. On May 18, 2023, the State Board of Education approved adopting 14 **DE Admin. Code** 1596 Charter School Leader. Therefore, pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, 14 **DE Admin. Code** 1596 Charter School Leader, attached hereto as Exhibit A, is hereby adopted.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1596 Charter School Leader adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1596 Charter School Leader 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 May, 2023.

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

Approved this 18th day of May, 2023.

State Board of Education

/s/ Shawn Brittingham, President	Rev. Provey Powell, Jr. (Voted No)
/s/ Vincent Lofink, Vice President	/s/ Wali W. Rushdan, II
Candice Fifer (Absent)	/s/ Deborah Stevens
/s/ Audrey J. Noble, Ph.D.	

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

1596 Charter School Leader

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Charter School Leader Standard Certificate pursuant to 14 Del.C. §1220(a). The Charter School Leader Standard Certificate is required for leaders of Charter Schools in Delaware who were hired prior to June 30, 2023. The Charter School Leader Standard Certificate authorizes an individual to practice as a leader in a Charter School.
- 1.2 The Charter School Leader Standard Certificate shall not be used to practice as a leader in a traditional or vocational-technical public school in Delaware.
- 1.3 The Charter School Leader Standard Certificate shall not be used for any Charter School Leader hired after June 30, 2023. In order to practice as a leader in a Charter School, the individual must hold 1 of the following Standard Certificates:
 - 1.3.1 School Principal and Assistant School Principal Standard Certificate (14 DE Admin. Code 1591); or
 - 1.3.2 Certified Central Office Personnel (14 DE Admin. Code 1592); or
 - 1.3.3 Superintendent or Assistant Superintendent Standard Certificate (14 DE Admin. Code 1593); or
 - 1.3.4 Special Education Director (14 DE Admin. Code 1594).

2.0 Definitions

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

"Charter School" means a public school that operates under a charter granted by a public school district or the Department pursuant to 14 Del.C. Ch. 5.

"Charter School Leader" means an administrator at a charter school.

"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.

"Regionally Accredited" means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education.

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

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

"Valid and Current License or Certificate" means a current full or permanent certificate or license as an educator issued by another state or jurisdiction. This means the applicant is fully credentialed by having met all of the requirements for full licensure or certification as an educator in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Charter School Leader 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 presents proof of a Valid and Current License or Certificate as a charter school leader issued by another state or jurisdiction.
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Charter School Leader 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 The applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.
- 4.1.1 The applicant earned a bachelor's degree from a Regionally Accredited college or university in any content area.
 - 4.1.2 The applicant completed a charter leader portfolio by June 30, 2024 and earned a rating of accomplished based on the Delaware Performance Appraisal System II for administrators.

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 a Charter School Leader Standard Certificate.
- 5.3 For an applicant who is applying under subsection 3.1.1 of this regulation, the following documentation is required with the application for a Charter School Leader Standard Certificate:
- 5.3.1 Official transcript from the applicant's Regionally Accredited college or university.
 - 5.3.1.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
 - 5.3.1.2 Sealed paper transcripts may be submitted.
 - 5.3.1.3 The Department will not accept copies of transcripts; and
 - 5.3.2 Documentation verifying completion a charter leader portfolio and a rating of accomplished based on the Delaware Performance Appraisal System II for administrators, if applicable; and
 - 5.3.3 Additional documentation as required by the Department.
- 5.4 For an applicant who is applying under subsection 3.1.2 of this regulation, the following documentation is required with the application for a Charter School Leader 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 Secretary of Education Review

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 Charter School Leader Standard Certificate on an individual basis and grant such a

Standard Certificate to an applicant who otherwise does not meet the requirements for a Charter School Leader Standard Certificate but whose effectiveness is documented by the local school district or charter school. Requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

7.0 **Validity of a Standard Certificate**

- 7.1 A Charter School Leader Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.
- 7.2 A Charter School Leader Standard Certificate is not subject to renewal.

8.0 **Disciplinary Action**

- 8.1 An Educator's Charter School Leader 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 Charter School Leader Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 **Del.C.** §1222.
- 8.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

9.0 **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 Charter School Leader 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.

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