

**DEPARTMENT OF EDUCATION  
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Section 1205(b) (14 **Del.C.** §1205(b)  
14 **DE Admin. Code**1512

**FINAL**

**REGULATORY IMPLEMENTING ORDER**

**1512 Issuance and Renewal of Advanced License**

**I. Summary of the Evidence and Information Submitted**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation 14 **DE Admin. Code** 1512 Issuance and Renewal of Advanced License. Upon review, the Board has amended a few sections of the regulation for clarity and accuracy, and to meet current formatting.

Notice of the proposed amendment of the regulation was published in the *News Journal* on Friday September 4, 2009 and in the *Delaware State News* on Tuesday September 1, 2009 in the form hereto attached as Exhibit "A". The notice invited written comments. Comments were received from both the Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities. It was determined that the proposed change was not necessary.

**II. Findings of Facts**

The Professional Standards Board and the State Board of Education find that it is appropriate to amend this regulation to comply with changes in statute.

**III. Decision to Amend the Regulation**

For the foregoing reasons, the Professional Standards Board and the State Board of Education conclude that it is appropriate to amend the regulation. Therefore, pursuant to 14 **Del.C.** §1205(b), the regulation attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), the regulation hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

**IV. Text and Citation**

The text of the regulation amended shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 1512 of the *Administrative Code of Regulations* of the Department of Education.

**V. Effective Date of Order**

The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

**APPROVED BY THE PROFESSIONAL STANDARDS BOARD  
THE 1<sup>st</sup> DAY OF OCTOBER, 2009**

Kathleen Thomas, Chair  
Joanne Christian  
Marilyn Dollard

Michael Casson  
Samtra Devard  
Karen Gordon

Cristy Greaves  
David Kohan  
Wendy Murray  
Whitney Price  
Shelley Rouser

Lori Hudson  
Jill Lewandowski  
Gretchen Pikus  
Karen Schilling-Ross  
Juanita Wilson

**FOR IMPLEMENTATION BY THE DEPARTMENT OF EDUCATION:**

Lillian Lowery Ed.D., Secretary of Education

**IT IS SO ORDERED THIS 20<sup>th</sup> DAY OF OCTOBER , 2009**

**STATE BOARD OF EDUCATION**

Teri Quinn Gray Ph.D., President  
Jorge Melendez, Vice President  
G. Patrick Heffernan  
Barbara Rutt  
Dennis J. Savage  
Terry Whittaker Ed.D.  
James Wilson Ed.D.

**1512 Issuance and Renewal of Advanced License**

**1.0 Content**

This regulation shall apply to the issuance and renewal of an Advanced License for 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.

**"Educator"** means ~~an employee paid under 14 Del.C. §1305~~ a person licensed and certified by the State under 14 Del.C. Chapter 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. For purposes of 14 Del.C. Chapter 12, the term 'educator' does not include substitute teachers.

**"Exigent Circumstances"** ~~means unanticipated circumstance or circumstances beyond the educator's control, including, but not limited to serious illness of the educator or a member of his/her immediate family, activation to active military duty, and other serious emergencies which necessitate the educator's temporarily leaving active service. The expiration of an educator's license before the end of the school year shall be considered an exigent circumstance, however the educator's license may only be extended to the end of that current school year.~~

**"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.

**"Maintenance of Proficiency"** means evidence of valid renewal of National Board for Professional Teaching Standards certification.

**"National Board Certified Teacher"** means an educator who holds National Board for Professional Teaching Standards certification.

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

**"Standards Board"** means the Professional Standards Board established pursuant to 14 **Del.C. §104 Chapter 12.**

**"State"** means State of Delaware.

### **3.0 Advanced License**

3.1 In accordance with 14 **Del.C. §1213**, the Department, upon 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 10 years unless extended pursuant to 14 **Del.C. §1216** or revoked for cause, as defined in 14 **Del.C. §1218**.

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

3.3 The Department shall not act on an application for licensure if the applicant is under official investigation by any 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.

3.2.1 ~~"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.~~

### **4.0 RESERVED (For Equivalent Program)**

### **5.0 Renewal of Advanced License**

5.1 In accordance with 14 **Del.C. §1214**, the Department shall renew an Advanced License, valid for an additional 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 Department shall renew an Advanced License upon receipt of a list of successful Delaware candidates for renewal provided annually by the National Board for Professional Teaching Standards.

5.3 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 ~~will~~ shall be issued a Continuing License.

### **6.0 Extension for Exigent Circumstances**

The Department may extend an Advanced License for a period not to exceed one year, exigent circumstances warranting the necessity of such extension.

### **7.0 Leave of Absence**

An educator may take a leave of absence of up to three years with no effect upon the validity or expiration of the Advanced License.

### **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 section 5.2. 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**.

6 DE Reg. 77 (7/1/02)  
7 DE Reg. 956 (1/1/04)  
13 DE Reg. 647 (11/01/09) (Final)