

**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** 1522

PROPOSED

PUBLIC NOTICE

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

1522 Elementary School Counselor

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing 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 amendments to 14 **DE Admin. Code** 1522 Elementary School Counselor. The regulation concerns the requirements for an Elementary School Counselor Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include clarifying Section 1.0; adding and striking defined terms in Section 2.0; clarifying the requirements for issuing an Elementary School Counselor Standard Certificate in Section 3.0; clarifying the education, knowledge, and skill requirements for obtaining an Elementary School Counselor Standard Certificate and adding the option of a new Praxis Subject Assessment in Section 4.0; clarifying the application requirements in Section 5.0; adding subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history; moving the section concerning the Secretary of Education's review of standard certificate applications to Section 6.0; adding subsection 8.1, which concerns limiting, suspending, and revoking a Standard Certificate; clarifying Section 9.0, which concerns recognizing past certificates that were issued by the Department; and adding Section 10.0, 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 December 2, 2022. 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 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 amended 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 amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate 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 standard certificate 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. 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 School Counselor Standard Certificate but whose effectiveness is documented by the district or school. Section 6.0 is consistent with the statute.

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 10.0 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.

1522 Elementary School Counselor

1.0 Content

This regulation shall apply to the issuance of a ~~Standard Certificate~~, an Elementary School Counselor Standard Certificate pursuant to 14 **Del.C.** §1220(a), ~~for Elementary School Counselor. This Certification~~ The Elementary School Counselor Standard Certificate is required for grades K to ~~five (5)~~ 5 in Delaware public schools, and is valid in grades ~~six (6)~~ 6 to ~~eight (8)~~ 8 in a middle level school. A middle level school counselor must hold either an Elementary School Counselor Standard Certificate or a Secondary School Counselor Standard Certificate.

16 DE Reg. 759 (01/01/13)

23 DE Reg. 574 (01/01/20)

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning ~~unless the context clearly indicates otherwise~~:

"Certification" ~~means the issuance of a Standard Certificate, which may occur regardless of a recipient's assignment or employment status.~~

"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.

~~**"Major or Its Equivalent"** means a minimum of thirty (30) semester hours of coursework in a particular content area.~~

"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 from Another State"** means a current full or permanent certificate or license as an educator issued by another state or jurisdiction. This means the educator 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.~~

20 DE Reg. 42 (07/01/16)

23 DE Reg. 574 (01/01/20)

3.0 **Issuance of a Standard Certificate**

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue an Elementary School Counselor Standard Certificate 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 and meets the requirements set forth in Section 4.0 of this regulation; or
 - 3.1.2 Has met the requirements for ~~licensure an educator's license in Delaware~~ and holds a Valid and Current License or Certificate ~~from Another State~~ in elementary school counseling; ~~or issued by another state or jurisdiction.~~
 - 3.1.3 ~~Has met the requirements for a Meritorious New Teacher Candidate Designation adopted pursuant to 14 Del.C. §1203.~~
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for ~~Certification~~ an Elementary School Counselor 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 ~~alleged conduct involves allegations of~~ 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.

16 DE Reg. 759 (01/01/13)

23 DE Reg. 574 (01/01/20)

4.0 **Prescribed Education, Knowledge, and Skill Requirements**

- 4.1 For an applicant who is applying for the applicant's first Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.1.1, 4.1.2, and 4.1.3.
- 4.1.1 The applicant shall have satisfied 1 of the following education requirements:
- 4.1.1.1 ~~Earned~~ Obtained and currently maintain the School Counseling certificate from the National Board for Professional Teaching Standards; or
 - 4.1.1.2 ~~Completed~~ Earned a master's degree from a Regionally Accredited college or university with a ~~Major or Its Equivalent~~ minimum of 30 semester hours of coursework in elementary school counseling from an educator preparation program approved or recognized by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) or a state where the state approval body employed the appropriate standards; or
 - 4.1.1.3 Satisfactorily completed a Department-approved educator preparation program in elementary school counseling; or
 - 4.1.1.4 ~~Completed~~ Earned a master's degree from a Regionally Accredited college or university in any content area and also satisfactorily completed 39 credits of graduate level coursework that is taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university related to school counseling in the areas provided in subsection 4.1.1.4.1 ~~that is taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university.~~
 - 4.1.1.4.1 The areas for the 39 credits of graduate coursework related to school counseling shall include:
 - 4.1.1.4.1.1 Introduction to School Counseling & and Theories (3 credits);
 - 4.1.1.4.1.2 Human Behavior and Child Development (3 credits);
 - 4.1.1.4.1.3 Ethical Issues in School Counseling (3 credits);
 - 4.1.1.4.1.4 College & and Career Readiness K-12 (3 credits);
 - 4.1.1.4.1.5 Testing, Measurements, and Research in School Counseling (3 credits);
 - 4.1.1.4.1.6 The Counselor as Consultant (3 credits);
 - 4.1.1.4.1.7 Special Education Law & and the School Counselor's Role (3 credits);
 - 4.1.1.4.1.8 Group Counseling (3 credits);
 - 4.1.1.4.1.9 Individual Counseling Skills & and Strategies (6 credits);
 - 4.1.1.4.1.10 Family Counseling (3 credits); and
 - 4.1.1.4.1.11 Principles and Practices of a School Counseling Program (6 Credits).
- 4.1.2 The applicant shall have achieved ~~on the Praxis Subject Assessment — Professional School Counselor (ETS Test Code # 5424) a Passing Score of 156.~~ the minimum score on 1 of the following examinations:

4.1.2.1 A minimum score of 156 on the Praxis Subject Assessment - Professional School Counselor (ETS Test Code # 5421); or

4.1.2.2 A minimum score of 159 on the Praxis Subject Assessment - School Counselor (ETS Test Code #5422).

4.1.3 The applicant shall have completed ~~one~~ 1 of the following:

4.1.3.1 An applicant shall complete a supervised school counseling clinical experience under the direct supervision of a state department of education certified and practicing elementary school counselor of 700 hours in an elementary school setting (grades K-8) which is part of a graduate degree program in elementary school counseling; or

4.1.3.2 An applicant who is seeking initial certification of both an Elementary School Counselor Standard Certificate and a Secondary School Counselor Standard Certificate ~~simultaneously,~~ simultaneously must complete 350 hours of clinical experience in an elementary school setting (grades K-8) under the direct supervision of a state department of education certified and practicing elementary school counselor and 350 hours of clinical experience in a secondary school setting (grades 6-12) under the direct supervision of a state department of education certified and practicing secondary school counselor.

4.1.3.2.1 For an applicant seeking dual certification, clinical hours in grades 6-8 shall only be used in one setting.

4.2 For an applicant who is applying for the applicant's second or subsequent Standard Certificate and who does not hold a Secondary School Counselor Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.2.1, 4.2.2, and 4.2.3.

4.2.1 The applicant shall have satisfied 1 of the following education requirements:

4.2.1.1 ~~Earned~~ Obtained and currently maintain the School Counseling certificate from the National Board for Professional Teaching Standards; or

4.2.1.2 ~~Completed~~ Earned a master's degree from a Regionally Accredited college or university with a ~~Major or Its Equivalent~~ minimum of 30 semester hours of coursework in elementary school counseling from an educator preparation program approved or recognized by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) or a state where the state approval body employed the appropriate standards; or

4.2.1.3 Satisfactorily completed a Department-approved educator preparation program in elementary school counseling; or

4.2.1.4 ~~Completed~~ Earned a master's degree from a Regionally Accredited college or university in any content area and also satisfactorily completed 39 credits of graduate level coursework that is taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university related to school counseling in the areas provided in subsection 4.2.1.4.1 ~~that is taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university.~~

4.2.1.4.1 The areas for the 39 credits of graduate coursework related to school counseling shall include:

4.2.1.4.1.1 Introduction to School Counseling & and Theories (3 credits);

4.2.1.4.1.2 Human Behavior and Child Development (3 credits);

4.2.1.4.1.3 Ethical Issues in School Counseling (3 credits);

4.2.1.4.1.4 College & and Career Readiness K-12 (3 credits);

4.2.1.4.1.5 Testing, Measurements, and Research in School Counseling (3 credits);

4.2.1.4.1.6 The Counselor as Consultant (3 credits);

4.2.1.4.1.7 Special Education Law & and the School Counselor's Role (3 credits);

4.2.1.4.1.8 Group Counseling (3 credits);

4.2.1.4.1.9 Individual Counseling Skills & and Strategies (6 credits);

4.2.1.4.1.10 Family Counseling (3 credits); and

4.2.1.4.1.11 Principles and Practices of a School Counseling Program (6 Credits).

4.2.2 The applicant shall have achieved ~~on the Praxis Subject Assessment— Professional School Counselor (ETS Test Code # 5421) a Passing Score of 156.~~ the minimum score on 1 of the following examinations:

4.2.2.1 A minimum score of 156 on the Praxis Subject Assessment - Professional School Counselor (ETS Test Code # 5421); or

4.2.2.2 A minimum score of 159 on the Praxis Subject Assessment - School Counselor (ETS Test Code #5422).

- 4.2.3 The applicant shall have completed ~~one~~ 1 of the following:
- 4.2.3.1 An applicant shall complete a supervised school counseling clinical experience under the direct supervision of a state department of education certified and practicing elementary school counselor of 700 hours in an elementary school setting (grades K-8) which is part of a graduate degree program in elementary school counseling; or
 - 4.2.3.2 An applicant who is seeking initial certification of both an Elementary School Counselor Standard Certificate and a Secondary School Counselor Standard Certificate ~~simultaneously,~~ simultaneously must complete 350 hours of clinical experience in an elementary school setting (grades K-8) under the direct supervision of a state department of education certified and practicing elementary school counselor and 350 hours of clinical experience in a secondary school setting (grades 6-12) under the direct supervision of a state department of education certified and practicing secondary school counselor.
 - 4.2.3.2.4 For an applicant seeking dual certification, clinical hours in grades 6-8 shall only be used in one setting.
- 4.3 For an applicant who holds a Secondary School Counselor Standard Certificate and is seeking an Elementary School Counselor Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.3.1 and 4.3.2.
- 4.3.1 The applicant shall have achieved ~~on the Praxis Subject Assessment — Professional School Counselor (ETS Test Code # 5421) a Passing Score of 156.~~ the minimum score on 1 of the following examinations:
- 4.3.1.1 A minimum score of 156 on the Praxis Subject Assessment - Professional School Counselor (ETS Test Code # 5421); or
 - 4.3.1.2 A minimum score of 159 on the Praxis Subject Assessment - School Counselor (ETS Test Code #5422).
- 4.3.2 The applicant shall have completed 350 hours of additional clinical experience in an elementary school setting (grades K-5) under the direct supervision of a state department of education certified and practicing elementary school counselor.

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

11 DE Reg. 745 (12/01/07)

16 DE Reg. 759 (01/01/13)

20 DE Reg. 42 (07/01/16)

23 DE Reg. 574 (01/01/20)

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 ~~an~~ 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 School Counselor Standard Certificate.
- ~~5.2~~ 5.3 For applicants who are applying for their first Standard Certificate, the following documentation is required with the application for an Elementary School Counselor Standard Certificate:
- ~~5.2.1~~ 5.3.1 Evidence of obtaining and maintaining a School Counseling certificate from the National Board for Professional Teaching Standards, if applicable; and
 - ~~5.2.2~~ 5.3.2 Official transcript from the applicant's Regionally Accredited college or university.
 - ~~5.2.2.1~~ 5.3.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
 - ~~5.2.2.2~~ 5.3.2.2 Sealed paper transcripts may be submitted.
 - ~~5.2.2.3~~ 5.3.2.3 The Department will not accept copies of transcripts; and
 - ~~5.2.3~~ 5.3.3 Official score on the *Praxis* Subject Assessment as provided in subsection 4.1.2; and
 - ~~5.2.4~~ 5.3.4 If applicable, an experience form must be completed in full and signed by the applicant; and
 - ~~5.2.5~~ 5.3.5 The Department-approved form verifying the applicant's completion of the clinical experience as provided in subsection 4.1.3; and
 - ~~5.2.6~~ 5.3.6 Additional documentation as required by the Department.

- 5.3 5.4 For applicants who are applying for their second or subsequent Standard Certificate and who do not hold a Secondary School Counselor Standard Certificate, the following documentation is required in the application for an Elementary School Counselor Standard Certificate:
- 5.3.1 5.4.1 Evidence of obtaining and maintaining a School Counseling certificate from the National Board for Professional Teaching Standards, if applicable; and
 - 5.3.2 5.4.2 Official transcript from the applicant's Regionally Accredited college or university.
 - 5.3.2.1 5.4.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
 - 5.3.2.2 5.4.2.2 Sealed paper transcripts may be submitted.
 - 5.3.2.3 5.4.2.3 The Department will not accept copies of transcripts; and
 - 5.3.3 5.4.3 Official score on the *Praxis* Subject Assessment as provided in subsection 4.2.2; and
 - 5.3.4 5.4.4 If applicable, an experience form must be completed in full and signed by the applicant; and
 - 5.3.5 5.4.5 The Department-approved form verifying the applicant's completion of the clinical experience as provided in subsection 4.2.3; and
 - 5.3.6 5.4.6 Additional documentation as required by the Department.
- 5.4 5.5 For applicants who hold a Secondary School Counselor Standard Certificate, the following documentation is required in the application for an Elementary School Counselor Standard Certificate:
- 5.4.1 5.5.1 Official score on the *Praxis* Subject Assessment as provided in subsection 4.3.1; and
 - 5.4.2 5.5.2 The Department-approved form verifying the applicant's completion of the clinical experience as provided in subsection 4.3.2; and
 - 5.4.3 5.5.3 Additional documentation as required by the Department.
- 5.5 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 ~~from Another State~~ in elementary school counseling from another state or jurisdiction, the following documentation is required in the application for an Elementary School Counselor Standard Certificate:
- 5.5.1 5.6.1 An official copy of the ~~valid and current educator license or certificate from another state or professional license.~~ Valid and Current License or Certificate; and
 - 5.6.2 Additional documentation as required by the Department.
- 20 DE Reg. 42 (07/01/16)**
23 DE Reg. 574 (01/01/20)

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 School Counselor 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 School Counselor 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.

6.0 7.0 Validity of a Standard Certificate

- 6.1 7.1 An Elementary School Counselor 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 7.2 An Elementary School Counselor Standard Certificate is not subject to renewal.
- 23 DE Reg. 574 (01/01/20)**

7.0 8.0 Revocation of a Standard Certificate Disciplinary Action

- 8.1 An Educator's Elementary School Counselor Standard Certificate may be limited, suspended, or revoked for cause as provided in 14 DE Admin. Code 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.
- 7.1 8.2 An Educator's Elementary School Counselor Standard Certificate shall be revoked ~~in the event~~ 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 ~~Standard Certificate~~ application in accordance with 14 **Del.C.** §1222.

~~7.2~~ 8.3 An Educator whose Standard Certificate is noticed for ~~revocation~~ disciplinary action is entitled to a full and fair hearing before the Standards Board.

7.2.4 Hearings shall be conducted in accordance with 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

23 DE Reg. 574 (01/01/20)

8.0 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 an Elementary School Counselor 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 School Counselor Standard Certificate but whose effectiveness is documented by the local school district or charter school.~~

23 DE Reg. 574 (01/01/20)

9.0 Past Certificate Recognized

The Department shall recognize an Elementary School Counselor Standard Certificate that was issued prior to the effective date of this regulation. An ~~educator~~ Educator holding such a Standard Certificate ~~issued by the Department before the effective date of this regulation~~ shall be considered certified in elementary school counseling to practice as an elementary school counselor.

23 DE Reg. 574 (01/01/20)

10.0 Contact Information and Change of Name or Address

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

10.2 An Educator who legally changes the Educator's name and wishes to change the name on the Elementary School Counselor Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.

10.3 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.

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

11 DE Reg. 745 (12/01/07)

16 DE Reg. 759 (01/01/13)

20 DE Reg. 42 (07/01/16)

23 DE Reg. 574 (01/01/20)

26 DE Reg. 361 (11/01/22) (Prop.)