

**DEPARTMENT OF EDUCATION  
OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))

**FINAL**

**REGULATORY IMPLEMENTING ORDER**

**728 Graduate Level Salary Increments**

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

The Secretary of Education intends to amend 14 **DE Admin. Code** by adding a new regulation 728 Graduate Level Salary Increments. This regulation is being adopted by the Department as the authority for such issue is found under 14 **Del.C.** Chapter 13, §1315 and is within the Department's purview. Previously this was promulgated by the Professional Standards Board as 14 **DE Admin. Code** 1502 Graduate Level Salary Increments. At this time, no changes are being made from what was in effect under 14 **DE Admin. Code** 1502 Graduate Level Salary Increments as of July 1, 2017; however, the Department will be discussing possible amendments with stakeholders.

Notice of the proposed regulation was published in the *News Journal* and *Delaware State News* on August 2, 2017, in the form hereto attached as *Exhibit "A"*. Comments were received from five speech-language pathologists requesting clarification of the specialist description in the regulation. Specifically it was requested that the language of pending legislation regarding speech-language pathologists be included in the regulation. As noted above, the Department will be discussing possible amendments with stakeholders. However, in order to facilitate an efficient transition from the previous regulation 14 **DE Admin. Code** 1502 and to honor the legislative process the revisions requested are not appropriate at this time.

**II. FINDINGS OF FACTS**

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** by adding a new regulation 728 Graduate Level Salary Increments. The new regulation is needed because the subject which is being regulated falls under the purview of the Department's authority.

**III. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** by adding a new regulation 728 Graduate Level Salary Increments. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 728 Graduate Level Salary Increments attached hereto as Exhibit "B" is added to 14 **DE Admin. Code**. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 728 Graduate Level Salary Increments hereby added 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 14 **DE Admin. Code** 728 Graduate Level Salary Increments hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 728 Graduate Level Salary Increments in the *Administrative Code of Regulations* for the Department of Education.

**V. EFFECTIVE DATE OF ORDER**

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on September 15, 2017. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

**IT IS SO ORDERED** the 15<sup>th</sup> day of September 2017.

**Department of Education**

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

Approved this 15<sup>th</sup> day of September 2017

## 728 Graduate Level Salary Increments

### **1.0 Content**

This regulation shall apply to graduate level salary increments for educators, pursuant to 14 **Del.C.** §1305(a).

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

"**Critical Needs Areas**" means content, specialty, or administrative areas identified by the Department as areas of shortage in Delaware schools.

"**Department**" means the Delaware Department of Education.

"**Graduate Level Course**" means any course which is awarded graduate level credit by a regionally accredited college or university.

"**Graduate Level Course of Study**" means a non matriculated but focused and coherent program of study (e.g., a Certificate Program) which is directly linked to professional responsibilities.

"**Matriculated Graduate Credit**" means credit earned from a regionally accredited college or university earned toward a master's degree or a doctoral degree.

"**Skilled and Technical Sciences (STS)**" is also known as Trade and Industrial Education, Career and Technical Education, Career Technical Education or Career-Technical Education.

"**Specialist Degree Program**" means an organized program of study that is beyond a master's degree but below the doctoral consisting of a minimum of sixty (60) graduate semester hours [ninety (90) quarter hours] and a one (1) year supervised internship, or an equivalent program as determined by the Department. Examples of programs include a National Association of School Psychologists (NASP) approved program or an American Psychological Association (APA) accredited program including but not limited to the following: Master's of Education (MEd) with an Educational Specialist (EdS) in School Psychology or a Master's of Science in School Psychology with a Advanced Certificate or Certificate of Advanced Study (CAS) in School Psychology. A master's degree in school psychology may be recognized as a specialist degree program if it meets the additional credit and internship requirements and any graduate credits earned in the program and conferral of the master's degree beyond thirty (30) may be counted beyond the master's degree level.

"**Trades and Industry Teacher**" means a Skilled and Technical Sciences Teacher, Trade and Industrial Education Teacher or Teacher of Trade and Industries.

"**Two Years of College or Technical Training**" means a minimum of a high school diploma or its recognized equivalent and the satisfactory completion of any one of the following options in the specific career area of certification (1) an Associate's degree with a major in the specific career area; (2) two years of college majoring in the specific career area with at least 50% of the major courses required for a bachelor's degree satisfactorily completed; (3) a state issued certificate indicating completion of apprenticeship hours and apprentice related training (e.g. journey papers) in the specific career area; (4) completion of four years of sequential Delaware Trade Extension courses in the specific career area; (5) completion of four years of National Center for Construction Education and Research's Contren documented training in the specific career area; (6) a 70% or above score on both the written and performance elements of a Delaware Apprentice-related Education Provider's National Center for Construction Education and Research's Contren-derived full Apprentice Equivalency test-out covering all Apprentice-related Education years in the specific career area; (7) passage of a State of Delaware Licensing Test in the specific career area, offered through the Division of Professional Regulation; (8) 576 hours of military training in the specific career area; (9) 576 hours post-secondary trade school training in the specific career area; (10) a 70% or above score on both the written and performance teacher tests for the National Occupational Competency Testing Institute in the specific career area; (11) an industry recognized certification of technical competence or journey person status in the specific career area, or (12) DOE approved equivalents of any one of the above including but not limited to equivalents from any combination of the above options.

### **3.0 Matriculation into Master's Degree**

3.1 Educators who hold a bachelor's degree and who are enrolled in a master's degree program at a regionally accredited college or university may accrue graduate level credits toward salary increments on the basic salary schedule for educators, set forth in 14 **Del.C.** §1305(a).

- 3.2 No credits earned prior to the conferring of a bachelor's degree may be applied toward movement on the salary schedule.
- 3.3 Credits shall be applied in the order in which they were taken and no credit may be applied more than once toward movement on the salary schedule.
  - 3.3.1 Educators enrolled in a master's degree program at a regionally accredited college or university may apply for movement to the Bachelor's Plus 15 column of the basic salary schedule for educators, set forth in 14 Del.C. §1305(a), upon completion of fifteen (15) graduate credits toward a master's degree.
  - 3.3.2 Educators enrolled in a master's degree program at a regionally accredited college or university may apply for movement to the Bachelor's Plus 30 column of the basic salary schedule for educators, set forth in 14 Del.C. §1305(a), upon completion of thirty (30) graduate credits toward a master's degree.
  - 3.3.3 Upon completion of a master's degree program at a regionally accredited college or university, an educator may apply for movement to the master's degree column of the basic salary schedule for educators, set forth in 14 Del.C. §1305(a).

#### **4.0 Post Master's Degree Course Work**

- 4.1 Educators who hold an eligible master's degree from a regionally accredited college or university may accrue credits taken after the conferral date of their first master's degree toward salary increments toward a Master's Degree Plus 15 graduate credits, a Master's Degree Plus 30 graduate credits, a Master's Degree Plus 45 graduate credits, or a doctoral degree on the basic salary schedule for educators, set forth in 14 Del.C. §1305(a). All credits taken must be graduate level and must be:
  - 4.1.1 Earned through a graduate level course of study clearly related to the educator's professional responsibilities and otherwise approved pursuant to 14 Del.C. Ch. 12, or
  - 4.1.2 Earned toward a second master's degree, or
  - 4.1.3 Matriculated graduate credits earned toward a doctoral degree.
- 4.2 Notwithstanding subsection 4.1, graduate credits earned prior to the conferral of a master's degree may be applied toward movement on the salary schedule if the graduate credits are part of a Specialist Degree Program as long as the credits were earned after matriculating into the program.

#### **5.0 Use of Undergraduate and Inservice Credits**

- 5.1 Educators entitled to rightward movement on the basic salary schedule for educators, set forth in 14 Del.C. §1305(a), on the basis of inservice or undergraduate credits approved prior to July 1, 2004, shall continue to be entitled to such movement in the event of any future application for movement submitted after July 1, 2004.
  - 5.1.1 For example, an educator who holds a Bachelor's Plus 15 or a Bachelor's Plus 30 approved prior to July 1, 2004 and based entirely on inservice or undergraduate credits, shall be entitled to move to a Master's Degree Plus 15 or Master's Degree Plus 30, whichever is applicable, upon completion of a master's degree program.

#### **6.0 Credits Expressed as Semester Hours**

- 6.1 All credits must be expressed in terms of semester hours.
- 6.2 College or university credits expressed in quarter hours will be converted by the Department to semester hours by multiplying the number of quarter hours by two thirds.

#### **7.0 Acceptable Grades**

All grades for graduate level credit submitted for a graduate level salary increment must be a grade of "B" or higher. In the case of credits earned on a pass/fail basis, a grade of "pass" is acceptable.

#### **8.0 Skilled and Technical Sciences Teachers**

- 8.1 A bachelor's degree equivalent for Skilled and Technical Sciences teachers (formerly Trade and Industrial Education) shall be two years of college or technical training and six years of work experience (14 Del.C. §1301).
- 8.2 Undergraduate credit in a matriculated bachelor's degree may be accepted in lieu of graduate credit for Skilled and Technical Sciences teachers who do not hold a bachelor's degree.
- 8.3 Initial placement on the basic salary schedule for educators, set forth in 14 Del.C. §1305, for Skilled and Technical Sciences teachers who have completed two years of college or technical training and six years of work experience, is at the bachelor's degree level.

- 8.4 In order to be eligible for movement on the basic salary schedule, Skilled and Technical Sciences teachers must possess a Standard Certificate in Skilled and Technical Sciences.
- 8.5 Movement beyond the bachelor's degree level on the basic salary schedule for Skilled and Technical Sciences teachers shall apply as follows:
- 8.5.1 Seventy-five (75) credits toward a bachelor's degree is equivalent to a Bachelor's Degree Plus 15 credits.
  - 8.5.2 Ninety (90) credits toward a bachelor's degree is equivalent to a Bachelor's Degree Plus 30 credits.
  - 8.5.3 A bachelor's degree is equivalent to a master's degree on the basic salary schedule.
  - 8.5.4 A master's degree is equivalent to a Master's Degree Plus 15 credits on the basic salary schedule.
  - 8.5.5 A master's degree plus 15 credits is equivalent to a Master's Degree Plus 30 credits on the basic salary schedule.
  - 8.5.6 A Master's Degree Plus 30 credits is equivalent to a Master's Degree Plus 45 credits on the basic salary schedule.
  - 8.5.7 A Master's Degree Plus 45 credits is equivalent to a Doctoral degree on the basic salary schedule.

## **9.0 Alternate Routes to Certification Program**

Graduate credits which are included in the approved Alternative Routes to Certification program, as defined in 14 Del.C. Ch. 12, subchapter VI, are recognized as a graduate level course of study and may be applied by educators who hold master's degrees and who are enrolled in the approved Alternative Routes program toward a Master's Degree Plus 15 credits, a Master's Degree Plus 30 credits, a Master's Degree Plus 45 credits or a Doctoral degree on the basic salary schedule for educators, set forth in 14 Del.C. §1305(a).

## **10.0 Eligibility for Graduate Level Salary Increments**

- 10.1 Where applicable and available, an applicant for a graduate level salary increment must hold an Initial, Continuing, or Advanced License issued by the Department in accordance with 14 Del.C. Ch. 12, Subchapter III.
- 10.2 An educator employed on an Emergency Certificate pursuant to 14 Del.C. §1506 is eligible to receive a salary increment.

## **11.0 Acceptable Professional Degrees**

- 11.1 In order to be applicable to graduate level salary increments, master's and doctoral degrees must be directly related to an area or specialty in which the educator is employed, or as required by regulation.
- 11.2 Any such request from a district or charter school, if applicable, must be in writing and must be submitted with the completed application for a salary increment.

## **12.0 Application Procedures**

- 12.1 Upon completion of the credits required for movement on the basic salary schedule for educators, set forth in 14 Del.C. §1305(a), an applicant may apply for a salary increment. No applications will be considered prior to the completion of credits necessary for movement on the salary schedule.
  - 12.1.1 An applicant shall submit an electronic salary increment application through DEEDS.
  - 12.1.2 The applicant shall arrange for official transcripts (unopened and unaltered) to be submitted by the institution of higher learning directly to the employer's Human Resources Office. The application will be reviewed and either approved or denied by the employer. The Department in its discretion may also accept verification of an official transcript by other means if the authenticity of the transcript can be made.
  - 12.1.3 An application for a salary increment for the current fiscal year (July 1 to June 30) must be received in the Department no later than June 1. Applications received after June 1 will be approved effective the first day of the next fiscal year. If approved by the District/Charter, the application will be submitted to the Department for review and either denial or approval. Official transcripts must be submitted to the Department with the application.

## **13.0 Effective Date of Salary Adjustment**

- 13.1 The salary adjustment shall be made after the evaluation and approval of the candidate's application by the Department.
  - 13.1.1 The adjustment will be authorized to be made retroactive to the first of the month following the date certified by transcript or official grade slip as to when the program or credit was completed.
  - 13.1.2 Applications received after June 1 will be approved effective the first day of the next fiscal year.

13.2 Retroactive salary adjustment may be by a single payment or by payments divided equally among all the pay periods remaining in a current fiscal year as may be determined by the district or state fiscal officers.

13.3 No salary increment shall be retroactive to a prior fiscal year.

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