

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b)(27) (14 **Del.C.** §122(b)(27))
14 **DE Admin. Code** 286

FINAL

REGULATORY IMPLEMENTING ORDER

286 Application Fee For Educator Licensure

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §122(b)(27), the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 286 Application Fee For Educator Licensure. This regulation is being reviewed as required by 29 **Del.C.** §10407 which states regulations are to be reviewed every four years. This regulation is being amended to update the definition of "Charter School" so that it aligns with Regulation 255 Definitions of Types of Schools and to clarify that the reimbursement of the application fee for educator licensure occurs in April instead of March each year.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on July 1, 2022. The Department of Education did not receive any written comments concerning the proposed amendments.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 286 Application Fee For Educator Licensure as required by 29 **Del.C.** §10407 which states regulations are to be reviewed every four years. This regulation is being amended to update the definition of "Charter School" so that it aligns with Regulation 255 Definitions of Types of Schools and to clarify that the reimbursement of the application fee for educator licensure occurs in April instead of March each year.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 286 Application Fee For Educator Licensure. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 286 Application Fee For Educator Licensure attached hereto as *Exhibit "A"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 286 Application Fee For Educator Licensure 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 14 **DE Admin. Code** 286 Application Fee For Educator Licensure amended hereby shall be in the form attached hereto as *Exhibit "A"*, and said regulation shall be cited as 14 **DE Admin. Code** 286 Application Fee For Educator Licensure 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 August 18, 2022. 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 18th day of August 2022.

Department of Education

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

Approved this 18th day of August 2022

State Board of Education

/s/ Shawn Brittingham, President

Wali W. Rushdan, II (Absent)

Vincent Lofink, Vice President (Absent)

Provey Powell, Jr. (Absent)

/s/ Candice Fifer

/s/ Deborah Stevens

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

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

286 Application Fee For Educator Licensure

1.0 Purpose

The purpose of this regulation is to comply with 14 Del.C. §122(b)(27) related to educator licensure. ~~This regulation sets forth the licensure, and to establish~~ rules and guidelines related to ~~fees~~ the application fee for educator licensure. Specifically, the Department of Education will implement a one-time, non-refundable fee of not more than \$100 for an educator's first application ~~for to obtain licensure and certification in Delaware.~~ However, the fee shall be reimbursed for any applicant who becomes employed as an educator in a Delaware Public School. This application may be for an ~~initial, Continuing or Advanced License~~ initial, continuing or advanced license.

20 DE Reg. 435 (12/01/16)

21 DE Reg. 803 (04/01/18)

2.0 Definitions

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

"Advanced License" means a license issued as part of the three tiered licensure system set forth in 14 Del.C. §121(c) and 14 Del.C. Ch. 12, subchapter II.

"Charter School" means a ~~non-home-based~~ public school including ~~two or more of grade kindergarten through twelve, operating in an approved physical plant for the personal physical attendance of all students and is managed by a board of directors. It exists under a charter granted by a public school district or the State Department of Education, with the approval of the State Board of Education, that is operated under a charter granted by, or transferred to, the Delaware Department of Education or other authorizing body pursuant to 14 Del.C. Ch. 5.~~

"Continuing License" means a license issued as part of the three tiered licensure system set forth in ~~and~~ 14 Del.C. §121(c) and 14 Del.C. Ch. 12, subchapter II.

"Department" means the Delaware Department of Education.

"Educator Licensure Application Fee" means the one-time, non-refundable fee of not more than \$100 an individual pays for a an application for their first educator license in Delaware.

~~"Eligible Educator for Reimbursement"~~ or **"Eligible Educator"** means an educator who has paid the one-time \$100 educator licensure fee and who has become employed as an educator in a Delaware public school.

"Initial License" means a license issued as part of the three tiered licensure system set forth in 14 Del.C. §121(c) and 14 Del.C. Ch. 12, subchapter II.

"Public School" means a physical plant having any or all of grades kindergarten through twelve, supported primarily from public funds and under the supervision of public school administrators. A Charter School, as defined herein, is also a public school.

20 DE Reg. 435 (12/01/16)

21 DE Reg. 803 (04/01/18)

3.0 Application Process

3.1 Applicants seeking an educator licensure in Delaware shall:

3.1.1 Establish an online account in the electronic licensure and certification system in Delaware;

3.1.2 Submit official documents to the Department to support their application;

3.1.3 Pay a one-time, non-refundable \$100 application fee via debit or credit card through the electronic licensure and certification system when applying for ~~an Initial, Continuing, or Advanced License~~ an initial, continuing, or advanced license; and

3.1.4 Meet all statutory and regulatory requirements.

3.2 An application will not be processed until all conditions of subsection 3.1 are met.

3.3 Submission of an online fee and application does not entitle the applicant to the requested license.

20 DE Reg. 435 (12/01/16)

4.0 Exemptions From Application Fee

An applicant who is already licensed and certified in Delaware shall be exempt from the application fee.

20 DE Reg. 435 (12/01/16)

5.0 Fee Payment and Collection

- 5.1 No installment or partial payments of the fee will be accepted. Only full payment of the fee, to be made as part of the online electronic application, is permitted.
- 5.2 No appeals, exceptions, or waivers shall be granted for the fee.
- 5.3 All fees collected pursuant to this regulation shall be deposited in the General Fund, with the exception of \$90,000, which shall be retained annually by the Department in a special fund to be established for the sole purpose of reimbursing ~~Eligible Educators~~ eligible educators.

20 DE Reg. 435 (12/01/16)

6.0 Reimbursement

- 6.1 An ~~Eligible Educator For Reimbursement~~ eligible educator shall receive a reimbursement of the one-time \$100 educator licensure fee. The reimbursement shall be processed by the Department of ~~Education~~ in coordination with the Division of Accounting for ~~those Eligible Educators for Reimbursement~~ eligible educators identified November 1 and ~~March~~ April 1 of each fiscal year.
- 6.2 ~~Eligible Educators for Reimbursement~~ educators shall receive their reimbursement check through either a direct deposit transaction or live check.

19 DE Reg. 620 (01/01/16)

20 DE Reg. 435 (12/01/16)

21 DE Reg. 803 (04/01/18)

26 DE Reg. 310 (10/01/22) (Final)