

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

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

FINAL

REGULATORY IMPLEMENTING ORDER

286 Application Fee For Educator Licensure

Background: Title 14 of the Delaware Administrative Code governs Department of Education matters. House Bill 51 (149th General Assembly), "An Act to Amend Title 14 of the Delaware Code Relating to Fees for Educators," was signed into law by the Governor on May 18, 2017 and became effective immediately. The Act amends 14 Delaware Code, Section 122(b)(27) and changes the terminology of "teacher" to "educator".

Under the provisions of 29 **Del.C.** §10113(b)(5), this regulation is being amended to make it consistent with the above described change in basic law and the amendments do not otherwise alter the substance of the regulation.

The amendments that the Department are making are exempt from the requirement of public notice and comment and are adopted informally pursuant to 29 **Del.C.** §10113(b)(5), because the changes in the existing regulation make it consistent with statutory law.

It is so ordered. This 15th day of March 2018.

Department of Education

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

Approved this 15th day March of 2018

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 rules and guidelines related to fees 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 licensure in Delaware. However, the fee shall be reimbursed for any applicant who becomes employed as ~~a teacher~~ an educator in a Delaware Public School. This application may be for an Initial, Continuing or Advanced License.

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

2.0 Definitions

"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, 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 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 ~~a teacher~~ 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)

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; 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.

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

6.0 Reimbursement

- 6.1 An Eligible Educator For Reimbursement 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 identified November 1 and March 1 of each fiscal year.
- 6.2 Eligible Educators for Reimbursement 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) (Final)