

**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** 1584

PROPOSED

PUBLIC NOTICE

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

1584 School Social Worker

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** 1584 School Social Worker. The regulation concerns the requirements for a School Social Worker Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include adding defined terms to Section 2.0; clarifying the requirements for issuing a School Social Worker Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a School Social Worker Standard Certificate in Section 4.0; adding reciprocity requirements in Section 5.0; specifying the application requirements in Section 6.0; adding Section 7.0, which concerns the validity of a School Social Worker Standard Certificate; adding the requirements for retaining a School Social Worker Standard Certificate to Section 8.0; adding Section 9.0, which concerns disciplinary actions; adding Section 10.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 11.0, which concerns recognizing past certificates that were issued by the Department.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before January 4, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOERegulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

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 and the requirements for reciprocity in Section 5.0 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 and the reciprocity requirements in Section 5.0 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 a School Social Worker Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 10.0 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 6.0 apply to individual applicants.

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 adopted regulation? There is no expected cost to the state and to the local school boards of complying with this amended regulation.

1584 School Social Worker

~~Effective July 1, 1994~~

1.0 Content

- 1.1 This regulation shall apply to the issuance of a School Social Work Standard Certificate, Certificate pursuant to 14 ~~Del.C.~~ §1220(a), ~~for School Social Worker. This certification~~ The School Social Worker Standard Certificate is required for grades K to 12 in Delaware public schools.
- 1.2 ~~Except as otherwise provided, the requirements set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

2.0 Definitions

~~The definitions set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

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

"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.

"LCSW" means a person who is licensed as a clinical social worker.

"License" means a credential which authorizes the holder to engage in the practice for which the license is issued.

"LMSW" means a person who is licensed as a masters social worker.

"Passing Score" means a minimum score as established by the Standards Board in consultation with the Department and with the approval of the State Board of Education.

"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" means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 ~~Del.C.~~ §1220(a), the Department shall issue a School Social Worker Standard Certificate as a ~~School Social Worker~~ to an educator applicant who ~~has met the following~~:

- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License or Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and, 2003 and meets the requirements set forth in Section 4.0 of this regulation; or~~
- 3.1.2 ~~Has met the requirements as set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto; and~~ Has met the requirements for licensure in Delaware and presents proof of a Valid and Current License or Certificate as a school social worker from another state or jurisdiction whose requirements are substantially similar to the requirements in Section 4.0 of this regulation; or
- 3.1.3 ~~Has satisfied the additional requirements in this regulation.~~ Has met the requirements for licensure in Delaware and meets the requirements set forth in Section 5.0 of this regulation.
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a School Social Worker 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 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.

4.0 Additional Prescribed Education, Knowledge, and Skill Requirements

- 4.1 An educator shall also meet the following:
 - 4.1.2 Master's degree in Social Work (MSW) from a regionally accredited college or university; and
 - 4.1.2 Two years successful full time work experience as a social worker; and
 - 4.1.3 One year of supervised experience in a school setting, or a one year internship of 1000 hours approved by the Department of Education and supervised by an appropriate school designee.
- 4.1 An applicant for a School Social Worker Standard Certificate shall have satisfied the requirements in subsections 4.1.1 through 4.1.3.
 - 4.1.1 The applicant shall have earned a master's degree in social work (MSW) from a Regionally Accredited college or university.
 - 4.1.2 The applicant shall hold a license to practice as a LCSW or LMSW issued by the Delaware Board of Social Work Examiners that is in good standing.
 - 4.1.3 The applicant shall have completed two years of full-time work experience as a social worker as approved by the Department. Post-degree supervised clinical social work experience completed in order to obtain an LCSW license shall count as work experience.

5.0 Reciprocity

- 5.1 If an applicant is already licensed or certified as a school social worker in a state or jurisdiction whose requirements are not substantially similar to the requirements in Section 4.0, the applicant shall have satisfied the requirements in subsections 5.1.1 and 5.1.2 in order for the Department to issue a School Social Worker Standard Certificate.
 - 5.1.1 The applicant shall have earned a master's degree in social work (MSW) from a Regionally Accredited college or university.
 - 5.1.2 The applicant shall hold a license to practice as a LCSW or LMSW issued by the Delaware Board of Social Work Examiners that is in good standing.

6.0 Application Requirements

- 6.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.
- 6.2 For applicants who are applying for the School Social Worker Standard Certificate under subsection 3.1.1, the following documentation is required:
 - 6.2.1 Official transcript from the applicant's Regionally Accredited college or university.
 - 6.2.1.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
 - 6.2.1.2 Sealed paper transcripts may be submitted.
 - 6.2.1.3 The Department will not accept copies of transcripts; and

- 6.2.2 Documentation that the applicant is licensed to practice and is in good standing as a LCSW or LMSW issued by the Delaware Board of Social Work Examiners; and
- 6.2.3 The Department-approved form verifying the applicant's completion of the experience requirement as provided in subsection 4.1.3; and
- 6.2.4 Additional documentation as required by the Department.
- 6.3 For applicants who are applying for the School Social Worker Standard Certificate under subsection 3.1.2, the following documentation is required:
 - 6.3.1 An official copy of the Valid and Current License or Certificate; and
 - 6.3.2 Documentation that the applicant is licensed to practice and is in good standing as a LCSW or LMSW issued by the Delaware Board of Social Work Examiners; and
 - 6.3.3 Additional documentation as required by the Department.
- 6.4 For applicants who are applying for the School Social Worker Standard Certificate under subsection 3.1.3, the following documentation is required:
 - 6.4.1 An official copy of the Valid and Current License or Certificate; and
 - 6.4.2 Official transcript from the applicant's Regionally Accredited college or university.
 - 6.4.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
 - 6.4.2.2 Sealed paper transcripts may be submitted.
 - 6.4.2.3 The Department will not accept copies of transcripts; and
 - 6.4.3 Documentation that the applicant is licensed to practice and is in good standing as a LCSW or LMSW issued by the Delaware Board of Social Work Examiners; and
 - 6.4.4 Additional documentation as required by the Department.

7.0 Validity of a Standard Certificate

- 7.1 A School Social Worker Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.
- 7.2 A School Social Worker Standard Certificate is not subject to renewal.

8.0 Requirements Related to the Retention of a School Social Worker Standard Certificate

- 8.1 In order to retain a School Social Worker Standard Certificate, the Educator shall:
 - 8.1.1 Hold a license to practice as a LCSW or LMSW issued by the Delaware Board of Social Work Examiners that is in good standing; and
 - 8.1.2 Annually affirm and document to the Department that the Educator satisfies the requirement in subsection 8.1.1.
- 8.2 If an Educator fails to meet any of the requirements related to retaining a School Social Worker Standard Certificate, the Educator shall immediately notify the Department in writing.
- 8.3 The requirements set forth in subsection 8.1 apply to all Educators regardless of the date the School Social Worker Standard Certificate was issued to them.

9.0 Disciplinary Action

- 9.1 An Educator's School Social Worker Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 **DE Admin. Code** 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits or for the Educator's failure to comply with the requirements related to the retention of a School Social Worker Standard Certificate as provided in Section 8.0.
- 9.2 An Educator's School Social Worker Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 **Del.C.** §1222.
- 9.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

10.0 Secretary of Education Review

- 10.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a School Social Worker Standard Certificate on an individual basis

and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a School Social Worker Standard Certificate but whose effectiveness is documented by the local school district or charter school.

10.1.1 For school districts, requests shall be approved by the superintendent of the school district.

10.1.2 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.

11.0 Past Certificate Recognized

The Department shall recognize a School Social Worker Standard Certificate that was issued by the Department prior to the effective date of this regulation. An Educator holding such a Standard Certificate shall be considered certified to practice as a school social worker.

14 DE Reg. 1357 (06/01/11)

24 DE Reg. 527 (12/01/20) (Prop.)