

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)

14 **DE Admin. Code** 1596

PROPOSED

PUBLIC NOTICE

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

1596 Charter School Leader

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1596 Charter School Leader. The regulation concerns the requirements for a Charter School Leader Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments in this regulation include revising Section 1.0 to add instructional administrators; adding a definition of the term "Instructional Administrator" in Section 2.0; revising the term "Regionally Accredited" based on the changes the U.S. Department of Education made to its recognition of accrediting bodies in Section 2.0; adding reciprocity language and striking a redundant phrase in Section 3.0; revising the requirements in Section 4.0; adding Section 5.0, which concerns reciprocity; and revising the application requirements in Section 6.0.

Notice of the proposed regulation was originally published in the *Register of Regulations* on October 1, 2024. The Board received written submittals from Jon Neubauer, Director of Education Policy of the Delaware State Education Association ("DSEA"); Britney Mumford, Executive Director of DelawareCAN; Ann C. Fisher, Chairperson of the Governor's Advisory Council for Exceptional Citizens ("GACEC"); Kendall Massett, Executive Director of Delaware Charter Schools Network ("DCSN"), Edward Emmett, Board President of DCSN, and the leaders, leadership teams, and board of Delaware charter schools; and Susannah Eaton-Ryan, Chairperson of the State Council for Persons with Disabilities ("SCPD"). DSEA commented that it remains neutral on the proposed regulation. DelawareCAN commented that the proposed regulation will provide necessary relief and flexibility to charter schools striving to meet the high expectations of their communities. GACEC commented that it supports the proposed regulation but it would like a requirement for special education legal/regulatory training added. SCPD commented that it supports the proposed regulation with the aforementioned addition. Both GACEC and SCPD commented that they encourage the Department to look to existing training for other certifications/licensure and how to augment training requirements for charter school leaders in order to address charter school disparities for students with disabilities and ensure they receive a free appropriate public education. DCSN commented that the charter community strongly supports the proposed regulation.

At the November 7, 2024 and December 5, 2024 Board meetings the Board deliberated on the public comments and votes to move the regulation forward failed. Subsequently, the Board voted to republish the regulation with the word "instructional" added to subsection 4.1.3.2. The Board therefore withdraws the proposed regulation published on October 1, 2024 and submits the proposed revisions set forth below.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before March 3, 2025. 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 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 requirements for reciprocity 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 Charter School Leader Standard Certificate but whose effectiveness is documented by the school. The amended regulation does not change a charter school's ability to submit such a request. Section 7.0 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. 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.

1596 Charter School Leader

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Charter School Leader Standard Certificate pursuant to 14 **Del.C.** §1220(a). The Charter School Leader Standard Certificate is required for ~~leaders of Charter Schools~~ instructional administrators of charter schools in Delaware ~~who were hired prior to June 30, 2023~~. The Charter School Leader Standard Certificate authorizes an individual to practice as ~~a leader in a Charter School~~ an instructional administrator in a charter school.
- 1.2 The Charter School Leader Standard Certificate shall not be used to practice as ~~a leader~~ an administrator in a traditional or vocational-technical public school in Delaware.
- 1.3 ~~The Charter School Leader Standard Certificate shall not be used for any Charter School Leader hired after June 30, 2023. In order to practice as a leader in a Charter School, the individual must~~ In lieu of the Charter School Leader Standard Certificate, an instructional administrator in a charter school may hold 1 of the following Standard Certificates:
 - 1.3.1 School Principal and Assistant School Principal Standard Certificate (14 **DE Admin. Code** 1591); or
 - 1.3.2 Certified Central Office Personnel (14 **DE Admin. Code** 1592); or
 - 1.3.3 Superintendent or Assistant Superintendent Standard Certificate (14 **DE Admin. Code** 1593); or
 - 1.3.4 Special Education Director (14 **DE Admin. Code** 1594).

2.0 Definitions

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

"Charter School school" means a public school that operates under a charter granted by a public school district or the Department pursuant to 14 **Del.C.** Ch. 5.

"Charter School Leader school leader" means an administrator at a charter school.

"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 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.

"Instructional administrator" means a charter school administrator who supervises and evaluates educators, instructs students by means of designing and implementing curriculum, or instructs, trains, mentors, or coaches teachers.

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

"Regionally Accredited 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 institutional accreditation from an agency that was designated as a regional accreditor before July 1, 2020, and is currently recognized by the U.S. Secretary of Education as a reliable indicator of the institution's educational quality.~~

"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 current license or certificate" means a current full or permanent certificate or license as an educator issued by another state or jurisdiction. This means the applicant is fully credentialed by having met all of the requirements for full licensure or certification as an educator 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 Charter School Leader Standard Certificate to an applicant who:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced 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 an educator's license in Delaware and presents proof of a ~~Valid and Current License or Certificate~~ valid and current license or certificate as a charter school leader issued by another state or ~~jurisdiction~~ jurisdiction whose requirements are substantially similar to the requirements in Section 4.0 of this regulation; or
 - 3.1.3 Has met the requirements for an educator's license 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 Charter School Leader 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~~ 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 Prescribed Education, Knowledge, and Skill Requirements

- 4.1 The applicant shall have satisfied the requirements in subsections 4.1.1 ~~and 4.1.2~~ through 4.1.3:
 - 4.1.1 The applicant earned a bachelor's degree from a Regionally Accredited college or university in any content area.
 - 4.1.2 The applicant ~~completed a charter leader portfolio by June 30, 2024 and earned a rating of accomplished based on the Delaware Performance Appraisal System II for administrators~~ satisfactorily completed an alternative routes for licensure or certification program for Charter School Leaders as provided in 14 Del.C. §§1260 - 1266 and 14 DE Admin. Code 291.
 - 4.1.3 The applicant shall have completed a minimum of 4 years of 1 of the following experience requirements in subsections 4.1.3.1 through 4.1.3.6:

- 4.1.3.1 Experience as an educator in a charter school.
- 4.1.3.2 Leadership experience in an educational or other instructional setting.
- 4.1.3.3 Related services in a charter school.
- 4.1.3.4 Military leadership experience.
- 4.1.3.5 Teaching experience in a public school, independent or private school, or postsecondary institution.
- 4.1.3.6 Any combination of the experience options outlined in subsections 4.1.3.1 through 4.1.3.5 for a minimum of 4 years of experience altogether.

5.0 Reciprocity

- 5.1 If an applicant is already licensed or certified as a charter school leader 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 through 5.1.3 in order for the Department to issue a Charter School Leader Standard Certificate:
 - 5.1.1 The applicant shall hold a valid and current license or certificate as a charter school leader.
 - 5.1.2 The applicant shall have completed a preparation program for charter school leaders.
 - 5.1.3 The applicant shall have earned a bachelor's degree from a regionally accredited college or university.

~~5.0~~ 6.0 Application Requirements

- ~~5.1~~ 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 license.
- ~~5.2~~ 6.2 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 a Charter School Leader Standard Certificate.
- ~~5.3~~ 6.3 For an applicant who is applying under subsection 3.1.1 of this regulation, the following documentation is required with the application for a Charter School Leader Standard Certificate:
 - ~~5.3.1~~ 6.3.1 Official transcript from the applicant's ~~Regionally Accredited~~ regionally accredited college or university.
 - ~~5.3.1.1~~ 6.3.1.1 Electronic transcripts may be submitted by the ~~Employing Authority~~ employing authority or by the applicant's ~~Regionally Accredited~~ regionally accredited college or university; or
 - ~~5.3.1.2~~ 6.3.1.2 Sealed paper transcripts may be submitted.
 - ~~5.3.1.3~~ 6.3.1.3 The Department will not accept copies of transcripts; and
 - ~~5.3.2~~ 6.3.2 Documentation verifying completion ~~a charter leader portfolio and a rating of accomplished based on the Delaware Performance Appraisal System II for administrators, if applicable~~ of an alternative routes for licensure or certification program for charter leaders as required in subsection 4.1.2; and
 - ~~5.3.3~~ 6.3.3 Additional documentation as required by the Department.
- ~~5.4~~ 6.4 For an applicant who is applying under subsection 3.1.2 of this regulation, the following documentation is required with the application for a Charter School Leader Standard Certificate:
 - ~~5.4.1~~ 6.4.1 An official copy of the ~~Valid and Current License or Certificate~~ valid and current license or certificate; and
 - ~~5.4.2~~ 6.4.2 Additional documentation as required by the Department.
- 6.5 For an applicant who is applying under subsection 3.1.3 of this regulation, the following documentation is required with the application for a Charter School Leader Standard Certificate:
 - 6.5.1 An official copy of the valid and current license or certification; and
 - 6.5.2 Official transcript from the applicant's regionally accredited college or university.
 - 6.5.2.1 Electronic transcripts may be submitted by the employing authority or by the applicant's regionally accredited college or university; or
 - 6.5.2.2 Sealed paper transcripts may be submitted.
 - 6.5.2.3 The Department will not accept copies of transcripts; and
 - 6.5.3 Proof of completion of a preparation program for charter school leaders; and
 - 6.5.4 Additional documentation as required by the Department.

6-0 7.0 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 a Charter School Leader Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Charter School Leader Standard Certificate but whose effectiveness is documented by the local school district or charter school. 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.

7-0 8.0 Validity of a Standard Certificate

7-1 8.1 A Charter School Leader Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the ~~Educator's License~~ educator's license remains current and valid.

7-2 8.2 A Charter School Leader Standard Certificate is not subject to renewal.

8-0 9.0 Disciplinary Action

8-1 9.1 An ~~Educator's~~ educator's Charter School Leader 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.

8-2 9.2 An ~~Educator's~~ educator's Charter School Leader Standard Certificate shall be revoked if the ~~Educator's~~ educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the ~~Educator~~ educator made a materially false or misleading statement in the ~~Educator's~~ educator's application in accordance with 14 **Del.C.** §1222.

8-3 9.3 An ~~Educator~~ 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.

9-0 10.0 Contact Information and Change of Name or Address

9-1 10.1 All applicants and ~~Educators~~ educators are required to update their contact information in DEEDS if their contact information changes.

9-2 10.2 An ~~Educator~~ educator who legally changes the ~~Educator's~~ educator's name and wishes to change the name on the Charter School Leader Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.

9-3 10.3 An applicant or ~~Educator~~ 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.

27 DE Reg. 39 (07/01/23)

28 DE Reg. 569 (02/01/25) (Prop.)