

**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** 1520

FINAL

REGULATORY IMPLEMENTING ORDER

1520 Early Childhood Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203 and 1205(b), the Professional Standards Board, acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1520 Early Childhood Teacher. The regulation concerns the requirements for an Early Childhood Teacher 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 an Early Childhood Teacher Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining an Early Childhood Teacher Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of an Early Childhood Teacher Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certificates that were issued by the Department.

Notice of the proposed regulation was published in the *Register of Regulations* on September 1, 2020. The Professional Standards Board received one written submittal concerning the proposed amendments. Ann C. Fisher, Chairperson of the Governor's Advisory Council for Exceptional Citizens ("GACEC"), commented that GACEC supports the proposed amendments. GACEC further commented that the Professional Standards Board does not prescribe specific professional development for educators and it is possible that an educator with an Early Childhood Teacher Standard Certificate will not actually participate in any professional development related to the certificate. As such, GACEC recommended that the Department consider whether including requirements for renewal of the certificate is warranted. In addition, GACEC commented that "educators within this category should be some of Delaware's most capable educators" and recommended that proposed Section 8.0 be removed.

II. FINDINGS OF FACTS

On November 5, 2020, the Professional Standards Board considered GACEC's written submittal.

The Professional Standards Board found that proposed subsection 6.2, which provides that the Early Childhood Teacher Standard Certificate is not renewed, is consistent with the statute concerning standard certificates. The statute, 14 **Del.C.** §1220(a), provides that the "Department shall issue a standard certificate to an applicant who . . . has acquired the prescribed knowledge, skill, or education to practice in a particular area, to teach a particular subject or to instruct a particular category of students." 14 **Del.C.** Ch. 12 does not authorize the Department to renew a standard certificate once it has been issued, which is different from a continuing license that may be renewed for five years if an educator has completed 90 clock hours of approved professional development (14 **Del.C.** §1212). The Professional Standards Board also found that its Professional Development and Associated Compensation Committee is currently working to address linking professional development to an educator's work. In addition, the Professional Standards Board found that proposed Section 8.0, Secretary of Education Review, is based on statute (14 **Del.C.** §1224) and is available for all certificates.

The Professional Standards Board determined that further changes in response to the written submittal were not necessary and voted to propose 14 **DE Admin. Code** 1520 Early Childhood Teacher, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1520 Early Childhood Teacher.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1520 Early Childhood Teacher subject to the State Board of Education's approval. Therefore, pursuant to 14 **Del.C.** §§1203 and 1205(b), 14 **DE Admin. Code** 1520 Early Childhood Teacher, attached hereto as Exhibit A, is hereby amended.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1520 Early Childhood Teacher adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1520 Early Childhood Teacher in the Administrative Code of Regulations for the Department.

V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten (10) days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 19th day of November, 2020.

Department of Education

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

Approved this 19th day of November, 2020.

State Board of Education

/s/ Whitney Sweeney, President

/s/ Wali W. Rushdan, II, Vice President

/s/ Candice Fifer

/s/ Vincent Lofink

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

/s/ Provey Powell, Jr.

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

Exhibit A

1520 Early Childhood Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a an Early Childhood Teacher Standard Certificate, pursuant to 14 Del.C. §1220(a), for Early Childhood Teacher. This certification is valid for birth to grade two (2); however, certification as an Elementary Teacher may also be used in K to grade 2. The Early Childhood Teacher Standard Certificate is required for Birth to Grade 2 in Delaware public schools. Notwithstanding the foregoing requirement, the Elementary Teacher Standard Certificate (14 DE Admin. Code 1521) may be used for grades K to 2 in lieu of the Early Childhood Teacher Standard Certificate.
- 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

- 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 word words and term terms, when used in this regulation, shall have the following meaning ~~unless the context clearly indicates otherwise:~~
- "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.
- "License" means a credential which authorizes the holder to engage in the practice for which the license is issued.

"Major or Its Equivalent" means a minimum of 30 semester hours of coursework in a particular content area.

"Passing Score" means a minimum score as established by the Professional Standards Board, 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.

21 DE Reg. 303 (10/01/17)

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a an Early Childhood Teacher Standard Certificate as an Early Childhood Teacher to an educator applicant who has met the following:

3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; 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 and presents proof of a Valid and Current License or Certificate as an early childhood teacher.

3.1.3 Has satisfied the additional requirements in this regulation.

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for an Early Childhood Teacher 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.

8 DE Reg. 1612 (05/01/05)

11 DE Reg. 667 (11/01/07)

16 DE Reg. 755 (01/01/13)

21 DE Reg. 303 (10/01/17)

4.0 Additional Prescribed Education, Knowledge, and Skill Requirements

4.1 An educator shall have also met the following:

4.1.1 achieved on the Praxis Subject Assessment – Education of Young Children (ETS Test # 5024) a Passing Score of 160.

4.1 For an applicant who does not hold a content area Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.

4.1.1 The applicant shall have:

4.1.1.1 Obtained and currently maintain an Early Childhood Generalist certificate from the National Board for Professional Teaching Standards; or

4.1.1.2 Earned a bachelor's degree from a Regionally Accredited college or university with a Major or Its Equivalent in early childhood education from an educator preparation program approved or recognized by the National Council for the Accreditation of Teacher Education (NCATE), the Council for the Accreditation of Educator Preparation (CAEP), or a state where the state approval body employed the appropriate standards; or

4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach early childhood education as provided in 14 Del.C. §§1260 – 1266; or

4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in early childhood education.

4.1.2 The applicant shall have achieved a Passing Score of 160 on the Praxis Subject Assessment – Education of Young Children (ETS Test Code # 5024).

4.2 For an applicant who holds at least one content area Standard Certificate, the applicant shall have achieved a Passing Score on an examination as provided in subsection 4.1.2.

16 DE Reg. 755 (01/01/13)

21 DE Reg. 303 (10/01/17)

5.0 Application Requirements

5.1 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.

5.2 For an applicant who does not hold a content area Standard Certificate, the following documentation is required with the application for an Early Childhood Teacher Standard Certificate:

5.2.1 Evidence of obtaining and maintaining an Early Childhood Generalist certificate from the National Board for Professional Teaching Standards, if applicable; and

5.2.2 Official transcript from the applicant's Regionally Accredited college or university.

5.2.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or

5.2.2.2 Sealed paper transcripts may be submitted.

5.2.2.3 The Department will not accept copies of transcripts; and

5.2.3 Official score on the Praxis Subject Assessment as provided in subsection 4.1.2; and

5.2.4 Additional documentation as required by the Department.

5.3 For an applicant who holds at least one content area Standard Certificate, the following documentation is required in the application for an Early Childhood Teacher Standard Certificate:

5.3.1 Official score on the Praxis Subject Assessment as provided in subsection 4.2; and

5.3.2 Additional documentation as required by the Department.

5.4 For applicants who have met the requirements for licensure and hold a Valid and Current License or Certificate as an early childhood teacher, the following documentation is required in the application for an Early Childhood Teacher Standard Certificate:

5.4.1 An official copy of the Valid and Current License or Certificate; and

5.4.2 Additional documentation as required by the Department.

6.0 Validity of a Standard Certificate

6.1 An Early Childhood Teacher Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.

6.2 An Early Childhood Teacher Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

7.1 An Educator's Early Childhood Teacher 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.

7.2 An Educator's Early Childhood Teacher 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.

7.3 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.

8.0 Secretary of Education Review

8.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for an Early Childhood Teacher Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for an Early Childhood Teacher Standard Certificate but whose effectiveness is documented by the local school district or charter school.

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

8.1.2 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.

9.0 Past Certificate Recognized

The Department shall recognize an Early Childhood Teacher 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 teach early childhood education.

8 DE Reg. 1612 (05/01/05)

Renumbered effective 06/01/07 - see Conversion Table

11 DE Reg. 667 (11/01/07)

16 DE Reg. 755 (01/01/13)

21 DE Reg. 303 (10/01/17)

24 DE Reg. 678 (01/01/21) (Final)