

**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** 1582

PROPOSED

PUBLIC NOTICE

Educational Impact Analysis Pursuant To 14 Del.C. Section 122(d)

1582 School Nurse

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** 1582 School Nurse. The regulation concerns the requirements for a School Nurse Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include amending the definition of "Supervised Clinical Nursing Experience" in Section 2.0; adding the multi-state compact registered nurse license; and amending Section 10.0, which concerns requests for the Secretary of Education to review standard certificate applications.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before February 2, 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 Nurse 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.

1582 School Nurse

1.0 Content

This regulation shall apply to the issuance of a ~~Standard Certificate~~, School Nurse Standard Certificate pursuant to 14 Del.C. §1220(a), ~~for an Educator. §1220(a). This Certification~~ The School Nurse Standard Certificate is required for all school nurses providing services to children in Delaware public schools.

14 DE Reg. 1228 (05/01/11)

23 DE Reg. 1031 (06/01/20)

2.0 Definitions

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

~~"Certification" means the issuance of a Standard Certificate, which may occur regardless of a recipient's assignment or employment status.~~

"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.

"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.

"Supervised Clinical Nursing Experience" means that the ~~Educator~~ applicant has worked as a licensed Registered Nurse in a clinical setting providing care to patients and that ~~educator~~ the applicant was supervised and evaluated by a licensed Registered Nurse supervisor or other healthcare provider. For the purpose of this regulation, other healthcare provider means a licensed physician, advanced practice registered nurse, ~~nurse practitioner~~, or physician assistant.

"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.

14 DE Reg. 1228 (05/01/11)

23 DE Reg. 1031 (06/01/20)

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a School Nurse Standard Certificate to an applicant who:

- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License or a 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 licensure in Delaware and presents proof of a Valid and Current License or Certificate as a school nurse 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 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 ~~Certification~~ a School Nurse 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 ~~alleged~~ allegations include but are not limited to conduct involves allegations of 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.

14 DE Reg. 1228 (05/01/11)

23 DE Reg. 1031 (06/01/20)

4.0 Prescribed Education, Knowledge, and Skill Requirements

- 4.1 The Department may issue a School Nurse Standard Certificate to an applicant who has satisfied the requirements in subsections 4.1.1 through 4.1.4.
- 4.1.1 The applicant shall hold a bachelor's degree in nursing (BSN) from a Regionally Accredited college or university.
 - 4.1.2 The applicant shall hold ~~a~~ an active, unencumbered license to practice as a registered nurse issued by the Delaware Board of Nursing ~~that is in good standing or an active, unencumbered multi-state compact registered nurse license.~~
 - 4.1.3 The applicant shall hold valid and current certification in cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use.
 - 4.1.4 The applicant shall have completed ~~3~~ three years of Supervised Clinical Nursing Experience as a registered nurse consisting of a minimum of 500 hours per year for a total of 1,500 hours during the ~~3-year~~ three-year period. This requirement shall not be met in a school setting.

14 DE Reg. 1228 (05/01/11)

20 DE Reg. 49 (07/01/16)

23 DE Reg. 1031 (06/01/20)

5.0 Reciprocity

- 5.1 If an applicant is already licensed or certified as a school nurse 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 5.1.4 in order for the Department to issue a School Nurse Standard Certificate:
- 5.1.1 The applicant shall hold a Valid and Current License or Certificate as a school nurse.
 - 5.1.2 The applicant shall hold a bachelor's degree in nursing (BSN) from a Regionally Accredited college or university.
 - 5.1.3 The applicant shall hold ~~a~~ an active, unencumbered license to practice as a registered nurse issued by the Delaware Board of Nursing ~~that is in good standing or an active, unencumbered multi-state compact registered nurse license.~~
 - 5.1.4 The applicant shall hold valid and current certification in cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use.

23 DE Reg. 1031 (06/01/20)

6.0 Application Requirements

- 6.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with an application for an Initial License, and the applicant shall also provide all required documentation for the License.
- 6.2 For applicants who are applying for the School Nurse 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 registered nurse issued by the Delaware Board of Nursing~~ holds an active, unencumbered license to practice as a registered nurse issued by the Delaware Board of Nursing or an active, unencumbered multi-state compact registered nurse license; and
- 6.2.3 Documentation that the applicant holds a valid and current certification in cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use; and
- 6.2.4 If applicable, the Department-approved form verifying the applicant's completion of the clinical experience as provided in subsection 4.1.4; and
- 6.2.5 Additional documentation as required by the Department.
- 6.3 For applicants who are applying for the School Nurse 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 registered nurse issued by the Delaware Board of Nursing~~ holds an active, unencumbered license to practice as a registered nurse issued by the Delaware Board of Nursing or an active, unencumbered multi-state compact registered nurse license; and
 - 6.3.3 Documentation that the applicant holds a valid and current certification in cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use; and
 - 6.3.4 Additional documentation as required by the Department.
- 6.4 For applicants who are applying for the School Nurse 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 registered nurse issued by the Delaware Board of Nursing~~ holds an active, unencumbered license to practice as a registered nurse issued by the Delaware Board of Nursing or an active, unencumbered multi-state compact registered nurse license; and
 - 6.4.4 Documentation that the applicant holds a valid and current certification in cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use; and
 - 6.4.5 Additional documentation as required by the Department.

14 DE Reg. 1228 (05/01/11)

23 DE Reg. 1031 (06/01/20)

7.0 Validity of a Standard Certificate

- 7.1 A School Nurse 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 Nurse Standard Certificate is not subject to renewal.

23 DE Reg. 1031 (06/01/20)

8.0 Requirements Related to the Retention of a School Nurse Certificate

- 8.1 In order to retain a School Nurse Standard Certificate, the Educator shall:
 - 8.1.1 Complete a training program approved by the Department within two school years of the date the School Nurse Standard Certificate is issued; and
 - 8.1.2 Hold a an active, unencumbered license to practice as a registered nurse issued by the Delaware Board of Nursing ~~that is in good standing~~ or an active, unencumbered multi-state compact registered nurse license; and

- 8.1.3 Hold a valid and current certification in cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use; and
- 8.1.4 Annually affirm and document to the Department that the Educator satisfies the requirements in subsections 8.1.2 and 8.1.3.
- 8.2 If an Educator fails to meet any of the requirements related to retaining a School Nurse Standard Certificate, the Educator shall immediately notify the Department in writing.
- 8.3 The requirements set forth in subsections 8.1.2, 8.1.3, and 8.1.4 apply to all Educators regardless of the date the School Nurse Standard Certificate was issued to them.

23 DE Reg. 1031 (06/01/20)

9.0 Disciplinary Action

- 9.1 An Educator's School Nurse 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 Nurse Standard Certificate as provided in Section 8.0.
- 9.2 An Educator's School Nurse 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.

23 DE Reg. 1031 (06/01/20)

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 Nurse 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 Nurse 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.

23 DE Reg. 1031 (06/01/20)

11.0 Past Certificate Recognized

The Department shall recognize a School Nurse Standard Certificate that was issued prior to the effective date of this regulation. An ~~educator~~ Educator holding such a Standard Certificate ~~issued by the Department before the effective date of this regulation~~ shall be considered certified to practice as a school nurse.

Renumbered effective 06/01/07 - see Conversion Table

7 DE Reg. 633 (11/01/03)

14 DE Reg. 1228 (05/01/11)

20 DE Reg. 49 (07/01/16)

23 DE Reg. 1031 (06/01/20)

24 DE Reg. 649 (01/01/21) (Prop.)