

**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** 1564

FINAL

ORDER

1564 Physical Education Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards Board, acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1564 Physical Education Teacher. The regulation concerns the requirements for a Physical Education Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 **DE Admin. Code** 1519, which is being simultaneously proposed with this regulation. Proposed 14 **DE Admin. Code** 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Physical Education Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 **DE Admin. Code** 1519 is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include changes that have been made to other Standard Certificate regulations.

Notice of the proposed regulation was published in the *Register of Regulations* on October 1, 2022. The Professional Standards Board did not receive any written submittals concerning the proposed regulation.

II. FINDINGS OF FACTS

On November 3, 2022, the Professional Standards Board voted to propose 14 **DE Admin. Code** 1564 Physical Education 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** 1564 Physical Education Teacher.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1564 Physical Education Teacher subject to the State Board of Education's approval. On November 17, 2022, the State Board of Education approved amending 14 **DE Admin. Code** 1564 Physical Education Teacher. Therefore, pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, 14 **DE Admin. Code** 1564 Physical Education Teacher, attached hereto as Exhibit A, is hereby amended.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1564 Physical Education Teacher adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1564 Physical Education Teacher in the *Administrative Code of Regulations* for the Department.

V. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 17th day of November, 2022.

Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 17th day of November, 2022.

State Board of Education

/s/ Shawn Brittingham, President

/s/ Vincent Lofink, Vice President

/s/ Candice Fifer

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

/s/ Rev. Provey Powell, Jr.

Wali W. Rushdan, II (Absent)

/s/ Deborah Stevens

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

1564 Physical Education Teacher

1.0 Content

This regulation shall apply to the issuance of a Physical Education Teacher Standard Certificate pursuant to 14 Del.C. §1220(a). This Standard Certificate is required for all physical education teachers in Delaware public schools.

7 DE Reg. 775 (12/01/03)

10 DE Reg. 100 (07/01/06)

13 DE Reg. 1307 (04/01/10)

25 DE Reg. 1140 (06/01/22)

2.0 Definitions

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.

"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.

"Valid and 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.

7 DE Reg. 775 (12/01/03)

10 DE Reg. 100 (07/01/06)

13 DE Reg. 1307 (04/01/10)

25 DE Reg. 1140 (06/01/22)

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Physical Education Teacher 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 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 as a physical education teacher issued by another state or jurisdiction.
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Physical Education 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.

25 DE Reg. 1140 (06/01/22)

4.0 Prescribed Education, Knowledge, and Skill Requirements

- 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 satisfied one of the following education requirements:
 - 4.1.1.1 Obtained and currently maintain a Physical Education 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 minimum of 30 semester hours of coursework in physical 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), (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 physical education as provided in 14 **Del.C.** §§1260 - 1266; or
 - 4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in physical education; or
 - 4.1.1.5 If the applicant is applying for an Initial License after the applicant completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school as provided in subsection 4.1.3.1 of 14 **DE Admin. Code** 1510, earned a bachelor's degree from a Regionally Accredited college or university in any content area and also satisfactorily completed 15 college credits or an equivalent number of hours in professional development with one credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department related to physical education of which at least six credits focus on pedagogy.
 - 4.1.1.5.1 The applicant, in consultation with the applicant's Employing Authority, shall select the 15 credits or the equivalent number of hours in professional development subject to the Department's approval.
 - 4.1.1.5.2 If the applicant does not have an Employing Authority or is applying for a Standard Certificate outside of the applicant's current spectrum of employment, the applicant shall select the 15 credits or the equivalent number of hours in professional development in consultation with the Department and subject to the Department's approval.
 - 4.1.1.5.3 For the purpose of subsection 4.1.1.5, professional development means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change the participants' attitudes, insights, and perspectives and ultimately results in improved professional practice.
 - 4.1.1.5.4 Professional development hours may be approved if the applicant shows that the activity meets all of the following criteria:
 - 4.1.1.5.4.1 Relevant courses from a Regionally Accredited college or university in physical education are not available to the applicant online or in the applicant's county of residence; and
 - 4.1.1.5.4.2 The activity is grounded in research and current best practices as judged by the Department's content specialist in physical education; and
 - 4.1.1.5.4.3 The activity is documented by the provider to provide knowledge and skills that are required for the physical education certification; and

- 4.1.1.5.4.4 The activity is part of a professional development program that includes knowledge acquisition, skill mastery, descriptive feedback, and refinement of practice in the work setting.
- 4.1.2 The applicant shall have achieved the minimum score on one of the following examinations:
- 4.1.2.1 A minimum score of 152 on the Praxis Subject Assessment - Physical Education: Content Knowledge (ETS Test Code # 5091); or
- 4.1.2.2 A minimum score of 160 on the Praxis Subject Assessment - Health and Physical Education - Content Knowledge (ETS Test Code # 5857).
- 4.1.3 Notwithstanding the requirement in subsection 4.1.2, if the applicant did not achieve the minimum score on one of the examinations in subsection 4.1.2, the applicant shall meet the requirements set forth in 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge.
- 4.2 For an applicant who holds at least one content area Standard Certificate, the applicant shall have achieved the minimum score on ~~an examination~~ one of the examinations as provided in subsection 4.1.2. Notwithstanding the foregoing, if the applicant did not achieve the minimum score, the applicant shall meet the requirements set forth in 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge.

25 DE Reg. 1140 (06/01/22)

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 ~~An applicant must disclose the applicant's criminal conviction history upon application for a Physical Education Teacher Standard Certificate. Failure to disclose a criminal conviction history is grounds for denial of a Physical Education Teacher Standard Certificate as specified in 14 Del.C. §1219. 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 Physical Education Teacher Standard Certificate.~~
- 5.3 For an applicant who does not hold a content area Standard Certificate, the following documentation is required with the application for a Physical Education Teacher Standard Certificate:
- 5.3.1 Evidence of obtaining and maintaining a Physical Education certificate from the National Board for Professional Teaching Standards, if applicable; and
- 5.3.2 Official transcript from the applicant's Regionally Accredited college or university.
- 5.3.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
- 5.3.2.2 Sealed paper transcripts may be submitted.
- 5.3.2.3 The Department will not accept copies of transcripts; and
- 5.3.3 Documents verifying successful completion of Department-approved professional development, if applicable; and
- 5.3.4 An experience form, completed in full and signed by the applicant, if applicable; and
- 5.3.5 Official score on the Praxis Subject Assessment as provided in subsection 4.1.2; and
- 5.3.6 Additional documentation as required by the Department.
- 5.4 For an applicant who holds at least one content area Standard Certificate, the following documentation is required in the application for a Physical Education Teacher Standard Certificate:
- 5.4.1 Official score on the Praxis Subject Assessment as provided in subsection 4.2; and
- 5.4.2 Additional documentation as required by the Department.
- 5.5 For applicants who have met the requirements for licensure as an educator in Delaware and hold a Valid and Current License or Certificate in physical education from another state or jurisdiction, the following documentation is required in the application for a Physical Education Teacher Standard Certificate:
- 5.5.1 An official copy of the Valid and Current License or Certificate; and
- 5.5.2 Additional documentation as required by the Department.

25 DE Reg. 1140 (06/01/22)

6.0 Secretary of Education Review

- 6.1 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 Physical Education Teacher Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Physical Education Teacher Standard Certificate but whose effectiveness is documented by the local school district or charter school.
- 6.1.1 For school districts, requests shall be approved by the superintendent of the school district.
- 6.1.2 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.

25 DE Reg. 1140 (06/01/22)

7.0 Validity of a Standard Certificate

- 7.1 A Physical Education 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.
- 7.2 A Physical Education Teacher Standard Certificate is not subject to renewal.

25 DE Reg. 1140 (06/01/22)

8.0 Disciplinary Action

- 8.1 An Educator's Physical Education 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.
- 8.2 An Educator's Physical Education Teacher Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Standard 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.
- 8.3 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.

25 DE Reg. 1140 (06/01/22)

9.0 Past Certificate Recognized

The Department shall recognize a Physical Education Teacher Standard Certificate issued prior to the effective date of this regulation. An Educator holding such a Standard Certificate shall be considered certified to teach physical education.

25 DE Reg. 1140 (06/01/22)

10.0 Contact Information and Change of Name or Address

- 10.1 All applicants and Educators are required to update their contact information in DEEDS if their contact information changes.
- 10.2 An Educator who legally changes the Educator's name and wishes to change the name on the Physical Education Teacher Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 10.3 An applicant or 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.

7 DE Reg. 775 (12/01/03)

10 DE Reg. 100 (07/01/06)

13 DE Reg. 1307 (04/01/10)

19 DE Reg. 503 (12/01/15)

25 DE Reg. 1140 (06/01/22)

26 DE Reg. 587 (01/01/23) (Final)