

**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** 1562

**FINAL**

**REGULATORY IMPLEMENTING ORDER**

**1562 Teacher of English Learners**

**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** 1562 Teacher of English Learners. The regulation concerns the requirements for a Teacher of English Learners 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 Teacher of English Learners Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Teacher of English Learners Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Teacher of English Learners 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 April 1, 2021. The Professional Standards Board received written submittals from Ann C. Fisher, Chairperson of the Governor's Advisory Council for Exceptional Citizens ("GACEC"), and Terri Hancharick, Chairperson of the State Council for Persons with Disabilities ("SCPD"). GACEC commented that it "supports the proposed amendments as it ensures transparency for an educator applying for the Teacher of English Learners Standard Certificate." SCPD commented regarding proposed Section 8.0, Secretary of Education Review, and stated that it is "concerned that the DOE Secretary may override the regulations in this context."

**II. FINDINGS OF FACTS**

On May 6, 2021, the Professional Standards Board considered the written submittals from GACEC and SCPD. The Professional Standards Board found that proposed Section 8.0 authorizes the Secretary of Education to review an applicant's credentials on an individual basis upon written request by a school district or charter school and grant a Teacher of English Learners Standard Certificate to an applicant who does not meet the requirements for the standard certificate but whose effectiveness is documented by the school district or charter school. The Professional Standards Board found that review by the Secretary of Education is an important tool that is available for all certifications by statute (14 **Del.C.** §1224).

The Professional Standards Board determined that further changes as a result of the written submittals were not necessary and voted to propose 14 **DE Admin. Code** 1562 Teacher of English Learners, 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** 1562 Teacher of English Learners.

**III. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1562 Teacher of English Learners subject to the State Board of Education's approval. Therefore, pursuant to 14 **Del.C.** §§1203 and 1205(b), 14 **DE Admin. Code** 1562 Teacher of English Learners, attached hereto as Exhibit A, is hereby amended.

**IV. TEXT AND CITATION**

The text of 14 **DE Admin. Code** 1562 Teacher of English Learners adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1562 Teacher of English Learners 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 20th day of May, 2021.

**Department of Education**

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

Approved this 20th day of May, 2021.

**State Board of Education**

/s/ Whitney Sweeney, President

Wali W. Rushdan, II, Vice President (Absent)

/s/ Shawn Brittingham

/s/ Candace Fifer

/s/ Vincent Lofink

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

Provey Powell, Jr. (Absent)

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

**Exhibit A**

**1562 Teacher of English Learners**

**1.0 Content**

4.1 This regulation shall apply to the issuance of a ~~Standard Certificate, Teacher of English Learners Standard Certificate~~ pursuant to 14 **Del.C. §1220(a)**, ~~for Teacher of English Learners~~. This ~~certification Standard Certificate~~ is required for grades K to 12 in Delaware public schools.

4.2 ~~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.~~

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

12 DE Reg. 341 (09/01/08)

20 DE Reg. 366 (11/01/16)

**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.

**"Passing score Score"** means a minimum score as established by the Professional 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.

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

10 DE Reg. 995 (12/01/06)

12 DE Reg. 341 (09/01/08)

20 DE Reg. 366 (11/01/16)

21 DE Reg. 332 (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 Teacher of English Learners Standard Certificate as Teacher of English Learners to an educator applicant who has met the following:

3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; ~~or a Limited Standard, License or a 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 and presents proof of a Valid and Current License or Certificate as a teacher of English Learners.

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 a Teacher of English Learners 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.

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

10 DE Reg. 995 (12/01/06)

12 DE Reg. 341 (09/01/08)

20 DE Reg. 366 (11/01/16)

### **4.0 Additional Prescribed Education, Knowledge, and Skill Requirements**

4.1 An educator shall also have satisfied each of the following requirements:

4.1.1 Demonstrated oral and written proficiency in English by either:

4.1.1.1 Completion of a bachelor's, master's, or doctoral degree from a regionally accredited college or university that is located in the United States or in a permanently inhabited territory of the United States; or

4.1.1.2 Achieving a minimum level of Advanced Mid based on the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines on the ACTFL Oral Proficiency Interview (OPI) in English and the ACTFL Writing Proficiency Test (WPT) in English; and

4.1.2 Completion of either:

4.1.2.1 A bachelor's, master's, or doctoral degree from a regionally accredited college or university with a major or its equivalent in Teaching English Learners from an educator preparation program approved or recognized by National Council for the Accreditation of Teacher Education (NCATE), the Council for Accreditation of Educator Preparation (CAEP), or a state where a state approval body employed the appropriate standards; or

4.1.2.2 A minimum of fifteen (15) credits or the equivalent thereof in professional development as approved by the Department in the following content areas:

4.1.2.2.1 Methods of Teaching English as a Second Language (3 credits);

4.1.2.2.2 Second Language Acquisition (3 credits);

4.1.2.2.3 Teaching Literacy for English Learners (3 credits);

4.1.2.2.4 Second Language Testing (3 credits); and

4.1.2.2.5 Structure of the English Language (3 credits).

4.1.3 Achieved on the *Praxis* Subject Assessment – English to Speakers of Other Languages (ETS Test # 5362) a passing score of 149.

4.1 An applicant shall have satisfied the requirements in subsections 4.1.1 through 4.1.3.

4.1.1 The applicant shall have satisfied one of the following education requirements:

4.1.1.1 Obtained and currently maintain an English as a New Language certificate from the National Board for Professional Teaching Standards; or

4.1.1.2 Earned a bachelor's, master's, or doctoral degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in Teaching English Learners 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 English Learners as provided in 14 **Del.C.** §§1260 – 1266; or

4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in Teaching English Learners; or

4.1.1.5 Earned a bachelor's degree from a Regionally Accredited college or university in any content area and satisfactorily completed 15 college credits or the equivalent number of hours with one credit equating to 15 hours taken either as part of or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department in the following areas:

4.1.1.5.1 Methods of Teaching English as a Second Language (3 credits);

4.1.1.5.2 Second Language Acquisition (3 credits);

4.1.1.5.3 Teaching Literacy for English Learners (3 credits);

4.1.1.5.4 Second Language Testing (3 credits); and

4.1.1.5.5 Structure of the English Language (3 credits).

4.1.2 The applicant shall have demonstrated oral and written proficiency in English by satisfying one of the following requirements:

4.1.2.1 Earned a bachelor's, master's, or doctoral degree from a Regionally Accredited college or university that is located in the United States or in a permanently inhabited territory of the United States in which the majority of courses were taught and assessed in the English language; or

4.1.2.2 Achieved a minimum level of Advanced Mid based on the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines on the ACTFL Oral Proficiency Interview (OPI) in English and the ACTFL Writing Proficiency Test (WPT) in English.

4.1.3 The applicant shall have achieved a Passing Score of 149 on the *Praxis* Subject Assessment – English to Speakers of Other Languages (ETS Test Code # 5362).

**20 DE Reg. 366 (11/01/16)**

**21 DE Reg. 332 (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 is applying for a Teacher of English Learners Standard Certificate under subsection 3.1.1 of this regulation, the following documentation is required in the application:

5.2.1 Evidence of obtaining and maintaining an English as a New Language 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 scores on the ACTFL OPI and WPT in English, as provided in subsection 4.1.2.2, if applicable; and

5.2.4 Official score on the *Praxis* Subject Assessment as provided in subsection 4.1.3; and

5.2.5 Additional documentation as required by the Department.

5.3 For an applicant who is applying for the Teacher of English Learners Standard Certificate under subsection 3.1.2, the following documentation is required in the application:

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

5.3.2 Additional documentation as required by the Department.

## **6.0 Validity of a Standard Certificate**

6.1 A Teacher of English Learners 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 A Teacher of English Learners Standard Certificate is not subject to renewal.

## **7.0 Disciplinary Action**

7.1 An Educator's Teacher of English Learners 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 Teacher of English Learners 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 a Teacher of English Learners Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Teacher of English Learners Standard Certificate but whose effectiveness is documented by the local school district or charter school district.

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.

## **5.09.0 Past Certification Certificate Recognized**

The Department shall recognize a ~~Standard Certificate~~ English to Speakers of Other Languages (ESOL) Teacher Standard Certificate issued by the Department before January 1, 2017. The Department shall also recognize a Teacher of English Learners Standard Certificate issued by the Department prior to the effective date of this regulation. ~~A teacher holding such a Standard Certificate issued by the Department before January 1, 2017 shall be considered certified as a Teacher of English Learners~~ An Educator holding an ESOL Teacher Standard Certificate issued before January 1, 2017 or a Teacher of English Learners Standard Certificate issued prior to the effective date of this regulation shall be considered certified to instruct English learners.

**5 DE Reg. 1904 (04/01/02)**

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

**10 DE Reg. 995 (12/01/06)**

**Renumbered effective 06/01/07 - see Conversion Table**

**12 DE Reg. 341 (09/01/08)**

**20 DE Reg. 366 (11/01/16)**

**21 DE Reg. 332 (10/01/17)**

**25 DE Reg. 96 (07/01/21) (Final)**