

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b)(27) (14 **Del.C.** §122(b)(27))  
14 **DE Admin. Code** 286

### PROPOSED

### PUBLIC NOTICE

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

#### 286 Application Fee For Educator Licensure

#### A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

#### B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §122(b)(27), the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 286 Application Fee For Educator Licensure. This regulation is being reviewed as required by 29 **Del.C.** §10407 which states regulations are to be reviewed every four years. This regulation is being amended to update the definition of "Charter School" so that it aligns with Regulation 255 Definitions of Types of Schools and to clarify that the reimbursement of the application fee for educator licensure occurs in April instead of March each year.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, 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/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before August 1, 2022. 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 amended regulation does not specifically address the improvement of student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help ensure all students receive an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation will help ensure all students' health and safety are adequately protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to help ensure that all students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the decision making at the local board and school level.

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 any unnecessary reporting or administrative requirements or mandates on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The amended regulation does not change the decision making authority and accountability for addressing the subject to be regulated.

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.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is no less burdensome method for addressing the purpose of the amended regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no material costs to implementing this amended regulation.

**\*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

## 286 Application Fee For Educator Licensure

### 1.0 Purpose

The purpose of this regulation is to comply with 14 **Del.C.** §122(b)(27) related to educator licensure. ~~This regulation sets forth the licensure, and to establish rules and guidelines related to fees the application fee~~ for educator licensure. Specifically, the Department of Education will implement a one-time, non-refundable fee of not more than \$100 for an educator's first application ~~for to obtain licensure and certification~~ in Delaware. However, the fee shall be reimbursed for any applicant who becomes employed as an educator in a Delaware Public School. This application may be for an ~~Initial, Continuing or Advanced License~~ initial, continuing or advanced license.

20 DE Reg. 435 (12/01/16)

21 DE Reg. 803 (04/01/18)

### 2.0 Definitions

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

**"Advanced License"** means a license issued as part of the three tiered licensure system set forth in 14 **Del.C.** §121(c) and 14 **Del.C.** Ch. 12, subchapter II.

**"Charter School"** means a ~~non-home-based~~ public school including ~~two or more of grade kindergarten through twelve, operating in an approved physical plant for the personal physical attendance of all students and is managed by a board of directors. It exists under a charter granted by a public school district or the State Department of Education, with the approval of the State Board of Education, that is operated under a charter granted by, or transferred to, the Delaware Department of Education or other authorizing body pursuant to 14 Del.C. Ch. 5.~~

**"Continuing License"** means a license issued as part of the three tiered licensure system set forth in ~~and~~ 14 **Del.C.** §121(c) and 14 **Del.C.** Ch. 12, subchapter II.

**"Department"** means the Delaware Department of Education.

**"Educator Licensure Application Fee"** means the one-time, non-refundable fee of not more than \$100 an individual pays for a ~~an application for their first~~ educator license in Delaware.

~~"Eligible Educator for Reimbursement"~~ or **"Eligible Educator"** means an educator who has paid the one-time \$100 educator licensure fee and who has become employed as an educator in a Delaware public school.

**"Initial License"** means a license issued as part of the three tiered licensure system set forth in 14 **Del.C.** §121(c) and 14 **Del.C.** Ch. 12, subchapter II.

**"Public School"** means a physical plant having any or all of grades kindergarten through twelve, supported primarily from public funds and under the supervision of public school administrators. A Charter School, as defined herein, is also a public school.

20 DE Reg. 435 (12/01/16)

21 DE Reg. 803 (04/01/18)

### 3.0 Application Process

3.1 Applicants seeking ~~an~~ educator licensure in Delaware shall:

3.1.1 Establish an online account in the electronic licensure and certification system in Delaware;

3.1.2 Submit official documents to the Department to support their application;

3.1.3 Pay a one-time, non-refundable \$100 application fee via debit or credit card through the electronic licensure and certification system when applying for ~~an Initial, Continuing, or Advanced License~~ an initial, continuing, or advanced license; and

3.1.4 Meet all statutory and regulatory requirements.

3.2 An application will not be processed until all conditions of subsection 3.1 are met.

3.3 Submission of an online fee and application does not entitle the applicant to the requested license.

20 DE Reg. 435 (12/01/16)

### 4.0 Exemptions From Application Fee

An applicant who is already licensed and certified in Delaware shall be exempt from the application fee.

20 DE Reg. 435 (12/01/16)

## **5.0 Fee Payment and Collection**

- 5.1 No installment or partial payments of the fee will be accepted. Only full payment of the fee, to be made as part of the online electronic application, is permitted.
- 5.2 No appeals, exceptions, or waivers shall be granted for the fee.
- 5.3 All fees collected pursuant to this regulation shall be deposited in the General Fund, with the exception of \$90,000, which shall be retained annually by the Department in a special fund to be established for the sole purpose of reimbursing ~~Eligible Educators~~ eligible educators.

**20 DE Reg. 435 (12/01/16)**

## **6.0 Reimbursement**

- 6.1 An ~~Eligible Educator For Reimbursement~~ eligible educator shall receive a reimbursement of the one-time \$100 educator licensure fee. The reimbursement shall be processed by the Department of Education in coordination with the Division of Accounting for ~~those Eligible Educators for Reimbursement~~ eligible educators identified November 1 and ~~March~~ April 1 of each fiscal year.
- 6.2 ~~Eligible Educators for Reimbursement~~ educators shall receive their reimbursement check through either a direct deposit transaction or live check.

**19 DE Reg. 620 (01/01/16)**

**20 DE Reg. 435 (12/01/16)**

**21 DE Reg. 803 (04/01/18)**

**26 DE Reg. 10 (07/01/22) (Prop.)**