

**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

**FINAL**

**REGULATORY IMPLEMENTING ORDER**

**1582 School Nurse**

**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** 1582 School Nurse. The regulation concerns the requirements for a School Nurse Standard Certificate pursuant to 14 **Del.C.** §1220. The proposed amendments include adding defined terms to Section 2.0; clarifying the requirements for issuing a School Nurse Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a School Nurse Standard Certificate in Section 4.0; adding reciprocity requirements in Section 5.0; specifying the application requirements in Section 6.0; adding Section 7.0, which concerns the validity of a School Nurse Standard Certification; specifying the requirements for retaining a School Nurse Standard Certificate in Section 8.0; adding Section 9.0, which concerns disciplinary actions; adding Section 10.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 11.0, which concerns recognizing past certification.

Notice of the proposed regulation was published in the *Register of Regulations* on March 1, 2020. The Professional Standards Board received a written submittal from Megan Fioravanti, RN, NCSN, the National Association of School Nurses ("NASN") Delaware Director, concerning the proposed amendments to the regulation. Ms. Fioravanti commented that NASN's position is that "every school-aged child should have access to a registered professional school nurse, who has a minimum of a bachelor's degree in nursing from an accredited college or university, and is licensed as a registered nurse through a board of nursing." She further commented that "[b]accalaureate nursing education develops competencies in leadership, critical thinking, quality improvement, and systems thinking. It also assures education in nursing theory and clinical experience in community settings."

On April 2, 2020, the Professional Standards Board considered Ms. Fioravanti's written submittal. The proposed amendments do not change the existing requirement that an applicant who is not licensed or certified as a school nurse in another state or jurisdiction hold a bachelor's degree in nursing ("BSN"). The proposed amendments would require that an applicant who is licensed or certified as a school nurse in another state or jurisdiction hold a BSN. The Professional Standards Board determined that further changes in response to Ms. Fioravanti's written submittal were not necessary and voted to propose 14 **DE Admin. Code** 1582 School Nurse, in the form that was published, for adoption by the Department subject to the State Board of Education's approval.

**II. FINDINGS OF FACTS**

The Department finds that the proposed amendments to the regulation do not change the existing requirement that applicants who are not licensed or certified school nurses in other states or jurisdictions hold a BSN and would add the requirement that applicants who are licensed or certified school nurses in other states or jurisdictions hold a BSN. Thus, further changes in response to the Ms. Fioravanti's written submittal are not necessary. In addition, 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** 1582 School Nurse.

**III. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1582 School Nurse subject to the State Board of Education's approval. Therefore, pursuant to 14 **Del.C.** §§1203 and 1205(b), 14 **DE Admin. Code** 1582 School Nurse attached hereto as Exhibit "A" is hereby amended.

**IV. TEXT AND CITATION**

The text of 14 **DE Admin. Code** 1582 School Nurse adopted hereby shall be in the form attached hereto as Exhibit "A,"

and said regulation shall be cited as 14 **DE Admin. Code** 1582 School Nurse 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 23<sup>rd</sup> day of April, 2020.

**Department of Education**

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

Approved this 23<sup>rd</sup> day of April, 2020.

### State Board of Education

/s/ Whitney Townsend Sweeney, President

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

/s/ Nina Lou Bunting

/s/ Candace Fifer

/s/ Vincent Lofink

/s/ Provey Powell, Jr.

/s/ Wali W. Rushdan, II

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

## 1582 School Nurse

### 1.0 Content

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

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

### 2.0 Definitions

~~The definitions set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

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 has worked as a licensed Registered Nurse in a clinical setting providing care to patients and that educator 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 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)

### 3.0 Standard Certificate

- 3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a School Nurse Standard Certificate as a School Nurse to an educator applicant who has met the following:
- 3.1.1 ~~Holds a valid Delaware Initial, Continuing, or Advanced License; License or a Limited Standard, 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~~
  - 3.1.3 ~~Has satisfied the additional requirements in this regulation.~~
  - 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 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 conduct involves allegations of 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)

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

- 4.1 ~~An educator must also have met the following additional education and licensure requirements:~~
- 4.1.1 ~~Holds a Bachelor's degree in Nursing (BSN) from a regionally accredited college or university; and,~~
  - 4.1.2 ~~Holds and maintains a current Registered Nurse license, recognized by the Delaware Board of Nursing; and,~~
  - 4.1.3 ~~Holds and maintains a valid and current certification in cardiopulmonary resuscitation (CPR) and in the use of an automatic external defibrillator (AED); and,~~
  - 4.1.4 ~~Completes by the end of the second school year after date of hire, ninety (90) clock hours of training approved by the Department consisting of standards of practice, care coordination, leadership, quality improvement, and community/public health based off of the Framework for 21<sup>st</sup> Century School Nursing Practice.~~
- 4.2 ~~An educator must also have met the following experience requirement:~~
- 4.2.1 ~~Has completed a minimum of three (3) years of supervised clinical nursing experience.~~
- 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 license to practice as a registered nurse issued by the Delaware Board of Nursing that is in good standing.
  - 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 years of Supervised Clinical Nursing Experience consisting of a minimum of 500 hours per year for a total of 1,500 hours during the 3-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)

## **5.0 Expiration**

- 5.1 ~~A Standard Certificate shall expire if the educator:~~

- 5.1.1 ~~Fails to maintain a current Registered Nurse license, recognized by the Delaware Board of Nursing; or~~
- 5.1.2 ~~Fails to maintain valid and current certification in cardiopulmonary resuscitation (CPR) and in the use of an automatic external defibrillator (AED); or~~
- 5.1.3 ~~Fails to complete by the end of the second school year after date of hire, ninety (90) clock hours of training consisting of standards of practice, care coordination, leadership, quality improvement, and community/public health based off of the Framework for 21<sup>st</sup> Century School Nursing Practice.~~

## **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 license to practice as a registered nurse issued by the Delaware Board of Nursing that is in good standing.
- 5.1.4 The applicant shall hold valid and current certification in cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use.

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## **6.0 Verification of Eligibility and Reporting**

- 6.1 ~~Educators holding a School Nurse certificate shall do the following:~~

- 6.1.1 ~~Notify the Department immediately if they fail to meet the qualifications as a School Nurse.~~
- 6.1.2 ~~Annually notify the Department and affirm their continued eligibility for certification and if requested, provide documentation verifying their continued eligibility.~~
- 6.1.3 ~~If employed in the public school system, provide documentation to their employer of their current credentials including a valid nursing license, and CPR and AED certification.~~
- 6.1.4 ~~If not employed in the public school system, provide documentation to the Department of their current credentials including a valid nursing license, and CPR and AED certification.~~

- 6.2 ~~Upon employment of a School Nurse, a district or charter school is responsible for verifying that the School Nurse continues to meet the requirements in subsections 4.1.1 through 4.1.3.~~

- 6.2.1 ~~The district or charter school must maintain documentation of the verification of initial credentials and maintain documentation of current credentials including a valid nursing license, and CPR and AED certification.~~

- 6.3 ~~Districts and charter schools shall report information to the Department when they receive information that would result in the expiration of a School Nurse Standard Certificate.~~

## **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; 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; 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; 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)**

## **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.

## **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 license to practice as registered nurse issued by the Delaware Board of Nursing that is in good standing; 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.

## **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 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.

## **10.0** **Secretary of Education Review**

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.

## **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 holding such a Standard Certificate issued by the Department before the effective date of this regulation shall be considered certified 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) (Final)**