

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD
1513 Denial Of Licenses
Statutory Authority: Section 122(D) (14 Del.C. §122(D)) 14 DE Admin. Code 1513**

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

1513 Denial Of Licenses

A. Type of Regulatory Action Requested

Amendment to Existing Regulation

B. Synopsis of Subject Matter of Regulation

The Professional Standards Board, in cooperation and collaboration with the Department of Education, seeks the approval of the State Board of Education to amend **DE Admin. Code 1513 Denial of Licenses**. This regulation applies to the denial or revocation of licenses and certificates to educators, pursuant to 14 **Del.C.** §§1210-1217, and 1220-21. It is necessary to amend this regulation to add “Certificates” to the title and to the content of the regulation, as an educator must have both a license and a certificate to be employed in a Delaware public school. It is further necessary to amend the regulation to clarify that the Department may refuse to issue a license or certificate to an applicant who fails to meet the prerequisites for a license or certificate. The number of days an individual has to request a hearing has been reduced from thirty (30) to ten (10) to facilitate speedy resolution of disputes.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation addresses the denial and revocation of educators’ licenses and certificates, not student achievement.
2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses the denial and revocation of educators’ licenses and certificates, not student achievement.
3. Will the amended regulation help to ensure that all students’ health and safety are adequately protected? The amended regulation addresses the denial and revocation of licenses and certificates of educators which helps to protect students’ health and safety.
4. Will the amended regulation help to ensure that all students’ legal rights are respected? The amended regulation addresses the denial and revocation of licenses and certificates of educators, not students’ legal rights.
5. Will the amended regulation preserve the necessary authority and flexibility of decision makers at the local board and school level? The amended regulation will preserve the necessary authority and flexibility of decision makers 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 will not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.
7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision-making authority and accountability for addressing the subject to be regulated rests with the Professional Standards Board, in collaboration and cooperation with the Department of Education, and with the consent of the State Board of Education.
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 will 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.
9. Is there a less burdensome method for addressing the purpose of the amended regulation? 14 **Del.C.** requires that we promulgate this regulation.
10. What is the cost to the state and to the local school boards of compliance with the new regulation? There is no additional cost to local school boards for compliance with the regulation.

1513 Denial of Licenses and Certificates

1.0 Content:

This regulation shall apply to the denial of an Initial License, Continuing License and/or Advanced License for educators pursuant to 14 **Del.C.** §1210, 1211,1212,1213,1214, and 1217; and to the denial of a Standard or Emergency Certificate pursuant to 14 **Del.C** §§1220 and 1221.

2.0 Definitions:

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise.

“Advanced License” means a license issued as part of the three-tiered licensure system set forth in 14 **Del.C.** §1213 and §1214.

“Continuing License” means a license issued as part of the three-tiered licensure system set forth in 14 **Del.C.** §1211 and §1212.

“Department” means the Delaware Department of Education.

“Educator” means a public school employee who holds a license issued under the provisions of 14 **Del.C.**, Chapter 12, and includes teachers and administrators, and as otherwise defined by the Standards Board and the State Board, pursuant to 14 **Del.C.**, §1203, but does not include substitute teachers.

“Good Moral Character” means conduct which is consistent with the rules and principles of morality expected of an educator.

“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 his or her unfitness or otherwise.

“Initial License” means a license issued as part of the three-tiered licensure system set forth in 14 **Del.C.** §1210.

“Secretary” means the Secretary of the Delaware Department of Education.

“Standard Certificate” means a credential issued to verify that an educator has the prescribed knowledge, skill and/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.** §1205.

“State” means the State of Delaware.

“Unfit” means lack of good moral character, misconduct in office, incompetence, a pattern of ineffective teaching, wilful neglect of duty, disloyalty or falsification of credentials.

3.0 The Department may refuse to issue an Initial License, Continuing License, Advanced License or a Standard or Emergency Certificate to an applicant upon a finding that the applicant fails to meet the statutory or regulatory requirements for a license or certificate.

4.0 Upon a finding that an applicant is unfit to be licensed or certified in the State, the Department may refuse to issue an Initial License, Continuing License or an Advanced License or a Standard or Emergency Certificate to an applicant who otherwise meets the requirements set forth in 14 **DE Admin. Code** 1510, 1511, and 1512, 1515 and 1516.

5.0 ~~4.0~~ Notwithstanding any other provisions stated herein or in 14 **DE Admin. Code** 1510, 1511, and 1512, no license or certificate shall be issued to an applicant for an Initial, Continuing or Advanced License or Standard or Emergency Certificate if:

~~5.1~~ ~~4.1~~ There is legal evidence that the applicant is not of good moral character; or

~~5.2~~ ~~4.2~~ The applicant has had a certificate or license revoked in another state for immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty or falsification of credentials.

6.0 ~~3.1~~ The Secretary shall give written notice to the applicant of the denial and the reasons therefore. The notice of denial shall be sent by certified mail and shall give notice that a full and fair hearing may be requested before the Standards Board within ~~ten (10)~~ ~~thirty (30)~~ days.

~~6.1~~ ~~3.2~~ An applicant who is denied an Initial, Continuing, or Advanced License or a Standard or Emergency Certificate may appeal the decision, and is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with the Standard Board’s Hearing Procedures and Rules.

7 DE Reg. 161 (8/1/03)
8 DE Reg. 1558 (05-01-03)