

**DEPARTMENT OF EDUCATION  
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Section 1205(b) (14 **Del.C.** §1205(b))  
14 **DE Admin. Code** 1512

**FINAL**

**REGULATORY IMPLEMENTING ORDER**

**1512 Issuance and Renewal of Advanced License**

**I. Summary of the Evidence and Information Submitted**

The Professional Standards Board, acting in consultation and cooperation with the Department of Education, seeks the approval of the State Board of Education to amend 14 **DE Admin. Code** §1512 Issuance and Renewal of Advanced License. The Professional Standards Board proposed to: change the definition of “Exigent Circumstances” under section 2.0 to be consistent with how the term is defined in other regulations that pertain to educator licenses; strike the definitions of “Maintenance of Proficiency” and “National Board Certified Teacher” because the terms do not appear in other sections of the regulation; change sections 3.0 and 4.0 to be consistent with the requirements of 14 **Del.C.** §1213; amend section 6.0 to clarify the requirements for extensions for exigent circumstances; and amend section 7.0 to clarify leave of absence requirements.

Notice of the proposed regulation was published in the *Register of Regulations* on March 1, 2017 in the form attached hereto as Exhibit “A.” Persons who wished to present their views regarding the proposed regulation were invited to do so in writing by March 31, 2017. The Professional Standards Board did not receive any written comments.

On April 6, 2017, the Professional Standards Board considered the changes that were published. The Professional Standards Board discussed enclosing the existing number “10” in parentheses and adding the word “ten” in subsections 3.1 and 5.1. The Professional Standards Board’s Chairperson determined the changes were non-substantive. The Professional Standards Board voted to propose for adoption by the Department of Education 14 **DE Admin. Code** §1512 Issuance and Renewal of Advanced License with the non-substantive changes reflected in Exhibit “A” subject to the State Board of Education’s approval.

**II. Findings of Fact**

The Professional Standards Board finds that it is appropriate to amend 14 **DE Admin. Code** §1512 Issuance and Renewal of Advanced License to change the definition of “Exigent Circumstances” under section 2.0 to be consistent with how the term is defined in other regulations that pertain to educator licenses; strike the definitions of “Maintenance of Proficiency” and “National Board Certified Teacher” because the terms do not appear in other sections of the regulation; change sections 3.0 and 4.0 to be consistent with the requirements of 14 **Del.C.** §1213; amend section 6.0 to clarify the requirements for extensions for exigent circumstances; and amend section 7.0 to clarify leave of absence requirements.

The Professional Standards Board believes that the proposed regulation serves to improve the quality of instruction for Delaware’s children and that the amendments are designed to improve the quality of the Delaware educator workforce and to improve student performance.

**III. Decision to Amend the Regulation**

For the foregoing reasons, the Professional Standards Board concludes that it is appropriate to amend 14 **DE Admin. Code** §1512 Issuance and Renewal of Advanced License.

Therefore, pursuant to 14 **Del.C.** §§1203 and 1205(b), the regulation attached hereto as Exhibit “A” is hereby approved.

**IV. Text and Citation**

The text of 14 **DE Admin. Code** §1512 Issuance and Renewal of Advanced License amended shall be in the form attached hereto as Exhibit “A” and said regulation shall be cited as 14 **DE Admin. Code** §1512 Issuance and Renewal of Advanced License in the *Administrative Code*.

**V. Effective Date of Order**

The actions hereinabove referred to were taken by the Professional Standards Board pursuant to 14 **Del.C.** §§1203 and 1205(b) on April 6, 2017 and by the State Board of Education on April 20, 2017. The effective date of this Order will be ten (10) days from the date the Order is published in its final form in the *Register of Regulations*.

**IT IS SO ORDERED** the 20<sup>th</sup> day of April, 2017.

**Approved this 20th day of April, 2017 by the State Board of Education.**

Teri Quinn Gray, Ph.D., President

G. Patrick Heffernan

Nina Lou Bunting, Vice President

Barbara B. Rutt (not present)

Gregory B. Coverdale, Jr.

Terry M. Whittaker, Ed.D.

**1512 Issuance and Renewal of Advanced License**

**1.0 Content**

This regulation shall apply to the issuance and renewal of an Advanced License for educators, pursuant to 14 **Del.C.** §1213 and §1214.

**2.0 Definitions**

The following words and 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.** Chapter ~~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 Standards Board and approved by the State Board. ~~For purposes of 14 Del.C. Chapter 12, the term 'educator' does not include substitute teachers.~~

**"Exigent Circumstances"** ~~The expiration of an educator's license before the end of the school year shall be considered an exigent circumstance, however the educator's license may only be extended to the end of that current school year.~~ means unanticipated circumstances or circumstances beyond the educator's control, including, but not limited to, expiration of a license during the school year, serious illness of the educator or a member of his or her immediate family, activation to active military duty, and other serious emergencies which necessitate the educator's temporarily leaving active service.

**"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.

~~**"Maintenance of Proficiency"** means evidence of valid renewal of National Board for Professional Teaching Standards certification.~~

~~**"National Board Certified Teacher"** means an educator who holds National Board for Professional Teaching Standards certification.~~

**"National Board Certification"** means certification of an educator by the National Board for Professional Teaching Standards.

**"Standards Board"** means the Professional Standards Board established pursuant to 14 **Del.C.** Chapter 12 §1201.

**"State"** means State of Delaware.

**13 DE Reg. 647 (11/01/09)**

**3.0 Advanced License**

3.1 In accordance with 14 **Del.C.** §1213, the Department, upon application and receipt of the list of successful candidates provided annually by the National Board for Professional Teaching Standards, shall issue an Advanced License to any educator who receives National Board for Professional Teaching Standards certification. An Advanced License is valid for up to ~~[40 ten (10)]~~ years unless extended pursuant to 14 **Del.C.** §1216 or revoked for cause, as defined in 14 **Del.C.** §1218.

3.2 ~~The Department shall issue, upon application, an Advanced License to an educator licensed in another jurisdiction who provides verification of receipt of National Board certification. The term of the Advanced License shall be the same as the balance of the term of the educator's National Board for Professional Teaching Standards certification.~~

3.3 ~~The Department shall not act on an application for licensure if the applicant is under official investigation by any state or local authority with the power to issue educator licenses or certifications, 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. The Department may issue, upon application, an Advanced License to an educator licensed in another jurisdiction who provides verification of receipt of National Board certification.~~

- 3.4 ~~The term of the advanced license shall be the same as the balance of the term of the educator's National Board for Professional Teaching Standards certification. The Department shall not act on an application for licensure if the applicant is under official investigation by any state or local authority with the power to issue educator licenses or certifications, 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.~~

13 DE Reg. 647 (11/01/09)

19 DE Reg. 495 (12/01/15)

#### 4.0 RESERVED (For Equivalent Program See 14 Del.C. §1213)

#### 5.0 Renewal of Advanced License

- 5.1 In accordance with 14 Del.C. §1214, upon application, the Department shall renew an Advanced License, valid for up to an additional **[40 ten (10)]** years, to an educator who has maintained proficiency through the National Board for Professional Teaching Standards. Proficiency for National Board certification shall be deemed to have been maintained if the educator provides evidence of valid renewal of National Board for Professional Teaching Standards certification.
- 5.2 ~~The Department shall renew an Advanced License upon receipt of a list of successful Delaware candidates for renewal provided annually by the National Board for Professional Teaching Standards. The term of the renewed advanced license shall be the same as the balance of the term of the educator's National Board for Professional Teaching Standards certification.~~
- 5.3 ~~An applicant who elects not to renew with the National Board for Professional Teaching standards or who fails to meet the recertification requirements set forth by the National Board shall be issued a Continuing License. The Department shall renew an Advanced License upon application and receipt of a list of successful Delaware candidates for renewal provided annually by the National Board for Professional Teaching Standards.~~
- 5.4 ~~The term of the renewed advanced license shall be the same as the balance of the term of the educator's National Board for Professional Teaching Standards certification. An applicant who elects not to renew with the National Board for Professional Teaching standards or who fails to meet the recertification requirements set forth by the National Board shall be issued a Continuing License.~~

13 DE Reg. 647 (11/01/09)

19 DE Reg. 495 (12/01/15)

#### 6.0 Extension for Exigent Circumstances

- 6.1 The Department may extend an Advanced License for a period not to exceed one (1) year, upon the license holder's showing of exigent circumstances warranting the necessity of such extension.
- 6.1.1 A license holder whose Advanced License expires during the school year may have the Advanced License extended until the last day of the fiscal year upon a request from the district superintendent or charter school administrator. This extension shall be considered an exigent circumstance and shall not exceed one (1) year in length.

#### 7.0 Leave of Absence

- 7.1 ~~An~~ At the discretion of the hiring district or charter school, an educator may take a leave of absence of up to three years with no effect upon the validity or expiration of the Advanced License. The date of expiration of the Advanced License will be extended commensurate with the length of the leave of absence.
- 7.2 The Department may require that the educator provide documentation sufficient to establish the leave of absence.
- 7.3 An educator's Advanced License shall not be automatically extended under this section and the burden is on the educator to submit an extension request with sufficient documentation to the Department and to establish the leave of absence.

#### 8.0 Criminal Conviction History

An applicant shall disclose his or her criminal conviction history upon application for an Advanced License, the renewal

of an Advanced License, or upon the issuance of a Continuing License pursuant to ~~subsection 5-2~~ 5.4. Failure to disclose a criminal conviction history is grounds for denial or revocation of an ~~advanced license~~ Advanced License or a Continuing License and criminal prosecution as specified in 14 **Del.C.** §1219.

**6 DE Reg. 77 (07/01/02)**

**7 DE Reg. 956 (01/01/04)**

**13 DE Reg. 647 (11/01/09)**

**19 DE Reg. 495 (12/01/15)**

**20 DE Reg. 897 (05/01/17) (Final)**