

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203 and 1305(o) (14 **Del.C.** §§1203 & 1305(o))
14 **DE Admin. Code** 1501

PROPOSED

PUBLIC NOTICE

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

1501 Knowledge, Skills, and Responsibility Based Salary Supplements for Educators

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1501 Knowledge, Skills, and Responsibility Based Salary Supplements for Educators. The regulation concerns knowledge and skills salary supplements pursuant to 14 **Del.C.** §1305(k), national certification salary supplements pursuant to 14 **Del.C.** §1305(l), and additional responsibility assignment salary supplements pursuant to 14 **Del.C.** §1305(n). The proposed amendments include adding definitions of the terms "Lead Mentor," "Mentor," and "National Certification" to Section 2.0; striking terms that do not appear in the body of the regulation from Section 2.0; removing references to clusters; adding Section 4.0, which concerns national certification; revising Section 5.0, which concerns additional responsibility assignments; striking the eligibility requirements for knowledge and skills salary supplements from Section 6.0 and the payment requirements for knowledge and skills salary supplements from Section 7.0 because there currently are not any approved knowledge and skills salary supplements; and revising Section 8.0.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before October 2, 2019 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOERegulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve 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 that all students receive an equitable education.
3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation concerns salary supplements for educators and does not address students' health and safety.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation concerns salary supplements for educators and does not address 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 does not change 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 does 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 amended regulation does not change 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 amended regulation? There is not a less

burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the adopted regulation? The Department of Education provides for funding salary supplements in its annual budget. The proposed amendments are consistent with the FY20 Appropriations Act (House Bill No. 225) that went into effect on July 1, 2019.

1501 ~~Knowledge, Skills, and Responsibility~~-Based Salary Supplements for Educators

1.0 Content

1.1 The following requirements shall be met in order to receive the salary supplements established by 14 **Del.C.** §1305. This regulation shall apply to the awarding of salary supplements as a percentage of the ~~state~~ State portion of an ~~educator's~~ Educator's annual salary paid in accordance with the provisions of 14 **Del.C.** §1305 for gaining knowledge and skills that lead to more effective instruction, for achieving national certification from the National Board for Professional Teaching ~~Standards, Standards~~ or from an equivalent program, and for accepting ~~additional responsibility assignments~~ Additional Responsibility Assignments that impact student achievement.

1.2 Supplements are available subject to an annual appropriation from the ~~Legislature~~ General Assembly.

5 DE Reg. 2297 (06/01/02)

8 DE Reg. 73 (07/01/04)

2.0 Definitions

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

"Additional Responsibility Assignments" means additional assignments for ~~educators~~ Educators that are academic in nature and that impact student achievement. For purposes of this regulation and pursuant to 14 **Del.C.** §1305(e)(n) extra curricular or noninstructional supervisory activities are specifically excluded from responsibility assignments.

"Approved Cluster" means a professional development cluster that meets the criteria specified in 3.1 of this Regulation and that has been approved by the Standards Board and the State Board as the basis for awarding a specific salary supplement.

"Base Salary" means the salary earned by the ~~educator~~ an Educator as determined by ~~their~~ the Educator's level of education and years of service on the Delaware educators' salary schedule pursuant to 14 **Del.C.** §1305(a) and (b).

"Delaware Administrator Standards" means standards for education administrators approved by the Standards Board and the State Board of Education, as per 14 **DE Admin. Code** 1590, Delaware Administrator Standards.

"Delaware Content Standards" means K to 12 curriculum content standards approved by the Secretary of Education and the State Board of Education, as per 14 **DE Admin. Code** 501, State Content Standards.

"Delaware Professional Teaching Standards" means standards for teachers approved by the Standards Board and the State Board of Education, as per 14 **DE Admin. Code** 1597, Delaware Professional Teaching Standards.

"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.** Ch.12, and includes teachers, specialists, 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 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 the rules and regulations developed by the Standards Board, in consultation and cooperation with the Department, and approved by the State Board of Education. The term 'educator' does not include substitute teachers.

"Hours of Engagement" means time spent in classes, seminars, workshops, collaborative work groups, learning communities, cohort, school, or district teams, and time engaged in research based activities which result in the acquisition of knowledge and skills which lead to more effective instruction.

"Knowledge and Skills" means understandings and abilities that, when acquired by ~~educators~~ Educators, lead to more effective instruction.

"Lead Mentor" means an Educator who holds a Continuing or Advanced License, has participated in the training approved by the Department for Lead Mentors, is employed by an employing authority as a Lead Mentor, and performs the duties and responsibilities assigned to that position. Educators serving as Lead

Mentors must be rated as highly effective or effective on Delaware Performance Appraisal System II (DPAS II) evaluations, or the equivalent thereof on a state-approved alternative educator evaluation system, and may not be on a DPAS II improvement plan, or the equivalent therefore in a state-approved alternative educator evaluation system.

"Mentor" means an Educator who holds a Continuing or Advanced License and has participated in the training for Mentors specified by the Department and the employing authority. Educators serving as Mentors must be rated as highly effective or effective on DPAS II evaluations, or the equivalent thereof on a state-approved alternative educator evaluation system, and may not be on a Delaware Performance Appraisal System II (DPAS II) improvement plan, or the equivalent therefore in a state-approved alternative educator evaluation system.

"National Certification" means an Educator has achieved and maintains a current national certification as provided in 14 Del.C. §1305(l).

"NSDC Standards for Staff Development" means standards adopted by the National Staff Development Council for high quality staff and professional development.

"Professional Development Cluster" or "Cluster" means a focused group of professional development activities that leads to measurable and observable knowledge and skills.

"Provider" means a local school district, charter school, college, educationally related organization, or professional organization that delivers professional development clusters approved by the Standards Board and the State Board to educators.

"Reauthorization of an Approved Cluster" means the process a provider uses to seek continued approval, after the initial five year approval period, of a previously approved cluster.

"Replication of Approved Clusters" means an approved cluster being delivered by a provider other than the original approved cluster provider.

"Salary Supplement", when referring to knowledge, skills, national certification, and additional responsibility based supplements, means additional state salary, State salary as described in 14 Del.C. §1305.

"Standards Board" means the Professional Standards Board of the State of Delaware established in response pursuant to 14 Del.C. §42051201.

"State Board" means the State Board of Education of the State of Delaware established in response to 14 Del.C. §104.

8 DE Reg. 73 (07/01/04)

3.0 Knowledge and Skills Salary Supplements

- 3.1 The Standards Board shall, on no less than an annual basis, submit to the State Board for approval, lists of proposed new professional development clusters in specific areas of knowledge and skills which shall serve as the basis for awarding salary supplements.
- 3.2 The criteria for evaluating professional development clusters designed to promote acquisition of knowledge and skills are based upon:
 - 3.2.1 Delaware Professional Teaching Standards or Delaware Administrator Standards or their equivalent (i.e., national standards from educators' specialty area organizations that complement the Delaware standards).
 - 3.2.2 Delaware content standards or their equivalent (i.e., national standards from content specialty groups, if there are no Delaware standards for the content area).
 - 3.2.3 National Staff Development Council Standards for Staff Development (NSDC, 2001).
- 3.3 Clusters may include a combination of formal courses at graduate or undergraduate levels, and other research based activities which conform to the NSDC Standards for Staff Development.
- 3.4 Clusters may be comprised of related segments which may be completed separately over a specified period of time, not to exceed 5 years, as included in the cluster design and approved by the Standards Board and the State Board.
- 3.5 Voluntary performance or assessment based specialty certifications awarded for meeting standards established by national professional organizations shall be evaluated as proposed clusters in accordance with this regulation.
- 3.6 The specific percentage of salary assigned to each knowledge and skills supplement, provided that no supplement may be less than 2% nor more than 6% of an educator's base state salary, shall be submitted with the list of professional development clusters and specific areas of knowledge and skills.
 - 3.6.1 A cluster qualifying an educator for a supplement of 2% shall consist of no less than 90 hours of engagement by the educator.

- 3.6.2 ~~A cluster qualifying an educator for a supplement of 4% shall consist of no less than 180 hours of engagement by the educator.~~
- 3.6.3 ~~A cluster qualifying an educator for a supplement of 6% shall consist of no less than 270 hours of engagement by the educator.~~
- 3.7 ~~Knowledge and skills which, once acquired, are expected to lead to more effective instruction for the duration of an educator's career are designated as permanent supplements.~~
- 3.8 ~~Knowledge and skills clusters related to new technologies, curriculum adoptions, and short term strategies shall have an initial approval duration of five (5) years.~~
 - 3.8.1 ~~The initial five (5) year duration will begin on the date of the appropriation approval by the Controller General and the Budget Director and will terminate five (5) years from that date.~~
 - 3.8.2 ~~A cluster cohort must be assembled and the provider must enter the cohort onto the DEEDS site prior to the cluster termination date. The provider will then make all efforts to complete the cluster in a timely fashion and to complete the online requirements to complete the process.~~
- 3.9 ~~The provider shall present an educator who satisfactorily completes an approved cluster with a certificate of completion to verify eligibility for a salary supplement. The certificate shall certify the knowledge and skills acquired and demonstrated by the educator. The provider shall provide the Department with a list of educators who have satisfactorily completed an approved cluster.~~

Currently, there are not any approved Knowledge and Skills Salary Supplements.

8 DE Reg. 73 (07/01/04)

4.0 Replication of Approved Clusters

- 4.1 ~~The developer of an approved cluster shall decide if a cluster can be replicated, and shall set forth the conditions, if any, under which the approved cluster may be offered by a provider other than the developer of the approved cluster. The Professional Development and Associated Compensation Committee shall review and approve applications for replication of a cluster, and shall forward approved applications for replication to the Standards Board for action. The Standards Board shall forward approved applications for replication to the State Board for concurrence.~~
 - 4.1.1 ~~The cluster replication may be offered to participants only within the time period for which the original cluster was approved~~
 - 4.1.2 ~~A replication cohort must be assembled and the provider must enter the cohort onto the DEEDS site prior to the original cluster termination date. The provider will then make all efforts to complete the cluster in a timely fashion and to complete the online requirements to complete the process.~~

4.0 National Certification

- 4.1 An Educator may receive a Salary Supplement for achieving and currently maintaining the following certifications as provided in 14 Del.C. §1305(l):
 - 4.1.1 National Board Certification from the National Board for Professional Teaching Standards;
 - 4.1.2 Certificate of Clinical Competence in Audiology (CCC-A) or Certificate of Clinical Competence Speech-Language Pathology (CCC-SLP) from the American Speech-Language-Hearing Association;
 - 4.1.3 National Certified School Counselor from the National Board for Certified Counselors;
 - 4.1.4 Music Therapist – Board Certified (MT-BC) from the Certification Board for Music Therapists;
 - 4.1.5 Nationally Certified School Psychologist (NCSP) from the National Association of School Psychologists; or
 - 4.1.6 Nationally Certified School Nurse (NCSN) from the National Board for Certification of School Nurses.
- 4.2 In order to be eligible for a National Certification Salary Supplement, the Educator shall maintain current certification through the applicable national organization.
- 4.3 An Educator who is employed as a superintendent, assistant superintendent, or director or in a non-instructional area of transportation, finance/business management, human resources/personnel management, purchasing, community/public relations, administrative services, pupil services, audiology, occupational therapist, physical therapist, psychologist, speech language pathologist, human relations, nurse, social work/ services, information technology, or a specialized assignment comparable to these non-instructional areas shall not be eligible for a Salary Supplement for National Certification from the National Board for Professional Teaching Standards.
- 4.4 An Educator who achieves and maintains National Certification shall receive an annual Salary Supplement equal to 12 percent of the Educator's Base Salary for the certification in subsection 4.1.1 or 6 percent of the Educator's Base Salary for the certifications in subsections 4.1.2 through 4.1.6.

5 DE Reg. 2297 (06/01/02)

5.0 Procedures for Reauthorization of Approved Clusters

- 5.1 Approval of a cluster is valid for five (5) years from the date of the appropriation approval by the Controller General and the Budget Director. A provider of a cluster may apply for reauthorization of a cluster by submitting an application for reauthorization to the Professional Development and Associated Compensation Committee, which shall review the application and, if appropriate, forward a recommendation to the Standards Board and the State Board for approval. Reauthorization approval of a cluster shall be for a period of five (5) years.
- 5.2 Cluster providers shall, when applying for reauthorization, provide the Professional Development and Associated Compensation Committee with an evaluation of the effectiveness of a cluster in achieving the stated goals. The evaluation shall include evidence of a positive impact on educators' skills and knowledge and student learning. Evaluation reports shall be submitted on the form provided by the Standards Board.

8 DE Reg. 73 (07/01/04)

10 DE Reg. 1589 (04/01/07)

6.0 Revocation of Approval of a Cluster

- 6.1 Cluster applications are approved for a period of five years from the date of the appropriation approval by the Controller General and the Budget Director. The Standards Board may, however, revoke the approval of a cluster at any time during the five year period of approval for good cause. **"Good Cause"** includes, but is not limited to:
- 6.1.1 Failure on the part of the provider to complete the delivery of a cluster; or
- 6.1.2 Failure of the provider to submit evidence of completion to DOE; or
- 6.1.3 Evidence, as supplied by participant evaluation and verified by the Professional Development and Associated Compensation Committee, of failure to provide content and activities as set forth in the approved application.
- 6.1.4 Other conduct which negatively impacts the ability of educators to gain new knowledge and skill, such as misrepresentation of the cluster content on the application.

8 DE Reg. 73 (07/01/04)

10 DE Reg. 1589 (04/01/07)

7.05.0 Additional Responsibility Assignments

- 7.1 The Standards Board shall, on no less than an annual basis, submit to the State Board a list of specific responsibility assignments for approval as the basis for awarding responsibility salary supplements.
- 7.25.1 Additional Responsibility assignments Assignments shall be:
- 7.2.45.1.1 Focused on school improvement issues that impact student achievement;
- 7.2.25.1.2 Supported by high quality, targeted professional development, development; and
- 7.2.35.1.3 Academic in nature.
- 7.35.2 In order to qualify for a responsibility assignment salary supplement an Additional Responsibility Assignment Salary Supplement, an educator Educator shall have completed the state State approved training program for the position, position or, in the absence of a training program, shall meet the criteria set forth for the position by the Standards Board or local State, school district, charter school, or other employing authority, authority and shall provide state and State, school district, charter school, or other employing authority approved levels of service, participate in designated activities throughout the period of responsibility, and document the satisfactory fulfillment of the specified responsibility assignment.
- 7.45.3 Extra responsibility salary supplements Additional Responsibility Assignment Salary Supplements may be renewed.
- 5.4 The following assignment is currently an approved Additional Responsibility Assignment:
- 5.4.1 Lead Mentor and Mentor as provided in Section 10.0 of 14 DE Admin. Code 1503 Educator Mentoring.

5 DE Reg. 2297 (06/01/02)

8 DE Reg. 73 (07/01/04)

8.0 Approval of Professional Development Clusters and Responsibilities

- 8.1 The Standards Board's Standing Committee on Professional Development and Associated Compensation shall provide the Standards Board with recommendations for approval of professional development clusters, reauthorized clusters, and responsibility assignments in accordance with this regulation.

- 8.2 The Standards Board shall examine the proposed lists and previously approved lists of clusters to evaluate the system of professional development to determine its overall balance and accessibility.
- 8.3 If approved by the Standards Board, the lists of professional development clusters, reauthorized clusters, and responsibility assignments shall be forwarded to the State Board with a recommendation for approval.
- 8.4 Each district, charter school or other employing authority shall notify educators at least annually, in writing, of the clusters it disapproves from the State Board approved list of knowledge and skills clusters.

8 DE Reg. 73 (07/01/04)

9.06.0 Educators' Eligibility for Salary Supplements

9.1 Skills and Knowledge Salary Supplements

- 9.1.1 The provider will present an educator who satisfactorily completes an approved cluster with a certificate of completion to verify eligibility for a salary supplement. The certificate shall certify the knowledge and skills acquired and demonstrated by the educator.
 - 9.1.2 After completing the entire cluster, the cluster provider shall submit documentation to the Department certifying that the educator fulfilled the requirements of the cluster's design.
 - 9.1.3 Educators may receive additional salary supplements for successfully completing other approved clusters, subject to the limitations set forth in Section 11.0. No educator is entitled to payment for the same cluster more than once.
- 9.2 Additional Responsibility Assignments: An educator Educator shall provide the local school district, charter school school, or other employing authority with such information as may be required to enable the local school district, charter school school, or other employing authority to verify that the educator Educator has fulfilled the requirements of 7-3 subsection 5.2 of this regulation.

8 DE Reg. 73 (07/01/04)

10 DE Reg. 1589 (04/01/07)

10.07.0 Payment of Salary Supplements

10.1 Salary Supplements for Clusters

- 10.1.1 Knowledge and skills clusters related to new technologies, curriculum adoptions, and short term strategies shall have a base salary supplement duration of five (5) years.
- 10.1.2 Salary supplements earned by educators who are paid in accordance with the provisions of 14 **Del.C.** §1305 as a result of completion of an approved knowledge and skills cluster shall be effective the first of the month following receipt by the Department of satisfactory completion of a cluster, and shall be paid as part of the educator's salary for the duration of the time approved for the cluster by the Standards Board and the State Board. The salary supplement shall be based on the Delaware educators' salary schedule: 14 **Del.C.** §1305 (a-b). Salary supplements are subject to an annual appropriation. All applications for a salary supplement for the current fiscal year (July 1 to June 30) must be received in the Office of Professional Accountability no later than June 1. Applications received after June 1 will be approved effective the first day of the next fiscal year. No educator is entitled to payment for the same cluster more than once.

10.27.1 Salary Supplements for Extra Additional Responsibility Assignments

- 10.2.47.1.1 Salary supplements earned by educators Educators who are paid in accordance with the provisions of 14 **Del.C.** §1305 as a result of fulfilling extra responsibility assignments Additional Responsibility Assignments shall be effective the first of the month following receipt by the Department of documentation from the school district, charter school, or other employing authority of satisfactory completion of the duties associated with the extra responsibility assignment, Additional Responsibility Assignment and shall be paid annually as a single payment or as an additional salary amount spread evenly across an educator's contract period.

8 DE Reg. 73 (07/01/04)

11.08.0 Limits on Salary Supplements

Salary supplements shall be paid to an educator paid Educator in accordance with the provisions of 14 **Del.C.** §1305 shall not exceed 15% of the State share of the educator's salary.

5 DE Reg. 2297 (06/01/02)

8 DE Reg. 73 (07/01/04)

8 DE Reg. 1137 (02/01/05)

10 DE Reg. 1589 (04/01/07)

16 DE Reg. 623 (12/01/12)

