

Staff Findings and Recommendations Report Professional Standards Board

153rd General Assembly, 1st session



*Respectfully submitted to the
Joint Legislative Oversight and Sunset Committee
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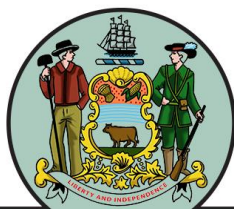
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Special thanks: We appreciate the aid provided by Professional Standards Board staff in conducting this review.

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ABOUT THIS REPORT

This is a staff findings and recommendations report (“staff report”) drafted by Division of Legislative Services staff on the sunset and oversight review (“review”) of the Professional Standards Board.

The Joint Legislative Oversight and Sunset Committee (“JLOSC” or “Committee”) is a bipartisan 10-member legislative body which performs periodic legislative review of state entities. The purpose of the oversight and sunset review is to assess genuine public need and entity performance. JLOSC performs its duties with support provided by the dedicated and nonpartisan staff of Division of Legislative Services. The Division of Legislative Services is an independent and confidential reference bureau for the General Assembly and supplies many services, including staff support for JLOSC.

JLOSC staff completes a performance evaluation of the entity under review and provides a staff report to JLOSC which includes research, analysis, key findings, and recommendations. During the review process, the following is not assumed:

- That there is a genuine public need for the entity under review.
- That the entity is satisfactorily and effectively meeting a public need.

Rather, the entity under review has the burden of showing, through the statutory criteria for review included in its self-report and analyst requested supplemental documentation, that there is a genuine public need, and that the entity is meeting that need.

JLOSC selected the Professional Standards Board (“PSB”) for review on March 2, 2023. During the review process, PSB staff supplied information by completing a self-report which included a performance review questionnaire.¹

JLOSC staff compiled the following findings and recommendations after completing a performance evaluation. Staff used national evaluation standards while conducting the performance evaluation. These standards require planning and performing the evaluation to obtain sufficient evidence to provide a reasonable basis for the findings and conclusions based on the review criteria. Staff believe the evidence obtained provides a reasonable basis for their findings and conclusions. Additionally, the Objectives, Scope, and Methodology section discusses the fieldwork procedures used while conducting the research and developing the findings and recommendations presented in this report.

The staff report includes recommendations for JLOSC review and discussion. JLOSC does not follow staff’s recommendations by obligation. They convene publicly to review and discuss the staff report and finalize recommendations only after discussing and adopting with an affirmative vote from 7 members.

¹ Self-reports available on the Committee’s website, <https://legis.delaware.gov/Committee/Sunset>.

The JLOSC statute authorizes the Committee to recommend 1 or more of the following:

- Continuation of the entity as is.
- Termination of the entity.
- Termination of any program within the entity.
- Consolidation, merger, or transfer of the entity or the entity's functions to another entity.
- Termination of the entity unless certain conditions are met or modifications are made, by legislation or otherwise within a specified period.
- Budget appropriation limits for the entity.
- Legislation which the Committee considers necessary to carry out its decision to continue or terminate the entity.

The information contained in this report, along with the previously published self-report which includes background information from the entity under review, helps JLOSC in conducting a review of the entity.² The "JLOSC Staff Observations and Analysis" section of this report has information to support the staff's findings and recommendations.

Next Steps

JLOSC will hold a public hearing for each entity under full review to present to the Committee and accept public comment on the scope of the review.³

The Committee will review all information received, including the findings and recommendations presented in this staff report. Recommendations are adopted after review, discussion, and an affirmative vote of 7 JLOSC members. Committee members are not bound by recommendations presented by staff and are free to change, reject, or create new recommendations. Once JLOSC adopts recommendations, the review moves to the implementation phase which may include drafting legislation.

² Self-report accessible on the Committee's website, <https://legis.delaware.gov/Committee/Sunset>.

³ Public meeting notices found on the Committee's website and the State of Delaware's Public Meeting Calendar.

OBJECTIVE, SCOPE, AND METHODOLOGY

Objective

A performance evaluation conducted as required under JLOSC statute and based on the following review criteria:

1. If the entity is a licensing entity, the extent to which the entity has permitted qualified applicants to be licensed.
2. The extent to which the entity has served the public interests.
3. The extent to which the entity has recommended statutory changes, and whether those changes directly benefit the public or whether those changes primarily benefit the entity or other entities and are of only indirect benefit to the public.
4. Review the implementation of recommendations contained in the final reports presented to the General Assembly and the Governor during previous legislative sessions.

Scope

This review covers a 3-year performance period except where noted.

Review Criteria #1⁴

If the entity is a licensing entity, the extent to which the entity has allowed qualified applicants to be licensed.

Methodology for Review Criteria #1

The Professional Standards Board is not a licensing entity; review criteria #1 is not applicable to this review.

Review Criteria #2

The extent to which the entity serves public need.

Methodology for Review Criteria #2

As outlined in the fieldwork section of this report, this review explored the main duties and responsibilities listed in the statute that governs the work of the Professional Standards Board: Chapter 12 of Title 14, except where noted. This report includes findings and recommendations pertaining to the main statutory duties.

Review Criteria #3

The extent to which the entity has recommended statutory changes, and whether those changes directly benefit the public or primarily benefit the entity or other entities and are of only indirect benefit to the public.

Methodology for Review Criteria #3

The Professional Standards Board submitted its self-report in May 2023, which included recommendations for at improving educator certification, strengthening licensure enforcement, and refining board composition. To address the rising issue of unlicensed educators, the Professional Standards Board has been actively working on creating new certification pathways for roles such as behavior analysts and Junior Reserve Officers' Training Corp ("JROTC") instructors.

⁴ Review Criteria in this staff report is an aggregation of the criteria established in [§ 12011\(b\), Title 29](#).

Review Criteria #4

Review the implementation of recommendations contained in the final reports presented to the General Assembly and the Governor during earlier legislative sessions.

Methodology for Review Criteria #4

This is the first JLOSC review of the Professional Standards Board; review criteria #4 is not applicable to this review.

Fieldwork completed

During this review, JLOSC staff completed review of the following:

- Reviewed all information that Professional Standards Board staff supplied in April 2024, including:
 - Self-report.
 - Meeting minutes (2018 – May 2023).
 - Current Professional Standards Board membership.
 - Quarterly reports (2018 – April 2023).
 - Organizational charts.
 - Regulations.
 - Memorandum of understanding with the Delaware Department of Education regarding the Professional Standards Board's executive director, May 2, 2019.
 - Professional Standards Board actions regarding hearing and case decisions.
 - Licensure testing requirements.
 - Professional Standards Board updates May 2023 – March 2024.
- Current regulations.
- All available public documents and news articles.
- Current Professional Standards Board statute, [Chapter 12, Title 14 \(Educator Licensure, Certification, Evaluation, Professional Development, and Preparation Programs\) \("Chapter 12"\)](#).
- Related legislation.
- Professional Standards Board's overall performance as it relates to current statute.
- Professional Standards Board meeting minutes available on the Public Meeting Calendar May 2023 – December 2024.
- Attended various Professional Standards Board meetings.
- Similar processes and committees in other states.
- Reviewed national studies and research.

REVIEW BACKGROUND AND SUMMARY

Review Background

The Professional Standards Board (“PSB”) was established in 2000 through the Professional Development and Educator Accountability Act⁵ to enhance education in Delaware by ensuring high standards for educators. It replaced the Professional Standards Council, created in 1991, which was solely an advisory body to the Department of Instruction.⁶ The PSB was granted the power to create regulations, that the Delaware Department of Education (“DDOE”) implements regarding educators’ licensure and certification requirements, and paraprofessional qualifications and training.⁷

The PSB consists of 16 voting members, all appointed by the Governor with Senate confirmation. Supported by an executive director with extensive educational experience, the PSB holds monthly meetings and operates standing committees on licensure, certification, and professional development, which encourage collaboration to maintain regulations and promote educator excellence in Delaware.

The PSB’s core responsibilities include defining paraprofessional qualifications and training and establishing licensure and certification standards for educators. Its primary focus is on certification (standard certificate) requirements that define specialty areas. The PSB is designed to incorporate stakeholder engagement, allowing educators and administrators to contribute to policy development. Occasionally, the PSB conducts hearings on certification denials and disciplinary actions on behalf of the DDOE.

Review Summary

This review highlights key challenges faced by the PSB. Although it was established to uphold high educator standards and improve education, the PSB struggles to fulfill its mission. Its statutory framework is outdated, with unclear responsibilities and overlapping duties with the DDOE. Additionally, Delaware lags in national board-certified educators, underscoring a need for better promotion, support, and incentives.

A major finding is that the PSB’s recurrent review of its 65 regulations consumes significant resources. These reviews duplicate efforts and are not mandated under Chapter 104 of Title 29 (Regulatory Flexibility Act) or the DDOE’s regulatory review obligations under § 122(e) of Title 14.

Excessive time spent on regulation reviews limits the PSB’s ability to evaluate long-term goals and educator effectiveness. While educator standards are important, they are only effective if they achieve their intended purpose. Developing effective educator standards requires data driven evaluation. However, the PSB currently lacks the capacity to perform evaluations on data tracking educator effectiveness.

Statutory updates, improved collaboration with DDOE, and prioritizing the evaluation of educator effectiveness data would enhance the PSB's efficiency and ensure it fulfills its statutory purpose of upholding high educator standards to improve education.

⁵ Senate Bill No. 260, as amended by Senate Amendment Nos. 1, 2, 4, 5, 7, 9, 10, 11, 12, 13 and House Amendment Nos. 2, 12, 13, 17, 21, 22, 28, 33, 35, 38, 39, 140th General Assembly, enacted in May 2000.

⁶ Established by the State Board of Education January 1991 to serve in advisory capacity to the Department of Public Instruction on the certification of teachers and administrators. The Council ceased at the end of 1999. The Department of Public Instruction became the Department of Education.

⁷ Subject to State Board of Education approval.

REVIEW CRITERIA OBSERVATIONS

Criteria #1 Observations:

Criteria #1 evaluates the extent to which an entity fulfills its licensing responsibilities by enabling qualified applicants to obtain licensure. The PSB is not a licensing entity but is responsible for establishing the standards and requirements that the DDOE uses to license and certify educators. The PSB's responsibilities include maintaining current licensing standards that align with workforce needs. The PSB maintains standards by adopting regulations to set qualifications.

Criteria #2 Observations:

Criteria #2 assesses how effectively an entity has served the public interest. This review explored the main duties and responsibilities of the PSB as outlined in Chapter 12. The following observations address key areas, including committee composition; regulation development and review; requirements for educator licensure and certification, particularly teacher requirements; hearing duties; and reporting responsibilities.

Committee Composition, Duties, and Function

The PSB holds monthly meetings and consists of 16 voting members, including 8 public school educators representing all three counties and various specialties, 4 public school administrators, 1 local school board member, 2 parents from different counties, and a higher education representative. Members are appointed by the Governor with Senate approval for staggered 3-year terms. Quorum is defined as a majority of current members, with actions requiring a vote of a majority plus 1 to be approved.⁸

The PSB appoints an executive director who serves as the PSB's secretary. The executive director must have at least 10 years of professional educator experience in a public school system, including 5 years as a classroom teacher, and must have been a Delaware resident for at least 1 year. The executive director is compensated according to the DDOE salary schedule.⁹ The DDOE and the PSB signed a memorandum of understanding outlining the duties and oversight of the executive director.¹⁰

The PSB collaborates with the DDOE Secretary and operates semi-independently from the DDOE, adhering to the Administrative Procedures Act to ensure transparency. The PSB creates requirements for paraprofessionals, educator licensure and certification, professional teaching standards, education technology standards, salary supplements for educators, and conducts some hearings on licensure denials and disciplinary actions for DDOE.¹¹

The PSB works closely with the DDOE to fulfill some of Chapter 12's purposes.¹² To support this collaboration, the PSB is required to submit quarterly reports to the General Assembly, Governor, State Board of Education, and DDOE. Chapter 12 provides limited guidance on the reports' content.¹³

⁸ [14 Del. C. § 1206\(g\).](#)

⁹ [14 Del. C. § 1206\(e\).](#)

¹⁰ Memorandum of understanding dated May 2019 available in Appendix B.

¹¹ Currently salary supplements are available for only national board certification and mentors for the educator induction program.

¹² [14 Del. C. § 1201.](#)

¹³ [14 Del. C. § 1205\(a\).](#)

The PSB oversees 2 standing committees¹⁴ focused on licensure and professional development but may establish additional committees as needed. The 2 standing committees meet regularly to review regulations and provide recommendations. Membership of the standing committees includes at least 1 PSB member, along with educators, administrators, parents, and other stakeholders that the PSB chair and the DDOE Secretary approve.

Educator Licensure, Certification, and Regulations

The DDOE processes educator applications under regulations that the PSB promulgates, and the State Board of Education approves. Applicants for educator licenses must submit documentation for both licensure and at least 1 standard certificate. The PSB is responsible for developing and revising regulations related to licensure, certification, professional teaching standards, education technology standards, and salary supplements for educators. It also oversees requirements for paraprofessional training, administrators, and specialists. The PSB establishes licensure criteria, including certification types, Praxis testing standards, passing scores, and qualifications for specialists such as school counselors and reading specialists. Educators licensed in another state, via reciprocity, with 4 or more years of experience may apply for a continuing license.¹⁵

The PSB guides the certification process through regulations. The PSB has 65 active regulations: 44 cover standard certificates.¹⁶ These regulations set the standards for minimum test scores and education standards for each certification. The PSB also promulgated regulations on alternatives to minimum testing scores, under Regulation 1519 (Multiple Measures for Demonstrating Content Knowledge) for certain certifications.

The PSB reviews and updates its regulations every 4 years to address workforce and certification needs.¹⁷ Each review process spans 8-months.¹⁸ During these reviews, the PSB also evaluates certifications to maintain their relevance, eliminating those that are no longer needed. For example, the Marketing Education Teacher Standard Certificate was merged into the broader Business, Finance, or Marketing Education Teacher certification due to low demand and overlap with existing certifications. The PSB can also request data from DDOE concerning licensure, certification, and professional development.¹⁹ Once the PSB finalizes a regulation, the State Board of Education must review and give final approval.²⁰ The DDOE implements the PSB regulations to govern educator qualifications for licensure and certification.²¹

Educator Induction Programs

Once licensed and certified, new educators must complete mentoring through an educator induction program in order to apply for continuing licensure. DDOE establishes the guidelines and recommendations for educator induction programs and annually approves plans submitted by the local education authority (“LEA”) induction team of each

¹⁴ Licensure and Certification Criteria Committee and the Professional Development and Associated Compensation Committee.

¹⁵ [14 Del. C. § 1211\(c\)](#), [14 DE Admin. Code 1511](#).

¹⁶ For the purposes of Chapter 12 and this report, standard certificates are referred to as certifications. The regulations address 44 distinct educator specialties.

¹⁷ [14 Del. C. § 122\(e\)](#).

¹⁸ See Appendix A for regulation approval process as stated on the PSB website and self-report.

¹⁹ [14 DE Admin. Code 1510](#).

²⁰ [14 Del. C. § 1203](#).

²¹ [14 Del. C. § 122\(c\)](#).

LEA. Each LEA is required to develop and implement its own approved educator induction program.

Teachers, specialists, and administrators with 4-year initial licenses complete a 4-year educator induction program to correspond with the initial term of licensure. Teachers and specialists who are reciprocity applicants must complete professional learning designed for educators who are new to Delaware public schools under Regulation 9.2.²²

The PSB regulations for educator induction programs outline licensure requirements based on the year of licensure but do not address the approval of induction programs or professional learning components. DDOE oversees and approves educator induction programs, though no specific regulations are in place. The DDOE governs professional learning activities under its standards for professional learning,²³ with information available on the DDOE website.²⁴ Notably, “professional development” refers solely to DDOE’s management system rather than the actual educational activities. DDOE is responsible for collecting program evaluation data, which the PSB may request through an annual presentation.²⁵

The DDOE recently made significant modifications to educator induction programs, without direct involvement from the PSB. The modifications began with the removal of the performance assessment requirement, replacing it with professional development and mentoring requirements for both initial and continuing educator licenses.²⁶ The legislative change required DDOE to form a stakeholder committee²⁷ to provide input and recommendations, resulting in the new educator induction program. Although the PSB was not explicitly included in the stakeholder process, it was tasked with developing the regulations to implement the new program.²⁸

To develop regulation revisions, the PSB’s executive director collaborated with the DDOE education associate for educator induction to draft the necessary regulatory changes. PSB posted the initial proposed regulation in the Register of Regulations on September 1, 2023, but received critical feedback from the Delaware State Education Association (“DSEA”), which called to simplify the program and align its requirements with other educator responsibilities. In response, the PSB withdrew the proposal, and DDOE conducted a further review, introducing substantive amendments.

The revised regulation was published in the January 2024 Register of Regulations. At its February 2024 meeting, the PSB reviewed 9 positive comments and 1 critical comment on the revised proposal.²⁹ The PSB approved the regulation, which later received final approval from the State Board of Education. The changes took effect in July 2024 and were finalized in the June 2024 Register of Regulations.

²² [14 DE Admin. Code 1503.](#)

²³ [14 DE Admin. Code 288.](#)

²⁴ DDOE professional learning website available at: <https://education.delaware.gov/educators/academic-support/standards-and-instruction/digital-de/professional-learning>.

²⁵ [14 DE Admin. Code 1503.](#)

²⁶ House Bill No. 207, 151st General Assembly, enacted in June 2021.

²⁷ Stakeholders in House Bill No. 207 included teachers, principals, local education agency administrators, representatives of institutions of higher education, representatives of the DSEA, representatives of the Delaware Association of School Administrators (“DASA”), and national experts.

²⁸ [14 Del. C. § 1210\(g\).](#)

²⁹ Critical comment received from DSEA provided the same feedback from the September 2023 proposed regulation.

Licensure Renewal and Professional Development (Learning) Requirements

DDOE processes applications for licensure renewal applications based on requirements that the PSB establishes under Regulation 1511 for continuing licensure.³⁰ The requirements include completing an educator induction program and accumulating 90 hours of professional development or professional learning. Professional learning, now regulated by DDOE under Regulation 288, is not referenced in PSB's Regulation 1511 for continuing licensure.³¹

In October 2024, PSB repealed its regulations for professional development standards,³² following DDOE's introduction of new regulations for professional learning standards.³³ While the term "professional development" is absent from DDOE's regulations, it remains defined in PSB's continuing licensure regulation.

- **Professional development** means structured learning opportunities with specific outcomes, including a combination of learning, practice, feedback, and reflection designed to enhance knowledge, skills, insights, and perspectives and ultimately result in improved professional practice.
- **Professional learning** means the process of ongoing growth and extends beyond professional development by including learning experiences that are sustained, intensive, collaborative, job-embedded, and data-driven.

The reason for DDOE discontinuing the use of the term "professional development" remains unclear.

Teacher Preparation and Evaluation Programs, Alternative Certification Pathways

DDOE, not PSB, regulates teacher preparation and evaluation programs, as well as alternative certification pathways.³⁴ Traditional educator preparation programs are governed under § 1280 of Title 14 and 14 DE Admin. Code 290, which outlines the approval process for educator preparation programs.

Teacher evaluations are regulated by 14 DE Admin. Code 106A and now administered through the Delaware Teacher Growth and Support System ("DTGSS"), effective starting the 2023–2024 school year. While DTGSS is authorized under a section of Chapter 12 related to the PSB,³⁵ the PSB is not involved with the included Delaware Performance Appraisal System ("DPAS II") Advisory Committee³⁶ or in the implementation or the operation of the DTGSS. DTGSS took the place of DPAS II, which was phased out. The DDOE website³⁷ that details the new DTGSS includes the redesign history and pilot timelines.³⁸ Neither the PSB nor its membership is associated or named in the redesign history or the legislation that launched the redesign.³⁹

³⁰ [14 DE Admin. Code 1511.](#)

³¹ [14 DE Admin. Code 288.](#)

³² [14 DE Admin. Code 1598.](#)

³³ [14 DE Admin. Code 288.](#)

³⁴ [14 Del. C. §§ 1260-1281.](#)

³⁵ [14 Del. C. § 1270A.](#)

³⁶ Membership resembles but does not specifically include PSB members.

³⁷ DDOE website for DTGSS available at: <https://education.delaware.gov/educators/k12-licensing-and-careers/educator-evaluation/dtgss>.

³⁸ Redesign history and pilot timelines available at: <https://education.delaware.gov/educators/k12-licensing-and-careers/educator-evaluation/dtgss/dtgss-redesign-history>.

³⁹ House Bill No. 133, 151st General Assembly, enacted in August 2021.

Alternative routes to certification (“ARTC”) were created to address educator shortages while offering increased flexibility for aspiring educators who have not completed a traditional educator preparation program. Originally, the PSB oversaw this process. However, in December 2018, the PSB repealed their ARTC regulations⁴⁰ to align with statutory updates, transferring regulatory authority to DDOE⁴¹ to expand the program.⁴² The DDOE administers other measures to address educator shortages, such as the Year Long Teacher Residency Program, Grow Your Own Educator, and the Delaware Educator Apprenticeship Program, without the PSB’s involvement.

Advanced Licensure

The DDOE issues advanced licensure to an educator who receives certification from the National Board for Professional Teaching Standards (“NBPTS”). Statute provides another pathway to receiving advanced licensure by an educator who “demonstrates proficiency under an equivalent program that has been approved in rules and regulations promulgated and adopted under this chapter.”⁴³ It is unknown what equivalent program has been approved.⁴⁴

National Board Certified Teachers (NBCTs) from NBPTS was recently explored by National Conference of State Legislatures (“NCSL”) and others nationally, with research concluding that NBCTs perform better than their peers.⁴⁵ Additionally, many state legislators agree increasing NBCTs is a key strategy to strengthen teaching and look for policy solutions aimed at increasing NBCTs. Delaware has 519 educators who have reached national board certification and ranks 35th nationally.⁴⁶ Only 11 NBCTs have maintained their certification placing Delaware 37th nationally, tied with Rhode Island.⁴⁷

Delaware lifted its 8-year moratorium on NBPTS certification salary supplements in July 2019 and began offering a \$2k annual salary supplement.⁴⁸ As of July 2019, the statutory salary supplement equal to 12% of an educator’s base salary was restored.⁴⁹

Hearing Duties Related to Licensure and Disciplinary Actions

Despite having the statutory authority to do so, the PSB rarely handles hearings on behalf of DDOE related to educator licensure and disciplinary actions, which include reviewing cases involving licensure denials, suspensions, limitations, and revocations, as well as conducting disciplinary hearings for educators accused of misconduct.⁵⁰ Complaint investigations related to licensure and disciplinary matters are managed by 2 DDOE employees without the PSB involvement. During the review period, the PSB addressed 2 disciplinary cases received from the DDOE, adopting the proposed disciplines outlined in the hearing officer’s decisions and orders for both. Additionally, the PSB received 2 proposals from the DDOE to deny licensure; 1 applicant withdrew their application, and

⁴⁰ [14 DE Admin. Code 1507.](#)

⁴¹ [14 Del. C. § 1260\(c\).](#) [14 DE Admin. Code 291.](#)

⁴² House Bill No. 433, 149th General Assembly, enacted in June 2018.

⁴³ [14 Del. C. §1213.](#)

⁴⁴ [14 DE Admin. Code 1512.](#)

⁴⁵ NCSL study available at: <https://www.ncsl.org/education/a-legislators-guide-to-board-certification-for-teachers>

⁴⁶ Delaware profile in Appendix C.

⁴⁷ All NBPTS state profiles available at: <https://www.nbpts.org/support/in-your-state>.

⁴⁸ Moratorium period May 21, 2008 – June 30, 2016, information available at: <https://education.delaware.gov/legacy/home/educators/licensure-and-certification/national-certification-and-stipends/#nbcss>

⁴⁹ [14 Del. C. § 1305\(l\).](#)

⁵⁰ The PSB hires and budgets for hearing officers.

the other did not request a hearing, leading the PSB to affirm the DDOE's proposal to deny licensure.

Criteria #3 Observations:

Criteria #3 evaluates whether an entity has proposed statutory changes that directly benefit the public or primarily serve the entity or other entities with only indirect public benefit. As previously noted, the PSB proposed statutory changes aimed at improving educator certification, strengthening licensure enforcement, and refining board composition. The PSB has also been working on creating new certification pathways for roles such as behavior analysts and JROTC instructors. The proposed changes were not specifically tied to benefits; however, JLOSC staff analysis concludes they offer a combination of direct and indirect advantages to the public. The JLOSC staff recommendations include suggested changes aimed at providing direct benefits to the public.

Unlicensed Practice

The PSB has raised concerns about the growing number of unlicensed educators in Delaware schools, estimating that 4-7% of educators lack the proper licensure. This issue may place students in classrooms with individuals who fail to meet the state's professional standards. To address this, the PSB has recommended several measures, including implementing disclosure and reporting requirements for schools employing unlicensed educators, creating new permits for long-term substitutes, pupil support professionals, and other uncertified staff, and establishing certification pathways for roles such as behavior analysts and JROTC instructors. These initiatives aim to improve transparency by requiring districts to notify parents and the State when uncertified educators are employed, enhance education quality and student safety by ensuring all school personnel meet minimum qualifications, and strengthen oversight by keeping unlicensed individuals within the scope of DDOE disciplinary investigations.

Expanding PSB Membership to Include Charter School Representatives

The PSB recognizes the importance of expanding its governance structure to incorporate broader representation from charter schools, which account for approximately 8% of Delaware's teaching workforce. To address this need, it has proposed amending PSB's membership to include a charter school administrator or board member and mandating the appointment of at least one charter teacher or specialist. These measures aim to ensure that charter school educators have a voice in shaping certification policies, fostering inclusivity and responsiveness.

Updates to Strategic Planning & Governance

The PSB has proposed governance and strategic planning updates to improve its operational efficiency and ensure long-term impact. These proposals include codifying a mission, vision, and strategic plan in Chapter 12, strengthening engagement with the legislature on education-related laws, and addressing operational disruptions by enabling the removal of inactive board members. By enhancing goal setting, efficiency, and governance, these updates indirectly benefit the public by supporting better educator regulations and ultimately improving the quality of education in Delaware schools.

Board Member Compensation & Budget Increases

The PSB has recognized the need for greater financial and operational support to boost board member engagement and commitment. To address this, it has proposed increasing stipends for board members above the current \$50 per meeting limit, capped at \$600 annually, and allocating additional funding for strategic planning retreats and board

activities. These initiatives aim to incentivize active participation by compensating members for their contributions beyond regular meetings.

Board Recommended Statutory Language Changes

In the self-report, the PSB suggests updating the statute to remove and clarify the following:

- Removing Special Institute for Teacher Licensure and Certification in its entirety.⁵¹ No history exists to indicate that the Special Institute did or does exist.
- Remove references to meritorious new teacher candidate.
- Update language throughout Chapter 12 to reflect current processes and work of the PSB.
- Allow the Delaware Charter School Network and the Delaware Parent Teacher Association each to suggest possible board members to the Governor for appointment.
- Add provision for the removal of board members, and a process to follow when a member becomes disqualified.
- Define the PSB's geographic area to establish its anchor location for Freedom of Information Act requirements relating to virtual meetings.
- Allow the PSB to adopt motions or resolutions with a simple majority rather than a majority plus 1.

⁵¹ [14 Del. C. §§ 1250-1252.](#)

JLOSC STAFF OBSERVATIONS AND ANALYSIS

Staff reviewed the PSB's current statute, structure, and processes, and noted the following:

1. PSB's name may be confusing to the public because there are many professions, and it is not clear that the PSB's focus is standards for education. Other similar state boards include educator or teacher in the title.
2. The PSB statutory purpose under Subchapter 1, Chapter 12 is outdated.⁵² The PSB does not license or certify educators, evaluate educators, or approve professional development, professional learning, educator preparation programs, or ARTC.
 - Outdated terms should be removed from Chapter 12, such as the Special Institute for Teacher Licensure and Certification and meritorious new teacher candidate.
 - Quarterly reporting requirements should be reviewed and defined, consider moving to annual reporting which is typically standard with these types of boards.
 - Statute mentions another pathway to receiving advanced licensure by an educator who "demonstrates proficiency under an equivalent program that has been approved in rules and regulations promulgated and adopted under this chapter."⁵³ There is no other equivalent program, and this should be removed from statute.
3. The PSB spends a disproportionate amount of its time reviewing its 65 regulations every 4 years. It is not clear why this review began, as it is not mandated through either Chapter 104 of Title 29 (Regulatory Flexibility Act) or the DDOE's obligation to review its regulations under § 122(e) of Title 14 and duplicates the efforts made under Chapter 104 and § 122(e). Instead, the PSB should be focused on reviewing data targeted at the effectiveness of educators and programs, making regulatory updates as identified from that review, and forwarding advice to DDOE for areas out of their jurisdiction.
 - Time should be dedicated to discussing long term goals and initiatives in line with their purpose and duties.
 - The PSB should identify and request data from DDOE focused on educator effectiveness so that they can adequately review licensure and certification requirements to ensure they are reaching intended goals.
 - Some regulations already include data review provisions such as educator induction programs.
 - If data is not available, DDOE and PSB should work together to determine how data could be collected.

⁵² [14 Del. C. § 1201.](#)

⁵³ [14 Del. C. §1213.](#)

4. Meeting and voting quorum and member removal could be amended to use standard drafting language developed for boards and commissions. Quorum and approval of board actions are typically a majority of appointed members and do not include vacancies.
 - It was observed during this review that members recuse themselves from voting on meeting minutes if they were not present for the meeting. This is not a requirement of FOIA, and it is unknown why this practice is continued. Meeting minutes are typically prepared by staff and are a record of the meeting; members are approving only that the minutes provide that record.
5. The composition of the PSB should be updated to include adequate representation from the State and units that the PSB is regulating, including charter schools.
6. DDOE Secretary forwards some cases it investigates to the PSB for hearings on matters such as denial of initial licensure and disciplinary action. The PSB hires and budgets for a hearing officer to conduct the hearings. DDOE could hire their own hearing officer to conduct all of their hearings.
 - The PSB is not a licensing body and simply sets the standards for licensure and certification. Licensure and certification fall under DDOE, and DDOE should conduct its own hearings connected to potential and current licensees.
 - DDOE handles its own hearings for licensure matters relating to nonpublic school educator licensure and certifications.⁵⁴
 - Subchapter II of Chapter 12 covering licensure is inconsistent with final orders that either the DDOE Secretary or PSB issues.⁵⁵ The PSB is listed as conducting all hearings.
 - Not all licensee suspensions appear in meeting minutes of the PSB, and it is unknown if DDOE communicates all licensee suspensions, including temporary suspensions.⁵⁶
7. All educators must be licensed, certified, and evaluated under Chapter 12.⁵⁷ “Educator” is defined as including an individual licensed and certified by the State to provide instruction, administration, or professional support services in Delaware public schools, including charter schools, under rules the PSB sets, and the State Board approves. Substitute teachers are excluded.⁵⁸
 - Chapter 12 is silent on the consequences of unlicensed practice as an educator.
 - Requirements or communication standards for schools who employ educators that are not licensed, certified, or evaluated is unknown.⁵⁹
 - Neither the PSB nor the DDOE are authorized to investigate or discipline educators who practice but are not licensed.

⁵⁴ DDOE regulations use PSB requirements for nonpublic school educator certification under [14 DE Admin. Code 278](#).

⁵⁵ [14 Del. C. § 1218\(c\)\(6\)](#), [14 Del. C. § 1218\(h\)](#), [14 Del. C. § 1218\(k\)](#).

⁵⁶ The DDOE website for educator verification does not include suspension dates.

⁵⁷ [14 Del. C. § 1201](#).

⁵⁸ [14 Del. C. § 1202\(6\)](#).

⁵⁹ Outside of the scope of this review is the question of how schools communicate or verify licensure with DDOE or report employment to DDOE. DDOE provides a website to verify educators, available at: <https://deeds30.doe.k12.de.us/#/VerifyLicense>.

- Similar professional licensing boards under Title 24 (Division of Professional Regulation) include enforcement and penalties for individuals who practice unlicensed.
8. The terms used for professional development and professional learning are not consistent among Chapter 12, regulations, and the DDOE website. Additionally, Chapter 12 assigned duties to the PSB that appear to have been transferred to DDOE.
- Professional development is in and used throughout Chapter 12.
 - Chapter 12, Subchapter 1, assigns the PSB the duty to develop regulations relating to the professional development of educators.
 - Additionally, a subcommittee for the PSB is called the Professional Development and Associated Compensation.⁶⁰
 - Chapter 12, Subchapter 2, assigns the PSB the duty to develop regulations relating to initial and continuing licensure, with references to professional development.
 - Professional learning is not referenced in Chapter 12, Subchapter 2, but developed from the committee of stakeholders tasked with revision of the educator induction program which did not include the PSB.⁶¹
 - The PSB regulations for continuing licensure under rule 10 provide a chart with activity types, hour values, criteria, and verification and states under rule 9.2.4 that DDOE is the final decision authority of professional learning activities.⁶²
 - The regulations also define professional development
 - DDOE no longer uses the term “professional development.” Instead, it uses “professional learning” on its website⁶³ and in its Regulation 288. “Professional learning” is also used in PSB Regulation 1503, for educator induction programs.⁶⁴
9. Educator induction programs are effective only if they reach their intended purpose to increase educator retention and the quality of education. DDOE is required by regulation to collect data on the educator induction program.⁶⁵ The PSB and DDOE should annually review this data together to evaluate the effectiveness of the program. Future program changes should be made after a comprehensive review of data and consultation with stakeholders to include new educators and the PSB has occurred.
- Neighboring state Maryland recently updated its induction programs using a comprehensive review system that included stakeholders and its standards board.
 - Maryland induction program is 3 years for new educators, 1 year for veteran educators.

⁶⁰ [14 Del. C. § 1206\(d\)\(2\).](#)

⁶¹ [14 Del. C. § 1210\(b\)\(2\)..](#)

⁶² [14 DE Admin. Code 1511.](#)

⁶³ DDOE website for professional learning available at:
<https://education.delaware.gov/educators/academic-support/standards-and-instruction/digital-de/professional-learning>.

⁶⁴ Referenced twice in Chapter 12, Subchapter 7.

⁶⁵ [14 DE Admin. Code 1503.](#)

- Reviewed 2023 – 2024, proposed updates January 2025.⁶⁶
- Key changes focus on requirement for mentoring and activities to align with the Five Core Propositions of NBCT.⁶⁷

10. National board certification from NBPTS is linked to improved teacher effectiveness and student outcomes. Certified teachers show stronger instructional practices and increased student learning gains. Delaware ranks 35th nationally in number of educators who have achieved national certification. Limited incentives exist for educators, currently the statutory salary supplement is equal to 12% of an educator's base salary. The PSB and DDOE websites do not encourage or promote national board certification (advanced licensure). This is an area that the PSB could explore to recommend incentives or encouragement methods to boost national board certification.

- Other state legislatures focus on this policy area as a key strategy to strengthen teaching.
- Noted during review that DDOE regulations use different requirements for nonpublic school educators obtaining advanced licensure⁶⁸ compared to the PSB regulations for advanced licensure.⁶⁹

11. The PSB has 1 employee and does not actively engage with the legislature to advocate for policies affecting its work. DDOE has a staff member dedicated to legislative liaison duties and should assist the PSB with legislative engagement on bills that impact the PSB.

- DDOE should work with the PSB regarding legislative matters because DDOE relies on the PSB for the standards and requirements for educators' licensure. Additionally, the PSB was created to work with DDOE and the State Board of Education to implement Chapter 12.⁷⁰
- PSB membership and its executive director should be involved in stakeholder groups making future program changes in all areas under the jurisdiction of the PSB, especially areas that include regulations that the PSB promulgates.

⁶⁶ Maryland Teacher Induction Regulatory Amendments document available at: <https://marylandpublicschools.org/stateboard/Documents/2025/0128/PM/COMAR-13A.07.01-Induction-A.pdf>

⁶⁷ NBCT Five Core Propositions available at: <https://www.nbpts.org/certification/five-core-propositions>

⁶⁸ [14 DE Admin. Code 278.](#)

⁶⁹ [14 DE Admin. Code 1512.](#)

⁷⁰ [14 Del. C. § 1201.](#)

JLOSC STAFF FINDINGS AND RECOMMENDATIONS

Finding #1

The Professional Standards Board was created to enhance education in Delaware by ensuring high standards for educators. As the sole authority responsible for developing regulations governing educator licensure and certification, the Professional Standards Board provides the framework that the Delaware Department of Education uses to process applications for licensure and certification.

Recommendation #1 – Continue.

Continue the PSB, subject to further recommendations that JLOSC adopts.

Finding #2

The Professional Standards Board rarely conducts hearings for the Delaware Department of Education. During the review period, the PSB addressed only 2 disciplinary cases, adopting the recommended disciplines outlined in the hearing officer's decisions and orders. While the PSB received two proposals from the DDOE to deny licensure, neither resulted in a hearing request.

As the licensing authority, the DDOE handles most hearings through its own hearing officers. Chapter 12 lacks clarity regarding who issues final orders in certain cases. Given the limited number of hearings handled by the PSB on behalf of the DDOE, it is unnecessary for the PSB to conduct these hearings or allocate resources to budget for and retain its own hearing officer.

Recommendation #2 – Statute Revision: Hearings and Final Orders.

JLOSC should consider sponsoring a bill to update Chapter 12 to remove all PSB references for hearings and final orders.

JLOSC and PSB staff will work together to develop statutory revisions. JLOSC staff will engage stakeholders as appropriate.

Finding #3

The PSB's statutory purpose as stated in Subchapter 1, Chapter 12 is outdated. The PSB does not license or certify educators, evaluate educators, or approve professional development, professional learning, educator preparation programs, or ARTC. Chapter 12 should be revised to align with the current roles and processes of the PSB, eliminate outdated terminology, update references to professional development and professional learning, and incorporate improvements in areas such as the board's name, composition, and quorum requirements.

Recommendation #3 – Statute Revisions: Main Chapter 12 Updates.

JLOSC should consider sponsoring a bill to update Chapter 12 to codify the PSB purpose, administration, and operations and, using this review as a guide, applying revisions to sections covering topics such as:

- Update PSB name, quorum, composition, member removal.
 - Clarify the name of the PSB to include “educator” or “teacher” in its name.
 - Include adequate representation from the State and units that the PSB is regulating, including charter schools.
 - Update member recommendations to the Governor.
 - Quorum and member removal provisions to reflect standard drafting language developed for boards and commissions.
- Update oversight of executive director aligning with current memorandum of understanding and current Department of Human Resources best practices for hiring and supervision of state employees.
- Remove outdated terms and references.
 - Such as Special Institute for Teacher Licensure and Certification and meritorious new teacher candidate.⁷¹
 - Clarify that advanced licensure is for national certification from NBPTS and no other methods.
 - Update advanced licensure to reflect current maintenance of certification requirements from the NBPTS which is 5 years.
- Update terms used for professional development and professional learning.
- Update quarterly reporting requirements and frequency.
- Clarify purpose and duties of the PSB.
 - Such as regulations for professional development of educators, which are now under DDOE regulation as professional learning.
 - PSB does not license, certify, or evaluate educators.
 - DDOE has updated processes to remove educator evaluation requirements for licensure in favor of mentoring under the educator induction program.
 - PSB does not approve professional development or professional learning.
 - PSB does not approve professional preparation programs or ARTC.

JLOSC, PSB, and DDOE staff will work together to develop statutory revisions. JLOSC staff will engage stakeholders as appropriate.

⁷¹ House Bill No. 97, 153rd General Assembly, introduced March 2025, includes removal of Subchapter 5, Chapter 12, relating to the Special Institute for Teacher Licensure and Certification.

Finding #4

The PSB's current focus on reviewing 65 regulations every 4 years is not an effective use of its time and duplicates the DDOE's work under Chapter 104 of Title 29 and § 122(e) of Title 14. Instead, the PSB should prioritize analyzing educator and program effectiveness through targeted data review, using the findings to update regulations and advise DDOE on areas beyond its jurisdiction. Efforts should also include defining long-term goals and initiatives aligned with its purpose, requesting data from DDOE on educator effectiveness to evaluate licensure and certification requirements, and collaborating with DDOE to address gaps in data collection where needed.

Recommendation #4 – Data and Regulation Review Practices.

JLOSC staff should work with PSB and DDOE to determine whether the PSB can simply discontinue its review of regulations, or legislation is needed to do so. JLOSC should consider sponsoring a bill to update Chapter 12 to include language on data review practices targeted at more effective regulation updates.

JLOSC, PSB, and DDOE staff will work together to develop necessary statutory revisions. JLOSC staff will engage stakeholders as appropriate.

Finding #5

Chapter 12 requires all educators to be certified and licensed,⁷² but is silent regarding the enforcement of educators who practice unlicensed, which would include investigation and discipline.⁷³ Chapter 12 is also silent on communication standards for schools that employ educators who are not certified or licensed. Similar professional licensing boards under Title 24 include enforcement and penalties for individuals who practice unlicensed.

Recommendation #5 – Statute Revisions: Unlicensed Practice.

JLOSC should consider sponsoring a bill to address enforcement and penalties for individuals who practice unlicensed and reporting requirements for schools who employ educators who are not certified or licensed.

JLOSC and PSB staff will work together to develop statutory revisions. JLOSC staff will engage stakeholders as appropriate.

Finding #6

The Professional Standards Board has consistently held public meetings and staff have maintained communication with JLOSC staff throughout the review. JLOSC staff do not believe that monitoring the PSB beyond the JLOSC statute's required monitoring⁷⁴ is necessary. Additionally, JLOSC staff do not recommend the PSB submit progress reports to comply with any JLOSC adopted recommendations.

Recommendation #6 – Release from Review.

Release the PSB from review upon enactment of legislation under Recommendation #2 or further action of JLOSC.

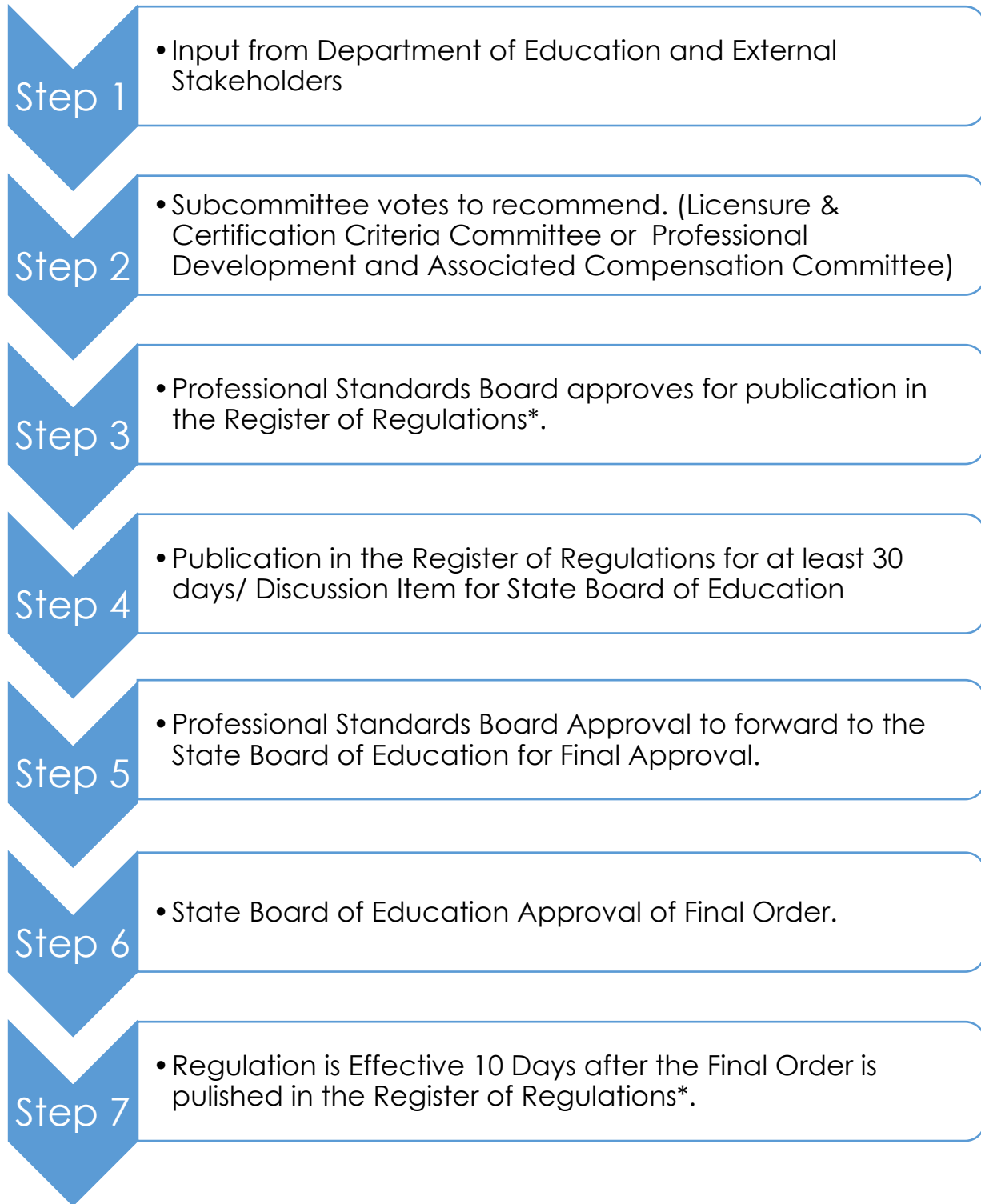
⁷² [14 Del. C. § 1201.](#)

⁷³ House Bill No. 97, 153rd General Assembly, introduced March 2025, includes language for DDOE to require reimbursement of funds from schools who employ an educator who is unlicensed in a position that requires licensure.

⁷⁴ [29 Del. C. § 10219.](#)

PSB Regulation Approval Process

from PSB website



*The Register of Regulations is published on the first day of each month. The deadline to submit for publication is the 15th of the prior month.

PROFESSIONAL STANDARDS BOARD – REGULATIONS REVIEW PROCESS

from May 2023 self-report

Timing	Meeting or Actions
First of the month (Month 1)	Set meeting with Content Expert Notify Offices of the Secretary and Workforce Support of the work beginning on regulation.
First Thursday PSB (Month 1)	Notify of work Starting via ED Report/ask for feedback
Second Tuesday PSB/DOE (Month 1)	Gather information and feedback as part of process if needed.
Start around the 15 th of the month (Month 1 In reality this process may take several months. However, each regulation is different.)	Initial Draft Information sources: <ul style="list-style-type: none"> Any easily identified new changes in format. Any changes to bring regulation in line with current practice. Changes identified through the regulations review conducted internally with DOE/PSB Any changes identified as needed by content area expert. Preliminary Data Collection
First Thursday (Month 2) PSB (1st read)	Information shared with PSB. Discussion only What additional data are needed in order to update this regulation successfully?
First Friday (Month 2)	Initial Draft sent to L&C for review after PSB
Second Tuesday (Month 2) PSB/DOE	Go over initial Draft Share PSB Feedback Look at Data if needed Invite content area expert and others as needed
Second Wednesday (Month 2) LCCC	Share information (not draft) with LCCC. Tell them the draft will be available for recommendations next month.
Four Intervening weeks	Revise as needed DOE Cabinet input Further meetings with content if large amounts of revision are necessary
First Thursday (Month 3) PSB (1st read)	Share draft with PSB – Discussion and Review.

PROFESSIONAL STANDARDS BOARD – REGULATIONS REVIEW PROCESS

Second Tuesday (Month 3) PSB/DOE	Share progress with L&C
Second Wednesday (Month 3) LCCC	Bring to LCCC- Data and Drafts for Feedback and recommendations LCCC Votes to forward to PSB
Three intervening weeks	Prepare final draft for PSB
First Thursday (Month 4) PSB Second read	PSB – Vote to Publish in R of R
First Thursday (Month 5) PSB	(Month of publication)
First Thursday (Month 6) PSB	Consider any comments received Consider any further amendment is needed If not - Vote to Forward to SBE If amendment needed – Vote to re-publish
Third Thursday (Month 6) SBE	SBE votes for Final Order. SBE is usually held after the Registrar's monthly deadline, so the Final Order is held until the 15 th of the next month.
First of the Month (Month 8)	Final Order Published.

Appendix B

Memorandum of Understanding between the Delaware Department of Education and the Professional Standards Board

I. TITLE OF THE AGREEMENT

This agreement shall be known as the Memorandum of Understanding (the "MOU") between the Delaware Department of Education (the "Department") and the Professional Standards Board (the "Board").

II. PARTIES INVOLVED

The parties to this MOU are the Department and the Board. The Department derives its authority from Title 14 (Education), Chapter 1. The Board derives its authority from Title 14 (Education), Chapter 12.

III. PURPOSE

The purpose of this MOU is to set forth the parties' understanding of the management of the Board's Executive Director.

IV. TERMS OF AGREEMENT

WHEREAS, the Board was created to work in conjunction with the Department, and

WHEREAS, the majority of the voting members of the Board appoint an Executive Director of the Board, and

WHEREAS, the Executive Director serves at the pleasure of the majority of the voting members of the Board, and

Now therefore, this 2nd day of May, 2019, the parties hereby agree to the following terms and conditions:

A. Term. This MOU shall take effect on the date written above and shall continue through and including December 31, 2019. The MOU shall automatically renew on January 1 of each year unless it is amended, modified, or terminated. The MOU may be amended or modified only in writing signed by both parties. The MOU may be terminated by either party upon 30 days' written notice to the other party.

B. Hiring of the Board's Executive Director. The Board shall work in close coordination and collaboration with the Department to post a position description for the Executive Director position in accordance with the Department's hiring policies and procedures. A representative from the Department shall participate in

interviews to provide guidance on the hiring process. The Board shall make the ultimate hiring decision.

- C. **Management of the Board's Executive Director.** The Secretary of Education or his or her designee shall manage and supervise the Board's Executive Director with regard to the Executive Director's day to day activities, conduct, and compliance with Departmental policies.
- D. **Scope of Board's Executive Director's Duties and Responsibilities.** The Executive Director's duties and responsibilities include providing coordination, planning, implementation, and follow-up on meetings of the Board and its committees; providing analysis, advice, and support with the development of rules and regulations regarding educator licensure and certification; conducting research and special projects for the Board upon its request; assisting in the development and management of the Board's long-range planning and policy review process, including an annual evaluation of progress and statutorily mandated quarterly reports to the General Assembly, Governor, State Board of Education's Executive Director, and the Secretary of the Department of Education; serving as the Board's information officer; functioning as the State contact for vendors relative to approved required assessments for educators; insuring board operations are conducted in compliance with Department administrative policies and procedures (e.g., finance, human resources, IT, communications); providing an in-depth orientation to new Board members; and working collaboratively with the Governor's Office of Boards and Commissions to insure a full complement of Board membership. Other duties and responsibilities assigned to the Executive Director shall be directly related to the Professional Standards Board unless there is prior written approval by the Board.
- E. **The Department's Human Resource Policies and Procedures.** The parties agree that all Department human resource policies and procedures applicable to the Department's appointed staff shall apply to the Board's Executive Director. When Department policies require approval for leave, travel, flex time, alternative work schedules, etc., the Executive Director shall seek such approval from the Secretary of Education or his or her designee.
- F. **Department Reports to the Board.**
 - 1. **Annual Report.** The Department shall submit a written review of the Executive Director's day to day activities, conduct, and compliance with Departmental policies to the Board by the timeframe outlined in the Department's employee evaluation policies and procedures.
 - 2. **Immediate Concerns.** Any concerns regarding the Board's Executive Director's day to day activities, conduct, or compliance with Departmental policies shall be immediately reported, in writing, to the Board's Chairperson.

- G. Approval.** The undersigned authorized individuals of the Department and the Board commit their respective organizations to the terms of this MOU.

Nothing contained herein shall affect that the Executive Director is an at will employee who serves at the pleasure of the Board. The undersigned hereby agree to the terms of this Memorandum of Understanding on this 2nd day of May, 2019.

*For Delaware Department of
Education*


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

For Professional Standards Board


Byron Murphy
Chairperson

Delaware

Advancing Accomplished Teaching

Through National Board Certification, teachers demonstrate that their teaching meets the profession's highest standards for accomplished practice through a rigorous, peer-reviewed, and performance-based process, similar to professional certification in fields such as medicine. In achieving National Board Certification, teachers prove their ability to advance student learning and achievement. More than a decade of [research](#) confirms that National Board Certified Teachers (NBCTs) positively impact student learning.

Statistics for Delaware

Candidates and NBCTs in 2024					
	Total Candidates in 2023-24	New NBCTs	NBCTs who Maintained	NBCTs Ever Certified*	NBCTs with Active Certifications**
Total	17,194	4,355	4,884	141,464	63,236
DE	93	26	11	519	213
Rank	23	20	37 (tied)	35	

NBCTs* in Delaware		
	NBCTs of Color	NBCT in STEM Certification Areas
DE	28	250

Top School Districts	
By new NBCTs	By 2023-24 candidates
Red Clay Consolidated (7)	Cape Henlopen (20)
Appoquinimink (5)	Appoquinimink (14)
Cape Henlopen (4)	Delaware Department of Education (13)
Indian River (2)	Red Clay Consolidated (10)
New Castle County Vocational Technical (2)	Brandywine (7)
Woodbridge (2)	

Source: Based on NBCT self-reported data as of January 28, 2025.

*Ever certified is inclusive of all who have achieved National Board Certification, including certifications that have lapsed and those that are still active.

**Active Certifications are NBCTs who have a certification that is not lapsed.

Delaware Professional Standards Board

Casey Montigney, Chairperson
Linnea Bradshaw, Executive Director
(302) 735-4276

April 24, 2025

Joint Legislative Oversight & Sunset Committee
Legislative Council, Division of Research
411 Legislative Avenue
Dover, DE 19901

Dear JLOSC Members and Division of Research Staff:

The Professional Standards Board (“PSB”) sincerely appreciates the work of the Joint Legislative Oversight and Sunset Committee (“JLOSC”) Staff (“Staff”) and have reviewed their Findings and Recommendations Report (“Report”). Outlined below are the PSB’s comments and clarifications with respect to the Report.

The PSB was established in 2000 to create a system of professional development, professional standards, professional licensure and certification that would serve to continually improve the quality of instruction for Delaware’s children.

Since that time, and through several legislative changes, the PSB has remained committed to its mission of creating high standards for licensure and certification, while also allowing access to the profession for those wishing to enter. It is also committed to updating the system as needed as the profession changes.

The PSB looks forward to enacting changes that will make the system stronger and the Board more effective.

COMMENTS ON STAFF FINDINGS AND RECOMMENDATIONS

Finding and Recommendation #1 (Comment). The PSB thanks Staff for the recommendation to continue the PSB. The PSB proposes to add the word “Educator” to its title to make it the “Professional Educator Standards Board” which will clarify its mission.

Finding and Recommendation #2 (Comment). The PSB does not agree with the recommendation that it cease holding hearings and believes that it should continue to have that responsibility. It is however in agreement with amending and clarifying the statute and its processes as needed.

The Staff is correct that the PSB rarely holds hearings, but that does not mean that educators do not deserve a hearing in front of their peers if they wish to request that option. The PSB

believes this recommendation is based upon a misunderstanding of the discipline process. Context and clarification are necessary here.

First, the PSB is the only entity to hold hearings under Chapter 12 of Title 14 of the Delaware Code. The PSB has confirmed that the Department of Education (“Department”) does not retain its own hearing officers for license and permit disciplinary actions under Chapter 1 of Title 14 and that there have been no hearings held by the Department under Chapter 1 in more than a decade. PSB hearings are rare mostly because of how the disciplinary process is structured.

Complaints come to the attention of the investigators at the Department. When the investigation is completed, the Department Secretary (“Secretary”) may choose to propose discipline. The Secretary sends notification to the educator. At that point the educator has 30 days to request a hearing. Most educators undergoing discipline do not request hearings, and discipline is final after 30 days. About 25-30% of cases end in a negotiated consent agreement, whether that is negotiated prior to or after a hearing is requested. Final orders in non-contested and negotiated disciplinary cases are currently handled by the Department. If an educator requests a hearing and a PSB hearing is completed, only then does the PSB issue the final order.

The Department and the PSB are open to amending the process and, as other professional licensing boards do, have the PSB review and deliberate on consent agreements. This would be a new process for PSB, but it would allow them to play a larger role in educator disciplinary matters. It might also be helpful for the Department to give monthly updates to PSB regarding discipline so that final numbers are in the PSB’s public record.

In short, while hearings may be rare, the PSB maintains that it is important for an educator to have the option to be heard by their peers.

The dilemma of needing to budget for hearings could be solved in another manner by placing the funding for retaining transcriptionists under the Workforce Support Team, and by allowing the PSB to have rollover funds. The State Board of Education (“SBE”) also retains hearing officers, but their funds are allowed to roll over, making the budgeting process easier.

Finding and Recommendation #3 (Comment). The PSB agrees that Chapter 12 needs several technical revisions and updates. The PSB will work with Staff, our DAG, and legislative drafting attorneys to make updates that reflect technical corrections and the PSB’s current scope of work. Below are specific responses to staff draft recommendations.

- Update PSB name, quorum, composition, member removal.
 - Clarify the name of the PSB to include “educator” or “teacher” in its name. **The PSB suggests the name Professional Educator Standards Board.**
 - Include adequate representation from the State and units that the PSB is regulating, including charter schools. **The PSB agrees, but it does not agree with the word “represent”. That word was notably absent from the PSB self-report for a reason. Members are not representatives of constituent groups nor beholden to the groups such as Delaware State Education Association (“DSEA”) or the Delaware School Administrators Association (“DASA”) that nominate them to the Governor. The diversity of the categories that members fill is meant to give the PSB diversity of viewpoint and expertise that will help the PSB make balanced decisions.**
 - Update member recommendations to the Governor. **The PSB agrees with expanding the nominating organizations to include the Delaware Charter School Network (“DCSN”) and would like to update and clarify the statute regarding the nomination process.**
 - Quorum and member removal provisions to reflect standard drafting language developed for boards and commissions. **The PSB agrees and will consider adding language used by other professional licensing boards.**
- Update oversight of the PSB’s Executive Director aligning with the current Memorandum of Understanding and current Department of Human Resources best practices for hiring and supervision of state employees. **The PSB agrees with this recommendation as long as it remains clear that the Executive Director is hired by and serves at the pleasure of the PSB.**
- Remove outdated terms and references such as:
 - Special Institute for Teacher Licensure and Certification and Meritorious New Teacher candidate. **The PSB agrees with this recommendation which is included in HB 97 with HA 1 currently pending in the General Assembly.**
 - Clarify that advanced licensure is for national certification from NBPTS and no other methods. **The PSB agrees with this recommendation to clarify that certification from the National Board of Professional Teaching Standards (“NBPTS”) is the only way to achieve advanced licensure.**
 - Update advanced licensure to reflect current maintenance of certification requirements from the NBPTS. Certification is good for 5 years. **The PSB agrees with this recommendation.**
- Update terms used for Professional Development and Professional Learning. **The PSB would like to amend Chapter 12 to include both terms as set forth below.**

- Update quarterly reporting requirements and frequency. **The PSB would like to amend Chapter 12 to specify reporting content and frequency. Less frequent reporting would be appropriate.**
- Clarify purpose and duties of the PSB such as:
 - Regulations for Professional Development of educators, which are now under Department regulations as Professional Learning, should be amended. **The PSB would like to revise Chapter 12 to clearly give the authority over professional development/learning standards as well as professional standards for teachers and leaders and standards to the PSB.**
 - PSB does not license, certify, or evaluate educators. **The PSB agrees that these references need clarification. PSB originally had authority over the regulations relating to educator preparation as well as the educator evaluation system, but those were removed from the PSB in 2003.**
 - The Department has updated processes to remove educator evaluation requirements for licensure in favor of mentoring under the Educator Induction Program. **In addition to the Induction Program, Educator Evaluations remain part of the licensing process to move from an initial to a continuing license, as written in regulation 14 DE Admin. Code 1511.**
 - PSB does not approve Professional Development or Professional Learning. **PSB, via regulation 14 DE Admin. Code 1511, does indeed set forth the parameters of approved professional development or learning used to renew a continuing license. The Department can approve or not approve specific activities submitted by individual educators to renew a continuing license, but that decision is based on the acceptable activities listed in subsection 9.1.1 and Section 10.0 of 14 DE Admin. Code 1511. It is also true that the PSB currently does not approve any professional learning for additional compensation, although given that responsibility in Chapter 12 and having a statutorily mandated committee earmarked for that purpose.**
 - PSB does not approve professional preparation programs or alternative routes to certification (“ARTC”) programs. **The PSB agrees that this is correct. The PSB did originally have this authority, but it was removed in 2003.**

Finding and Recommendation #4 (Comment). The PSB welcomes the opportunity to focus less on reviewing and renewing regulations every four years even if they do not need substantive changes, and focus more on strategic planning, data review and long-term initiatives that meet workforce needs in Delaware. Not enough focus has been placed on

whether the requirements set forth in regulation are accomplishing their intended purpose, and the PSB welcomes the opportunity to do so. The PSB already works closely with the Educator Effectiveness and License and Certification Workgroups and looks forward to becoming more active in this area.

Finding and Recommendation #5 (Comment). The PSB remains concerned about unlicensed practice and was involved in the creation of HB 97, which addresses unlicensed practice among those who work in schools and expands the types of credentials available. HB 97 does not address unlicensed practice as recommended by Staff which proposed tracking the process used by Title 24 professional licensing boards. Most licensure boards have enforcement language that directly impacts the individual practitioner. However, the Department's relationship with schools and teachers is different in that the Department directly funds schools and 70 percent of teacher salaries. In addition, teaching is unique in its many alternative certification (ARTC) pathways that allow untrained, unlicensed individuals to be hired with emergency credentials while they complete an alternative program. These programs require the cooperation of the employer, the preparation program, and the individual educator, and for all of these reasons withholding funds from districts or charter schools is an appropriate enforcement structure. Moreover, on a national level, state withholding school funding to districts is the most common way to address unlicensed practice. The PSB investigated and found statutes in several states, including Maine, Pennsylvania, Rhode Island, and Wyoming that use the model proposed in HB 97. If HB 97 passes before Chapter 12 is amended through the JLOSC process, the JLOSC process can be used if further statutory refinements are needed. If it does not pass, the JLOSC process can be used as an alternative method to update Chapter 12.

Finding and Recommendation #6 (Comment). Once again, the PSB thanks the JLOSC Staff for their detailed analysis of necessary statutory changes, and its commitment to improving state agencies. The PSB looks forward to making needed statutory changes in conjunction with Staff.

RESPONSES TO JLOSC STAFF OBSERVATIONS AND ANALYSIS THAT ARE NOT COVERED BY RECOMMENDATIONS

Advanced Licensure

In addition to revising statutory language in 14 **Del. C.** §§1213-1214 regarding Advanced Licensure and National Board of Professional Teaching Standards ("NBPTS") certification, the PSB agrees that NBPTS certification is valuable and helps to promote student achievement. The PSB also agrees that it is currently underutilized in Delaware, likely because of the stipend moratorium enacted between 2008 and 2020. The PSB would

like to take a more active role in promoting the achievement of NBPTS certification in the future, as was the practice prior to 2008.

Professional Development and Professional Learning

The Report noted both inconsistent use of the terms Professional Development and Professional Learning and also inconsistent methods of approval. “Professional Learning” has become the standard phrase used nationally despite the fact that its definition does not specify many types of professional development or training. Delaware adopted these standards which were developed by Learning Forward via 14 **Del Admin Code** 288 in 2024, and the PSB simultaneously repealed its regulation 14 **Del. Admin. Code** 1598, *Professional Development Standards*, which had also been developed by Learning Forward in 2010. Learning Forward is a non-profit association dedicated to Professional Development and Professional Learning for educators.

The term “Professional Learning” has become a preferable term because it connotes individually driven, ongoing job-embedded learning. “Professional Development” remains a term that connotes a classroom or training experience. It is important that while “Professional Learning” is seen as the preferable style, professional development remains an appropriate type of learning. 14 **Del. Admin. Code** 1511, *Continuing License*, allows for both types of experiences to count for license renewal clock hours. Additionally, the comprehensive educator induction programs use “Professional Learning” specifically because that is the type of learning that initial license holders should be engaged in for the last two years of their initial license. The Professional Development and Associated Compensation Committee wrestled over the course of several months on the differences and similarities of the two terms. Their definitions are as noted in the Report.

The PSB suggests that statutory revisions contain both terms and mirror what was developed for the newest iteration of 14 **Del. Admin. Code** 1511, *Continuing License*.

Involvement in the Educator Induction Program

Chapter 12 and Chapter 13 give the PSB authority over programs that result in knowledge and skills, 14 **Del.C.** §1305(k), as well as additional responsibility salary supplements. 14 **Del.C.** §1305(m). The only supplement that is currently active is for that of the Induction Program. While the PSB is responsible for the salary supplement, it has not been responsible for the development of the Induction Program itself. This is a contradiction that should be rectified. JLOSC Staff is correct in noting that the PSB itself had no role in the re-shaping of the Induction Program which was mandated under HB 207 of the 151st GA. The program was developed and piloted and the regulation was written to conform to the

structure that had been already created. It is important to note that the Induction Program is run, not by the PSB, but by a member of the Educator Excellence Workgroup. Members of that workgroup are also in charge of educator preparation program approval and educator evaluations, both of which were originally under the purview of the PSB, but like the induction program, were removed from PSB authority in order to be handled by Department professional full-time staff. It was noted in the PSB's Self-Report that standards boards across the nation who handle these responsibilities have multiple full-time staff members. The PSB recommends that the statute be clarified to more clearly delineate the role of the PSB in the induction process.

OTHER ITEMS TO NOTE

Accreditation

Statutes regarding teacher education regularly refers to “regionally accredited” institutions. In 2020, regional accreditors became national accreditors under the federal regulations. Since then, the PSB has been concerned about the consistency of quality of accreditors on the list of national accreditors and has developed a definition of “regionally accredited” that accommodates the pre-2020 federal rule change.

The PSB would like to draft statutory revisions regarding accreditation to maintain quality of institutional accreditation requirements for educators in preparation programs that can remain in place even if further changes are made at the federal level.

Addition of a non-voting student member of the PSB

The teacher pipeline now begins as early as middle school. It would be valuable to add a future voice of the profession to the PSB to increase students' vision of what the profession can be. The PSB suggests adding a high school student who is involved in the Teacher Academy Pathway to the PSB, as a non-voting member.

Budgetary Increases

The PSB would like to suggest:

- An increase in the stipend amount of \$50 to \$75.
- Removal of the \$600 cap per year per board member to allow for the new stipend amount and to allow for at least 13 meetings per year.
- Overall increase in budget to allow for two new members: one student non-voting member and expansion of the PSB to 17 members.

- Budget increases that acknowledge the increase in the state mileage reimbursement rate.

The PSB is committed to fulfilling and expanding its role in establishing a system of professional development, professional standards, professional licensure and certification that serves to continually improve the quality of instruction for Delaware's children. The PSB will work diligently with the JLOSC to further its objectives. We look forward to the presentation meeting on May 1, 2025.

Respectfully Submitted,

Linnea Bradshaw
Executive Director

cc: Cindy Marten, Secretary of Education
Casey Montigney, PSB Chair