



SPONSOR: Rep. K. Williams & Sen. Poore
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Sens. Bushweller, Henry, Sokola, Walsh

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 286

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATOR LICENSURE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 121, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 121. General powers of the Department of Education.

4 (b) The Department shall establish a voluntary licensure and certification system for nonpublic school teachers,
5 specialists and administrators employed in this State, and is empowered to make rules and regulations to implement the
6 same.

7 (1) Said system shall consist of a 3-tiered licensure system consisting of an initial license, continuing license
8 and an advanced license. The prerequisites required for issuance of an initial, continuing or advanced license to a
9 nonpublic school teacher, specialist or administrator shall be consistent, to the extent possible, with those required for
10 the issuance of an initial, continuing or advanced license to a public school educator as set forth in subchapter II of
11 Chapter 12 of this title. The qualifications for a standard ~~certificate and certificate~~, an emergency ~~certificate~~ certificate,
12 or A certificate of eligibility shall be consistent, to the extent possible, with those required for the issuance of same to a
13 public school educator, as set forth in subchapter III of Chapter 12 of this title.

14 (c) The Department shall establish a licensure and certification system for public education employees in this
15 State that applies to Department of Education employees, adult education employees, and prison education employees
16 whose work responsibilities are directly related to curriculum and instruction, but does not apply to public school educators
17 who shall be licensed and certified in accordance with subchapters II and III of Chapter 12 of this title. The Department
18 shall be empowered to promulgate rules and regulations to implement such system.

19 (2) Said system shall consist of 3-tiered licensure system consisting of an initial license, continuing license
20 and an advanced license. The prerequisites required for issuance of an initial, continuing or advanced license to a
21 public education employee shall be consistent, to the extent possible, with those required for the issuance of an initial,
22 continuing or advanced license to a public school educator as set forth in subchapter II of Chapter 12 of this title. The

23 qualifications for a standard ~~certificate and~~ certificate, an emergency ~~certificate~~ certificate, or a certificate of eligibility
24 shall be consistent, to the extent possible, with those required for the issuance of same to a public school educator, as
25 set forth in subchapter III of Chapter 12 of this title.

26 Section 2. Amend § 1202, Title 14 of the Delaware Code by making deletions as shown by strike through and
27 insertions as shown by underline as follows and by redesignating accordingly:

28 § 1202. Definitions.

29 The following definitions apply to this chapter:

30 (5) "Emergency certificate" means a credential which may be issued if the employing district or charter
31 school establishes that: that the proposed recipient meets the requirements under § 1221(1) of this title.

32 ~~(a) The proposed recipient of the emergency certificate is competent; and~~

33 ~~(b) The employing district is committed to support and assist the proposed recipient in achieving the~~
34 ~~skills and knowledge necessary to meet certification requirements.~~

35 (6) "Certificate of Eligibility" means a credential which may be issued to teachers of students with disabilities
36 if the employing district or charter school establishes that the proposed recipient meets the requirements of § 1221(2)
37 of this title.

38 Section 3. Amend § 1221, Title 14 of the Delaware Code by making deletions as shown by strike through and
39 insertions as shown by underline as follows:

40 § 1221. Emergency certificate and certificates of eligibility.

41 Pursuant to rules and regulations promulgated and adopted pursuant to this chapter, the Department may issue
42 either of the following:

43 ~~(1) an~~ An emergency certificate ~~certificate~~, if the employing district or charter school establishes that both of
44 the following apply:

45 ~~(+) a.~~ a. The proposed recipient of the emergency certificate is ~~competent, and~~ competent.

46 ~~(2) b.~~ b. The employing district is committed to support and assist the proposed recipient in achieving the
47 skills and knowledge necessary to meet certification requirements.

48 (2) A certificate of eligibility, if the employing district establishes that all of the following apply:

49 a. The proposed recipient is participating in a state-approved, appropriate alternative route for teacher
50 licensure and certification program for teachers of students with disabilities.

51 b. The proposed recipient of the certificate of eligibility is competent.

52 c. The employing district or charter school is committed to support and assist the proposed recipient in
53 achieving the skills and knowledge necessary to meet certification requirements.

54 Section 4. Amend § 1222, Title 14 of the Delaware Code by making deletions as shown by strike through and
55 insertions as shown by underline as follows:

56 § 1222. Revocation of ~~standard~~ certificate.

57 A ~~standard~~ certificate issued under this subchapter must be revoked upon a finding that the certificate holder made
58 a materially false or misleading statement in that certificate holder's certificate application or upon revocation of a license
59 issued under this chapter. A certificate holder is entitled to a full and fair hearing before the Standards Board to challenge a
60 revocation pursuant to this section.

61 Section 5. Amend § 1224, Title 14 of the Delaware Code by making deletions as shown by strike through and
62 insertions as shown by underline as follows:

63 § 1224. Review by the Secretary of Education.

64 The Secretary of Education shall have the authority to review licensure and certification credentials on an
65 individual basis and to act upon same at the request of the local school district or charter school provided that the local
66 school district or charter school is able to document the effectiveness of the applicant.

67 Section 6. Amend § 1252, Title 14 of the Delaware Code by making deletions as shown by strike through and
68 insertions as shown by underline as follows:

69 § 1252. Format of special institute program.

70 The general format for the special institute shall include the following:

71 (1) For the individual seeking licensure and certification in a secondary content area which corresponds to the
72 major field of study in the bachelor's program, it is intended that 1 summer of courses in the special institute; 1/2 year
73 (1 semester) of student teaching, or 1 year of supervised, full-time teaching experience in a Delaware public school;
74 and additional coursework as necessary constitute the program of study leading to the initial license and standard
75 certificate. An initial license conditioned on continued enrollment in the Special Institute and an emergency certificate
76 or a certificate of eligibility shall be issued to the person employed to complete the 1 year of full-time teaching
77 experience in lieu of student teaching. Upon successful completion of the Special Institute for Teacher Licensure and
78 Certification Program, the individual shall receive an initial license valid for a 3-year term, and a standard certificate. If
79 the initial licensee intends to apply for a continuing license, the licensee shall, prior to the expiration of that initial
80 license, obtain a passing score on an approved performance assessment within the first 2 years of obtaining the initial
81 license.

82 (2) For individuals seeking licensure and certification in elementary or special education, it is intended that 2
83 summers of courses in the special institute (immediately before and after a student teaching experience or 1 year full-
84 time teaching experience); 1/2 year of student teaching or 1 year of supervised, full-time teaching experience in a
85 Delaware public school; and additional coursework as necessary constitute the program of study leading to the initial
86 license and standard certificate. An initial license conditioned on continued enrollment in the Special Institute and an
87 emergency certificate or a certificate of eligibility shall be issued to the person employed to complete the 1 year of full-
88 time teaching experience in lieu of student teaching. Upon successful completion of the Special Institute for Teacher
89 Licensure and Certification Program, the individual shall receive an initial license valid for a 4-year term and a
90 standard certificate. If the initial licensee intends to apply for a continuing license, the licensee shall, prior to the
91 expiration of that initial license, obtain a passing score on an approved performance assessment within the first 2 years
92 of obtaining the initial license.

93 Section 7. Amend § 1260, Title 14 of the Delaware Code by making deletions as shown by strike through and
94 insertions as shown by underline as follows:

95 § 1260. Requirements for the participation in an alternative routes for teacher initial licensure and certification
96 program. [Effective until Apr. 20, 2018]

97 (a) Subject to § 1217 of this title and notwithstanding any other provision in this chapter to the contrary,
98 candidates seeking participation in an alternative routes for teacher licensure and certification program shall be issued
99 an initial license conditioned on continued enrollment in an alternative routes for teacher licensure and certification
100 program and an emergency certificate or ~~certificates~~ certificate of eligibility, provided ~~they~~ the candidate meets all of
101 the following criteria:

102 Section 8. Amend § 1260, Title 14 of the Delaware Code by making deletions as shown by strike through and
103 insertions as shown by underline as follows:

104 § 1260. Requirements for the participation in an alternative routes for teacher initial licensure and certification
105 program. [Effective Apr. 20, 2018]

106 (a) Subject to § 1217 of this title and notwithstanding any other provision in this chapter to the contrary,
107 candidates seeking participation in an alternative routes for teacher licensure and certification program shall be issued
108 an initial license conditioned on continued enrollment in an alternative routes for teacher licensure and certification
109 program and an emergency certificate or ~~certificates~~ certificate of eligibility, provided ~~they~~ the candidate meets all of
110 the following criteria:

111 Section 9. Amend § 1261, Title 14 of the Delaware Code by making deletions as shown by strike through and
112 insertions as shown by underline as follows:

113 § 1261. Requirements for ~~the~~ an alternative routes for teacher initial licensure and certification program. [Effective
114 until Apr. 20, 2018]

115 (a) Each school district or charter school seeking to hire a candidate for ~~the~~ an alternative routes program must do
116 both of the following:

117 (1) Participate in ~~the~~ an alternative routes for teacher licensure and certification program as established
118 pursuant to subsection (b) or (d) of this ~~section~~; and section.

119 (2) Assign a mentor to each teacher participating in ~~the~~ an alternative routes program.

120 (b) There is hereby established an alternative routes for teacher licensure and certification program which is
121 intended to provide essential knowledge and skills to teachers participating in ~~the~~ an alternative routes for teacher licensure
122 and certification program through the following phases of training:

123 (1) A seminar/practicum of no less than 120 hours' duration which takes place prior to the time at which the
124 teacher participating in ~~the~~ an alternative routes for teacher licensure and certification program takes full responsibility
125 for a classroom. This seminar/practicum shall provide such formal instruction or equivalent professional development
126 as shall be required by an alternative routes for teacher licensure and certification program established by regulation of
127 the Standards Board and the State Board of Education under § 1203 of this title or established by law, in the essential
128 areas for professional study listed in subsection (c) of this section. It shall introduce basic teaching skills through
129 supervised teaching experiences with students. The seminar and practicum components of the experience shall be
130 integrated and shall include an orientation to the policies, organization and curriculum of the employing district or
131 charter school. A teacher entering a Delaware school through the Teach For America or a teacher residency program
132 shall be considered in compliance with this requirement if such teacher has completed the 200-hour preservice training
133 provided by Teach For America or the preservice training requirements provided by the teacher residency program. A
134 teacher candidate who will participate in ~~the~~ an alternative routes for teacher licensure and certification program hired
135 after July 1 of a school year will fulfill the 120-hour seminar/practicum requirement prior to the start of the following
136 school year.

137 (2) A period of intensive on-the-job supervision beginning the first day on which the teacher participating in
138 ~~the~~ an alternative routes for teacher licensure and certification program assumes full responsibility for a classroom and
139 continuing for a period of at least 10 weeks. During this time, the teacher participating in ~~the~~ an alternative routes for
140 teacher licensure and certification program shall participate in the state-approved mentoring program, and shall be

141 observed and formally evaluated at the end of 10 weeks by certified evaluators. At the end of the 10-week period, the
142 teacher participating in ~~the~~ an alternative routes for teacher licensure and certification program shall receive a formal
143 written progress report from the certified evaluators.

144 (3) An additional period of continued supervision and evaluation of no less than 20 weeks' duration. During
145 this period, the teacher participating in ~~the~~ an alternative routes for teacher licensure and certification program shall
146 participate in the state-approved mentoring program, and shall be observed formally and evaluated by the school
147 administration at least twice. No more than 2 months shall pass without a formal observation. Opportunities shall be
148 provided for the teacher participating in ~~the~~ an alternative routes for teacher licensure and certification program to
149 observe the teaching of experienced colleagues.

150 Section 10. Amend § 1261, Title 14 of the Delaware Code by making deletions as shown by strike through and
151 insertions as shown by underline as follows:

152 § 1261. Requirements for ~~the~~ an alternative routes for teacher initial licensure and certification program. [Effective
153 Apr. 20, 2018]

154 (a) Each school district or charter school seeking to hire a candidate for ~~the~~ an alternative routes program must do
155 both of the following:

156 (1) Participate in ~~the~~ an alternative routes for teacher licensure and certification program as established
157 pursuant to subsection (b) or (d) of this ~~section; and~~ section.

158 (2) Assign a mentor to each teacher participating in ~~the~~ an alternative routes program.

159 (b) There is hereby established an alternative routes for teacher licensure and certification program which is
160 intended to provide essential knowledge and skills to teachers participating in ~~the~~ an alternative routes for teacher licensure
161 and certification program through the following phases of training:

162 (1) A seminar/practicum of no less than 120 hours' duration which takes place prior to the time at which the
163 teacher participating in ~~the~~ an alternative routes for teacher licensure and certification program takes full responsibility
164 for a classroom. This seminar/practicum shall provide such formal instruction or equivalent professional development
165 as shall be required by an alternative routes for teacher licensure and certification program established by regulation of
166 the Standards Board and the State Board of Education under § 1203 of this title or established by law, in the essential
167 areas for professional study listed in subsection (c) of this section. It shall introduce basic teaching skills through
168 supervised teaching experiences with students. The seminar and practicum components of the experience shall be
169 integrated and shall include an orientation to the policies, organization and curriculum of the employing district or
170 charter school. A teacher candidate who will participate in ~~the~~ an alternative routes for teacher licensure and

171 certification program hired after July 1 of a school year will fulfill the 120-hour seminar/practicum requirement prior to
172 the start of the following school year.

173 (2) A period of intensive on-the-job supervision beginning the first day on which the teacher participating in
174 ~~the~~ an alternative routes for teacher licensure and certification program assumes full responsibility for a classroom and
175 continuing for a period of at least 10 weeks. During this time, the teacher participating in ~~the~~ an alternative routes for
176 teacher licensure and certification program shall participate in the state-approved mentoring program, and shall be
177 observed and formally evaluated at the end of 10 weeks by certified evaluators. At the end of the 10-week period, the
178 teacher participating in ~~the~~ an alternative routes for teacher licensure and certification program shall receive a formal
179 written progress report from the certified evaluators.

180 (3) An additional period of continued supervision and evaluation of no less than 20 weeks' duration. During
181 this period, the teacher participating in ~~the~~ an alternative routes for teacher licensure and certification program shall
182 participate in the state-approved mentoring program, and shall be observed formally and evaluated by the school
183 administration at least twice. No more than 2 months shall pass without a formal observation. Opportunities shall be
184 provided for the teacher participating in ~~the~~ an alternative routes for teacher licensure and certification program to
185 observe the teaching of experienced colleagues.

186 Section 11. Amend § 1262, Title 14 of the Delaware Code by making deletions as shown by strike through and
187 insertions as shown by underline as follows:

188 § 1262. Requirements for the evaluation of teachers participating in ~~the~~ an alternative routes for teacher initial
189 licensure and certification program.

190 (a) Teachers participating in ~~the~~ an alternative routes for teacher licensure and certification program shall be
191 observed by the assigned mentor teacher and evaluated by certified evaluators as per § 1261 of this title.

192 Section 12. Amend § 1263, Title 14 of the Delaware Code by making deletions as shown by strike through and
193 insertions as shown by underline as follows:

194 § 1263. Recommendation for initial licensure and certification of teacher participating in ~~the~~ an alternative routes
195 for teacher initial licensure and certification program.

196 (b) The final comprehensive evaluation report on each teacher participating in ~~the~~ an alternative routes for teacher
197 licensure and certification program shall be made on standard forms developed by the Department of Education.

198 (c) The final evaluation report on each teacher participating in ~~the~~ an alternative routes for teacher licensure and
199 certification program shall include 1 of the following recommendations:

200 (1) *Approved.* — Recommends issuance of the appropriate license and standard certificate or ~~certificates; or~~
201 certificates.

202 (2) *Disapproved.* — Recommends that a license and standard certificate not be issued and that the candidate
203 not be allowed to continue in ~~the~~ an alternative routes for teacher licensure and certification program.

204 (d) The certified evaluators shall provide the teacher participating in ~~the~~ an alternative routes for teacher licensure
205 and licensure and certification program with a copy of the teacher's written evaluation report and licensure and certification
206 recommendation 20 days before submitting it to the Department of Education.

207 (e) If the teacher participating in ~~the~~ an alternative routes for teacher licensure and certification program disagrees
208 with the certified evaluators' recommendation, the teacher may, within 15 days of receipt of the evaluation report and
209 licensure and certification recommendation, submit to the certified evaluators written materials documenting the reasons
210 that the teacher participating in ~~the~~ an alternative routes for teacher licensure and certification program believes a license
211 should be awarded. The certified evaluators shall forward all such documentation to the Department of Education along
212 with the evaluation report and recommendation concerning licensure and certification. The Secretary or the Secretary's
213 designee shall review the evaluation report, the licensure and certification recommendation, and any documentation
214 supplied by the teacher and make a determination as to whether the teacher qualifies for licensure and certification.

215 (f) Teachers participating in ~~the~~ an alternative routes for teacher licensure and certification program who receive a
216 recommendation of "disapproved" may petition the Department for approval of additional opportunities to participate in ~~the~~
217 an alternative routes for teacher licensure and certification program.

218 Section 13. Amend § 1264, Title 14 of the Delaware Code by making deletions as shown by strike through and
219 insertions as shown by underline as follows:

220 § 1264. Procedure for teachers participating in ~~the~~ an alternative routes for teacher licensure and certification
221 program to contest licensure and certification ~~recommendations~~ decisions.

222 A teacher participating in ~~the~~ an alternative routes for teacher licensure and certification program is entitled to a
223 full and fair hearing before the Standards Board to challenge the Secretary's or the Secretary's designee's licensure and
224 certification decision.

225 Section 14. Amend § 1265, Title 14 of the Delaware Code by making deletions as shown by strike through and
226 insertions as shown by underline as follows:

227 § 1265. Report to General Assembly on alternative routes to certification, including the Teach for America
228 program.

229 (a) ~~On or before January 20, 2015, the Department of Education shall provide a report to the General Assembly~~
230 ~~on the effectiveness of the Teach for America Program and all Delaware alternative route for teacher licensure and~~
231 ~~certification programs under this subchapter. Such report shall be conducted by an independent entity pursuant to a request~~
232 ~~for proposal (RFP) that shall be issued by the Department of Education. The RFP committee shall be comprised of~~
233 ~~representatives of the Department of Education and from the State's local educational agencies. The committee shall~~
234 ~~determine which vendors meet the minimum requirements pursuant to selection criteria of the RFP and procedures~~
235 ~~established in §§ 6981 and 6982 of Title 29. The committee may negotiate with 1 or more vendors during the same period~~
236 ~~and may, at its discretion, terminate negotiations with any or all vendors. The committee shall make a recommendation~~
237 ~~regarding the award to the Delaware Secretary of Education, who shall have final authority, subject to the provisions of~~
238 ~~such RFP and § 6982 of Title 29, to determine the evaluator or evaluators in the best interests of the State.~~

239 (b) ~~The report shall include, but not be limited to, a comparative analysis of student performance in statewide~~
240 ~~assessment tested subject areas in all alternative route for teacher licensure and certification programs, including Teach for~~
241 ~~America. Student performance in alternative route for teacher licensure and certification program participant classrooms in~~
242 ~~Delaware shall be compared to student performance in similar classrooms in Delaware taught by both alternative route~~
243 ~~participants and nonalternative route program educators. The report shall include overall program participant retention~~
244 ~~rates, including a report on participants who remain in original placement schools, participants who remain inside the~~
245 ~~teaching profession, and participants who remain in the education field in general to assist in the determination of~~
246 ~~programmatic efficacy. The report shall be inclusive of the academic years August 1, 2010, through July 1, 2014, as well as~~
247 ~~any other academic periods deemed relevant by program evaluators pursuant to the RFP. [Repealed.]~~

248 Section 15. Amend Subchapter VI, Chapter 12, Title 14 of the Delaware Code by making deletions as shown by
249 strike through and insertions as shown by underline as follows:

250 § 1266. Requirements for an alternative routes to certification programs for teachers of students with disabilities.

251 In order to be state-approved, an alternative routes to certification program for teachers of students with disabilities
252 must include all of the following:

253 (1) Delivery of high quality professional development to a teacher that is sustained, intensive, and classroom-
254 focused.

255 (2) The requirement that a teacher participates in intensive supervision that consists of structured guidance
256 and regular, ongoing support or teacher mentoring.

257 (3) The requirement that a teacher participate for no more than 3 years.

258 (4) The requirement that a teacher demonstrate satisfactory progress toward standard certification.

259 (5) Provision of regular reports to the Department, made in accordance with rules and regulations that the
260 Department promulgates, that the requirements under this subsection are being met.

261 Section 16. Amend § 3461, Title 14 of the Delaware Code by making deletions as shown by strike through and
262 insertions as shown by underline as follows:

263 § 3461. Critical need reimbursement program.

264 (b) *Eligibility* —

265 (1) Eligible applicants are Delaware school districts and charter schools.

266 (2) Eligible teachers ~~are~~ meet all of the following criteria:

267 a. ~~Full-time~~ Are full-time employees of a Delaware school district or a charter ~~school; and school.~~

268 b. ~~Teaching~~ Teach on a temporary, ~~emergency~~ emergency, or limited standard ~~certificate; and certificate,~~
269 or a certification of eligibility.

270 c. ~~Teaching~~ Teach in critical need areas as defined by the Department of Education.

SYNOPSIS

Enactment of the Every Student Succeeds Act amended the Individuals with Disability Education Act (“IDEA”) by mandating that special education teachers must have obtained full certification and may not be working under emergency certifications. The Delaware Department of Education must stop issuing emergency certifications in special education in order for for the State to continue receiving \$36 million in federal IDEA funding for our schools.

This Act creates a mechanism that is in compliance with federal requirements to enable educators to obtain a certificate of eligibility in the areas of special education. Educators will be able to meet federal requirements while being enrolled in an approved, alternative routes to certification program. This Act will allow local education agencies to staff special education classrooms while ensuring the educators are receiving high quality training working toward their standard certificate in the appropriate area of special education.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.