



# **Division of Legislative Services**

Amanda Waid McAtee and Ben Kowal  
Joint Legislative Oversight and Sunset Committee Analysts

Full Review: Professional Standards Board (PSB)  
Staff Presentation  
May 1, 2025

# Why We Did This Review

- **JLOSC selected full reviews in 2023 for boards and commissions created and never reviewed.**
  - Selected Professional Standards Board for review on March 2, 2023.
- **Full reviews require self-report and entity presentation.**
  - Self-report available on JLOSC website.
- **Reviews entity performance with criteria established in JLOSC statute.**
  - Review criteria outlined in the report (objective, scope, and methodology), used a compilation of statutory review criteria (§ 12011(b), Title 29).
  - **Criteria #1** For licensing entities, the extent to which they have licensed qualified applicants. – Not a licensing entity, does not apply.
  - **Criteria #2** The extent to which the entity has served the public interest. – Reviewed main duties in Chapter 12, Title 14.
  - **Criteria #3** The extent to which the entity has recommended statutory changes. – Board self-report included recommendations and statutory changes.
  - **Criteria #4** Review implementation of past JLOSC recommendations. – Does not apply to this review.



# Brief History



## Professional Development and Educator Accountability Act

Senate Bill No. 260, 140th General Assembly, enacted May 2000, 21 amendments:

- Senate Nos. 1, 2, 4, 5, 7, 9, 10, 11, 12, 13.
  - House Nos. 2, 12, 13, 17, 21, 22, 28, 33, 35, 38, 39.
- 
- Replaced the Professional Standards Council (1991).
  - Act recognized that effective educators are critical to students' success.
  - Board established to **enhance education** in Delaware by ensuring **high standards for educators**.

# Board Members



- 16 members appointed by Governor and confirmed by Senate.
- 3-year terms.
- \$50 per meeting.
  - Not exceeding \$600 annually.
- Reimbursed for reasonable expenses.
- Quorum majority of current members.
  - Actions require majority plus 1 member.



# Staff

PSB Under the Department of Education.

Staffed by 1 full-time executive director.

- 10 years of professional educator experience (public school system).
  - 5 years as a classroom teacher.
- Delaware resident.
- DDOE and the PSB signed MOU outlining duties and oversight of the executive director (May 2019).



# 1<sup>st</sup> Finding and Recommendation

- Created to enhance education in Delaware by ensuring high standards for educators.
- Sole authority responsible for developing regulations for educator licensure and certification.
- Provides the framework for the Delaware Department of Education to process licensure and certification applications.

## Recommendation #1:

- Continue, subject to further recommendations that JLOSC adopts.

## 2<sup>nd</sup> Finding and Recommendation

- PSB rarely conducts hearings for DDOE.
- During the review period:
  - PSB addressed only 2 disciplinary cases.
  - Received 2 proposals from DDOE to deny licensure, neither resulting in a hearing request.
- **Licensing authority: DDOE**
  - Handles most hearings through its own hearing officers.
  - Chapter 12 lacks clarity on who issues final orders in certain cases.
  - Handles hearings for licensure matters relating to nonpublic school educator licensure and certifications.
- PSB established to create standards (licensing and certification).
  - DDOE applies these standards not PSB.

### Recommendation #2:

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





## 3<sup>rd</sup> Finding – Chapter 12

- PSB statutory purpose stated in Subchapter 1 is outdated.
  - Does not license or certify.
  - DDOE uses standards set by PSB to perform licensure and certification duties.
- Chapter 12 revisions:
  - Revise to align with current roles and processes.
  - Update terms and references.
  - Incorporate improvements to board name, composition, and quorum requirements.
- Report outlines changes to the following:
  - Professional development and professional learning.
  - Alternative routes to certification (ARTC).
  - Educator evaluation and induction (mentoring) programs.

### TITLE 14

#### Education

#### Free Public Schools

#### CHAPTER 12. Educator Licensure, Certification, Evaluation, Professional Development, and Preparation Programs

#### Subchapter I. Professional Standards Board

##### § 1201. Purpose.

The purpose of this chapter is to establish a system of professional development, professional standards, licensure, certification and evaluation that serves to continually improve the quality of instruction for Delaware's children so that they are equipped to work and succeed in an ever-changing and increasingly complex global economy. The General Assembly finds that a rigorous system of licensure, certification, professional development and evaluation designed to support improved student achievement, together with an expansion of the salary system to include compensation for skills and knowledge, will serve to improve the quality of the Delaware educator workforce and to improve student performance. All educators must be licensed, certified and evaluated in accordance with this chapter. To develop this system and to ensure that its purposes are achieved, the General Assembly creates the Delaware Professional Standards Board to work in conjunction with the Department of Education and the State Board of Education toward the full implementation of this chapter.



# 3<sup>rd</sup> Finding – Chapter 12 Outline of PSB Duties

[TITLE 14](#) > CHAPTER 12

## EDUCATOR LICENSURE, CERTIFICATION, EVALUATION, PROFESSIONAL DEVELOPMENT, PREPARATION PROGRAMS

[Subchapter I. Professional Standards Board](#) ← PSB duties and composition.

[Subchapter II. Three-Tiered Licensure System](#) ← PSB regulation duties, DDOE licensure duties.

[Subchapter III. Educator Certification](#) ← PSB regulation duties, DDOE certification duties.

[Subchapter IV. Substitute Teachers](#) ← Repealed July 2007.

[Subchapter V. Special Institute for Teacher Licensure and Certification](#) ← Needs Repeal.

[Subchapter VI. Alternative Routes for Teacher Licensure and Certification](#) ← DDOE duties and regulations.

[Subchapter VII. Educator Evaluations](#) ← DDOE duties and regulations.

[Subchapter VIII. Educator Preparation Programs](#) ← DDOE duties and regulations.

## 3<sup>rd</sup> Recommendation

- Clarify purpose and duties.
- Update name, quorum, composition, member removal.
  - Include educator or teacher in name, similar state examples:
    - Educator Standards Board (Ohio).
    - Professional Educator Standards Board (Washington).
    - Professional Standards and Teacher Education Board (Maryland).
- Update oversight of executive director aligning with current memorandum of understanding and current Department of Human Resources (DHR) best practices for hiring and supervision of state employees.
- Update terms and references, remove obsolete.
  - Professional development and learning.
  - Subchapter V: Special Institute for Teacher Licensure and Certification.
    - HB 97, introduced March 2025, removes subchapter V.
- Update reporting requirements and frequency.



## 4<sup>th</sup> Finding

- Current focus reviewing 65 regulations every 4 years is not an effective use of time and duplicates DDOE work under Chapter 104 of Title 29 and § 122(e) of Title 14.
  - No statutory or regulatory requirement found for these constant reviews.
- **Educator standards are important but only effective when achieving their intended purpose.**
- Data driven evaluation is needed to monitor standards and ensure successful outcomes.
  - Not a current task completed by PSB.
  - DDOE collects data in several areas per PSB regulations.
- Efforts should also focus on defining long-term goals and initiatives aligned with its purpose.
  - Requesting data from DDOE on educator effectiveness to evaluate licensure and certification requirements,
  - Collaborating with DDOE to address gaps in data collection where needed.

### TITLE 14

Education

#### Free Public Schools

CHAPTER 1. Department of Education

Subchapter II. Powers and Duties

§122(e) For the purpose of ensuring that all regulations are current, that unnecessary or unduly burdensome regulations are repealed or modified, and that more frequent comment from affected constituencies may be obtained, the Department of Education shall establish a process whereby each of its regulations in existence as of January 1, 1997, shall be subjected to review and readoption within the 4 years succeeding such date. Such review and readoption, or modification or repeal, shall be preceded by publication pursuant to Chapter 101 of Title 29. Any such regulation that the Department of Education readopts or readopts in modified form shall be accompanied by an educational impact analysis as required by subsection (d) of this section. Any regulation adopted by the Department of Education subsequent to January 1, 1997, shall be made effective for no more than 5 years and shall be subject to the review and readoption process set forth in this subsection.

## 4<sup>th</sup> Recommendation

- 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 consider sponsoring a bill 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.





## 5<sup>th</sup> Finding and Recommendation

- Chapter 12 requires all educators to be certified and licensed.
  - Does not include enforcement.
  - Does not include investigation and discipline.
  - Does not include communication standards for schools employing unlicensed and uncertified educators.
- Similar professional licensing boards under Title 24 include enforcement and penalties for unlicensed practice.
- Recommendation 5 requests sponsoring a bill to address unlicensed practice.
- **Staff requests JLOSC skip consideration of recommendation 5 due to current legislation.**
  - HB 97 includes language for DDOE to require reimbursement of funds from schools who employ an educator who is unlicensed in a position that requires licensure.



## 6<sup>th</sup> Finding and Recommendation

- The PSB has consistently held public meetings.
- JLOSC staff-maintained communication with PSB staff throughout the review.
  - PSB responsive to all JLOSC staff requests.
- JLOSC staff do not believe that monitoring the PSB beyond the JLOSC statute's required monitoring is necessary.

### Recommendation #6:

- Release the PSB from review upon enactment of legislation under Recommendation #3 or further action of JLOSC.



# Staff Recommendations Overview

## #1 Continue PSB.

- with statute revisions.

## #2 Update Chapter 12 to remove all PSB references for hearings and final orders.

## #3 Update statute (Chapter 12, Title 14).

- Update purpose and duties of PSB.
- Update name, quorum, composition, etc.
- Update oversight of executive director per DHR best practices.
- Update terms and references.
- Update reporting requirements and frequency.

## #4 Update data and regulation review practices

Skipping #5 statute revision recommendation to address unlicensed practice considering recently introduced legislation (HB 97).

## #6 Release from review.





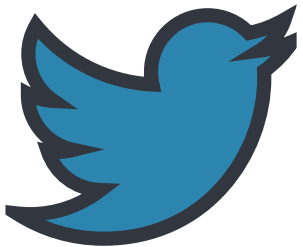


## Joint Legislative Oversight & Sunset Committee

# Stay Connected



**Amanda Waid McAtee and Ben Kowal**  
Analysts for JLOSC  
Division of Legislative Services



Email: [Sunset@Delaware.gov](mailto:Sunset@Delaware.gov)

Written public comments accepted via email or  
public comment form on committee website.

Web: [legis.delaware.gov/Committee/Sunset](https://legis.delaware.gov/Committee/Sunset)

Phone: (302) 744-4114