

September 29, 2009

Mr. Charlie Michels, Executive Director  
Professional Standards Board  
Townsend Building  
401 Federal Street  
Dover, DE 19901

RE: 13 DE Reg. 359 [DOE Proposed Advance License for Educators Regulation]

Dear Mr. Michels:

The State Council for Persons with Disabilities (SCPD) has reviewed the Professional Standards Board's [in collaboration with the Department of Education (DOE)] proposal to amend its "Issuance and Renewal of Advanced License" regulation. The proposed regulation was published as 13 DE Reg. 359 in the September 1, 2009 issue of the Register of Regulations. SCPD has the following observations and recommendations.

First, the proposed regulation limits the application of the standards to educators licensed and certified under Chapter 12 of Title 14 with the exception of substitute teachers.

Second, it changes the location, but not the wording, of its definition of "immorality".

Third, the proposed regulation amends the definition of "exigent circumstances" which can form the basis of an extension of a license for up to one year pursuant to Section 6.0. The amendment is as follows:

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

SCPD recommends retention of the proposed deleted sentence. The Delaware Code does not restrict "exigent circumstances" to expiration prior to the end of the school year. See

Title 14 Del.C. §1216(a). Rather, the Code authorizes an extension for “exigent circumstances” for a period not to exceed 1 year. This 1-year authorization also appears in §6.0 of the existing regulation. It would be preferable to maintain the existing sentence which clarifies that the scope of “exigent circumstances” is broader than simply expiration of a license and encompasses serious illness, military deployment, etc.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or recommendation on the proposed regulation.

Sincerely,

Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

cc: The Honorable Lillian Lowery  
Ms. Jean Allen  
Ms. Martha Toomey  
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