

September 25, 2007

Ms. Susan Haberstroh
Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 11 DE Reg. 248 [Substitute Teacher Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE) proposal to repeal its regulation (14 DE Admin. Code) which establishes a permit system for substitute teachers. The proposed regulation was published as 11 DE Reg. 248 in the September 1, 2007 issue of the Register of Regulations.

As background, SCPD has attached the statutes [Title 14 Del.C. §§1230 and 1326] as they existed in June 2007. Section 1230 required the Department to maintain regulations relative to certification of substitute teachers which included at least three (3) classifications. The Legislature deleted Section 1230 through the attached Section 345 of the epilog to the budget bill. The Legislature also amended Section 1326 as reflected in the epilog. The rationale for the changes is not clear. SCPD has the following observations.

First, the Department has been incrementally repealing all of the certification regulations compiled at 14 DE Admin. Code Ch. 300. See attachment. It has contemporaneously been expanding certification and permit regulations compiled at 14 DE Admin. Code Ch. 1500. See attachment.

Second, even if the Legislature does not specifically require a certification or permit system for substitute teachers through the repeal of Title 14 Del.C. §1230, the Department may nevertheless be mandated to maintain such standards under other statutes. For example, Title 14 Del.C. §122(b)(6) recites as follows:

(b) The Department shall prescribe rules and regulations:

...(6) Governing the qualifications and certification of educators in all of the public schools of the State. Rules and regulations on this subject shall be proposed by the Secretary subject to approval by the State Board of Education. The Secretary shall, in consultation with the State Board, establish a Professional Standards Council to provide advice to the Department and the State Board regarding standards that assure professional competence, and rules and regulations concerning teacher, specialist and administrator education in Delaware, as well as ways to implement those standards through the licensing, certification and professional development of educators;...

[emphasis supplied]

Third, apart from legal mandate, it makes sense to maintain substitute teacher standards. For example, the Federal No Child Left Behind Act requires that even paraeducators meet certain standards. The Delaware DOE has implemented this requirement through a comprehensive permit system codified at 14 DE Admin. Code 1517. See attachment. Substitute teachers, who may serve as primary instructors for several months as long-term substitutes, can have more effect on student education than paraeducators.

SCPD recommends that the Department adopt a substitute teacher permit or certification regulation under 14 DE Admin. Code Ch. 1500. Otherwise, the Department simply creates a vacuum of no standards for substitute teachers except for their compensation.

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 Valerie Woodruff
Ms. Jean Allen
Ms. Martha Toomey
Ms. Paula Fontello, Esq.
Ms. Mary Cooke, Esq.
Ms Jennifer Kline, Esq.
Mr. Charlie Michaels
Members of the House Education Committee
Members of the Senate Education Committee
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens

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