



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES  
MARGARET M. O'NEILL BUILDING  
410 FEDERAL STREET, SUITE 1  
DOVER, DE 19901

VOICE: (302) 739-3620  
TTY/TDD: (302) 739-3699  
FAX: (302) 739-6704

March 29, 2016

Ms. Tina Shockley, Education Associate  
Department of Education  
401 Federal Street, Suite 2  
Dover, DE 19901

RE: 19 DE Reg. 812 [DOE Proposed Emergency Certificate Regulation (3/1/16)]

Dear Ms. Shockley:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to revise its educator emergency certificate regulation. The proposed regulation was published as 19 DE Reg. 812 in the March 1, 2016 issue of the Register of Regulations. SCPD has the following observations.

First, an educator is generally approved for a 1-year emergency certificate (§3.1.1) which can be extended for a second year (§3.1.3) and third year based on exigent circumstances (§7.5). The intent of the regulation is to offer the educator some time to achieve a standard certificate (§7.2). However, the following limitation is being stricken:

~~3.10. An Emergency Certificate shall not be issued more than once to an individual for a specific Standard Certificate.~~

This results in ambiguity. Consider the following:

A. If an educator has had an emergency certificate (for 1-3 years) without achieving a standard certificate, could an application be subsequently filed for the educator to obtain a new emergency certificate? This would not be a renewal of the original application but a new application. In theory, an educator could be approved for a series of emergency certificates with some hiatus between applications. In some cases the educator might have good reason for placing efforts to achieve a standard certificate on hold for a few years (e.g. battling cancer;

sequential pregnancies). For clarity, the regulation should address whether there are any limitations on multiple applications for an emergency certificate.

B. If an educator has an initial emergency certificate, could an application be filed for a new emergency certificate instead of a renewal? For example, if an educator changed employer, the new employer might prefer the prospect of having an approved educator for 2-3 years rather than seeking a transfer of the certificate correlated with 1-2 years of maximum extension. Alternatively, if an educator has an initial emergency certificate, but has made zero progress towards qualifying for a standard certificate, the employer could not obtain an extension (§6.2.2.1; §8.0). Could that employer or a new employer apply for a new initial emergency certificate?

Second, the current regulation requires the employer to develop a written “plan” outlining the expected steps towards achieving a standard certificate. See current §§3.7.1.3, 4.1.4, and 5.1.2. The requirement of a written plan is being deleted. The new standard (§4.1.4) is somewhat amorphous. The DOE may wish to reconsider the deletion since it provides a clear, single source of reference for the employer, educator, and DOE.

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

Sincerely,

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

cc: The Honorable Steven Godowsky, Ed.D, Secretary of Education  
Mr. Chris Kenton, Professional Standards Board  
Dr. Teri Quinn Gray, State Board of Education  
Ms. Mary Ann Mieczkowski, Department of Education  
Ms. Kathleen Geiszler, Esq., Department of Justice  
Ms. Terry Hickey, Esq., Department of Justice  
Mr. Brian Hartman, Esq.  
Developmental Disabilities Council  
Governor’s Advisory Council for Exceptional Citizens

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