



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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December 22, 2011

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

RE: 15 DE Reg. 722 [DOE Proposed Standard Certificate 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 Standard Certificate regulation published as 15 DE Reg. 722 in the December 1, 2011 issue of the Register of Regulations. SCPD has the following observations.

First, in §2.1, definition of "immorality", the addition of "or otherwise" eliminates the current requirement that the conduct be causally linked to educator effectiveness. Conceptually, the current standard defines immorality as conduct which is both inconsistent with moral standards and impairs effectiveness. The revised regulation establishes a bar to certification (in conjunction with §7.2) for conduct which has no relationship to educator effectiveness. This is "overbroad".

Second, there is no punctuation at the end of §3.1.1.

Third, in §3.1.3.1, the word "after" should be deleted.

Fourth, the regulation does narrow eligibility somewhat. For example, applicants cannot request reciprocity based on a temporary, emergency or conditional license from another state (§2.1, definition of "Valid and Current License..."). Moreover, applicants for an initial license must apply for a standard certificate simultaneously (§6.6). Finally, the regulation now requires the 15 credits in professional development to be approved by the DOE (§3.1.3.1.2).

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

Sincerely,

A handwritten signature in black ink that reads "Daniese McMullin-Powell". The signature is written in a cursive, flowing style.

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

cc: The Honorable Lillian Lowery
Dr. Teri Quinn Gray
Ms. Mary Ann Mieczkowski
Ms. Paula Fontello, Esq.
Ms. Terry Hickey, Esq.
Mr. John Hindman, Esq.
Ms. Susan Haberstroh
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens

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