



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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December 1, 2012

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

RE: 16 DE Reg. 506 [DOE Proposed Special Education Director Certification Reg.]

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 revise the qualifications for the Special Education Director certification published as 16 DE Reg. 506 in the November 1, 2012 issue of the Register of Regulations. SCPD has the following observations regarding the most significant change which is in §4.2.

First, the current standard (§3.2) requires some combination of three (3) years of teaching or working with exceptional children. This is increased to five (5) years in the proposed regulation.

Second, the current regulation "counts" three (3) years of "administrative experience with children with disabilities". This is omitted from the current regulation. It is unclear if this represents an intentional restriction or if DOE views administrative experience to be generally subsumed under "working with exceptional children." The change does create some ambiguity.

Third, the current regulation (§3.2) specifically "counts" work experience by certified school psychologists, speech pathologists, and audiologists. The proposed regulation deletes the references.

The APA envisions identification of the substance and issues presented by proposed regulations. See Title 29 Del.C. §10115(a)(1). This regulation contains only the following cryptic statement: "It is necessary to amend this regulation in order to upgrade the requirements' rigor and to build upon the other amended administrator regulations." This imparts little context to explain the DOE's intent in proposing the changes. SCPD

recommends that future proposed regulations include more specifics on the rationale for changes.

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 Mark T. Murphy
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