



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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June 5, 2014

Mr. Chris Kenton, Executive Director
Professional Standards Board
Townsend Building
401 Federal Street – Suite 2
Dover, DE 19901

RE: 17 DE Reg. 1031 (DOE Proposed Initial License Regulation)

Dear Mr. Kenton:

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 of Initial License* regulation published as 17 DE Reg. 1031 in the May 1, 2014 issue of the Register of Regulations. SCPD has the following observations and recommendations.

First, in §2.0, definition of "immorality", SCPD recommends that "or otherwise" not be added. The current standard defines immorality as conduct which impairs an educator's effectiveness due to "unfitness". The addition of "or otherwise" would literally authorize a finding of immorality for conduct not related to "unfitness". The definition is already "circular" and somewhat vague and the addition of "or otherwise" exacerbates the lack of clarity.

Second, in §2.0, definition of "mentoring", insert "in" between "Board" and "which".

Third, in §4.0, the reference to "instruct a particular category of students in which they wish to be employed" is "oddly" worded. A teacher cannot be employed in a category of students. The DOE could consider simply deleting "in which they wish to be employed," as surplusage.

Fourth, in §7.1, the DOE deletes a reference to the Praxis I as an approved examination of general knowledge. It then inserts the Praxis I in the table compiled at the end of the regulation. Since the statute [§1210(a)] explicitly recites that the Department "shall issue" an initial license if an applicant achieves a passing score on the Praxis I and meets other standards, the deletion of the reference to Praxis I in this section should be

reconsidered. Based on the statute, the DOE does not have discretion to omit the Praxis I from counting as an acceptable examination of general knowledge.

Fifth, in §9.0, first sentence, there is plural pronoun (“their”) with a singular antecedent (“work”). Substitute “its” for “their”.

Sixth, Title 14 Del.C. §1210(b) recites as follows:

(b) Notwithstanding the requirements of subsection (a) of this section, an initial license may be issued to an applicant who meets all other requirements for initial licensure except for passage of the PRAXIS I exam, provided that the applicant must pass PRAXIS I within the period of time from the date of hire to the end of the next, consecutive fiscal year. If proof of passage of PRAXIS I has not been provided during the time period specified, the initial license will be suspended unless the superintendent of the school district submits to the Secretary of Education a written request for a 1-year extension. The request must also document the effectiveness of the applicant. Any applicant who is within 2 points of the passing score on the reading, writing, or mathematics section of PRAXIS I may use a composite score to meet the requirements of passage. An applicant teaching the secondary content area of Math or English/Language Arts must meet the passing score in that content area.

This subsection does not appear to be implemented in the proposed regulation. Indeed, the DOE proposes to delete some regulatory provisions which implemented the above statute. See, e.g., deleted §7.2.1.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or recommendations 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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Developmental Disabilities Council
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