



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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September 29, 2015

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

RE: 19 DE Reg. 163 [DOE Proposed License & Certification of DOE, Adult & Prison Education Employees Regulation]

Dear Ms. Shockley:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to revise its standards applicable to public education employees in the Department, in Adult Education, and in Prison Education Programs whose work responsibilities are directly related to curriculum and instruction. The standards are authorized by Title 14 Del.C. §121(c). The proposed regulation was published as 19 DE Reg. 163 in the September 1, 2015 issue of the Register of Regulations. SCPD has the following observations.

First, the numbering of §10.0 should be corrected. It appears as "710.0".

Second, the DOE should consider some clarifying revisions to address DOE employees. For example, in §1.0, there is a definition of "public education employee" which includes DOE employees. However, the term "public school employees" is used in other sections. See §1.0, definitions of "Instructional Paraeducator", "Service Paraeducator", and "Title 1 Paraeducator". The term "public school" is generally applied to district and charter schools but not the DOE. SCPD assumes that the DOE would at least employ instructional paraeducators in the prison program consistent with §9.1. At a minimum, the definition of "Instructional Paraeducator" could be amended by substituting "public education employee" for "public school employee".

Third, the numbering in Section 4.0 merits revision. There is no Section 4.4. Moreover, there appears to be a "disconnect" between Section 4.6 and the following sections (4.6.1 through 4.7.1). The former deals with license renewal while the balance appears to be an excerpt from license suspension standards.

Fourth, the reference to "disloyalty" in Section 12.2 should be reconsidered. The Secretary is authorized by 14 Del C. Section 1218(a)6) to consider "disloyalty". However, that statutory authorization is discretionary and dates back to at least 1955. In 2015, it makes little sense to take adverse state action on a license based on an investigation of "disloyalty".

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 Murphy, 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  
Ms. Ilona Kirshon, Esq., Department of Justice  
Mr. Brian Hartman, Esq.  
Developmental Disabilities Council  
Governor's Advisory Council for Exceptional Citizens

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