



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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October 28, 2015

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

RE: 19 DE Reg. 243 [DOE Proposed Certification Programs for Leaders in Education 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 certification standards for Certification Programs for Leaders in Education. The changes include the following: 1) clarifying that the standards cover assistant superintendents (§1.0); and 2) modifying the roles of the State Board of Education (SBE) and Professional Standards Board (PSB) in the process to approve initial and continuing programs. The proposed regulation was published as 19 DE Reg. 243 in the October 1, 2015 issue of the Register of Regulations. SCPD has the following concern.

The DOE Secretary makes the final decision to approve both an initial and renewal application to offer a covered program (§4.15 and §4.3.3.3). However, the supporting roles of the SBE and PSB are significantly changed. Consider the following:

A. The current regulation contemplates SBE involvement in the initial review process (current §§4.1.5 and 4.1.6) and the renewal review process (current §§4.3.4.3 and 4.3.4.4). The proposed regulation strikes the SBE's involvement in the initial application review process. The opposite is true for the renewal process, i.e., the SBE remains highly involved in review of renewal applications (new §§4.3, 4.3.3.1, and 4.3.3.2).

B. The current regulation contemplates PSB involvement in both the initial review process (§§4.1.2, 4.1.3, 4.1.4, and 4.2) and renewal review process (current §§4.3.2, 4.3.4, 4.3.4.1, 4.3.4.2, 4.3.4.3, and 4.3.4.4). The new regulation strikes the PSB's involvement in the renewal review process in its entirety.

It is anomalous to recognize that the SBE has expertise to warrant involvement in the review of renewal applications but not initial applications. It is also anomalous to recognize that the PSB has expertise to warrant involvement in the review of initial applications but not renewal applications. Finally, other sections of the regulation contemplate the involvement of both the SBE and PSB in the program monitoring process (§7.0). The following table illustrates the effect of the revisions:

	INITIAL APPLICATION REVIEW AGENCY	RENEWAL APPLICATION REVIEW AGENCY	MONITORING
Current Regulation	Professional Standards Bd State Board of Education	Professional Standards Bd State Board of Education	Professional Standards Bd State Board of Education
Proposed Regulation	Professional Standards Bd	State Board of Education	Professional Standards Board State Board of Education

Logically, it would be helpful to have the same agency or agencies involved in reviewing a renewal application since they would be familiar with the original application. For example, the PSB may have recommended “special considerations or conditions” (§4.1.4) which it could target in a review of a renewal application. Moreover, since the duration of the initial approval is variable and could be short (§4.1.4), the review of a renewal application may occur within a short time of review of an original application.

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
Ms. Tina Shockley, Department of Education
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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