



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**

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The Honorable John Carney  
Governor

John McNeal  
SCPD Director

April 29, 2020

Ms. Emily Cunningham  
Department of Education  
401 Federal Street, Suite 2  
Dover, DE 19901

RE: 23 DE Register of Regulation 808 [DOE Proposed Regulation on Certifications for Special Education Teachers of Students with Disabilities (April 1, 2020)]

Dear Ms. Cunningham:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE) proposed regulation to amend 14 Del. Admin. C. 1571, which describes requirements for a special education teacher of students with disabilities standard certificate pursuant to 14 Del. C. § 1220. DOE, in cooperation with the Professional Standards Board (hereinafter "The Board"), is proposing to amend this regulation to clarify changes made in Section 1.0, add definitions to Section 2.0, clarify the requirements for issuing a special education teacher of students with disabilities certificate, clarify disciplinary procedures, and adding two new sections which (1) allow for the Secretary of Education to review applications and (2) recognize past certifications. The proposed regulation was published as 23 DE Reg. 808 in the April 1, 2020 issue of the Register of Regulations. SCPD has the following observations and recommendations.

Proposed § 1571.2 reprints, nearly verbatim, a number of definitions that are found in 14 Del. Admin. C. § 1505. These definitions replace the language which had incorporated the definitions from § 1505.

In proposed § 1571.3.2, DOE proposes to include a provision that it will not act on an application under this section if the applicant is under official investigation by any local, state, or national authority with the power to issue educator licenses. It goes on to list alleged conduct where DOE will not act. It is unclear whether the list describes the *only* investigations where DOE will not act, or if they represent examples. SCPD requests clarification regarding this issue and section.

In proposed § 1571.4.1.1, DOE is proposing to include additional ways in which to satisfy the education requirement to apply for a certificate under this section. Those additional routes include (1) having “[o]btained and currently maintain an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards”; “[s]atisfactorily completed an alternative routes for licensure or certification program to teach students with disabilities as provided in 14 Del.C. §§1260 – 1266; or [s]atisfactorily completed a Department-approved educator preparation program in special education.”

Proposed § 1571.5 includes requirements for the actual application for the certificate under this section. It lists the documentation needed in order for DOE to process the application, which are standard documents and include items such as official college transcripts, evidence of an acceptable score on the *Praxis* exam, and an official copy of an educator license or certificate from another jurisdiction for educators wishing to teach in Delaware.

Proposed § 1571.7 outlines the disciplinary actions that could befall an educator with a certificate under this section. The proposed language incorporates requirements and actions in other current Delaware law and regulations including 14 Del. Admin. C. § 1514 (Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits), 14 Del. C. § 1222 (Revocation of a Certificate), and 14 Del. Admin. C. § 1515 (Hearing Procedures and Rules).

Proposed § 1571.6 establishes that an educator with a certificate under this section is not required to *renew* the certificate *as long as* their educator’s license is valid and current. For background, an educator’s initial license is valid for four (4) years at which point they can apply for a continuing license which is valid for five (5) years. After five (5) years, the educator can apply to renew their license. That renewal requires a certain number of professional development hours along with other requirements. The purpose of these professional development hours is to ensure that Delaware educators are continuing to learn and develop their practice, just as other professions are required to do.

The Board does not prescribe specific professional development for educators. This is true for educators possessing one of the many standard certifications that are available, including the certification under proposed § 1571. The only requirements for professional development, found at 14 Del. Admin. C. § 1511.6, are that it should include at least ninety (90) “Clock Hours” which are related to 14 Del. Admin. C. § 1597 (Delaware Professional Teaching Standards), 14 Del. Admin. C. § 1590 (Delaware Administrator Standards), or “appropriate specialty organization standards.” Therefore, it is possible that an educator with this certificate will not actually participate in any professional development related to their certification.

SCPD recommends that DOE consider whether including requirements for renewal of this certificate is warranted, especially given the vulnerability of the population served. For ease, the renewal of this certificate could coincide with the date of renewal for the educator’s license. Proposed requirements for renewal could include activities such as participation in a mandated number of hours (out of the ninety (90) required) of professional development related to this certificate or additional mentoring on top of the current mentoring requirements.

Proposed § 1571.8 establishes an additional route to obtaining a certificate under this section. Specifically, it allows DOE’s Secretary of Education to review and grant certification where the educator does not meet the requirements necessary. This review would be prompted at the request of a local school or school district and would need to be supplemented with documentation showing the educator’s effectiveness.

Proposed § 1571.8 mirrors similar language found in 14 Del. C. § 1224, which allows the Secretary to “review licensure and certification credentials on an individual basis and to act upon same at the request of the local school district or charter school provided that the local school district or charter school is able to document the effectiveness of the applicant.” The regulations implementing this part, found at 14 Del. Admin. C. § 1505.9, use the same language as that found in the proposed regulation. Although proposed § 1571.8 is aligned with current regulations concerning standard certificates, DOE cannot forget that students with disabilities require Delaware’s most capable educators. Given that educators under this certificate are responsible for educating our most vulnerable students and those most in need of exceptional teachers, SCPD recommends that DOE remove proposed § 1571.8. Alternatively, SCPD recommend that DOE remove the language allowing for a review by the Secretary where an applicant does not meet the listed requirements.

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

Sincerely,



J. Todd Webb, Chairperson  
State Council for Persons with Disabilities

cc: The Honorable Susan Bunting – Department of Education  
Mary Ann Mieczkowski – Department of Education  
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