



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney
Governor

John McNeal
SCPD Director

October 1, 2020

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

RE: 24 DE Reg. 251 [DOE Proposed Regulation on 1594 Special Education
Director (September 1, 2020)]

Dear Ms. Cunningham:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to amend 14 Del. Admin. C. § 1594, which describes requirements for obtaining the Special Education Director standard certificate (hereinafter "Director Certificate") pursuant to 14 Del. C. § 1220. DOE, in cooperation with the Board, is proposing to amend this regulation to add definitions to Section 2.0; clarify the requirements for issuing a Director Certificate; specify the education, knowledge, and skill requirements for obtaining a Director Certificate; add reciprocity requirements; specify the application requirements; and add Sections 7.0-10.0, which concern the validity of a Director Certificate, disciplinary actions, requests for the Secretary of Education to review applications, and recognizing past certificates, respectively. The proposed regulation was published as 24 DE Reg. 251 in the September 1, 2019 issue of the Register of Regulations. SCPD has the following observations.

DOE proposes to amend § 1594.1.0 to add a requirement that all special education directors working in Delaware public schools possess the Director Certificate. It also proposes to amend § 1594.4.1.3 to include additional ways to reach the five year experiential requirement. Those additions include (1) working with special education students as an educational diagnostician or special education coordinator; (2) providing pupil personnel services to special education students under a Delaware professional license; or (3) supervising staff who teach special education students with satisfactory annual summative evaluations or the equivalent thereof on a state-approved educator evaluation system. Council could not find a definition for “pupil personnel services” in Delaware education statute or regulations; therefore, SCPD recommends that DOE include a definition for “pupil personnel services” or, alternatively, explain what it means by the term.

Proposed § 1594.7 establishes that a Special Education Director 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 Director Certificate under proposed § 1594. 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 the Director Certificate is warranted. 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.

Proposed § 1594.9 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 § 1594.9 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." Although proposed § 1594.9 is aligned with current regulations concerning standard certificates, DOE cannot forget that Special Education Directors need to be some of the most capable individuals and educators in Delaware. These individuals are typically the leading voice when it comes to special education within a particular school district or charter school. SCPD recommends that DOE remove proposed § 1594.9 or, alternatively, recommends 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,



Terri Hancharick, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Susan Bunting, Department of Education
Mary Ann Mieczkowski, Department of Education
Linnea Bradshaw - Executive Director of the PSB
Tracy Poitras - PSB
Kathleen Smith - Professional Standards Board
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Governor's Advisory Council for Exceptional Citizens

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