



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
Margaret M. O'Neill Bldg., Suite 1, Room 311  
410 Federal Street  
Dover, Delaware 19901  
302-739-3621

The Honorable John Carney  
Governor

John McNeal  
SCPD Director

April 30, 2021

Department of Education  
Office of the Secretary  
Attn: Regulation Review  
401 Federal Street, Suite 2  
Dover, Delaware 19901

RE: Proposed DOE Regulation on 1220 Teacher of English Learners, 24 Del.  
Register of Regulations 926 (April 1, 2021)

The State Council for Persons with Disabilities (SCPD) has reviewed the proposed regulation by the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), which proposes amendments to 14 DE Admin. Code 1562 Teacher of English Learners. The proposed regulation was published as 24 DE Reg. 926 in the April 1, 2021 issue of the Register of Regulations. SCPD has the following observations.

The regulation concerns the requirements for a Teacher of English Learners Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include adding defined terms to Section 2.0; clarifying the requirements for issuing a Teacher of English Learners Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Teacher of English Learners Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Teacher of English Learners Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate

applications; and adding Section 9.0, which concerns recognizing past certificates that were issued by the Department.

Proposed § 1220.1 introduces content included in 14 Del. Admin. C. § § 1220. The language “standard certificate has been replaced with “Teacher of English Learners Standard Certificate”. Those are the only notable changes.

Proposed § 1220.2 introduces definitions largely included in 14 Del. Admin. C. § § 1220. The following definitions were added:

“Department” means the Delaware Department of Education.

“Educator” means a person licensed and certified by the State under 14 Del.C. Ch. 12 to engage in the practice of instruction, administration, or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Professional Standards Board and approved by the State Board of Education. The term ‘educator’ does not include substitute teachers.

"Employing Authority" means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.

“Immorality” means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator’s effectiveness by reason of the educator’s unfitness or otherwise.

“License” means a credential that authorizes the holder to engage in the practice for which the license is issued.

“Regionally Accredited” means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education.

“Standard Certificate” means a credential issued to certify that an educator has the prescribed knowledge, skill, or education to practice in a particular area, teach a particular subject, or teach a category of students.

“Standards Board” means the Professional Standards Board established pursuant to 14 Del.C. §1201.

“Valid and Current License or Certificate” means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

The definitions were added to clarify the issuance of a Teacher of English Learners Standard Certificate.

Additionally, proposed § 1220.4 has revised the requirements for the issuance of a Teacher of English Learners Standard Certificate. The proposed language clarifies in subsections 4.1.1 through 4.1.3. The language found in 14 DE Admin. C. 1562. Proposed § 1220.4.1.2 added language for an applicant to satisfy the requirements “the applicant shall have demonstrated oral and written proficiency in English by earning a bachelor’s, master’s, or doctoral degree “or “achieved a minimum level of Advanced Mid based on the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines on the ACTFL Oral Proficiency Interview (OPI) in English and the ACTFL Writing Proficiency Test (WPT) in English.” The language differs from prior regulations.

Proposed § 1220.5 adds application requirements if an applicant is applying for an initial license and all of the required documentation for the license.

Proposed § 1220.6 adds language that clarifies the validity of the standards which states the certificate is valid regardless of the assignment or employment status.

The proposed language adds that “a Teacher of English Learners Standard Certificate is not subject to renewal.”

Proposed § 1220.7 adds language that refers to disciplinary action and ways that a certificate may be revoked, suspended, or limited for cause as provided in 14 DE Admin.C. 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits. The certificate may be revoked if the educator made “a materially false or misleading statement in the Educator’s application in accordance with 14 Del.C. §1222.” The proposed language adds that the educator is entitled to a full and fair hearing before the standard board in accordance with 14 DE Admin. C. 1515.

Proposed § 1220.8 adds language that refers to the Secretary of Education Review “The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Teacher of English Learners Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Teacher of English Learners Standard Certificate but whose effectiveness is documented by the local school district or charter school district.” SCPD is concerned that the DOE Secretary may override the regulations in this context.

Proposed § 1220.9 recognizes past certificates issued by the Department before January 1, 2017. The proposed language adds “an educator holding an ESOL Teacher Standard Certificate issued before January 1, 2017, or a Teacher of English Learners Standard Certificate issued prior to the effective date of this regulation shall be considered certified to instruct English learners.”

Thank you for your consideration and please contact the SCPD if you have any questions or comments regarding our observations 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  
Laura Makransky, Esq. - Department of Justice  
Valerie Dunkle, Esq. - Department of Justice  
Whitney Sweeney, SBE  
Laura Waterland, Esq.  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council