



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
MARGARET M. O'NEILL BUILDING
410 FEDERAL STREET, SUITE 1
DOVER, DE 19901

VOICE: (302) 739-3620
TTY/TDD: (302) 739-3699
FAX: (302) 739-6704

August 12, 2011

Ms. Susan K. Haberstroh
Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 15 DE Reg. 77 [DOE Final Professional Development Standards]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Professional Standards Board's [in collaboration with the Department of Education (DOE)] final regulation establishing professional development standards. The final regulation was published as 15 DE Reg. 77 in the July 1, 2011 issue of the Register of Regulations. While the Register does not recognize it, SCPD commented on the proposed version of this regulation in May, 2011. The Board and DOE have now adopted a final regulation with no changes based on the following rationale:

Written comments were received from the Governor's Advisory Council for Exceptional Citizens who expressed concern about the lack of explicit charter school references and the use of the terms "adult" and "educator". The Professional Standards Board took notice of these concerns, but determined that a change was not necessary.

The most significant concern shared by SCPD was the application of the regulation to charter schools. In pertinent part, the Councils shared the following information:

First, it is unclear if the regulation is intended to cover charter schools. There are no explicit references to "charter schools" or "public schools" and references to "district" (§§2.1.1 and 2.1.2) could be construed as limiting. The Professional Standards Board enjoys statutory authority to apply its standards to charter schools. See Title 14 Del.C. §1202. Moreover, the analogous teaching standards regulation contains an explicit recital of its application to charter schools:

1597 Delaware Professional Teaching Standards

1.0 Content

The Delaware Professional Teaching Standards establish a common set of knowledge, skills, and attributes expected of Delaware teachers. In accordance with 14 Del.C. §1205, this regulation shall be applied to all teachers employed within the public schools and charter schools of the State of Delaware.

[emphasis supplied]

It would be preferable to include a comparable recital in the new Part 1598 regulation.

Since the regulation remains unclear, and the DOE did not address the concern in its response to Council's comments, SCPD respectfully requests explicit clarification of whether the regulation applies to charter schools.

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

Sincerely,



Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Lillian Lowery
Dr. Teri Quinn Gray
Ms. Martha Toomey
Ms. Paula Fontello, Esq.
Ms. Terry Hickey, Esq.
Mr. John Hindman, Esq.
Mr. Charlie Michels
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens