



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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September 19, 2011

Mr. Charlie Michels, Executive Director
Professional Standards Board
Townsend Building
401 Federal Street
Dover, DE 19901

RE: DOE Prepublication Teacher of Students with Autism or Severe Disabilities
Regulation

Dear Mr. Michels:

The State Council for Persons with Disabilities (SCPD) has reviewed the Professional Standards Board's draft regulation regarding teachers of students with Autism or severe disabilities. SCPD appreciates that the DOE's Professional Standards Board recently shared the "prepublication" draft regulation and has the following observations.

First, in §4.1.3.1.4 the word "and" should not be deleted.

Second, §1.0 recites as follows:

This certification is required for all teachers whose primary assignment is providing services to students with autism or severe disabilities within the Delaware public school system.

In turn, the definition of "severe disabilities" is as follows:

"Severe Developmental Disabilities" means a cognitive or physical impairment that impacts multiple domains of functioning, such as learning, independent living, receptive language, expressive language, self-care, self-direction, or mobility.

There are multiple problems with this approach.

A. Although SCPD suspects that the authors intend to only require this certification for teachers of students with autism spectrum disorders, pervasive developmental disorders, and intellectual disabilities, the definition of "severe developmental disabilities" has

much wider application. For example, it would ostensibly cover most Deaf students since they have a “physical impairment that impacts...learning, receptive language and expressive language.” It would ostensibly cover a bright student with quadriplegia or paraplegia since the student has a physical impairment impacting learning, self-care, and mobility. Many students qualifying under the “other health impairment”, “traumatic brain injury” and other categories “fit” the definition of “severe developmental disabilities” requiring their teachers to meet this certification as juxtaposed to the general special education teacher certification, 14 DE Admin Code Part 1571.

B. The courses listed within the regulation (§§4.1.3.1 and 4.2) focus on autism, autism spectrum disorders, and functional communication. These courses would be of limited value in teaching many students covered by the definition of “severe developmental disabilities”. For example, they would be little assistance in instructing a bright student with quadriplegia or a bright student with an LD classification based on an expressive and receptive language processing disorder. Moreover, none of the courses address “mobility”, one of the identified limitations in the definition of “severe developmental disabilities”.

In sum, the definition of “severe developmental disabilities” merits revision.

Third, the proposed regulation would “dilute” the current standard a bit by “counting” undergraduate courses in the identified contexts rather than only graduate level courses. See §4.1.3.1. Reasonable persons may differ on merits of this change. SCPD views the change as relatively benign.

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

Sincerely,



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

cc: The Honorable Lillian Lowery
Ms. Susan Haberstroh
Dr. Teri Quinn Gray
Ms. Martha Toomey
Ms. Paula Fontello, Esq.
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Developmental Disabilities Council
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