



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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December 21, 2012

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

RE: 16 DE Reg. 587 [DOE Proposed Teacher of Students with Visual Impairments  
Certification Regulation]

Dear Mr. Michels:

The State Council for Persons with Disabilities (SCPD) has reviewed the Professional Standards Board's [in collaboration with the Department of Education (DOE)] proposal to revise the certification requirement for Teachers of Students with Visual Impairments published as 16 DE Reg. 587 in the December 1, 2012 issue of the Register of Regulations. SCPD has the following observations.

First, §5.0 contains a "grandfather" provision applicable to educators who obtained their certificate between January 11, 2007 and the effective date of the regulation. This is the same time frame as proposed under the "Deaf" teacher certification regulation in the December 1, 2012 issue of the Register of Regulations, but shorter than the September 2005 time frame in the "Autism" teacher certification regulation. The rationale for the different dates is not clear. The DOE may wish to consider whether an earlier date should be adopted.

Second, educators who do not meet all of the requirements in the regulation only have 18 months to achieve compliance. This is a relatively short time frame and could be lengthened.

Third, when the Professional Standards Board last revised this regulation, SCPD reminded it of the application of Title 14 Del.C. §206. That statute establishes a presumption that proficiency in Braille reading and writing is essential for each student. It also contains the following teacher certification mandate:

(d) As part of the certification process, all newly certified teachers of the visually impaired, after enactment of this section shall be required to demonstrate competence in reading and writing Braille. The Department of Education which certifies teachers shall require proof of a passing score on the Library of Congress Braille Competency Test (when it is completed and validated), or any comparable, nationally recognized validated test. Until that time, the Department of Education will continue to certify teachers of the visually impaired through its existing standards. All newly hired teacher aides will be required to achieve certification as Braille transcribers through the Library of Congress within 2 years of employment.

In its response to the Council's comment, the DOE noted that "a reference to an existing statute was added to make the regulation compliant." See 10 DE Reg. 1147 (January 1, 2007). It then amended §3.0 to require applicants to meet the requirements in Title 14 Del.C. §206(d). At 1149. See also 16 DE Reg. 587, 589 (December 1, 2012), §3.0. Thus, at a minimum, the proposed regulation must continue to comply with §206(d) which requires a passing score on a validated test. The proposed regulation has no test requirement. Parenthetically, §206(d) was added to the Code in 1995. The DOE may wish to assess whether it still reflects current "best practice" or merits repeal or amendment.

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

Sincerely,



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

cc: The Honorable Mark T. Murphy  
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