



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**

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**MEMORANDUM**

DATE: May 29, 2014

TO: Ms. Sharon L. Summers, DSS  
Policy, Program & Development Unit

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

RE: 17 DE Reg. 1038 [DSS Proposed Child Care Subsidy Eligibility Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services' (DSS) proposal to amend its regulations regarding the Child Care Subsidy Program. Specifically, the Division proposes some discrete changes to the eligibility standards for persons seeking subsidized child care assistance funded by the federal Child Care Development Fund. The proposed regulation expands eligibility to cover parents/caretakers who need services based on the following: 1) enrolled and attending middle school or high school; or 2) enrolled and participating in a General Education Diploma (GED) program. The proposed regulation was published as 17 DE Reg. 1038 in the May 1, 2014 issue of the Register of Regulations. The SCPD endorses the proposed regulation subject to consideration of the following amendments.

First, the entire regulation would benefit from addition of punctuation.

Second, the reference to GED program merits revision. Consistent with the attached 17 DE Reg. 724 (January 1, 2014), the Delaware Department of Education has recently expanded the scope of tests equivalent to the traditional GED. The DOE now uses the term "secondary credential assessment". Therefore, DSS may wish to adopt the following reference in Section 1.A.9: "Enrolled and participating in a General Education Diploma (GED) program or similar secondary credential assessment approved by the Delaware Department of Education."

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

cc: Ms. Elaine Archangelo  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

17reg1038 dss-child care subsidy eligibility 5-2914

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**FINAL REGULATIONS**

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**IV. ORDER**

It is hereby ordered that the proposed amendments to the Department's regulations are adopted; the text of the final regulation shall be in the form attached hereto as Exhibit A; and the effective date of this Order shall be ten (10) days from date this Order is published in the Delaware *Register of Regulations*.

**\*Please note that no changes were made to the regulation as originally proposed and published in the August 2013 issue of the Register at page 146 (17 DE Reg. 146). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

601 Delaware Pesticide Rules and Regulations

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**DEPARTMENT OF EDUCATION**

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 Del.C. §122(b))

14 DE Admin. Code 910

**REGULATORY IMPLEMENTING ORDER****910 Delaware Requirements for Issuance of the GED® Test Credential****I. Summary of the Evidence and Information Submitted**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 910 Delaware Requirements for Issuance of the GED® Test Credential. The regulation name has been changed to 14 DE Admin. Code 910 Delaware Requirements for Issuance of the Secondary Credential. This regulation is being reviewed in order to provide greater access to a secondary credential assessment in Delaware.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on **November 2, 2013**, in the form hereto attached as *Exhibit "A"*. Comments were received from Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities. The title of the regulation was changed in the proposed published version to expand the regulation beyond the GED® credential. The Department has reviewed the various Delaware Code sections related to the various references to "GED," "General Equivalency Diploma" or other language that infers a different secondary credential other than a high school diploma, and plans to address as appropriate.

**II. Findings of Facts**

The Secretary finds that it is appropriate to amend 14 DE Admin. Code 910 Delaware Requirements for Issuance of the GED® Test Credential to 14 DE Admin. Code 910 Delaware Requirements for Issuance of the Secondary Credential in order to provide greater access to a secondary credential assessment in Delaware.

**III. Decision to Amend the Regulation**

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 DE Admin. Code 910 Delaware Requirements for Issuance of the GED® Test Credential. Therefore, pursuant to 14 Del.C. §122, 14 DE Admin. Code Delaware Requirements for Issuance of the Secondary Credential attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 Del.C. §122(e), 14 DE Admin. Code 910 Delaware Requirements for Issuance of the Secondary Credential hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

## IV. Text and Citation

The text of 14 DE Admin. Code Delaware Requirements for Issuance of the Secondary Credential amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 DE Admin. Code Delaware Requirements for Issuance of the Secondary Credential in the *Administrative Code of Regulations* for the Department of Education.

## V. Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to 14 Del.C. §122 on **December 19, 2013**. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

**IT IS SO ORDERED** the 19<sup>th</sup> day of December 2013.

Department of Education  
Mark T. Murphy, Secretary of Education

Approved this 19<sup>th</sup> day of December 2013

### State Board of Education

Teri Quinn Gray, Ph.D., President

Jorge L. Melendez, Vice President

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Gregory B. Coverdale, Jr.

Terry M. Whittaker, Ed.D.

Randall L. Hughes II

## 910 Delaware Requirements for issuance of the ~~GED<sup>®</sup>-Test~~ Secondary Credential

~~The A Delaware GED<sup>®</sup>-test credential secondary credential~~ is given to persons who satisfactorily pass the ~~GED<sup>®</sup>-Test~~ a recognized secondary credential assessment approved by the Delaware Department of Education.

### 1.0 Eligibility to take ~~the GED<sup>®</sup>-test~~ a secondary credential assessment

- 1.1 For persons 18 years of age or older, an applicant shall:
  - 1.1.2 Be a resident of Delaware or, if a resident of another state, be currently employed in Delaware and have been so employed for a minimum of six months prior to taking the test; and
  - 1.1.2 Certify under his or her signature on the GED<sup>®</sup> secondary credential assessment application form that he or she is not enrolled in a public or non public school program; ~~and.~~
  - 1.1.3 ~~Provide a verified copy of the Official GED Practice Test<sup>®</sup> indicating the applicant has passed the Official GED Practice Test<sup>™</sup> with a score of 2450 or better and not less than 470 on each of the 5 sub-test areas.~~
- 1.2 For a person 16 or 17 years of age an applicant shall:
  - 1.2.1 Seek a waiver of the 18 years of age requirement by completing a written application to the Delaware Department of Education that includes showing good cause for taking the test early and designating where the test will be taken; and
  - 1.2.2 Be a resident of the State of Delaware; and
  - 1.2.3 Verify that they are at least 16 years of age at the time of the application for the waiver of the age requirement using a birth certificate, ~~drivers~~ driver's license, a State of Delaware Identification Card or other comparable and reliable documentation of age; and
  - 1.2.4 Provide verification of withdrawal from the applicant's public or non public school program; and
  - 1.2.5 Provide a transcript from the applicant's public or non public school program; ~~and.~~

- 1.2.6 ~~Provide a verified copy of the Official GED Practice Test™ indicating the applicant has passed the Official GED Practice Test™ with a score of 2450 or better and not less than 470 on each of the 5 sub-test areas.~~

**2.0 Scores Required for ~~the Delaware GED® test~~ a Delaware secondary Credential**

~~An individual shall have a standard score of not less than 410 on each of the five tests with an average standard score of not less than 450 for all five tests and a total standard score of not less than 2250 in order to be issued a GED® test credential~~ attain the minimum passing standard as approved by the Delaware Department of Education.

**3.0 Retesting Assessment Approval Process**

~~Forty five days shall lapse prior to retesting and instruction is recommended before retesting.~~

- 3.1 The assessment provider must complete a DOE approved application. The application must include at minimum the following:

- 3.1.1 provider's qualification and experience;
- 3.1.2 assessment content and form;
- 3.1.3 validation and norming processes;
- 3.1.4 assessment delivery;
- 3.1.5 technology processes;
- 3.1.6 security provisions;
- 3.1.7 accommodations processes;
- 3.1.8 assessment scoring and reporting processes;
- 3.1.9 assessment data access requirements;
- 3.1.10 practice test and supplementary instructional materials;
- 3.1.11 staff training;
- 3.1.12 alignment with college and career readiness standards and Delaware accountability system; and
- 3.1.13 cost and timeframe for implementation.

**4.0 Currently Recognized Assessments and Publication**

- 4.1 The GED® Test has been previously approved and is a Department of Education recognized secondary credential assessment.
- 4.2 DOE will publish annually a list of approved assessments.

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PROFESSIONAL STANDARDS BOARD  
Statutory Authority: 14 Delaware Code, Section 122(d) (14 Del.C. §122(d))  
14 DE Admin. Code 1503

REGULATORY IMPLEMENTING ORDER

1503 Educator Mentoring

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation 14 DE Admin. Code 1503 Educator Mentoring. The regulation applies to the comprehensive induction program, including mentoring and professional development required of educators, pursuant to 14 Del.C. §1210. It is necessary to amend this regulation in order