



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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MEMORANDUM

DATE: June 28, 2018

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Nicholas J. Fina, Ed.D - Chairperson
State Council for Persons with Disabilities

RE: HB 433 Alternative Route for Teacher Licensure and Certification (ARTC)
Programs

The proposed legislation has passed the House and the Senate. This bill amends code sections that govern the Alternative Route for Teacher Licensure and Certification (ARTC) programs. Section I of the amendment adds the definition of "ARTC program" to the Title 14, Chapter 12 definitions section. Section 1260 outlines the requirements an educator participating in ARTC must fulfil to obtain an initial license and an emergency certificate or certificate of eligibility. Section II of the bill would change this section to be about what requirements ARTC programs must fulfil.

Currently, an ARTC program consists of three phases: (1) an at least 120-hour seminar or practicum that should occur prior to when the educator "takes full responsibility for a classroom."¹ The seminar/practicum must provide formal instruction in certain enumerated topics, basic teaching skills "through supervised teaching experiences with students," and information on policies, organization, and the curriculum of the employing school district; (2) intensive supervision and evaluation beginning the first day the ARTC teacher takes control of the classroom and continuing for at least 10 weeks; and (3) additional supervision and evaluation lasting for at least 20 weeks, during which time the teacher should be afforded an opportunity to observe experienced colleagues teaching.

The code additionally states that at least 200 hours of formal instruction or professional development should be provided, in total, throughout the three program phases. The training must, at minimum, address curriculum, student development and learning, the classroom and the school. The law provides examples of what topics would constitute a study in curriculum, student

¹ 14 Del. C. § 1261. If the teacher was hired after July 1, they must complete the 120-hour practicum/seminar requirement prior to the start of the next year.

development and learning, and the classroom and the school. The law also states that participants shall receive credit for training successfully completed before entry into ARTC or during the seminar/practicum phase. Finally, the code states that other ARTC programs may be implemented, so long as they meet the minimum requirements required.

The proposed amendment removes the requirement that the seminar/practicum component be at least 120-hours. It also no longer requires that a teacher hired before July 1 complete the seminar/practicum before taking full responsibility for the classroom or that a teacher hired after July 1 finish the seminar/practicum before the next school year. Furthermore, phase two and phase three would be removed from the ARTC program responsibilities section and placed into a section that outlines school district and charter school responsibilities. See *infra*. This may not actually be a substantive change because it is likely that the school districts and charter schools already assume this responsibility—the move may be done to clarify responsibilities. According to the synopsis, one purpose of this bill is to distinguish responsibilities of the school districts and charter schools, and the responsibilities of the ARTC program providers.

The amendment keeps the requirement that at least 200 hours of formal instruction or professional development be required to address, at minimum, the following topics: curriculum, student development and learning, and the classroom and the school. However, the amendment no longer includes examples of what constitutes studies in the aforementioned topics. Moreover, the amendment no longer guarantees participants will receive credit for training received before entry into ARTC or during the seminar/practicum phase—it states that participants may receive credit, rather than shall, as it is currently written. Finally, the proposed amendment removes the subsection that states other ARTC programs may be implemented so long as they satisfy the minimum requirements.

The SCPD is requesting that the bill include a requirement for some pre-employment training to take the place of the 120-hour seminar/practicum requirement. It seems wise to provide ARTC participants, who likely are new to teaching, some training before they assume responsibility for a classroom or to require that those hired later complete a certain amount of training within their first year, as was previously required. The amended law does not indicate when the educator would have to take the seminar/practicum or how many hours would be required.

The SCPD is advocating for inclusion of a subsection that makes it possible for other ARTC programs to be implemented, so long as they meet the minimum requirements. This would keep the door open for DDOE to promulgate regulations in the event it becomes advantageous to later add other types of ARTC programs later.

Section 1261 outlines school district and charter school requirements for utilizing a teacher in an ARTC program and the minimum training an ARTC program must provide. Section III of the amendment removes ARTC program responsibilities, and focuses solely on school district and charter school duties. Currently, school districts and charter schools must “participate” in the three ARTC phases discussed, *supra*, and assign a mentor to each ARTC participant. 14 *Del. C.* § 1261(a)(1),(2). Phase two and phase three require supervision and evaluation. Phase two begins

the first day the teacher “assumes fully responsibility for a classroom,” and continues for 10 weeks. The teacher shall participate in mentoring, and at the end of 10 weeks, be observed and evaluated by certified evaluators. The certified evaluators shall provide a “formal written progress report” to the teacher. 14 *Del. C.* § 1261(b)(2). Phase three is a continuation of the supervision and evaluation, which should last no less than 20 weeks. 14 *Del. C.* § 1261(b)(3). The teacher shall continue to participate in mentoring, and will be observed and evaluated on at least two occasions by school administration. *Id.* Additionally, “no more than 2 months shall pass without a formal observation.” *Id.* Finally, the teacher shall have opportunities to observe experienced colleagues teach. *Id.*

The amended code would still require school districts and charter schools to assign each ARTC participant a mentor. Furthermore, school districts must provide “an initial period of intensive on-the-job supervision...and provide an additional period of continued supervision and evaluation.” All the detail about what the initial and continued supervision phases will look like is removed. The amendment refers the reader to the regulations for guidance. Currently, the regulations impose similar requirements, though there is no mention that a formal progress report must be provided at the end of Phase 2 nor is it specified that school administrators must observe the educator.² Although the ARTC regulations do not include a requirement that the participant be afforded the opportunity to observe experienced teachers, the regulations on educator mentoring do require that novice educators observe experienced educators at least four times during their first year of teaching.³ A teacher participating in the ARTC program would qualify as a novice educator, 14 DE Admin. C. 1503.2.0. If HB 433 passes, the ARTC participant might not be afforded the opportunity to observe an experienced colleague within the 20-week continued supervision period, but they would at least be given the opportunity to do so sometime within their first year teaching.

One concern is that if the law no longer sets minimum guidelines for what the requirements are for an initial and continued supervision period, the regulations could be amended to weaken supervision requirements. The SCPD is asking that the Code include some description of the initial and continuing supervision phases; that way there are some minimum requirements in place.

Section 1262 discusses evaluation requirements for ARTC teachers. Section 1262 states that teachers shall be observed by their assigned mentor, but that their mentor shall not “participate in any way in decisions which might have a bearing on the licensure, certification or employment of teachers... interactions between teachers and experienced mentor teachers are formative in nature and considered a matter of professional privilege.” 14 Del C. § 1262(a),(b).

Section IV of this bill strikes all mentor-mentee protections from Section 1262. Once removed

²Teachers enrolled in an Alternative Routes for Teacher Licensure and Certification Program shall be observed and formally evaluated by a certified evaluator using the state approved evaluation system at least once during the first ten (10) weeks in the classroom, and a minimum of two (2) additional times within the next twenty (20) weeks. Evaluations shall be no more than two (2) months apart.

³14 DE Admin. C. 1503.4.2.5.

from Section 1262, there does not appear to be any other section in the Code that provides similar protection for the mentor-mentee relationship. The regulations prevent mentors from participating in licensure and certification decisions,⁴ but it is possible this could be amended if the Code no longer contains the prohibition.

The SCPD is requesting that the bill is amended to add a section that continues to codify protection of the mentor-mentee relationship. There may be value to ensuring a mentee feels safe communicating questions and concerns to their mentor. Additionally, a mentor observes the mentee's teaching and offers feedback—it may be helpful for a mentee's professional development to receive comments and critiques that cannot be used as part of their formal evaluations.

Section IV of this bill would turn Section 1262 into a description of the requirements an educator participating in ARTC must fulfil to obtain an initial license and an emergency certificate or certificate of eligibility. Currently, these requirements are located in 14 Del. C. § 1260. Section 1260 requires that the individual maintain enrollment in an ARTC program, have a bachelor's degree with at least 30 credit hours in the applicable instructional area; pass a content readiness exam by the end of next fiscal year after their hire date; pass a health and criminal background screening; and obtain and accept an employment offer.

First, the amendment does not limit ARTC participation to those solely with college credit in an applicable area. The amendment requires that an individual hold a bachelor's degree, and either have obtained 24 credits in a relevant content area or the equivalent in professional development, or passed an approved content-readiness exam prior to entering ARTC. Allowing more ways to qualify for an ARTC program seemingly advances the Legislature's goal of "expanding pathways to entering" an ARTC program and to recruiting a more diverse population. The SCPD is supporting this part of the amendment.

Next, the amendment adds the following section: "while in an ARTC program, a participant must...maintain satisfactory progress towards the completion of all ARTC program requirements and be continuously employed with a district or charter school." The SCPD is requesting clarification. It would be helpful to know what the consequences are for failing to progress toward the completion of ARTC program requirements and/or for failing to maintain employment.

Finally, the amendment lists requirements that the ARTC program participant must satisfy within two years of teaching to obtain a Standard Certificate. One of the requirements is that the educator must receive two summative evaluations with not more than one being unsatisfactory.

As currently written, educators are eligible for a Standard Certification if they, among other things, meet the qualifications for licensure. 14 Del. C. § 1220(a). The requirements to obtain an Initial License are (1) holding a bachelor's degree; (2) passing a content-readiness exam; and (3)

⁴ 14 DE Admin. C. 1503.5.0.

completing a student teaching program or other alternative, such as participation in an ARTC program. 14 Del. C. § 1210. To obtain a Continuing License, the educator must satisfy the Initial Licensure requirements, while also having received two summative evaluations with not more than one being unsatisfactory. Aside from coming into play through the licensure requirement, satisfactory performance on summative evaluations is not otherwise a prerequisite for earning a Standard Certificate. 14 Del. C. § 1220(a), 14 DE Admin C. 1505.

The SCPD is requesting clarification about whether the Legislature is now requiring satisfactory summative evaluation performance as part of the requirements to earn a Standard Certificate or whether the Legislature is requiring that ARTC participants qualify for a Continuing License, rather than an Initial License, within their first two years of teaching. If the answer to either question is no, the summative evaluation requirement should likely be stricken from this section.

An Initial License is valid for four years. 14 Del. C. § 1210. Functionally, for an educator to attain a Continuing License, they may not have earned more than one unsatisfactory summative evaluation score during their period of initial licensure. 14 DE Admin C. 1511.3.3. Since novice teachers receive a summative evaluation each year, an ARTC participant cannot receive more than one unsatisfactory summative evaluation within two years if they eventually want their Continuing License. 14 DE Admin. C. 106A.3.3. It may be that the Legislature added the summative evaluation requirement to the Code to reflect this reality. If that is the case, though, the term “initial” should be removed from title of this section.

Currently, the law requires certified evaluators to prepare a “comprehensive evaluation report” on the teacher’s performance in the ARTC program, and provide either a recommendation to approve or disapprove licensure and certification. 14 Del. C. § 1263(a), (c). The evaluators will recommend an initial license, if the individual completed the program in less than four years or a continuing license if four years has elapsed. *Id.* The evaluators must provide a copy of the report to the teacher before it is submitted to the DDOE. 14 Del. C. § 1263(d). The educator may provide written argument to DDOE to contest the evaluators’ recommendation. 14 Del. C. § 1263(e). The Secretary or Secretary’s designee decide whether to adopt the evaluators’ recommendation. *Id.* An educator who is “disapproved” may ask DDOE for another opportunity to participate in ARTC. 14 Del. C. § 1263(f).

First, the amendment identifies who is responsible for providing the ARTC participant or DDOE information relevant to the licensure and certification decision. Next, the amendment states that the “the Department shall issue” a license and certification to a participant that (1) successfully completes all ARTC program requirements; (2) receives two summative evaluations, with not more than one being unsatisfactory; (3) passes a content readiness exam; (4) passes an approved performance assessment.

As discussed, *supra*, the SCPD is asking for clarification on why the summative evaluation requirement is included. The Title of this amended section would be “Issuance of initial licensure and certification to a participant in an alternative routes for teacher initial licensure and certification program.” Emphasis added. It does not appear certain scores on summative

evaluations are required to obtain an Initial License and a Standard Certificate. 14 Del. C. § 1210, 14 Del. C. § 1220(a), 14 DE Admin C. 1505, 14 DE Admin C. 1511. As mentioned, *supra*, the summative evaluation scores will become relevant when the participant applies for a Continuing License. If the participant has attained more than one unsatisfactory score, they will be ineligible for a Continuing License. 14 DE Admin C. 1511.3.3.

The SCPD is asking that language be included about what happens if an application does not satisfy the requirements to obtain license and certification; may the participant ask DDOE for another opportunity to participate in ARTC, as is currently allowed?

Currently, 14 Del. C. § 1264 gives teachers participating in an ARTC program the right to a hearing before the Standards Board to challenge an adverse decision by the Secretary or the Secretary's designee. The amendment would repeal this section. Currently, the ARTC program regulation provides a right to a hearing in the event an ARTC participant is denied their license and certification. 14 DE Admin C. 1507.10.0. This regulation may be amended in response to changes in the Code. It may be that a hearing right is less important because the proposed amendment appears to make the licensure and certification decision less subjective. The decision would be dependent on an individual meeting a list of requirements, rather than being based on a report and recommendation by an evaluator. However, licensure and certification denial is a serious consequence that could cause people to lose their jobs. It seems wise to offer affected individuals a hearing to ensure the denial was appropriate. It may be that 14 Del. C. § 1217 provides ARTC participants the right to a hearing if their application for a license is denied. However, there does not appear to be a hearing right for an individual who is denied a Standard Certificate—rather there is only a hearing right when the Standard Certificate is revoked.

The SCPD is opposing removal of the fair hearing right for ARTC participants. Alternatively, the SCPD wishes to clarify that 14 Del. C. § 1217 provides ARTC participants the right to a hearing if their application for a license is denied. This would at least afford participants a hearing right on licensure denial if not the denial of their Standard Certificate.

In summary, the SCPD is requesting the following:

- Seeking amendments to Section II of HB 433 to require that an ARTC participant is required to receive some pre-employment training, and for keeping the subsection that allows other ARTC programs to be implemented, so long as they meet the minimum requirements.
- For Section III, the SCPD is asking that some description of the initial and continuing supervision phases be kept, so that there are some minimum requirements in place.
- In Section IV, is requesting that you continue to codify protection of the mentor-mentee relationship. Additionally, the SCPD is supporting the portion of the amendment that would allow more people from diverse professional backgrounds to participate in an ARTC program. The SCPD is requesting clarification about

the consequences an ARTC participant faces for failing to progress toward the completion of ARTC program requirements and/or for failing to maintain employment. Finally, the SCPD is seeking clarification on the summative evaluation component that has been included in the licensure and certification requirements.

- In Section V, the SCPD is asking for clarification on the summative evaluation component. Furthermore, the SCPD is asking that what happens to the participant if they do not satisfy the requirements be addressed.
- In Section VI, the SCPD is opposing removal of the fair hearing right for ARTC participants. Alternatively, the SCPD wishes to clarify whether 14 *Del. C.* § 1217 provides ARTC participants the right to a hearing if their application for a license is denied.

Thank you for your consideration and please contact SCPD if you have any questions regarding our comments and position on this legislation.

cc: Ms. Laura Waterland, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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