

DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 **Del.C.** §§1203 & 1205(b))
14 **DE Admin. Code** 1571

PROPOSED

PUBLIC NOTICE

Education Impact Analysis Pursuant To 14 Del.C. Section 122(d)

1571 Special Education Teacher of Students with Disabilities

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1571 Special Education Teacher of Students with Disabilities pursuant to 14 **Del.C.** §1203 and 14 **Del.C.** §1205(b). The regulation concerns the requirements for a Special Education Teacher of Students with Disabilities Standard Certificate pursuant to 14 **Del.C.** §1220. The proposed amendments include clarifying changes to Section 1.0; adding defined terms to Section 2.0; clarifying the requirements for issuing a Special Education Teacher of Students with Disabilities Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Special Education Teacher of Students with Disabilities Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Special Education Teacher of Students with Disabilities Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certification.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2020 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOERegulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation will help to improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help ensure that all students receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators, not students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12 relating to licensure and certification of educators.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the adopted regulation? There is no expected cost to the state and to the local school boards of complying with this amended regulation.

1571 Special Education Teacher of Students with Disabilities

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Special Education Teacher of Students with Disabilities (Category).
 - 1.1.1 This ~~certification~~ Certification is required for an ~~educator within the Delaware public school system~~ Educator whose primary assignment is teaching children with disabilities in grades K to 12 in Delaware public schools.
 - 1.1.1.1 The Early Childhood Exceptional Children Special Education Teacher ~~certification~~ Standard Certificate may be used for grades K to grade 2 in lieu of Special Education Teacher of Students with Disabilities ~~certification~~ Standard Certificate.
 - 1.1.1.2 ~~Teachers of Students Who Are Deaf or Hard of Hearing Certification; and Teacher of Students with Visual Impairments Certification; and Teacher of Students with Autism or Students with severe Intellectual Disabilities Certification shall be used for grades K to 12 when the teacher's primary assignment is serving the special population designated within those category certifications. The Teacher of Students with Autism or with Severe Intellectual Disabilities Standard Certificate, Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate, and Teacher of Students with Visual Impairments Standard Certificate shall be used when the teacher's primary assignment providing instruction to the category of students designated within those category certifications.~~
 - 1.1.2 This ~~certification~~ Certification is a category ~~certificate~~ Standard Certificate and does not certify an ~~educator~~ Educator to practice in a particular area or teach a particular subject. A category ~~certification~~ Standard Certificate only establishes that an ~~educator~~ Educator has met the prescribed education, knowledge, skill, or education or skill to instruct ~~the a~~ a particular category of students ~~specified~~. This ~~certification~~ Certification is limited to the ~~specific category of teaching students with disabilities~~ Students with Disabilities.
 - 1.1.3 ~~Subject or area certification also required. An Educator shall hold at least one content area Standard Certificate.~~
 - 1.1.3.1 ~~A category certificate may not be issued alone and an educator shall hold at least one subject or area certification.~~
- 1.2 ~~Except as otherwise provided, the requirements set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

16 DE Reg. 766 (01/01/13)

19 DE Reg. 505 (12/01/15)

2.0 Definitions

- 2.1 ~~The definitions set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~
- 2.2 The following words and terms, when used in this regulation, have the following meaning ~~unless the context clearly indicates otherwise~~:
 - "Certification" means the issuance of a Standard Certificate, which may occur regardless of a recipient's assignment or employment status.
 - "Department" means the Delaware Department of Education.
 - "Educator" means a person licensed and certified by the State under 14 Del.C. Ch. 12 to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Professional Standards Board and approved by the State Board of Education. The term 'educator' does not include substitute teachers.
 - "Employing Authority" means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.
 - "15 Credits or the Equivalent in Professional Development" means college credits or an equivalent number of hours with one credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department. College credit means undergraduate or graduate level coursework and continuing

education units (CEUs) completed at or through a Regionally Accredited college or university or other Department-approved provider.

"Immorality" means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator's effectiveness by reason of the educator's unfitness or otherwise.

"License" means a credential which authorizes the holder to engage in the practice for which the license is issued.

"Major or Its Equivalent" means a minimum of thirty (30) semester hours of coursework in a particular content area.

"Passing Score" means a minimum score as established by the Standards Board, in consultation with the Department, and with the approval of the State Board of Education.

"Professional Development" means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change participants' attitudes, insights, and/or perspectives; and ultimately results in improved professional practice. Effective professional development programs include ample opportunities for knowledge acquisition, skill mastery, descriptive feedback, and refinement of practice in the work setting.

"Regionally Accredited" means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education.

"Standard Certificate" means a credential issued to certify that an educator has the prescribed knowledge, skill or education to practice in a particular area, teach a particular subject, or teach a category of students.

"Standards Board" means the Professional Standards Board established pursuant to 14 Del.C. §1201.

"Students with Disabilities" means the same as "Child with a Disability" as provided in 14 Del.C. §3101(2).

"Valid and Current License or Certificate" means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

19 DE Reg. 505 (12/01/15)

3.0 **Issuance of a Standard Certificate**

3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Standard Certificate ~~as for~~ Special Education Teacher of Students with Disabilities to an ~~educator applicant who has met the following:~~

3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; ~~or a Limited Standard, or a~~ Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; 2003 and meets the requirements set forth in Section 4.0 of this regulation; or

3.1.2 ~~Has met the requirements as set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto;~~ Has met the requirements for licensure and holds a Valid and Current License or Certificate in special education or teaching students with disabilities.

3.1.3 Holds a Standard Certificate in a subject or area; and

3.1.4 ~~Has satisfied the additional requirements in this regulation.~~

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Special Education Teacher of Students with Disabilities Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the alleged conduct involves allegations of Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

19 DE Reg. 505 (12/01/15)

4.0 **Additional Requirements Prescribed Education, Knowledge, and Skill Requirements**

4.1 ~~An educator shall also have satisfied one of the following additional education requirements:~~

4.1.1 ~~Holding a bachelor's, master's, or doctoral degree from a regionally accredited college or university with a major or its equivalent, in special education or students with disabilities, from a National Council for the Accreditation of Teacher Education (NCATE) or the Council for the Accreditation of Educator Preparation (CAEP) specialty organization recognized educator preparation program or from a state approved educator preparation program where the state approval body employed the appropriate standards; or~~

~~4.1.2 Completion of a minimum of fifteen (15) credits or their equivalent in professional development as approved by the Department, with a focus in special education or in students with disabilities in the following content areas:~~

~~4.1.2.1 Diagnosis and Instruction for Reading / Literacy (3 credits);~~

~~4.1.2.2 Education Evaluation and IEP Development (3 credits);~~

~~4.1.2.3 Curriculum and Instruction in Special Education (3 credits);~~

~~4.1.2.4 Applied Behavior Analysis (3 credits); and~~

~~4.1.2.5 One of the following areas:~~

~~4.1.2.5.1 Legislation, Policy & Procedures/ Special Issues in Special Education (3 credits);~~

~~4.1.2.5.2 Transitions from Secondary Special Education or Secondary Transition Planning (3 credits);~~

~~4.1.2.5.3 Collaborative Teaming in Special Education (3 credits); or~~

~~4.1.2.5.4 Assistive Technology (3 credits).~~

4.1 An applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.

4.1.1 An applicant shall have satisfied one of the following education requirements:

4.1.1.1 Obtained and currently maintain an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards; or

4.1.1.2 Earned a bachelor's, master's, or doctoral degree from a Regionally Accredited college or university with a Major or Its Equivalent in special education or teaching students with disabilities from an educator preparation program approved or recognized by the National Council for the Accreditation of Teacher Education (NCATE), the Council for the Accreditation of Educator Preparation (CAEP), or a state where the state approval body employed the appropriate standards; or

4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach students with disabilities as provided in 14 **Del.C.** §§1260 – 1266; or

4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in special education; or

4.1.1.5 Earned a bachelor's degree from a Regionally Accredited college or university in any content area and satisfactorily completed 15 Credits or the Equivalent in Professional Development with a focus in special education or in students with disabilities in the following areas:

4.1.1.5.1 Diagnosis and Instruction for Reading / Literacy (3 credits);

4.1.1.5.2 Education Evaluation and IEP Development (3 credits);

4.1.1.5.3 Curriculum and Instruction in Special Education (3 credits);

4.1.1.5.4 Applied Behavior Analysis (3 credits); and

4.1.1.5.5 One of the following areas:

4.1.1.5.5.1 Legislation, Policy & Procedures/ Special Issues in Special Education (3 credits);

4.1.1.5.5.2 Transitions from Secondary Special Education or Secondary Transition Planning (3 credits);

4.1.1.5.5.3 Collaborative Teaming in Special Education (3 credits); or

4.1.1.5.5.4 Assistive Technology (3 credits).

4.1.2 The applicant shall have achieved on the *Praxis* Subject Assessment – Special Education: Core Knowledge and Applications (ETS Test Code # 5354) a Passing Score of 151.

19 DE Reg. 505 (12/01/15)

5.0 ~~Past Certification Recognized Application Requirements~~

~~The Department shall recognize a Standard Certificate Exceptional Children Special Education Teacher or other valid equivalent Special Education Certification including Exceptional Children Special Education – Elementary and Exceptional Children Special Education – Secondary issued before July 1, 2016. A teacher holding such a Standard Certificate issued by the Department before July 1, 2016 shall be considered certified to instruct classes to students with disabilities.~~

5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with application for an Initial License, and the applicant shall also provide all required documentation for the License.

5.2 The following documentation is required with the application for a Special Education Teacher of Students with Disabilities Standard Certificate:

5.2.1 Evidence of obtaining an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards, if applicable.

5.2.2 Official transcript from the applicant's Regionally Accredited college or university.

5.2.2.1 Electronic transcripts may be submitted by the applicant's Employing Authority or Regionally Accredited college or university.

5.2.2.2 Sealed paper transcripts may be submitted by the applicant, the applicant's Employing Authority, or the applicant's Regionally Accredited college or university.

5.2.2.3 The Department will not accept copies of transcripts.

5.2.3 Evidence of completing the equivalent of 15 Credits or the Equivalent in Professional Development, as provided in subsection 4.1.1.5, if applicable.

5.2.4 Official score on the *Praxis* Subject Assessment as provided in subsection 4.1.2.

5.2.5 Additional documentation as required by the Department.

5.3 For applicants who have met the requirements for licensure and hold a Valid and Current License or Certificate in special education or teaching students with disabilities, the following documentation is required in the application for a Special Education Teacher of Students with Disabilities Standard Certificate:

5.3.1 An official copy of the educator license or certificate from another state or jurisdiction.

5.3.2 Additional documentation as required by the Department.

19 DE Reg. 505 (12/01/15)

6.0 Effective Date Validity of a Standard Certificate

~~Section 4.0 of this regulation shall be effective on July 1, 2016.~~

6.1 A Special Education Teacher of Students with Disabilities Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.

6.2 A Special Education Teacher of Students with Disabilities Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

7.1 An Educator's Special Education Teacher of Students with Disabilities Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 DE Admin. Code 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.

7.2 An Educator's Special Education Teacher of Students with Disabilities Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 Del.C. §1222.

7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 DE Admin. Code 1515 Hearing Procedures and Rules.

8.0 Secretary of Education Review

The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Special Education Teacher of Students with Disabilities Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Special Education Teacher of Students with Disabilities Standard Certificate but whose effectiveness is documented by the local school district or charter school.

9.0 Past Certificate Recognized

The Department shall recognize a Special Education Teacher of Students with Disabilities Standard Certificate that was issued by the Department prior to the effective date of this regulation. An Educator holding such a Standard Certificate shall be considered certified to instruct Students with Disabilities.

7 DE Reg. 775 (12/01/03)

Renumbered effective 6/1/07 - see Conversion Table

11 DE Reg. 671 (11/01/07)

16 DE Reg. 766 (01/01/13)

19 DE Reg. 505 (12/01/15)

23 DE Reg. 808 (04/01/20) (Prop.)