

**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** 1574

PROPOSED

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

1574 Teacher of Students Who Are Deaf or Hard of Hearing

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1203 and 1205(b), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1574 Teacher of Students Who Are Deaf or Hard of Hearing. The regulation concerns the requirements for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include clarifying Section 1.0; adding defined terms to Section 2.0; clarifying the requirements for issuing a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Teacher of Students Who Are Deaf or Hard of Hearing 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 certificates that were issued by the Department.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2021 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 education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools 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 and is not designed to help ensure students' health and safety is protected.

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

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. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 8.0 is consistent with the statute.

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. The application requirements in Section 5.0 apply to individual applicants.

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.

1574 Teacher of Students Who Are Deaf or Hard of Hearing

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate, Certificate (Category) pursuant to 14 **Del.C.** §1220(a), ~~for a Teacher of Students Who Are Deaf or Hard of Hearing. Eighteen (18) months from the effective date of this regulation, this certification shall be required for all educators within the Delaware public school system whose primary assignment is teaching children who are deaf or hard of hearing.~~
- 1.1.1 This Standard Certificate is required for an Educator whose primary assignment is teaching Deaf or Hard of Hearing Students in Delaware public schools.
- 1.1.2 The Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate is a category Standard Certificate and does not certify an Educator to practice in a particular area or teach a particular subject. A category Standard Certificate only establishes that an Educator has met the prescribed education, knowledge, or skill requirements to instruct a particular category of students. The Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate is limited to the category of Deaf or Hard of Hearing Students.
- 1.1.3 An Educator shall hold at least one content area Standard Certificate.
- 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. 851 (02/01/13)

2.0 Definitions

~~The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

The following words and terms, when used in this regulation, shall have the following meaning:

"CED" means the Council on Education for the Deaf.

"Deaf or Hard of Hearing Student" means a student with "deafness" or a "hearing impairment" as defined in Section 3.0 of 14 **DE Admin. Code** 922 Children with Disabilities Subpart A, Purposes and Definitions.

"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.

"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.

"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.

"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 and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

16 DE Reg. 851 (02/01/13)

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate as a Teacher of Students Who Are Deaf or Hard of Hearing to an educator applicant who has met the following:
- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and, 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; and, Has met the requirements for licensure and holds a Valid and Current License or Certificate in deaf education or teaching students who are deaf or hard of hearing.
 - 3.1.3 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 Teacher of Students Who Are Deaf or Hard of Hearing 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 allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

16 DE Reg. 851 (02/01/13)

4.0 Additional Prescribed Education, Knowledge, and Skill Requirements

- 4.1 An educator shall also have satisfied at least one (1) of the following additional education requirements:
- 4.1.1 Holding a master's degree from a regionally accredited college or university in Deaf Education from a program approved by the Council for Education of the Deaf; or
 - 4.1.2 The successful completion of twenty-one (21) credits from a regionally accredited college or university or their equivalent in professional development as approved by the Department in the following areas:
 - 4.1.2.1 Human Growth and Development Characteristics of the Deaf and Hard of Hearing (3 credits);
 - 4.1.2.2 Assessment, Diagnosis and Prescriptive Techniques for the Deaf or Hard of Hearing (3 credits);
 - 4.1.2.3 Curriculum and Instructional Methods for the Deaf or Hard of Hearing (3 credits);
 - 4.1.2.4 Auditory Language Development (3 credits);
 - 4.1.2.5 Audiology (3 credits);
 - 4.1.2.6 Deaf and Hard of Hearing Practicum (3 credits); and either
 - 4.1.2.7 Visual Language Development (3 credits); or
 - 4.1.2.8 American Sign Language (3 credits).
- 4.1 An applicant for the Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate shall have satisfied one of the following education requirements:
- 4.1.1 Obtained and currently maintain an Exceptional Needs Specialist certificate in the specialty area of Deaf/Hard of Hearing from the National Board for Professional Teaching Standards;
 - 4.1.2 Earned a master's degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in deaf education from an educator preparation program approved or recognized by the CED; or
 - 4.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach students who are deaf or hard of hearing as provided in 14 Del.C. §§1260 - 1266; or
 - 4.1.4 Satisfactorily completed a Department-approved educator preparation program in deaf education; or
 - 4.1.5 Earned a bachelor's degree from a Regionally Accredited college or university in any content area and satisfactorily completed 21 college credits or the equivalent number of hours with one credit equating to 15

hours taken as part of or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department with a focus in deaf education that are guided by and include the following CED Initial Preparation Standards:

- 4.1.5.1 Learner Development and Individual Learning Differences for Students Who Are Deaf or Hard of Hearing;
- 4.1.5.2 Learning Environments for Students Who Are Deaf or Hard of Hearing;
- 4.1.5.3 Curricular Content Knowledge for Students Who Are Deaf or Hard of Hearing;
- 4.1.5.4 Assessment for Students Who Are Deaf or Hard of Hearing;
- 4.1.5.5 Instructional Planning and Strategies for Students Who Are Deaf or Hard of Hearing;
- 4.1.5.6 Professional Learning and Ethical Practice for Students Who Are Deaf or Hard of Hearing; and
- 4.1.5.7 Collaboration for Students Who Are Deaf or Hard of Hearing.

5.0 Application Requirements

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with application for the Initial License, and the applicant shall also provide all required documentation for the License.
- 5.2 For an applicant who is applying for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate under subsection 3.1.1 of this regulation, the following documentation is required with the application:
 - 5.2.1 Evidence of obtaining and maintaining an Exceptional Needs Specialist certificate in the specialty area of Deaf/Hard of Hearing from the National Board for Professional Teaching Standards, if applicable; and
 - 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.
 - 5.2.2.3 The Department will not accept copies of transcripts; and
 - 5.2.3 Additional documentation as required by the Department.
- 5.3 For an applicant who is applying for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate under subsection 3.1.2 of this regulation, the following documentation is required with the application:
 - 5.3.1 An official copy of the Valid and Current License or Certificate; and
 - 5.3.2 Additional documentation as required by the Department.

6.0 Validity of a Standard Certificate

- 6.1 A Teacher of Students Who Are Deaf or Hard of Hearing 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 Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

- 7.1 An Educator's Teacher of Students Who Are Deaf or Hard of Hearing 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 Teacher of Students Who Are Deaf or Hard of Hearing 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

- 8.1 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 Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not

meet the requirements for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate but whose effectiveness is documented by the local school district or charter school.

8.1.1 For school districts, requests shall be approved by the superintendent of the school district.

8.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

5.0 9.0 Past Certification Certificate Recognized

The Department shall recognize a ~~Standard Certificate~~ Teacher of Students Who Are Deaf or Hard of Hearing ~~Standard Certificate that was issued by the Department between January 11, 2007 and prior to the effective date of this regulation. A teacher~~ An Educator holding such a Standard Certificate ~~Teacher of Students Who Are Deaf or Hard of Hearing issued between January 11, 2007 and the effective date of this regulation shall be considered certified to teach students who are deaf or hard of hearing~~ instruct Deaf or Hard of Hearing Students.

10 DE Reg. 1144 (01/01/07)

Renumbered effective 06/01/07 - see Conversion Table

16 DE Reg. 851 (02/01/13)

24 DE Reg. 931 (04/01/21) (Prop.)