

**DEPARTMENT OF EDUCATION  
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))  
14 **DE Admin. Code** 1506

**PROPOSED**

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

**1506 Emergency Certificate**

**A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

**B. SYNOPSIS OF SUBJECT MATTER OF REGULATION**

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** 1506 Emergency Certificate. The regulation concerns the requirements for certification of educational personnel, pursuant to 14 **Del.C.** §1220(a) who have otherwise obtained employment or an offer of employment with an employing district and hold a valid Delaware Initial, Continuing, or Advanced License, but lack necessary skills and knowledge to immediately meet certification requirements in a specific content area. It is necessary to amend this regulation in order to reduce the period of time an Emergency Certificate is valid and to now require due diligence on the part of the individual to make progress toward the specific Standard Certificate for which the Emergency Certificate was issued in order to be eligible for a maximum of a one year extension. This regulation sets forth the requirements for an Emergency Certificate.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on Monday, January 2, 2012 to Mr. Charlie Michels, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. Copies of this regulation are available from the above address or may be viewed at the Professional Standards Board Business Office.

**C. IMPACT CRITERIA**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation addresses student achievement by establishing standards for the issuance of a standard certificate to educators who have acquired the prescribed knowledge, skill and/or education to practice in a particular area, to teach a particular subject or to instruct a particular category of students to help ensure that students are instructed by educators who are highly qualified.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation helps to ensure that all teachers employed to teach students meet high standards and have acquired the prescribed knowledge, skill and/or education to practice in a particular area, to teach a particular subject or to instruct a particular category of students.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, 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 will preserve the necessary 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 will 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 decision-making authority and accountability for addressing the subject to be regulated rests with the Professional Standards Board, in collaboration with the Department of Education, and with the consent of the State Board of Education.

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 will 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.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? 14 **Del.C.** requires that

we promulgate this regulation.

10. What is the cost to the state and to the local school boards of compliance with the adopted regulation? There is no additional cost to local school boards for compliance with the regulation.

## 1506 Emergency Certificate

### 1.0 Content

This regulation shall apply to the issuance of an Emergency Certificate, pursuant to 14 **Del.C.** §1221.

7 DE Reg. 161 (8/1/03)

### 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, shall have the following meaning unless the context clearly indicates otherwise:

**"Certified"** means holding a certificate in a specific content area at designated grade levels.

**"DPAS"** means an approved state educator performance system pursuant to 14 **Del.C.** Ch. 12, Subchapter VII.

**"Emergency Certificate"** means a temporary credential issued to an individual who has obtained employment or an offer of employment with an employing district and holds a valid Delaware Initial, Continuing, or Advanced License, but lacks necessary skills and knowledge to immediately meet certification requirements in a specific content area. The temporary credential provides the individual with a limited time to meet the requirements for certification in the specific content area.

**"Employing District"** means a school district, charter school, or other employing authority that proposes to supervise and employ an individual under an Emergency Certificate. ~~and The employing district~~ has reviewed the individual's credentials and established that the individual is competent. ~~and that the~~ The employing district is ~~committed~~ required to support and assist the individual in achieving the skills and knowledge necessary to meet the certification requirements.

**"Exigent Circumstances"** means unanticipated circumstances or circumstances beyond the educator's control, including, but not limited to, ~~expiration of a license during the school year,~~ serious illness of the educator or a member of his/her immediate family, activation to active military duty, and other serious emergencies which necessitate the educator's temporarily leaving active service.

**"Satisfactory Evaluation"** means ~~an overall rating of "basic" or higher on an annual DPAS summative evaluation or "effective" on an annual DPAS II summative evaluation~~ the overall rating of "Highly Effective" or "Effective" on the DPAS Summative Evaluation.

7 DE Reg. 161 (8/1/03)

9 DE Reg. 555 (10/1/05)

12 DE Reg. 1412 (05/01/09)

### 3.0 Issuance of Emergency Certificate

3.1 ~~Upon request receipt of a completed application~~ from the employing district, the Department may issue an Emergency Certificate, ~~valid for up to three years,~~ to an individual who holds a valid Delaware Initial, Continuing, or Advanced License, ~~or a valid Standard or Professional Status Certificate,~~ but who is not eligible for certification in the area of need.

~~An Emergency Certificate is only valid for the individual during their tenure with the employing district requesting the Certificate. Provided, however, upon application by a new employing district, the Department may approve the transfer as specified in this section. The new employing district that hires an individual with a valid pre-existing Emergency Certificate may request the continued approval of the Emergency Certificate through the remainder of the original three year term. The new employing district shall assume the commitments and responsibilities of the employing district within this regulation, review and amend as necessary the individual's Emergency Certificate written plan, and submit the revised written plan and transfer request for Department approval. An Emergency Certificate may not be renewed or extended for a leave of absence or an exigent circumstance other than specified in Section 3.3.1. Notwithstanding the foregoing, an Emergency Certificate issued to an individual in a Skilled and Technical Sciences specific career area is valid for up to six (6) years to provide time for completion of specified college level course work or professional development required for certification.~~

3.1 ~~In its request for the issuance of an Emergency Certificate, the employing district shall:~~

- 3.1.1 ~~Submit to the Department in writing the need for this individual to receive an Emergency Certificate.~~
- 3.1.2 ~~Establish that the proposed recipient of an Emergency Certificate is competent by submitting evidence of the individual's license and other considerations, which may include, but is not limited to, evidence of course work or work experience in the area for which the Emergency Certificate is requested, which the employing district applied in determining the proposed recipient's competence.~~
- 3.1.3 ~~Apply for the Emergency Certificate within sixty (60) calendar days of the individual's hire or new job assignment.~~
- 3.1.4 ~~Set forth a written plan with the application of the Emergency Certificate, verified by the individual and the employing district designed to support and assist the individual in achieving the skills and knowledge necessary to meet the applicable certification requirements. The written plan shall contain at a minimum the following:~~
  - 3.1.4.1 ~~A listing of all the outstanding certification requirements necessary to obtain the standard certificate in the area for which the Emergency Certificate is requested including but not limited to the specific examination of content knowledge such as Praxis II and any required course work, professional development, education or experience; and~~
  - 3.1.4.2 ~~The specific course work or professional development including the educational institution or provider the individual intends to use to fulfill the requirements; and~~
  - 3.1.4.3 ~~The anticipated time frame for the completion of the requirements; and~~
  - 3.1.4.4 ~~A specific listing of how the employing district shall assist the individual in completing the requirements.~~
- 3.2 ~~Failure by the employing district to fulfill the conditions set forth in 3.1 above shall result in denial of the Emergency Certificate.~~
- 3.3 ~~The Emergency Certificate may be valid for up to three (3) years from the month in which the individual is employed until the last day of the month of issuance three (3) years later, except in the case of an Emergency Certificate issued to a Skilled and Technical Sciences teacher, which shall expire on the last day of the month of issuance six (6) years later.~~
  - 3.3.1 ~~A certificate holder whose Emergency Certificate expires during the school year may have the Emergency Certificate extended until the last day of the current fiscal year. This extension shall be considered an exigent circumstance and shall not exceed one (1) year in length.~~
- 3.1.1 An Emergency Certificate is valid for one school year subject to a limited extension as indicated herein.
- 3.1.2 The Emergency Certificate is issued for a particular school year and expires on June 30th unless a limited extension is granted.
- 3.1.3 The Department may grant a limited extension if the individual has met the requirements for an extension.
- 3.2 An Emergency Certificate is only valid for the individual during their tenure with the employing district requesting the Certificate unless a transfer is approved as specified in 3.7.
- 3.3 An Emergency Certificate may not be renewed or extended for a leave of absence.
- 3.4 An Emergency Certificate may be extended for an exigent circumstances. Extensions for exigent circumstances shall not exceed one (1) year in length.
- 3.5 Notwithstanding the foregoing, an Emergency Certificate issued to an individual in a Skilled and Technical Sciences specific career area is valid for up to six (6) years to provide time for completion of specified college level course work or professional development required for certification.
- 3.6 Notwithstanding the foregoing, an Emergency Certificate issued to an individual in an alternative routes for teacher licensure and certification program shall be valid for the time specified in 14 **Del.C.** §1260 and 14 **DE Admin. Code** 1507 Alternative Routes to Teacher Licensure and Certification.
- 3.7 Transfer of Emergency Certificates to a New Employing District
  - 3.7.1 Upon application by a new employing district, the Department may approve the transfer of the Emergency Certificate if the following requirements are met:
    - 3.7.1.1 The new employing district that hires an individual with a valid Emergency Certificate requests prior to the expiration of the original emergency certificate, the continued approval of the Emergency Certificate through the remainder of the original term or requests an extension.
    - 3.7.1.2 The new employing district must conduct an independent review of the individual's competency and assume the commitments and responsibilities of an employing district within this regulation.
    - 3.7.1.3 The new employing district shall also review the individual's Emergency Certificate written plan and amend as necessary and submit the revised written plan and transfer request for Department approval.
- 3.8 Extension of Emergency Certificates

- 3.8.1 The Emergency Certificate may be valid for up to two (2) consecutive school years. An employing District must request an extension of the Emergency Certificate prior to June 30th.
- 3.8.2 Emergency Certificates granted an extension shall expire on June 30th of the consecutive school year.
- 3.8.3 Prior to June 30th, the employing district shall review the Emergency Certificate and if considered necessary, the employing district may apply to the Department for an extension for an additional school year.

3.8.4 The Department may grant an extension of the Emergency Certificate if the following requirements are met:

- 3.8.4.1 The employing district submits a complete request and report prior to June 30th.
- 3.8.4.2 The employing district has established that the individual has made documented progress toward earning the Standard Certificate and has demonstrated continued competence through receiving a satisfactory summative evaluation on the annual DPAS.

3.8.4.2.1 Documented progress toward the Standard Certificate would include but is not limited to evidence of the educator having:

- 3.8.4.2.1.1 taken the necessary examination of content knowledge, such as the Praxis II test, or
- 3.8.4.2.1.2 completed requisite coursework or professional development, or
- 3.8.4.2.1.3 made significant growth toward the necessary degree or certificate.

3.8.4.3 Notwithstanding the above requirements in 3.8.4.2.1, the Department may grant an extension upon a showing of exigent circumstances.

### 3.9 Notification to Parents

- 3.9.1 As a condition of the individual receiving an emergency certificate, an employing district shall within sixty (60) days of the assignment notify the parents of the students within the educator's responsibility of the emergency certification.
- 3.9.2 The notification may be included in an already established form of communication to parents including but not limited to Highly Qualified Teacher status.
- 3.9.3 A copy of the district letter shall be on file with the Department.

3.10 An Emergency Certificate shall not be issued more than once to an individual for a specific Standard Certificate.

**7 DE Reg. 161 (8/1/03)**

**9 DE Reg. 544 (10/1/05)**

**12 DE Reg. 1412 (05/01/09)**

## **4.0 Application Procedures**

4.1 The employing district shall:

- 4.1.1 Submit to the Department in its request for the issuance of an Emergency Certificate the need for the individual to receive an Emergency Certificate and certify that the employing district has conducted an meaningful review of the applicant's credentials and found that the individual is competent.
- 4.1.2 Establish that the proposed recipient of an Emergency Certificate is competent by submitting evidence of the individual's license and other considerations. The evidence must establish that the employing district conducted a meaningful review of the individual's competence and may include, but is not limited to, evidence of course work or work experience in the area for which the Emergency Certificate is requested.
- 4.1.3 Apply for the Emergency Certificate within sixty (60) calendar days of the individual's hire or new job assignment.
- 4.1.4 Set forth a written plan with the application of the Emergency Certificate, verified by the individual and the employing district. The plan must be designed to support and assist the individual in achieving the skills and knowledge necessary to meet the applicable certification requirements. The written plan is subject to Department approval. The written plan shall contain at a minimum the following:
  - 4.1.4.1 A listing of all the outstanding certification requirements necessary to obtain the standard certificate in the area for which the Emergency Certificate is requested including but not limited to the specific examination of content knowledge such as Praxis II and any required course work, professional development, education or experience; and
  - 4.1.4.2 The specific course work or professional development including the educational institution or provider the individual intends to use to fulfill the requirements; and
  - 4.1.4.3 The anticipated time frame for the completion of the requirements; and

4.1.4.4 A specific listing of how the employing district shall support and assist the individual in achieving the skills and knowledge necessary and completing the requirements.

4.2 Failure by the employing district to fulfill the conditions set forth shall result in denial of the Emergency Certificate.

#### **45.0 Employing District Report**

5.1 At the end of each school year the validity period during which an Emergency Certificate is in effect, if the employing district intends to request an extension for an additional school year, the employing district shall file a written status report with the Department detailing the individual's progress completing the written plan with the Department, which shall:

45.1.1 Establish that the recipient of the Emergency Certificate has demonstrated continued competence through receiving a satisfactory summative evaluation on the annual Delaware Performance Appraisal System DPAS.

45.1.2 Document the progress made by the recipient of the Emergency Certificate toward fulfilling the written plan established by the employing district and approved by the Department to meet the applicable certification requirements and any amendments to the written plan including but not limited to change in courses, providers, or time frames.

45.3 Failure by the employing district to fulfill the conditions set forth in 4.1 and 4.2 above 5.1 prior to June 30th shall result in suspension the expiration of the Emergency Certificate. A suspension may be lifted upon fulfillment by the employing district of the conditions set forth in 4.1 and 4.2 above.

**7 DE Reg. 161 (8/1/03)**

**12 DE Reg. 1412 (05/01/09)**

#### **56.0 Expiration of Emergency Certificate**

6.1 Prior to the expiration of an Emergency Certificate, the individual shall meet the requirements for issuance of a Standard Certificate (See 14 Del.C. §1505).

6.2 If no action is taken by the employing district prior to the deadline, an Emergency Certificate automatically expires on June 30th.

6.3 Emergency Certificates that have expired may not be extended.

**7 DE Reg. 161 (8/1/03)**

**12 DE Reg. 1412 (05/01/09)**

#### **6.0 Secretary of Education Review**

~~The Secretary of Education may, upon the written request of the superintendent of a local school district or charter school administrator or other employing authority, review credentials submitted in application for an Emergency Certificate on an individual basis and grant an Emergency Certificate to an individual who otherwise does not meet the requirements for an Emergency Certificate, but whose effectiveness is documented by the local school district or charter school administrator or other employing authority.~~

**7 DE Reg. 161 (8/1/03)**

**12 DE Reg. 1412 (05/01/09)**

#### **7.0 Revocation of Emergency Certificate**

7.1 An Emergency Certificate shall be revoked in the event the educator's Initial, Continuing, or Advanced License or Limited Standard, Standard, or Professional Status Certificate is revoked in accordance with 14 DE Admin. Code 150514.

7.1.1 An educator is entitled to a full and fair hearing before the Professional Standards Board.

7.1.2 Hearings shall be conducted in accordance with the Standards Board's Hearings Procedures and Rules.

**7 DE Reg. 161 (8/1/03)**

**9 DE Reg. 555 (10/1/05)**

**15 DE Reg. 728 (12/01/11) (Prop.)**

**Renumbered effective 6/1/07 - see Conversion Table**