

**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** 1594

FINAL

REGULATORY IMPLEMENTING ORDER

1594 Special Education Director

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

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** 1594 Special Education Director. The regulation concerns the requirements for a Special Education Director Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include adding defined terms to Section 2.0; clarifying the requirements for issuing a Special Education Director Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Special Education Director Standard Certificate in Section 4.0; adding reciprocity requirements in Section 5.0; specifying the application requirements in Section 6.0; adding Section 7.0, which concerns the validity of a Special Education Director Standard Certificate; adding Section 8.0, which concerns disciplinary actions; adding Section 9.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 10.0, which concerns recognizing past certificates that were issued by the Department.

Notice of the proposed regulation was published in the *Register of Regulations* on September 1, 2020.

The Professional Standards Board received written submittals from Jason Cameron, President of the Delaware Association of School Personnel Administrators; Tammy Croce, Ed.D., Executive Director of the Delaware Association of School Administrators; and Kevin Fitzgerald, Ed.D., President of the Delaware Chief School Officers Association in support of the proposed amendments to the regulation.

In addition, Eric Pizzini, Ed.S. and Emily Klein, Ed.S. of the Delaware Association of School Psychologists commented that the proposed requirements "would ensure that a school psychologist (or any specialist) would be adequately prepared for [this] leadership position." Amanda Wells, a Nationally Certified School Psychologist, commented that the "proposed changes will enhance the leadership and diversity throughout Delaware schools."

The Professional Standards Board also received written submittals from Terri Hancharick, Chairperson of the State Council for Persons with Disabilities ("SCPD") and Ann C. Fisher, Chairperson of the Governor's Advisory Council for Exceptional Citizens ("GACEC"). GACEC supports the proposed amendments to the regulation. SCPD and GACEC recommended that "pupil personnel services" in subsection 4.1.3.4 be defined. In addition, SCPD and GACEC commented that the Professional Standards Board does not prescribe specific professional development for educators and it is possible that an educator with a Special Education Director Standard Certificate will not actually participate in any professional development related to the certification. SCPD and GACEC recommended that the Department consider whether including requirements for renewal of the Special Education Director Standard Certificate is warranted. SCPD recommended that Section 9.0 be removed from the regulation because educators with a Special Education Director Standard Certificate "need to be some of the most capable individuals and educators in Delaware." GACEC made a similar recommendation regarding Section 9.0. GACEC also commented that special education directors "should have a minimum of five years of teaching special education students as a requirement of their certification" because "otherwise you end up with an administrator who does not possess the knowledge and understanding of what is required to educate students with special educational needs."

II. FINDINGS OF FACTS

On October 8, 2020, the Professional Standards Board considered the written submittals. The Professional Standards Board found that when a term is not defined in a regulation, it is accorded its common meaning and that "pupil personnel services" in subsection 4.1.3.4 refers to a person who provided personnel services to special education students.

Additionally, the Professional Standards Board found that the proposed subsection 7.2, which provides that the Special Education Director Standard Certificate is not renewed, is consistent with the statute concerning standard certificates. The statute, 14 **Del.C.** §1220(a), provides that the "Department shall issue a standard certificate to an applicant who . . . has acquired the prescribed knowledge, skill, or education to practice in a particular area, to teach a particular subject or to instruct a particular category of students." 14 **Del.C.** Ch. 12 does not authorize the Department to renew a standard

certificate once it has been issued, which is different from a continuing license that may be renewed for five years if an educator has completed 90 clock-hours of approved professional development (14 **Del.C.** §1212). The Professional Standards Board found that subsection 5.1 of the regulation concerning continuing licenses (14 **DE Admin. Code** 1511) provides that "[a]t least one half of the required hours [forty-five (45) hours every five (5) years] for educators shall be in activities that relate to the educator's work with students or staff." Moreover, one criterion for determining if a professional development activity is acceptable for clock-hour credit is that a professional development activity address "one of the standards for the educator's area of the profession" (14 **DE Admin. Code** 1511-5.4.2.3). The Professional Standards Board found that, with recommendations from the Professional Development and Associated Compensation Committee, it can continue to work with the Department to address the broader question of whether to change the current system for professional development in the future.

The Professional Standards Board also found that the proposed Section 9.0, Secretary of Education Review, is an important tool that is available for all certifications by statute (14 **Del.C.** §1224).

The Professional Standards Board concluded that further changes in response to the written submittals were not necessary and voted to propose 14 **DE Admin. Code** 1594 Special Education Director, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1594 Special Education Director.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1594 Special Education Director subject to the State Board of Education's approval. Therefore, pursuant to 14 **Del.C.** §§1203 and 1205(b), 14 **DE Admin. Code** 1594 Special Education Director, attached hereto as Exhibit A, is hereby amended.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1594 Special Education Director adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1594 Special Education Director in the Administrative Code of Regulations for the Department.

V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten (10) days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 15th day of October, 2020.

Department of Education

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 15th day of October, 2020.

State Board of Education

Whitney Townsend Sweeney, President (Absent)

/s/ Wali W. Rushdan, II, Vice President

/s/ Audrey J. Noble, Ph.D.

/s/ Candace Fifer

/s/ Vincent Lofink

Nina Lou Bunting (Absent)

/s/ Provey Powell, Jr.

***Please Note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

1594 Special Education Director

1.0 Content

- 4-1 This regulation shall apply to the issuance of a Special Education Director Standard Certificate ~~for Director of Special Education~~, pursuant to 14 **Del.C.** §1220(a). This Standard Certificate is required for all special education directors who are working in Delaware public schools.

- 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. 1073 (04/01/13)

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:

"Certification Program for Leaders in Education" means a program comprised of education components as defined and approved by the Standards Board and the State Board pursuant to 14 DE Admin. Code 1595 Certification Programs for Leaders in Education.

"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.

"Major or Its Equivalent" means a minimum of 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 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.

"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. 1073 (04/01/13)

3.0 Issuance of a Standard Certificate

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

- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; ~~or a~~ or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and ~~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 in Delaware and presents proof of a Valid and Current License or Certificate as a special education director from another state or jurisdiction whose requirements are substantially similar to the requirements in Section 4.0 of this regulation; or

3.1.3 ~~Has satisfied the additional requirements in this regulation.~~ Has met the requirements for licensure in Delaware and meets the requirements set forth in Section 5.0 of this regulation.

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Special Education Director 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. 1073 (04/01/13)

4.0 Additional Prescribed Education, Knowledge, and Skill Requirements

An educator must also have met the following additional requirements.

4.1 Education requirements.

4.1.1 ~~An educator shall also have satisfied at least one (1) of the following additional education requirements:~~

4.1.1.1 ~~A master's or doctoral degree from a regionally accredited college or university in educational leadership offered by an NCATE specialty organization recognized educator preparation program or from a state approved educator preparation program where the state approval body employed the appropriate NASDTEC or NCATE specialty organization standards; and~~

4.1.1.1.1 ~~Thirty (30) graduate level semester hours from a regionally accredited college or university in Special Education taken either as part of a degree program or in addition to it, or the equivalent in professional development pre-approved by the Department; or~~

4.1.1.2 ~~A master's or doctoral degree from a regionally accredited college or university in Special Education offered by an NCATE specialty organization recognized educator preparation program or from a state approved educator preparation program where the state approval body employed the appropriate NCATE specialty organization standards; and~~

4.1.1.2.1 ~~The successful completion of any approved Program pursuant to 14 DE Admin. Code 1595 Certification Programs for Leaders in Education; or~~

4.1.1.3 ~~A master's or doctoral degree from a regionally accredited college or university in any field; and~~

4.1.1.3.1 ~~The successful completion of an approved Special Education Director Program pursuant to 14 DE Admin. Code 1595 Certification Programs for Leaders in Education.~~

4.2 Experience requirements.

4.2.1 ~~An educator shall also have satisfied at least one (1) of the following additional education requirements:~~

4.2.1.1 ~~A minimum of five (5) years of teaching experience with exceptional children special education students at the PreK to 12 public school level or the equivalent as approved by the Department; or~~

4.2.1.2 ~~A minimum of five (5) years professional experience under a Delaware Standard Certificate or other Delaware professional license including but not limited to a school psychologist, speech pathologist, or audiologist, working with exceptional children special education students at the PreK to 12 level or the equivalent as approved by the Department; or~~

4.2.1.3 ~~A minimum of five (5) years administrative experience working with exceptional children special education students at the PreK to 12 level or the equivalent as approved by the Department;~~

4.2.1.4] ~~Any combination of the types of experiences prescribed in subsections 4.2.1.1, 4.2.1.2 and 4.2.1.3 which totals a minimum of five (5) years.~~

4.1 The Department may issue a Special Education Director Standard Certificate to an applicant who has satisfied the requirements in subsections 4.1.1 through 4.1.3.

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

4.1.1.1 Earned a master's or doctoral degree with a Major or Its Equivalent in special education leadership from a Regionally Accredited college or university with advanced preparation accreditation by the National Council for the Accreditation of Teacher Education (NCATE) or the Council for the Accreditation of Educator Preparation (CAEP); or

4.1.1.2 Earned a master's or doctoral degree in special education from a Regionally Accredited college or university with advanced preparation accreditation by the National Council for the Accreditation of Teacher Education (NCATE) or the Council for the Accreditation of Educator Preparation (CAEP) and satisfactorily completed an alternative routes for licensure or certification program for leaders as provided in 14 Del.C. §§1260 – 1266; or

4.1.1.3 Earned a master's or doctoral degree in any content area from a Regionally Accredited college or university and satisfactorily completed a Department-approved educator preparation program for

special education directors as provided in 14 DE Admin. Code 290 Approval of Educator Preparation Programs; or

4.1.1.4 Earned a master's or doctoral degree with a Major or Its Equivalent in Pre-K to 12 educational leadership from a Regionally Accredited college or university with advanced preparation accreditation by the National Council for the Accreditation of Teacher Education (NCATE) or the Council for the Accreditation of Educator Preparation (CAEP) and completed an additional 30 graduate-level credit hours in special education from a Regionally Accredited college or university or the equivalent in Professional Development approved by the Department.

4.1.2 The applicant shall have achieved a Passing Score on one of the following examinations:

4.1.2.1 A Passing Score of 146 on the Educational Leadership: Administration and Supervision Assessment (ETS Test Code # 5412); or

4.1.2.2 A Passing Score of 160 on the School Leaders Licensure Assessment (ETS Test Code # 6011); or

4.1.2.3 A Passing Score of 160 on the School Superintendent Assessment (ETS Test Code # 6021); or

4.1.2.4 A Passing Score of 151 on the School Leaders Licensure Assessment (ETS Test Code # 6990); or

4.1.2.5 A Passing Score of 162 on the School Superintendent Assessment (ETS Test Code # 6991).

4.1.3 The applicant shall have completed a minimum of five years of one of the following experience requirements in any Pre-K to 12 public school setting or an equivalent setting as approved by the Department:

4.1.3.1 Teaching special education students under a state credential with satisfactory annual summative evaluations or the equivalent thereof on a state-approved educator evaluation system; or

4.1.3.2 Working with special education students as a school psychologist, speech pathologist, or audiologist under a Delaware Standard Certificate or a Delaware professional license; or

4.1.3.3 Working with special education students as an educational diagnostician or special education coordinator; or

4.1.3.4 Providing pupil personnel services to special education students under a Delaware professional license; or

4.1.3.5 Supervising staff who teach special education students with satisfactory annual summative evaluations or the equivalent thereof on a state-approved educator evaluation system; or

4.1.3.6 Any combination of the experience requirements in subsections 4.1.3.1 through 4.1.3.5.

16 DE Reg. 1073 (04/01/13)

5.0 Validity

~~5.1 This regulation shall be effective no less than ten (10) days from the date the Order amending the regulation has been published in its final form in the Delaware Register of Regulations.~~

~~5.1.1 Educators currently enrolled in a Special Education Director course of study prior to the effective date of this regulation will have until eighteen (18) months subsequent to the effective date to apply for the previous Special Education Director Standard Certificate. Educators are responsible for providing to the Department evidence of enrollment via submission of appropriate transcripts.~~

~~5.2 An Emergency Certificate for Special Education Director is not available.~~

~~5.3 The Department shall also recognize a Standard Certificate for Special Education Director issued by the Department prior to the effective date of this regulation.~~

5.0 Reciprocity

5.1 If an applicant is already licensed or certified as a special education director in a state or jurisdiction whose requirements are not substantially similar to the requirements in Section 4.0, the applicant shall have satisfied the requirements in subsections 5.1.1 through 5.1.4 in order for the Department to issue a Special Education Director Standard Certificate:

5.1.1 The applicant shall hold a Valid and Current License or Certificate as a special education director.

5.1.2 The applicant shall have earned a master's or doctoral degree in a Pre-K to 12 education-related field from a Regionally Accredited college or university.

5.1.3 If the applicant has less than five years' experience working as a special education director or supervisor in any Pre-K to 12 public school setting or an equivalent setting as approved by the Department, the applicant shall have achieved a Passing Score on one of the following examinations:

5.1.3.1 A Passing Score of 146 on the Educational Leadership: Administration and Supervision Assessment (ETS Test Code # 5412); or

- 5.1.3.2 A Passing Score of 160 on the School Leaders Licensure Assessment (ETS Test Code # 6011); or
- 5.1.3.3 A Passing Score of 160 on the School Superintendent Assessment (ETS Test Code # 6021); or
- 5.1.3.4 A Passing Score of 151 on the School Leaders Licensure Assessment (ETS Test Code # 6990); or
- 5.1.3.5 A Passing Score of 162 on the School Superintendent Assessment (ETS Test Code # 6991).

6.0 Application Requirements

- 6.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with an application for an Initial License, and the applicant shall also provide all required documentation for the License.
- 6.2 For applicants who are applying for the Special Education Director Standard Certificate under subsection 3.1.1, the following documentation is required:
 - 6.2.1 Official transcript from the applicant's Regionally Accredited college or university with advanced preparation accreditation by the National Council for the Accreditation of Teacher Education (NCATE) or the Council for the Accreditation of Educator Preparation (CAEP) for applicants who are applying under subsections 4.1.1.1 and 4.1.1.4 or official transcript from the applicant's Regionally Accredited college or university for applicants who are applying under subsections 4.1.1.2 or 4.1.1.3.
 - 6.2.1.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
 - 6.2.1.2 Sealed paper transcripts may be submitted.
 - 6.2.1.3 The Department will not accept copies of transcripts; and
 - 6.2.2 Documents verifying successful completion of Department-approved Professional Development, if applicable; and
 - 6.2.3 Official score on an examination as provided in subsection 4.1.2; and
 - 6.2.4 The Department-approved form verifying the applicant's completion of the experience requirement as provided in subsection 4.1.3; and
 - 6.2.5 Additional documentation as required by the Department.
- 6.3 For applicants who are applying for the Special Education Director Standard Certificate under subsection 3.1.2, the following documentation is required:
 - 6.3.1 An official copy of the Valid and Current License or Certificate; and
 - 6.3.2 Additional documentation as required by the Department.
- 6.4 For applicants who are applying for the Special Education Director Standard Certificate under subsection 3.1.3, the following documentation is required:
 - 6.4.1 An official copy of the Valid and Current License or Certificate; and
 - 6.4.2 Official transcript from the applicant's Regionally Accredited college or university.
 - 6.4.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
 - 6.4.2.2 Sealed paper transcripts may be submitted.
 - 6.4.2.3 The Department will not accept copies of transcripts; and
 - 6.4.3 Official score on an examination as provided in subsection 5.1.3; and
 - 6.4.4 Additional documentation as required by the Department.

7.0 Validity of a Standard Certificate

- 7.1 A Special Education Director Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.
- 7.2 A Special Education Director Standard Certificate is not subject to renewal.

8.0 Disciplinary Action

- 8.1 An Educator's Special Education Director 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.
- 8.2 An Educator's Special Education Director Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Standard 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.

- 8.3 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.

9.0 Secretary of Education Review

- 9.1 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 Special Education Director 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 Director Standard Certificate but whose effectiveness is documented by the local school district or charter school.
- 9.1.1 For school districts, requests shall be approved by the superintendent of the school district.
- 9.1.2 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.

10.0 Past Certificate Recognized

The Department shall recognize a Special Education Supervisor and a Special Education Director 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 practice as a special education director.

8 DE Reg. 1299 (03/01/05)

Renumbered effective 06/01/07 - see Conversion Table

16 DE Reg. 1073 (04/01/13)

24 DE Reg. 567 (12/01/20) (Final)