

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))
14 **DE Admin. Code** 1573

FINAL

REGULATORY IMPLEMENTING ORDER

1573 Teacher of Students With Autism or Severe Disabilities

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Professional Standards Board, acting in cooperation and consultation with the Department of Education, seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 1573 Teacher of Students with Autism or Severe Disabilities. The regulation concerns the requirements for certification of educational personnel, pursuant to 14 **Del.C.** §1220(a). It is necessary to amend this regulation to provide additional opportunities for educators to acquire the skills and knowledge necessary to work with these students and to update the current required coursework/professional development. This regulation sets forth the requirements for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities.

Notice of the proposed amendment of the regulation was published in the *Delaware Register of Regulations* on November 1, 2012. The notice invited written comments. Written comments were received from the Governor's Advisory Council for Exceptional Citizens, the State Council for Persons with Disabilities and Autism Delaware.

Comments from the two Councils: The Councils suggested amendments to three definitions so as to be more precise and the PSB has taken the recommendations and subsequently amended the definitions as suggested. The Councils expressed concern that if the past use or interpretation of the term "severe disabilities" or "severe developmental disabilities" included children with moderate intellectual disabilities, that the regulation may be adopting more narrow criteria for the category of students' teachers the regulation would be required for. Based on research into past interpretations and applications, the PSB found that the changes to the category of students targeted in the regulation is consistent with past practice and application, and does not narrow the past application. The Councils expressed concerns regarding the connections between this regulation and DOE regulation 14 **DE Admin. Code** 922 §3.0 definition of highly qualified special education teachers and whether the amendments to the regulation would require an educator to obtain certification as a special education teacher under both 14 **DE Admin. Code** 1571 and 1573 to receive highly qualified status. The certification required in 1573 is in addition to the certification required in 1571 (Exceptional Children Special Education Teacher), and educators would be required to obtain both certifications. However, regulation 14 **DE Admin. Code** 922 is within the Department of Education's purview and the DOE may amend the regulation at their discretion. The Council endorses the addition of Applied Behavior Analysis coursework, and the PSB appreciates the Council's endorsement. The Council expressed concerns regarding the application of the regulation to Delaware educators. Under the amendments, the certification is required for all educators within public schools teaching within the Delaware Autism Program or educators with a primary assignment teaching children with autism or children with severe intellectual disabilities. (See section 1.0). The PSB found that the past regulation was not consistently applied throughout the state and the amendments were to clarify that this certification is mandatory for the above referenced educators. The certification is currently not required for an educator who is not part of the Delaware Autism Program and has some students with autism in a regular class room setting. In that case, it is anticipated that the individual students' needs are addressed by an Individual Education Plan (IEP) with specific services appropriate to the individual student. The PSB will be monitoring the changes to the application of this regulation and will proceed with amendments as necessary.

Comments from Autism Delaware: Autism Delaware was concerned about the conflation of autism with severe intellectual disabilities and believes that there should be separate certification regulations. The amended regulation stipulates the minimum skills and knowledge required of an educator teaching students with autism and/or students with severe intellectual disabilities, understanding that there are indeed differences in the needs of these categories of students. The PSB shares Autism Delaware's concern and purposefully amended the title and language within the regulation to reflect this. The PSB found after gathering information and consulting with individuals in the field that overall there would be a negligible difference in educator programs preparing these teachers. The PSB also recognized the current programs within the state and the categories of students served. It is expected that individual students' needs will still be addressed with an IEP appropriate to the individual students. The PSB will monitor the implementation and pursue changes as necessary. Autism Delaware endorsed the addition of Applied Behavior Analysis for Educators and Functional Communication coursework, for which the PSB is appreciative. Autism Delaware encouraged the addition of Pragmatic Language and Social Skills and that the course Methods of Instruction in Academic Standards and Functional Skills is

separated into two separate courses. The PSB has taken Autism Delaware's comment under consideration and decided not to further expand the course requirements in the amendment. However, the PSB plans on monitoring this regulation and making changes as necessary and will keep this recommendation as part of future consideration. Autism Delaware expressed concerns about the one year time frame allowed for educators to meet certification requirements. The draft regulation was amended and the published regulation allows for a eighteen (18) months following the effective date of the regulation for educators to meet the certification requirements.

II. FINDINGS OF FACTS

The Professional Standards Board and the State Board of Education find that it is appropriate to amend this regulation to comply with changes in statute.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Professional Standards Board and the State Board of Education conclude that it is appropriate to amend the regulation. Therefore, pursuant to 14 **Del.C.** §1205(b), the regulation attached hereto as Exhibit "A" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), the regulation hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. TEXT AND CITATION

The text of the regulation amended shall be in the form attached hereto as Exhibit "A", and said regulation shall be cited as 14 **DE Admin. Code** 1573 of the Administrative Code of Regulations of the Professional Standards Board.

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 Delaware *Register of Regulations*.

APPROVED BY THE PROFESSIONAL STANDARDS BOARD THE 6TH DAY OF DECEMBER, 2012

Kathleen Thomas, Chair

Chris Kenton

Michael Casson

David Kohan

Joanne Christian

Jill Lewandowski

Samtra Devard

Wendy Murray

Stephanie DeWitt

Mary Pinkston

Marilyn Dollard

Whitney Price

Karen Gordon

Jacque Wisnauskas

Cristy Greaves

IT IS SO ORDERED the 20th day of December, 2012.

Department of Education

Mark Murphy, Secretary of Education

Approved this 20th day of December, 2012

State Board of Education

Teri Quinn Gray, Ph.D., President

Gregory Coverdale

Jorge L. Melendez, Vice President

Terry M. Whittaker, Ed.D.

G. Patrick Heffernan

Randall L. Hughes

Barbara B. Rutt

~~1573 Teacher of Students with Autism or Severe Disabilities~~

1-0 Content

~~This regulation shall apply to the requirements for a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for a Teacher of Students with Autism or Severe Disabilities (Valid Grades K to 12).~~

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

~~“Department”~~ means the Delaware Department of Education.

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

~~“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.

3.0 Standard Certificate

In accordance with ~~14 Del.C. §1220(a)~~, the Department shall issue a Standard Certificate as a Teacher of Students with Autism or Severe Disabilities to an applicant who holds a valid Delaware Initial, Continuing, or Advanced License; or Standard or Professional Status Certificate issued by the Department prior to August 31, 2003, and who meets the following requirements:

- 3.1 A bachelor's or a master's degree from an NCATE specialty organization recognized educator preparation program offered by a regionally accredited college or university, with a major in special education with a concentration in autism or severe disabilities; or
- 3.2 A bachelor's or a master's degree from a state approved educator preparation program offered by a regionally accredited college or university, with a major in special education with a concentration in autism or severe disabilities, where the state approval body employed the appropriate NASDTEC standards or NCATE specialty organization standards; or
- 3.3 A bachelor's or master's degree from a regionally accredited college or university with a major in special education; and
 - 3.3.1 A minimum of fifteen (15) graduate credits in the areas of autism or severe disabilities from a regionally accredited college or university, as more specifically set forth in 3.3.1.1 through 3.3.1.5. With approval of a Committee comprised of the candidate's principal or other designated school administrator, the State Director of Autism Programs, a higher education representative who teaches one of the approved courses, and a DOE representative, other verifiable professional experiences may be substituted for no more than nine (9) of the required credits.
 - 3.3.1.1 Introduction and Survey of Autism and Severe Developmental Disabilities;
 - 3.3.1.2 Methods of Instruction and Functional Curriculum for Students with Autism or Severe Disabilities;
 - 3.3.1.3 Functional Communication Training;
 - 3.3.1.4 Advanced Practicum in Behaviorally Based Teaching Techniques; and
 - 3.3.1.5 One elective chosen from among the following. To be considered as an elective for certification, a course must specifically reference students with autism or severe disabilities in the title, catalog description, or syllabus and address an area known to be of critical importance to students with autism or severe disabilities:
 - 3.3.1.5.1 Medical Aspects of Severe and Profound Disabilities;
 - 3.3.1.5.2 Consultation and Collaboration;
 - 3.3.1.5.3 Assistive Technology;
 - 3.3.1.5.4 Augmentative Communication;
 - 3.3.1.5.5 Evaluation and Assessment for Students with Significant Needs;
 - 3.3.1.5.6 Seminar in Families and Autism;
 - 3.3.1.5.7 Transition from Secondary Special Education;
 - 3.3.1.5.8 Adaptive Recreation; or
 - 3.3.1.5.9 Career Technical Training and Assessment: Severe Disabilities; or
 - 3.3.1.5.10 Education of Students with Severe Disabilities or Sensory Impairments.

4.0 Present Teachers of Students with Autism or Severe Disabilities Protected

- 4.1 The Department shall recognize a Standard Teacher of the Autistic Child Standard or Professional Status Certificate issued by the Department between January 1, 1982 and August 31, 2005, if otherwise valid. A teacher holding a Standard Teacher of the Autistic Child Standard or Professional Status Certificate issued

between January 1, 1982 and August 31, 2005 shall be considered certified to teach classes for children with autism or severe disabilities.

1573 Teacher of Students with Autism or Students with Severe Intellectual 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 a Teacher of Students with Autism or Students with Severe Intellectual Disabilities. 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 with autism or children with severe intellectual disabilities and for educators teaching in an Approved Program.
- 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.

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:
 - "**Approved Program**" means a program encompassing or within a public school designated by the Department and the State Board as a component of the Delaware Autism Program.
 - "**Autism**" [shall have the same meaning as provided in 14 DE Admin Code 922, §3.0 and 14 DE Admin Code 925, §6.6. ~~means a disability as defined in 14 DE Admin. Code 922 Children with Disabilities Subpart A and 925 Children with Disabilities Subpart D.~~]
 - "**Intellectual Disability**" [shall have the same meaning as provided in 14 DE Admin Code 922, §3.0 and 14 DE Admin Code 925, §6.12 ~~means a disability as defined in 14 DE Admin. Code 922 Children with Disabilities Subpart A and 925 Children with Disabilities Subpart D.~~]
 - "**Severe Intellectual Disability**" [shall have the same meaning as provided in 14 DE Admin Code 922, §3.0 and 14 DE Admin Code 925, §6.12 ~~means a disability as defined in 14 DE Admin. Code 922 Children with Disabilities Subpart A and 925 Children with Disabilities Subpart D.~~]

3.0 Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Standard Certificate as a Teacher of Students with Autism or Students with Severe Intellectual Disabilities to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and,
 - 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,
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

- 4.1 An educator shall also have satisfied at least one (1) of the following additional education requirements:
 - 4.1.1 Graduating with a bachelor's or a master's degree, with a major in special education and with a concentration in autism and severe intellectual disabilities, from an NCATE specialty organization recognized educator preparation program or from a state approved educator preparation program, offered by a regionally accredited college or university. The state approval body shall employ the appropriate NASDTEC or NCATE specialty organization standard; or
 - 4.1.2 Graduating with a bachelor's or master's degree from a regionally accredited college or university with a major in special education; and
 - 4.1.2.1 Completion of a minimum of fifteen (15) credits from a regionally accredited college or university or their equivalent in professional development as approved by the Department, with a focus in autism and severe intellectual disabilities in the following content areas:
 - 4.1.2.1.1 Introduction to Autism and Severe Intellectual Disabilities (three credits);
 - 4.1.2.1.2 Methods of Instruction in Academic Standards and Functional Skills (three credits);
 - 4.1.2.1.3 Functional Communication Training (three credits);

- 4.1.2.1.4 Applied Behavior Analysis for Educators (three credits); and
- 4.1.2.1.5 Competency-Based Practicum in Behaviorally Based Teaching Techniques (three credits)

5.0 Past Certification Recognized

- 5.1 The Department shall recognize a Standard Teacher of the Autistic Child or Professional Status Certificate issued by the Department between January 1, 1982 and August 31, 2005, if otherwise valid. A teacher holding a Standard Teacher of the Autistic Child or a Professional Status Certificate issued between January 1, 1982 and August 31, 2005 shall be considered certified to teach classes for children with autism or severe intellectual disabilities.
- 5.2 The Department shall recognize a Standard Certificate Teacher of Students with Autism or Severe Disabilities issued by the Department between September 1, 2005 and the effective date of this regulation. A teacher holding a Standard Certificate Teacher of Students with Autism or Severe Disabilities issued between October 1, 2005 and the effective date of this regulation shall be considered certified to teach classes for children with autism or severe intellectual disabilities.

9 DE Reg. 550 (10/1/05)

Renumbered effective 6/1/07 - see Conversion Table

16 DE Reg. 767 (01/01/13) (Final)