

**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** 1573

PROPOSED

PUBLIC NOTICE

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

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

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, acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities. The regulation concerns the requirements for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include adding clarifying language regarding category certificates in Section 1.0; adding defined terms to Section 2.0; clarifying the requirements for issuing a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Teacher of Students with Autism or Students with Severe Intellectual 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 Teacher of Students with Autism or Students with Severe Intellectual 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 certificates.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before August 3, 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.

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, a Teacher of Students with Autism or Students with Severe Intellectual Disabilities 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.~~
- 1.1.1 This Certification is required for an Educator whose primary assignment is teaching students with Autism or Severe Intellectual Disabilities in an Approved Program or in Delaware public schools.
- 1.1.2 This Certification 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 to instruct a particular category of students. This Certification is limited to the category of students with Autism or Severe Intellectual Disabilities.
- 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. 767 (01/01/13)

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~~:
- "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.
- "Approved Program"** means a program encompassing or within a public school designated by the Department and the State Board of Education as a component of the Delaware Autism Program.
- "Autism"** shall have the same meaning as provided in 14 **DE Admin. Code** 922, §3.0 Section 3.0 and 14 **DE Admin. Code** 925, §6.6 subsection 6.6.
- "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.
- "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.
- "Intellectual Disability"** shall have the same meaning as provided in 14 **DE Admin. Code** 922, §3.0 Section 3.0 and 14 **DE Admin. Code** 925, §6.12 subsection 6.12.

"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.

"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.

"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 subsection 6.12.

"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. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

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

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 with Autism or Students with Severe Intellectual Disabilities Standard Certificate as a Teacher of Students with Autism or Students with Severe Intellectual Disabilities 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, 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 teaching students with Autism or Severe Intellectual Disabilities.
 - 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 with Autism or Students with Severe Intellectual 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 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. 767 (01/01/13)

4.0 Additional Requirements 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 ~~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)

4.1 An applicant 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 Mild/Moderate Disabilities or Severe and Multiple Disabilities from the National Board for Professional Teaching Standards; or

4.1.2 Earned a bachelor's or master's degree from a Regionally Accredited college or university with a Major or Its Equivalent in special education with a concentration in autism and severe intellectual 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

4.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach students with autism and severe intellectual disabilities as provided in 14 **Del.C.** §§1260 - 1266; or

4.1.4 Satisfactorily completed a Department-approved educator preparation program to teach students with autism and severe intellectual disabilities; or

4.1.5 Earned a bachelor's or master's degree from a Regionally Accredited college or university with a Major or its Equivalent in special education and satisfactorily completed 15 Credits or the Equivalent in Professional Development with a focus in Autism and Severe Intellectual Disabilities in the following areas:

4.1.5.1 Introduction to Autism and Severe Intellectual Disabilities (three credits);

4.1.5.2 Methods of Instruction in Academic Standards and Functional Skills (three credits);

4.1.5.3 Functional Communication Training (three credits);

4.1.5.4 Applied Behavior Analysis for Educators (three credits); and

4.1.5.5 Competency-Based Practicum in Behaviorally Based Teaching Techniques (three credits); or

4.1.6 Currently hold a Special Education Teacher of Students with Disabilities Standard Certificate (14 **DE Admin. Code** 1571) and satisfactorily completed 15 Credits or the Equivalent in Professional Development with a focus in teaching students with Autism and Severe Intellectual Disabilities in the areas provided in subsections 4.1.5.1 through 4.1.5.5.

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

5.0 Application Requirements

5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the 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 Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate:

5.2.1 Evidence of obtaining and maintaining an Exceptional Needs Specialist certificate 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; or

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; and

5.2.3 Evidence of completing the 15 Credits or the Equivalent in Professional Development as provided in subsections 4.1.5 and 4.1.6, if applicable; and

5.2.4 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 teaching students with Autism or Severe Intellectual Disabilities, the following documentation is required in the application for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate:

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 with Autism or Students with Severe Intellectual 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 Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

- 7.1 An Educator's Teacher of Students with Autism or Students with Severe Intellectual 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 Teacher of Students with Autism or Students with Severe Intellectual Disabilities 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.
- 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 Teacher of Students with Autism or Students with Severe Intellectual 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 Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate but whose effectiveness is documented by the local school district or charter school.

5.09.0 Past Certification Certificate Recognized

- 5-49.1 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~~ An Educator 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~~ instruct students with Autism or Severe Intellectual Disabilities.
- 5-29.2 The Department shall recognize a ~~Standard Certificate~~ Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate issued by the Department ~~between September 1, 2005 and prior to~~ the effective date of this regulation. ~~A teacher~~ An Educator holding such 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~~ instruct students with Autism or Severe Intellectual Disabilities.

9 DE Reg. 550 (10/01/05)

Renumbered effective 6/1/07 - see Conversion Table

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

23 DE Reg. 992 (06/01/20)