

**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** 1575

FINAL

ORDER

1575 Teacher of Students with Visual Impairments

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** 1575 Teacher of Students with Visual Impairments. The regulation concerns the requirements for a Teacher of Students with Visual Impairments Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include clarifying Section 1.0; adding defined terms in Section 2.0; clarifying the requirements for issuing a Teacher of Students with Visual Impairments Standard Certificate in Section 3.0; adding subsection 3.1, which concerns educator licensure and certification investigations; specifying the education, knowledge, and skill requirements for obtaining a Teacher of Students with Visual Impairments Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns requests for the Secretary of Education to review standard certificate applications; adding Section 7.0, which concerns the validity of a Teacher of Students with Visual Impairments Standard Certificate; adding Section 8.0, which concerns disciplinary actions; revising Section 9.0, which concerns recognizing past certificates that were issued by the Department; and adding Section 10.0, which concerns applicants' and Educators' contact information with the Department and specifies how they can change their name or address. In addition, proposed 14 **DE Admin. Code** 1575 is consistent with HB 382, which repealed 14 **Del.C.** §206(d) and was signed into law on October 7, 2022 and was effective October 10, 2022.

Notice of the proposed regulation was published in the *Register of Regulations* on November 1, 2022. The Professional Standards Board received written submittals from Benjamin Shrader, 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"). Mr. Shrader commented that the SCPD Council "would like to emphasize an objection to granting the Secretary the ability to override the certification requirements, as this is an area which requires a large degree of specialized skill and training." Ms. Fisher commented that overall, GACEC supports the proposed regulation; however, GACEC reiterated its concern with Section 6.0 of the proposed regulation (Secretary of Education Review). Ms. Fisher further commented that GACEC is concerned by and objects to giving the Secretary of Education the ability to override certification requirements, "a teacher of students with visual impairments requires such a large degree of specialized skill and training," and "[a]llowing the Secretary to override those requirements could lead to less effective teachers and a deficit in the ability of the students these teachers are responsible for."

II. FINDINGS OF FACTS

On January 5, 2022, the Professional Standards Board considered the written submittals. The Professional Standards Board found that Section 6.0 Secretary of Education Review is based on a statute, 14 **Del.C.** § 1224, which provides that "[t]he Secretary of Education shall have the authority to review licensure and certification credentials on an individual basis and act upon same at the request of the local school district or charter school provided that the local school district or charter school is able to document the effectiveness of the applicant," and that the General Assembly is the body that is authorized to make changes to the statute. The Professional Standards Board further found that a school district or charter school must document the applicant's effectiveness and such a request would not be taken lightly. The Professional Standards Board also found that the Secretary of Education's judgment in reviewing an individual applicant's effectiveness can be trusted. The Professional Standards Board did not make any changes as a result of the written submittals and voted to propose 14 **DE Admin. Code** 1575 Teacher of Students with Visual Impairments, 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** 1575 Teacher of Students with Visual Impairments.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1575 Teacher of Students with Visual Impairments subject to the State Board of Education's approval. On February 16, 2023, the State Board of Education approved amending 14 **DE Admin. Code** 1575 Teacher of Students with Visual Impairments. Therefore, pursuant to 14 **Del.C.** §§1203 and 1205(b), 14 **DE Admin. Code** 1575 Teacher of Students with Visual Impairments, attached hereto as Exhibit A, is hereby amended.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1575 Teacher of Students with Visual Impairments adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1575 Teacher of Students with Visual Impairments in the *Administrative Code of Regulations* for the Department.

V. EFFECTIVE DATE OF ORDER

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

IT IS SO ORDERED the 16th day of February, 2023.

Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 16th day of February, 2023.

State Board of Education

/s/ Shawn Brittingham, President

/s/ Rev. Provey Powell, Jr.

Vincent Lofink, Vice President (Absent)

/s/ Wali W. Rushdan, II

/s/ Candice Fifer

/s/ Deborah Stevens

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

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

1575 Teacher of Students with Visual Impairments

1.0 Content

This regulation shall apply to the ~~requirements for a Standard Certificate, issuance of a Teacher of Students with Visual Impairments Standard Certificate~~ pursuant to 14 **Del.C.** §1220(a), ~~for Teacher of Students with Visual Impairments. 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 visual impairments. The Teacher of Students with Visual Impairments Standard Certificate is required for an Educator whose primary assignment is teaching students with visual impairments in Delaware public schools.~~ This regulation does not apply to Certified Orientation and Mobility Specialists (COMS) who are certified hold a current certification issued by the Academy of for Certification of Vision Rehabilitation and Education Professionals.

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:

"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 as an educator issued by another state or jurisdiction. This means the applicant is fully credentialed by having met all of the requirements for full licensure or certification as an educator 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.

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 Visual Impairments Standard Certificate as a Teacher of Students with Visual Impairments, to an educator applicant who has met the requirements in 14 Del.C. §206(d) and 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 an educator's license in Delaware and presents proof of a Valid and Current License or Certificate as a teacher of students with visual impairments issued by another state or jurisdiction.
- 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 Visual Impairments 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.

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 bachelor's or master's degree from a regionally accredited college or university with a major or its equivalent in educating Visually Impaired Students from 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; or
- 4.1.2 The successful completion of seventeen (17) 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 Anatomy and Physiology of the Eye (3 credits);
- 4.1.2.2 Braille and Nemeth Code (3 credits);
- 4.1.2.3 Assessment of Students with Visual Impairments (3 credits);
- 4.1.2.4 Methods of Instruction for Students with Visual Impairments (3 credits);
- 4.1.2.5 Assistive Technology (3 credits); and
- 4.1.2.6 Orientation/Mobility for the Teacher of Students with Visual Impairments (2 credits).
- 4.1 An applicant for the Teacher of Students with Visual Impairments Standard Certificate shall have satisfied 1 of the following education requirements:
- 4.1.1 Obtained and currently maintain an Exceptional Needs Specialist certificate in the specialty area of Blind and Visually Impaired 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 minimum of 30 semester hours of coursework in educating visually impaired students from an educator preparation

program accredited by the Association for Education and Rehabilitation of the Blind and Visually Impaired (AER) or approved or recognized by 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 visually impaired students as provided in 14 Del.C. §§1260 - 1266; or
- 4.1.4 Satisfactorily completed a Department-approved educator preparation program in educating visually impaired students; or
- 4.1.5 Earned a bachelor's degree in any content area from a Regionally Accredited college or university and also satisfactorily completed 17 college credits or the equivalent number of hours with 1 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 in the following areas:
 - 4.1.5.1 Anatomy and Physiology of the Eye (3 credits);
 - 4.1.5.2 Braille and Nemeth Code (3 credits);
 - 4.1.5.3 Assessment of Students with Visual Impairments (3 credits);
 - 4.1.5.4 Methods of Instruction for Students with Visual Impairments (3 credits);
 - 4.1.5.5 Assistive Technology (3 credits); and
 - 4.1.5.6 Orientation/Mobility for the Teacher of Students with Visual Impairments (2 credits).

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 If the applicant is applying for the issuance or renewal of an educator's license, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license application as specified in 14 Del.C. §1219 and could delay the processing or result in the denial of the application for a Teacher of Students with Visual Impairments Standard Certificate.
- 5.3 For an applicant who is applying for a Teacher of Students with Visual Impairments Standard Certificate under subsection 3.1.1 of this regulation, the following documentation is required with the application:
 - 5.3.1 Evidence of obtaining and maintaining an Exceptional Needs Specialist certificate in the specialty area of Blind and Visually Impaired from the National Board for Professional Teaching Standards, if applicable; and
 - 5.3.2 Official transcript from the applicant's Regionally Accredited college or university.
 - 5.3.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
 - 5.3.2.2 Sealed paper transcripts may be submitted.
 - 5.3.2.3 The Department will not accept copies of transcripts; and
 - 5.3.3 Documents verifying successful completion of Department-approved professional development, if applicable; and
 - 5.3.4 Additional documentation as required by the Department.
- 5.4 For an applicant who is applying for a Teacher of Students with Visual Impairments Standard Certificate under subsection 3.1.2 of this regulation, the following documentation is required in the application:
 - 5.4.1 An official copy of the Valid and Current License or Certificate; and
 - 5.4.2 Official score; and
 - 5.4.3 Additional documentation as required by the Department.

6.0 Secretary of Education Review

- 6.1 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 with Visual Impairments 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 Visual Impairments Standard Certificate but whose effectiveness is documented by the local school district or charter school.
 - 6.1.1 For school districts, requests shall be approved by the superintendent of the school district.
 - 6.1.2 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.

7.0 Validity of a Standard Certificate

- 7.1 A Teacher of Students with Visual Impairments 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 Teacher of Students with Visual Impairments Standard Certificate is not subject to renewal.

8.0 Disciplinary Action

- 8.1 An Educator's Teacher of Students with Visual Impairments 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 Teacher of Students with Visual Impairments 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.
- 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.

5.0 9.0 Past Certification Certificate Recognized

The Department shall recognize a ~~Teacher of Students With Visual Impairments~~ ~~Teacher of Students With Visual Impairments~~ Standard Certificate ~~Teacher of Students With Visual Impairments~~ that was issued by the Department between January 11, 2007 and the effective date of this regulation. A teacher holding a Standard Certificate ~~Teacher of Students With Visual Impairments~~ issued between January 11, 2007 and the effective date of this regulation shall be considered certified to teach children with visual impairments.

10.0 Contact Information and Change of Name or Address

- 10.1 All applicants and Educators are required to update their contact information in DEEDS if their contact information changes.
- 10.2 An Educator who legally changes the Educator's name and wishes to change the name on the Teacher of Students with Visual Impairments Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 10.3 An applicant or Educator whose mailing address, email address, or phone number changes shall provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change.

10 DE Reg. 1147 (01/01/07)

Renumbered effective 6/1/07 - see Conversion Table

16 DE Reg. 856 (02/01/13)

26 DE Reg. 864 (04/01/23) (Final)