

DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Section 1205(b) 14 **Del.C.** §1205(b))
14 **DE Admin. Code** 1506

PROPOSED

Educational 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. This regulation concerns the requirements for certification of educational personnel, pursuant to 14 **Del.C.** §1220(a). It is necessary to amend this regulation in order to clarify the application process and to set forth appropriate timelines. 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 Friday, March 6, 2009 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.

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

~~“**Educator**” means a person licensed and certified by the State under 14 Del.C., Chapter 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 Standards Board and approved by the State Board. For purposes of 14 Del.C., Chapter 12, the term ‘educator’ does not include substitute teachers.~~

“**Emergency Certificate**” means a certificate temporary credential issued to an educator 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 employ an educator individual under an Emergency Certificate and has reviewed the individual's credentials and established that the individual is competent and that the employing district is committed 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.

~~“**Standard Certificate**” means a credential issued to verify 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.~~

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

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

3.0 Issuance of Emergency Certificate

Upon request from the employing district, the Department may issue an Emergency Certificate, valid for up to three years, to an ~~educator~~ 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 educator individual in a vocational trade and industry 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 ~~must~~ shall:
- 3.1.1 Submit to the Department in writing the need for this individual to receive an Emergency Certificate.
- ~~3.1.4~~ 3.1.2 Establish that the proposed recipient of an Emergency Certificate is competent by submitting evidence of the ~~educator's~~ 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) days of the individual's hire or new job assignment.
- ~~3.1.2~~ 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 proposed recipient 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 timeframe 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 ~~will~~ shall result in denial of the Emergency Certificate.
- 3.3 The Emergency Certificate ~~shall be in effect for~~ may be valid for up to three (3) years from the month in which the applicant 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 vocational trades and industry 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.

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

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

4.0 Employing District Report

At the end of each school year during which an Emergency Certificate is in effect, the employing district shall file a written status report detailing the individual's progress completing the written plan with the Department, which shall:

- 4.1 Establish that the recipient of the Emergency Certificate has demonstrated competence through receiving a satisfactory evaluation on the annual Delaware Performance Appraisal System.
- 4.2 Document the progress made by the recipient of the Emergency Certificate toward fulfilling the written plan established by the employing district to meet the applicable certification requirements and any amendments to the written plan including but not limited to change in courses, providers, or timeframes.
- 4.3 Failure by the employing district to fulfill the conditions set forth in 4.1 and 4.2 above ~~will~~ shall result in suspension 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)

5.0 Expiration of Emergency Certificate

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

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

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 ~~applicant~~ 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)

7.0 Revocation of Emergency Certificate

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** 1505. An educator is entitled to a full and fair hearing before the Professional Standards Board. 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)

12 DE Reg. 1027 (02/01/09) (Prop.)

Renumbered effective 6/1/07 - see Conversion Table