

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))
14 **DE Admin. Code** 1506

FINAL

REGULATORY IMPLEMENTING ORDER

1506 Emergency Certificate

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** 1505 Standard Certificate. The regulation addresses the requirements for certification of educational personnel, pursuant to 14 **Del.C.** §1220(a) who have otherwise obtained employment or an offer of employment with an employing district and hold a valid Delaware Initial, Continuing, or Advanced License, but lack necessary skills and knowledge to immediately meet certification requirements in a specific content area. It is necessary to amend this regulation in order to reduce the period of time an Emergency Certificate is valid and to require more oversight by the employer and due diligence on the part of the individual to make progress toward the specific Standard Certificate for which the Emergency Certificate was issued in order to be eligible for a maximum of a one year extension. This regulation sets forth the requirements for an Emergency Certificate.

Notice of the proposed amendment of the regulation was published in the Delaware *Register of Regulations* on December 1, 2011. The notice invited written comments. Similar written comments were received from the Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities. One grammatical edit was noted and made. The Councils suggested extending the expiration date from June 30 to minimize possible interruptions in instruction in year round programs. After considering the comment and seeking more information from the year round programs, it was determined that extending the expiration date to August 30 as suggested would be problematic, as the next school year would have started which may result in more unintended interruptions. In addition, it was confirmed that most all educator contracts run through the end of June, thus making June 30 the rationale expiration date. By implementing the June 30 expiration date district and charter school personnel offices are able to coordinate emergency certificates with an educator's employment status and should promote consistency in instruction. It was noted by the Councils that the amended regulation does establish a new approach to Emergency Certificates by shortening the duration and requiring educator diligence in completing a Standard Certificate's requirements in a timely fashion. After considerable research and reviewing data, this was a purposeful focus of amendments made to the regulation. The PSB and SBE examined the history and use of the emergency certificates. These were purposeful amendments based on the information examined and are specifically intended to narrow the circumstances and duration of emergency certificates.

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** 1505 of the *Administrative Code of Regulations* of the Department of Education.

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 5TH DAY OF JANUARY, 2012

Kathleen Thomas, Chair

Chris Kenton

Michael Casson

David Kohan

Joanne Christian

Jill Lewandowski

Samtra Devard

Wendy Murray

Stephanie DeWitt

Whitney Price

Marilyn Dollard

Shelley Rouser

Karen Gordon

Jacque Wisnauskas

Cristy Greaves

IT IS SO ORDERED the 19th day of January 2012.

Department of Education

Lillian M. Lowery, Ed.D., Secretary of Education

Approved this 19th day of January 2012

State Board of Education

Teri Quinn Gray, Ph.D., President

Gregory Coverdale

Jorge L. Melendez, Vice President

Terry M. Whittaker, Ed.D.

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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.

~~**"DPAS" means an approved state educator performance system pursuant to 14 Del.C. Ch. 12, Subchapter VII.**~~

"Emergency Certificate" means a temporary credential issued to an individual who has obtained employment or an offer of employment with an employing **[district authority]** 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 supervise and employ an individual under an Emergency Certificate, and The employing district has reviewed the individual's credentials and established that the individual is competent, and that t[he employing district is committed required 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~~ the overall rating of "Highly Effective" or "Effective" on the DPAS Summative Evaluation.

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

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

12 DE Reg. 1412 (05/01/09)

3.0 Issuance of Emergency Certificate

~~3.1 Upon request receipt of a completed application from the employing [district authority], the Department may issue an Emergency Certificate, valid for up to three years, to an 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 individual in a 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 shall:~~

~~3.1.1 Submit to the Department in writing the need for this individual to receive an Emergency Certificate.~~

~~3.1.2 Establish that the proposed recipient of an Emergency Certificate is competent by submitting evidence of the 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) calendar days of the individual's hire or new job assignment.~~

~~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 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 time frame 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 shall result in denial of the Emergency Certificate.~~

~~3.3 The Emergency Certificate may be valid for up to three (3) years from the month in which the 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 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.~~

3.1.1 An Emergency Certificate is valid for one school year subject to a limited extension as indicated herein.

3.1.2 The Emergency Certificate is issued for a particular school year and expires on June 30th unless a limited extension is granted.

3.1.3 The Department may grant a limited extension if the individual has met the requirements for an extension.

- 3.2 An Emergency Certificate is only valid for the individual during their tenure with the employing **[district authority]** requesting the Certificate unless a transfer is approved as specified in 3.7.
- 3.3 An Emergency Certificate may not be renewed or extended for a leave of absence.
- 3.4 An Emergency Certificate may be extended for an exigent circumstances. Extensions for exigent circumstances shall not exceed one (1) year in length.
- 3.5 Notwithstanding the foregoing, an Emergency Certificate issued to an individual in a 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.
- 3.6 Notwithstanding the foregoing, an Emergency Certificate issued to an individual in an alternative routes for teacher licensure and certification program shall be valid for the time specified in 14 **Del.C. §1260** and 14 **DE Admin. Code 1507** Alternative Routes to Teacher Licensure and Certification.
- 3.7 Transfer of Emergency Certificates to a New Employing **[District Authority]**.
- 3.7.1 Upon application by a new employing **[district authority]**, the Department may approve the transfer of the Emergency Certificate if the following requirements are met:
- 3.7.1.1 The new employing **[district authority]** that hires an individual with a valid Emergency Certificate requests prior to the expiration of the original emergency certificate, the continued approval of the Emergency Certificate through the remainder of the original term or requests an extension.
- 3.7.1.2 The new employing **[district authority]** must conduct an independent review of the individual's competency and assume the commitments and responsibilities of an employing **[district authority]** within this regulation.
- 3.7.1.3 The new employing **[district authority]** shall also review the individual's Emergency Certificate written plan and amend as necessary and submit the revised written plan and transfer request for Department approval.
- 3.8 Extension of Emergency Certificates
- 3.8.1 The Emergency Certificate may be valid for up to two (2) consecutive school years. An employing **[District authority]** must request an extension of the Emergency Certificate prior to June 30th.
- 3.8.2 Emergency Certificates granted an extension shall expire on June 30th of the consecutive school year.
- 3.8.3 Prior to June 30th, the employing **[district authority]** shall review the Emergency Certificate and if considered necessary, the employing **[district authority]** may apply to the Department for an extension for an additional school year.
- 3.8.4 The Department may grant an extension of the Emergency Certificate if the following requirements are met:
- 3.8.4.1 The employing **[district authority]** submits a complete request and report prior to June 30th.
- 3.8.4.2 The **[district employing authority]** has established that the individual has made documented progress toward earning the Standard Certificate and has demonstrated continued competence through receiving a satisfactory summative evaluation on the annual DPAS.
- 3.8.4.2.1 Documented progress toward the Standard Certificate would include but is not limited to evidence of the educator having:
- 3.8.4.2.1.1 taken the necessary examination of content knowledge, such as the Praxis II test, or
- 3.8.4.2.1.2 completed requisite coursework or professional development, or
- 3.8.4.2.1.3 made significant growth toward the necessary degree or certificate.
- 3.8.4.3 Notwithstanding the above requirements in 3.8.4.2.1, the Department may grant an extension upon a showing of exigent circumstances.
- 3.9 Notification to Parents
- 3.9.1 As a condition of the individual receiving an emergency certificate, an employing **[district authority]** shall within sixty (60) days of the assignment notify the parents of the students within the educator's responsibility of the emergency certification.
- 3.9.2 The notification may be included in an already established form of communication to parents including but not limited to Highly Qualified Teacher status.
- 3.9.3 A copy of the **[district employing authority]** letter shall be on file with the Department.
- 3.10 An Emergency Certificate shall not be issued more than once to an individual for a specific Standard Certificate.

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

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

12 DE Reg. 1412 (05/01/09)

4.0 Application Procedures

4.1 The employing ~~[district authority]~~ shall:

4.1.1 Submit to the Department in its request for the issuance of an Emergency Certificate the need for the individual to receive an Emergency Certificate and certify that the employing ~~[district authority]~~ has conducted a meaningful review of the applicant's credentials and found that the individual is competent.

4.1.2 Establish that the proposed recipient of an Emergency Certificate is competent by submitting evidence of the individual's license and other considerations. The evidence must establish that the employing ~~[district authority]~~ conducted a meaningful review of the individual's competence and may include, but is not limited to, evidence of course work or work experience in the area for which the Emergency Certificate is requested.

4.1.3 Apply for the Emergency Certificate within sixty (60) calendar days of the individual's hire or new job assignment.

4.1.4 Set forth a written plan with the application of the Emergency Certificate, verified by the individual and the employing ~~[district authority]~~. The plan must be designed to support and assist the individual in achieving the skills and knowledge necessary to meet the applicable certification requirements. The written plan is subject to Department approval. The written plan shall contain at a minimum the following:

4.1.4.1 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

4.1.4.2 The specific course work or professional development including the educational institution or provider the individual intends to use to fulfill the requirements; and

4.1.4.3 The anticipated time frame for the completion of the requirements; and

4.1.4.4 A specific listing of how the employing ~~[district authority]~~ shall support and assist the individual in achieving the skills and knowledge necessary and completing the requirements.

4.2 Failure by the employing ~~[district authority]~~ to fulfill the conditions set forth shall result in denial of the Emergency Certificate.

45.0 Employing ~~[District Authority]~~ Report

5.1 At the end of each school year the validity period during which an Emergency Certificate is in effect, if the employing ~~[district authority]~~ intends to request an extension for an additional school year, the employing ~~[district authority]~~ shall file a written status report with the Department detailing the individual's progress completing the written plan with the Department, which shall:

45.1.1 Establish that the recipient of the Emergency Certificate has demonstrated continued competence through receiving a satisfactory summative evaluation on the annual ~~Delaware Performance Appraisal System DPAS.~~

~~45.1.2 Document the progress made by the recipient of the Emergency Certificate toward fulfilling the written plan established by the employing ~~[district authority]~~ and approved by the Department to meet the applicable certification requirements and any amendments to the written plan including but not limited to change in courses, providers, or time frames.~~

45.3 Failure by the employing ~~[district authority]~~ to fulfill the conditions set forth in 4.1 and 4.2 above 5.1 prior to June 30th shall result in suspension the expiration 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)

12 DE Reg. 1412 (05/01/09)

56.0 Expiration of Emergency Certificate

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

6.2 If no action is taken by the employing ~~[district authority]~~ prior to the deadline, an Emergency Certificate automatically expires on June 30th.

6.3 Emergency Certificates that have expired may not be extended.

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

12 DE Reg. 1412 (05/01/09)

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 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)

12 DE Reg. 1412 (05/01/09)

7.0 Revocation of Emergency Certificate

7.1 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 150514**.

7.1.1 An educator is entitled to a full and fair hearing before the ~~Professional~~ Standards Board.

7.1.2 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)

15 DE Reg. 1150 (02/01/12) (Final)

Renumbered effective 6/1/07 - see Conversion Table