

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))
14 **DE Admin. Code** 1574

FINAL

REGULATORY IMPLEMENTING ORDER

1574 Teacher of Students Who Are Deaf or Hard of Hearing

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

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** 1574 Teacher of Students Who Are Deaf or Hard of Hearing. 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 clarify when this certification is required, to update current coursework requirements and to accommodate current formatting. This regulation sets forth the requirements for a Teacher of Students Who Are Deaf or Hard of Hearing.

Notice of the proposed adoption of the regulation was published in the Delaware *Register of Regulations* on December 1, 2012. The notice invited written comments. Similar comments were received from the Governor's Advisory Council for Exceptional Citizens (GACEC) and the State Council for Persons with Disabilities (SCPD). Some of the proposed grammatical edits were incorporated into the final regulation, as well as substituting the word 'students' for 'children' in the last sentence in section 5.0. The comments noted a difference in the dates within the "grandfather" provision in the same section and the date in another recently amended regulation with a grandfather date back to 2005. The January 11, 2007 date within 1574 is based on the initial effective date of this Standard Certificate regulation as adopted by the Professional Standards Board and the State Board of Education. Previously recognized valid certifications were converted to the current Standard Certificate with the 2007 adoption. The written comments also included concerns that the 18 month timeframe was not long enough for teachers to complete the required 21 credits. The PSB considered the information and noted that an educator could extend the time beyond the initial 18 month phase-in for up to two additional years by having the Local Employing Agency (LEA) obtain an Emergency Certificate for the educator. The PSB determined not to extend the 18 month window. Considering the anticipated February 11, 2013 regulation effective date, it would allow educators to gather the required skills and knowledge by the onset of the 2014-2015 school year. Other changes in the regulation are to clarify that this certification is mandatory for educators whose primary assignment is working with this category of students; however, many educators have already attained this certification or some of the requisite coursework prior to employment or subsequently. An additional concern was shared that more American Sign Language (ASL) be required. In consulting with educators and administrators working with this category of students, it is recognized that there are differences of opinion in this area and it is understood that not all students within this category are actually taught content with ASL. It was also confirmed that a LEA may provide for the interpretation services to meet individual students' needs or if the LEA has a need for an educator with deep ASL content and knowledge, it would be incumbent upon the LEA to work through the posting and hiring process with those requirements as a priority. The SCPD's comments recognized that there are different opinions in this area. Based on the information gathered, the PSB noted that the ALS course is one option in the course count and determined to leave the amended course options as originally proposed.

II. FINDINGS OF FACTS

The Professional Standards Board and the State Board of Education find that it is appropriate to adopt this regulation to clarify when this certification is mandated, update current coursework requirements, and to accommodate current formatting.

III. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, the Professional Standards Board and the State Board of Education conclude that it is appropriate to adopt the regulation. Therefore, pursuant to 14 **Del.C.** §1205(b), the regulation attached hereto as Exhibit "A" is hereby adopted. Pursuant to the provision of 14 **Del.C.** §122(e), the regulation hereby adopted 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 adopted shall be in the form attached hereto as Exhibit "A", and said regulation shall be cited as 14 **DE Admin. Code** 1574 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 3rd DAY OF JANUARY, 2013

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 17th day of January, 2013.

Department of Education

Mark Murphy, Secretary of Education

Approved this 17th day of January, 2013

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	

1574 Teacher of Students Who Are Deaf or Hard of Hearing

1.0 Content

This regulation shall apply to the requirements for a standard certificate for Teacher of Students Who Are Deaf or Hard of Hearing pursuant to 14 ~~Del.C.~~, §1220.

2.0 Definitions

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

~~"Certification"~~ means the issuance of a 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.~~, §1202 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. The term 'educator' does not include substitute teachers.

~~"Examination of Content Knowledge"~~ means a standardized test which measures knowledge in a specific content area, such as PRAXIS™ II.

~~"Fifteen (15) Credits or Their Equivalent in Professional Development"~~ means college credits or an equivalent number of hours, with one (1) credit equating to fifteen (15) hours taken either as part of a degree program or in addition to it, from a regionally accredited college or university or a professional development provider approved by the employing school district or charter school.

"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 his or her unfitness.

"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 thirty (30) semester hours of course work in a particular content area.

"NASDTEC" means The National Association of State Directors of Teacher Education and Certification. The organization represents professional standards boards, commissions and departments of education in all 50 states, the District of Columbia, the Department of Defense Dependent Schools, the U.S. Territories, New Zealand, and British Columbia, which are responsible for the preparation, licensure, and discipline of educational personnel.

"NCATE" means The National Council for Accreditation of Teacher Education, a national accrediting body for schools, colleges, and departments of education authorized by the U.S. Department of 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.

"State Board" means the State Board of Education of the State pursuant to 14 **Del.C.** §104.

"Valid and Current License or Certificate from Another State" means a current full or permanent certificate or license issued by another state. It does not include temporary, emergency or expired certificates or licenses issued from another state.

3.0 Standard Certificate

The Department shall issue a Standard Certificate as a Teacher of Students Who Are Deaf or Hard of Hearing to an educator who holds a valid Delaware Initial, Continuing, or Advanced License; or a Limited Standard, Standard or Professional Status Certificate issued by the Department prior to August 31, 2003 who has met the following requirements:

- 3.1 Acquired the prescribed knowledge, skill or education to practice in a particular area, to teach a particular subject or to instruct a particular category of students by:
 - 3.1.1 Obtaining National Board for Professional Teaching Standards certification in the area, subject, or category for which a Standard Certificate is requested; or
 - 3.1.2 Graduating 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, offered by a regionally accredited college or university, with a major or its equivalent in Deaf Education; or
 - 3.1.3 Satisfactorily completing the Alternative Routes for Licensure and Certification Program, the Special Institute for Licensure and Certification, or such other alternative educator preparation programs as the Secretary may approve; or
 - 3.1.4 Holding a master's degree in deaf education from a program approved by the Council for Education of the Deaf offered through a regionally accredited college or university; or
 - 3.1.5 Holding a bachelor's degree from a regionally accredited college or university in any content area and for applicants applying after June 30, 2006 for their first standard certificate, satisfactory completion of fifteen (15) credits or their equivalent in professional development related to their area of certification, of which at least six (6) credits or their equivalent must focus on pedagogy, selected by the applicant with the approval of the employing school district or charter school which is submitted to the Department; and
- 3.2 For applicants applying after December 31, 2005, where a Praxis™ II examination in the area of the Standard Certificate requested is applicable and available, achieved a passing score as established by the Standards Board, in consultation with the Department and with the concurrence of the State Board, on the examination; or
- 3.3 Met the requirements for licensure and holding a valid and current license or certificate from another state as a Teacher of the Deaf and Hard of Hearing;
 - 3.3.1 The Department shall not act on an application for certification if the applicant is under official investigation by any state or local authority with the power to issue educator licenses or certifications, where the alleged conduct involves allegations of immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty or falsification of credentials, until the applicant provides evidence of the investigation's resolution; or

- 3.4 ~~Met the requirements for a Meritorious New Teacher Candidate Designation adopted pursuant to 14 Del.C. §1203.~~
- 3.5 ~~If additional criteria are imposed by a specific regulation in the area for which a Standard Certificate is sought, the additional requirements must also be met.~~

4.0 Multiple Certificates

~~Educators may hold certificates in more than one area.~~

5.0 Application Requirements

~~An applicant for a Standard Certificate shall submit:~~

- 5.1 ~~Official transcripts; and~~
- 5.2 ~~Official scores on the Praxis II examination if applicable and available; or~~
- 5.3 ~~Evidence of passage of the National Board for Professional Teaching Standards Certificate, if applicable; or~~
- 5.4 ~~An official copy of the out of state license or certification, if applicable.~~
- 5.5 ~~If applied for simultaneously with application for an Initial License, the applicant shall provide all required documentation for that application in addition to the documentation cited above.~~

6.0 Application Procedures for License Holders

~~If an applicant holds a valid Initial, Continuing, or Advanced Delaware License; or a Limited Standard, Standard or Professional Status Certificate issued prior to August 31, 2003 and is requesting additional Standard Certificates, only that documentation necessary to demonstrate acquisition of the prescribed knowledge, skill or education required for the additional Standard Certificate requested is required.~~

7.0 Effect of Regulation

~~This regulation shall apply to all requests for issuance of a Standard Certificate, except as specifically addressed herein. Educators holding a Professional Status Certificate or a Standard Certificate issued on or before August 31, 2003 shall be issued a Continuing License upon the expiration of their current Professional Status Certificate or Standard Certificate. The Standard Certificate for each area in which they held a Professional Status Certificate or a Standard Certificate shall be listed on the Continuing License or the Advanced License. The Department shall also recognize a Limited Standard Certificate issued prior to August 31, 2003, provided that the educator successfully completes the requirements set forth in the prescription letter received with the Limited Standard Certificate. Requirements must be completed by the expiration date of the Limited Standard Certificate, but in no case later than December 31, 2008.~~

8.0 Validity of a Standard Certificate

~~A Standard Certificate is valid regardless of the assignment or employment status of the holder of a certificate or certificates, and is not subject to renewal. It 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 1514. An educator whose license or certificate is revoked is entitled to a full and fair hearing before the Professional Standards Board. Hearings shall be conducted in accordance with the Standards Board's Hearing Procedures and Rules.~~

9.0 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 a Standard Certificate on an individual basis and grant a Standard Certificate to an applicant who otherwise does not meet the requirements for a Standard Certificate, but whose effectiveness is documented by the local school district or charter school administrator or other employing authority.~~

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 Who Are Deaf or Hard of Hearing. 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 who are deaf or hard of hearing.

- 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

The definitions set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

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 Who Are Deaf or Hard of Hearing 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 Holding a master's degree from a regionally accredited college or university in Deaf Education from a program approved by the Council for Education of the Deaf; or
 - 4.1.2 The successful completion of twenty-one (21) 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 Human Growth and Development Characteristics of the Deaf and Hard of Hearing (3 credits);
 - 4.1.2.2 Assessment, Diagnosis and Prescriptive Techniques for the Deaf or Hard of Hearing (3 credits);
 - 4.1.2.3 Curriculum and Instructional Methods for the Deaf or Hard of Hearing (3 credits);
 - 4.1.2.4 Auditory Language Development (3 credits);
 - 4.1.2.5 Audiology (3 credits);
 - 4.1.2.6 Deaf and Hard of Hearing Practicum (3 credits); and either
 - 4.1.2.7 Visual Language Development (3 credits); or
 - 4.1.2.8 American Sign Language (3 credits).

5.0 Past Certification Recognized

The Department shall recognize a Standard Certificate Teacher of Students Who [aA]re Deaf or Hard of Hearing issued by the Department between January 11, 2007 and the effective date of this regulation. A teacher holding a Standard Certificate Teacher of Students Who [aA]re Deaf or Hard of Hearing issued between January 11, 2007 and the effective date of this regulation shall be considered certified to teach [children students] who are deaf or hard of hearing.

10 DE Reg. 1144 (01/01/07)

Renumbered effective 6/1/07 - see Conversion Table

16 DE Reg. 851 (02/01/13) (Final)