

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))
14 **DE Admin. Code** 1517

PROPOSED

PUBLIC NOTICE

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

1517 Paraeducator Permit

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** 1517 ParaEducator Permits. The regulation applies to the issuance of a Paraeducator Permit, pursuant to 14 **Del.C.** §1205. It is necessary to amend this regulation in order to update and clarify some of the definitions, requirements and to update the application procedures. The proposed amendments, update the application procedures to streamline the process and eliminate the requirement that applicants apply via their employing district and allow applicants to submit their application directly to the Department of Education. The current regulation only requires a high school diploma or the recognized equivalent for both a service and instructional paraeducator. The proposed amendments set a higher standard for Instructional paraeducators, strengthening the entrance requirements to align with the requirements for Title I Paraeducators. While there is no specific grandfathering provision in the amendments, paraeducators currently holding the Instructional Paraeducators permit may continue with their current permit as long as they renew their permit and do not allow it to expire. If a paraeducator allows their permit to expire, they will need to reapply and will be subject to the new requirements for Instructional Paraeducator Permits.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on the 31st day of January, 2014 to Donna Lee Mitchell, 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 and expectations for paraeducators who provide support services, or instructional assistance or support in the classroom or laboratory; provides one-on-one or small group instruction; assists in training and support with functional skill activities, such as personal care or assistive technology; or provides instructional services to students under the direct supervision of a teacher contributing to the improvement of student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation helps to ensure that all paraeducators employed to assist students meet high standards and have acquired the prescribed general knowledge, skill and/or education to support in a particular area, as a Service, Instructional or Title I paraeducator.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation addresses paraeducator permitting, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses paraeducator permitting, and addresses students' legal rights within the realm of their role as a paraeducator.

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 1517? 14 **Del.C.** requires that we promulgate this regulation for Paraeducator Permits.

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. Job descriptions, permit requirements and corresponding pay are set by the employing authority. The permit requirements for Service Paraeducator remain the same in this proposed amended regulation. A school district or charter may choose to require personnel possess a service permit rather than the instructional permit if the new requirements for Instructional Paraeducator trigger and increase in personnel costs.

1517 Paraeducator Permit

1.0 Content

This regulation shall apply to the issuance of a Paraeducator Permit, pursuant to 14 **Del.C.** §1205(a). This Permit is required of Title I Paraeducators, Instructional Paraeducators, and Service Paraeducators employed, either full time or part time in support positions in public schools. This Permit is required of all Paraeducators, regardless of employment date.

14 DE Reg. 560 (12/01/10)

2.0 Definitions

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

“Associate's or Higher Degree” means that the degree is conferred by a regionally accredited institution of higher education or by a distance education institution that is regionally accredited, or any other accrediting agency the Delaware Secretary of Education deems within his or her discretion, to be reliable or equivalent to a regional accrediting agency.

“Completed at Least 2 Years of Study at an Institution of Higher Education” means the satisfactory completion of a minimum of sixty (60) semester hours of instruction at a regionally accredited institution of higher education or by a distance education institution that is regionally accredited, or any other accrediting agency the Delaware Secretary of Education deems within his or her discretion, to be reliable or equivalent to a regional accrediting agency, in general or educational studies, including reading, writing, and mathematics content and pedagogy, unless the institution of higher education defines two (2) years of full time study as the successful completion of a minimum of forty-eight (48) semester hours, and provides documentation of such definition.

“Department” means the Delaware Department of Education.

“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 or otherwise.

“Instructional Paraeducator” means a public school employee who provides one-on-one or small group instruction; assists with classroom management or individual student behavior; provides assistance in a computer laboratory; provides support in a library or media center; assists in training and support with functional skill activities, such as personal care or assistive technology; or provides instructional services to students under the direct supervision of a teacher. Instructional Paraeducators are those working with regular education students and students with disabilities in schools other than Title I schoolwide schools or with students not receiving Title I services in Title I targeted assistance schools.

“Paraeducator”, as used herein, means a paraprofessional, as it is used in 14 **Del.C.** §1205. Paraeducators are not "educators" within the meaning of 14 **Del.C.** §1202(4).

“Permit” means a document issued by the Department that verifies an individual's qualifications and training to serve as a Title I, Instructional or Service Paraeducator.

“Secretary” means the Secretary of the Delaware Department of Education.

“Service Paraeducator” means a public school employee who provides support services other than instructional assistance to students, but does not include bus aides (See 14 **DE Admin. Code** 1105).

“Standards Board” means the Professional Standards Board of the State of Delaware as established in response to 14 Del.C. §1205.

“State Board” means the State Board of Education of the State of Delaware established in response to 14 Del.C. §104.

“Title I Paraeducator” means a public school employee who provides one on one or small group instruction; assists with classroom management; provides assistance in a computer laboratory; provides support in a library or media center; or provides instructional services to students under the direct supervision of a teacher. Additionally, Title I Paraeducators are all Instructional Paraeducators who work with regular students and children with disabilities in Title I schoolwide schools and all Title I Paraeducators who work with children receiving Title I services in Title I targeted assistance schools, except those whose duties are limited to acting as a translator or as a home school liaison.

9 DE Reg. 139 (7/1/05)

3.0 Title I Paraeducators and Instructional Paraeducators

3.1 A Title I Paraeducator must hold a Title I Paraeducator Permit. An Instructional Paraeducator must hold an Instructional Paraeducator Permit.

3.1.1 In accordance with 14 Del.C. §1205(a), the Department shall issue a Title I Paraeducator Permit to an applicant who has met the following:

3.1.1.1 Completion of at least two (2) years of study in general or educational studies at an institution of higher education; or

3.1.1.2 Receipt of an associate's or higher degree; or

3.1.1.3 Completion of a high school diploma or its recognized equivalent, and a passing score on a rigorous assessment of knowledge of, and the ability to assist in, the instruction in reading, writing, and mathematics.

3.1.1.3.1 Assessments which are accepted as providing evidence of knowledge and ability to assist in the instruction in reading, writing, and mathematics include:

3.1.1.3.1.1 Para Pro assessment with a qualifying score of 459 or higher.

3.1.1.3.1.2 Such alternative as may be established by the Standards Board, with the approval of the State Board; and

3.1.1.4 Submits sufficient verifiable evidence of qualifications to the Department and meets all the requirements.

3.1.2 In accordance with 14 Del.C. §1205(a), the Department shall issue an Instructional Paraeducator Permit to an applicant who has met the following:

3.1.2.1 Completion of at least two (2) years of study in general or educational studies at an institution of higher education; or

3.1.2.2 Receipt of an associate's or higher degree; or

3.1.2.3 Completion of a high school diploma or its recognized equivalent, and a passing score on a rigorous assessment of knowledge of, and the ability to assist in, the instruction in reading, writing, and mathematics.

3.1.2.3.1 Assessments which are accepted as providing evidence of knowledge and ability to assist in the instruction in reading, writing, and mathematics include:

3.1.2.3.1.1 Para Pro assessment with a qualifying score of 459 or higher.

3.1.2.3.1.2 Such alternative as may be established by the Standards Board, with the approval of the State Board; and

3.1.2.4 Submits sufficient verifiable evidence of qualifications to the Department and meets all the requirements.

3.2 Application Procedures.

3.2.1 ~~The district, charter school, or other employing authority shall~~ applicant must submit the a Department approved application form. The applicant must include official transcripts or official scores on an assessment of knowledge of, and the ability to assist in, the instruction in reading, writing, and mathematics, ~~to the Department on behalf of the applicant. The district, charter school or other employing authority applicant shall certify as part of the application form that the applicant, in their opinion, meets the requirements of Section 3.0 that answers on the application are true and accurate.~~

3.2.1.1 Official transcripts shall be forwarded directly from the issuing institution or by the applicant in an unopened, unaltered envelope ~~to the district, charter school or other employing authority.~~

- 3.2.1.2 Test scores shall be official and sent directly from Educational Testing Service or other test vendor ~~to the district, charter school or other employing authority~~. Unopened, unaltered envelopes containing test scores sent to an individual may be accepted as official. The Department shall determine whether the scores, as presented, are acceptable.

~~3.2.2 Unemployed applicants shall submit sufficient verifiable evidence of qualifications to the Department.~~

9 DE Reg. 232 (8/1/05)

14 DE Reg. 560 (12/01/10)

4.0 Instructional Paraeducators and Service Paraeducators

- 4.1 All ~~Instructional Paraeducators and Service Paraeducators~~ Must Hold the Appropriate Permit in accordance with 14 ~~Del.C.~~ §1205(a).
- 4.2 The Department shall issue a Permit to an ~~Instructional Paraeducator applicant or a Service Paraeducator applicant for whom the district, charter school, or other employing authority~~ has submitted a Department approved application form and who provides evidence of a high school diploma or its recognized equivalent.

9 DE Reg. 232 (8/1/05)

14 DE Reg. 560 (12/01/10)

5.0 Validity

- 5.1 Unless stated otherwise herein, a Title I, Instructional, or Service Paraeducator Permit shall be valid for five (5) years from the Date of Issuance.
- 5.2 The Department shall renew a Paraeducator Permit, valid for an additional five (5) years, to a Paraeducator ~~whose school district, charter school, or other employing authority~~ provides evidence to the Department of successful completion of a minimum of fifteen (15) clock hours of approved professional development.
- 5.3 The paraeducator is required to complete Fifteen (15) clock hours of approved professional development is required to be completed during the term of validity of the Paraeducator Permit.

14 DE Reg. 560 (12/01/10)

6.0 Options for Renewal

- 6.1 Options for Renewal: are listed in Sections 6.2 and 6.3. These professional development activities are approved options for the renewal of a Paraeducator Permit. Unless otherwise stated, there is no limit to the number of hours that may be taken in any of the options listed below:
- 6.2 Options listed in Section 6.2 shall be valid for paraeducators holding a Permit whose expiration date does not exceed December ~~19 10~~, 2015.
- 6.2.1 College credit completed at a regionally accredited college or university with a grade of "C" or better or a "P" in a pass or fail course (One [1] semester hour equals fifteen (15) clock hours).
- 6.2.2 Planned school professional development day (maximum six (6) clock hours per day).
- 6.2.3 Professional conference, workshop, institute, or academy that contributes to the participant's knowledge, competence, performance, or effectiveness as a paraeducator (verified clock hours actively involved in workshop or conference sessions).
- 6.2.4 Participation on a school, district, or state sponsored committee which has as its focus curriculum, instruction, or school or district improvement (verified clock hours of service or experience).
- 6.3 Educators holding a Paraeducator Permit whose expiration date does not exceed December 10, 2015 may also use the Paraeducator Permit renewal options listed in Section 6.3.
- 6.3.1 College courses taken at a regionally accredited College or University. College or University Credit shall be taken for credit and the educator shall attain a grade of "C" or better in the course, or a "P" in Pass / Fail course. [One (1) semester hour equals fifteen (15) clock hours.]
- 6.3.2 Professional development programs targeting curriculum, instruction, assessment, school climate, or other identified need.
- 6.3.3 A Committee, Professional Learning Community (PLC), Conference, Workshop, Institute or Academy that contribute to the participant's knowledge and skills, competence, performance or effectiveness in education that are directly connected to the school, district or charter school's Success Plan or State initiative. This option includes workshops offered by districts or other employing authorities either as part of a professional development day or during after school hours.
- 6.4 Options listed in Section 6.2 for the renewal of a Paraeducator Permit shall expire on December 10, 2015.
- 6.5 Educators either receiving their original Paraeducator Permit after December 11, 2010 or upon renewing their Paraeducator Permit on or after December 11, 2010 shall use the options listed in Section 6.3.

14 DE Reg. 560 (12/01/10)

7.0 Criminal Conviction History

- 7.1 An applicant shall disclose his or her criminal conviction history upon application for any Paraeducator Permit.
- 7.2 Failure to disclose a criminal conviction history is grounds for denial or revocation of a Paraeducator Permit as specified in 14 Del.C. §1219.

14 DE Reg. 560 (12/01/10)

8.0 Denial and Revocation

- 8.1 ~~A Paraeducator Permit~~ An applicant may be denied ~~an applicant a paraeducator permit~~ upon a finding that ~~an~~ the applicant has failed to meet the requirements set forth herein or is unfit to be issued a permit in the State.
- 8.2 A Paraeducator Permit may be revoked upon the dismissal of the permit holder for immorality, misconduct in office, incompetence, willful neglect of duty or disloyalty, and must be revoked upon a finding that the permit holder made a materially false or misleading statement in his or her permit application.
- 8.3 A Paraeducator whose Permit has been denied or revoked may file a request for a hearing with the Secretary within ten (10) days of receipt of the notice of denial or revocation.
 - 8.3.1 The Secretary's decision shall be final.

5 DE Reg. 856 (10/1/01)

7 DE Reg. 1006 (2/1/04)

8 DE Reg. 1141 (2/1/05)

9 DE Reg. 139 (7/1/05)

9 DE Reg. 232 (8/1/05)

Renumbered effective 6/1/07 - see Conversion Table

14 DE Reg. 560 (12/01/10)

17 DE Reg. 683 (01/01/14) (Prop.)