

DEPARTMENT OF EDUCATION

14 DE Admin. Code 764

Statutory Authority: 14 Delaware Code,
Section 122(e) (14 Del.C. §122(e))

REGULATORY IMPLEMENTING ORDER

764 (Previously 364) Credentials for an Interpreter/Tutor for the Deaf and Hard of Hearing

I. Summary of the Evidence and Information Submitted

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 364 Certification Interpreter/Tutor for the Hearing Impaired. The amendments change Certification to a Permit and add sections on Definitions, Application Procedures, Criminal Conviction History and the Denial of and the Revocation of the Permit. The number of the regulation is changed to 764 and it will be included in the 700 Section of the 14 DE Admin. Code of Regulations. The title is also changed to Credentials for an Interpreter/Tutor for the Deaf and Hard of Hearing.

Notice of the proposed regulation was published in the News Journal and the Delaware State News on April 21, 2005, in the form hereto attached as *Exhibit "A"*. Comments were received from Governor's Advisory Council for Exceptional Children and the State Council for Persons with Disabilities. Concerns included the criminal background check, the definition of Morality and the expiration period for the permit.

The Department cannot designate the failure to disclose one's criminal conviction history as a crime through regulation. All new employees including interpreter tutors must undergo a criminal background check as per 14 DE Admin. Code 745 Criminal Background Check for Public School Employees and 11 Del.C. Ch.85 Subchapter VI.

The Definition of morality and unfit are consistent with regulations adopted by the Professional Standards Board and approved by the State Board of Education in 14 DE Admin. Code 1513 and 1514.

The Department does not intend to place an expiration date on the permit. If an individual leaves employment and comes back to work years later the provisions of 11 Del.C. Ch.85 Subchapter VI will apply.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 DE Admin. Code 364 to change the Certification to a Permit and add sections on Definitions, Application Procedures, Criminal Conviction History and the Denial of and the Revocation of the Permit.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 DE Admin. Code 364. Therefore, pursuant to 14 Del.C. Ch 31, 14 DE Admin. Code 364 attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 Del.C. §122(e), 14 DE Admin. Code 764 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 14 DE Admin. Code 764 amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 DE Admin. Code 764 in the *Administrative Code of Regulations* for the Department of Education.

V. Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to 14 Del.C. Ch.31 on June 16, 2005. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 16th day of June 2005.

DEPARTMENT OF EDUCATION

Valerie A. Woodruff, Secretary of Education
Approved this 16th day of June 2005

STATE BOARD OF EDUCATION

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~~364 Certification Interpreter/Tutor for the Hearing Impaired~~

~~Effective July 1, 1976~~

- ~~1.0 The following shall be required for the Standard License~~
 - ~~1.1 High school or college graduate and,~~
 - ~~1.2 Registered member of Interpreters of the Deaf (National) and/or Licensed as a teacher for the deaf and,~~
 - ~~1.3 Adequate competency in the language of signs and finger spelling receptively and expressively as determined by an agency authorized by the Delaware Department of Education.~~
- ~~2.0 The License that may be issued for this position is the Standard License.~~

764 Credentials for an Interpreter/Tutor for the Deaf and Hard of Hearing

1.0 Content.

1.1 This regulation shall apply to the requirements for a permit, pursuant to 14 Del.C. §1331(b), for Interpreter/Tutor for the Deaf and Hard of Hearing.

2.0 Definitions

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

“Permit” means a document issued by the Department of Education that verifies an individual’s qualifications and training to serve as an Interpreter Tutor for the Deaf and Hard of Hearing.

“Department” means the Delaware Department of Education.

“Immorality” means conduct which is inconsistent with the rules and principles of morality expected of the interpreter/tutor and may reasonably be found to impair an individual’s effectiveness by reason of his or her unfitness or otherwise.

~~“NAD” means the National Association of the Deaf.]~~

“RID” means the National Registry of Interpreters for the Deaf.

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

“Unfit” means lack of good moral character, misconduct in office, incompetence, willful neglect of duty, disloyalty or falsification of credentials.

3.0 The Department shall issue a Permit as an Interpreter/Tutor for the Deaf and Hard of Hearing to an individual who has:

3.1 A minimum of a Bachelor’s degree in any field from a regionally accredited college or university; and [maintains national certification is nationally certified] as an Interpreter for the Deaf and Hard of Hearing by [either NAD or] RID, or;

3.2 [Maintains a A] current and valid license and is certified as a Teacher of the Hearing Impaired.

4.0 Application Procedures.

4.1 Applicants for a Permit as an Interpreter/Tutor for the Deaf and Hard of Hearing shall submit to the Department:

4.1.1 Official transcripts forwarded directly from the issuing institution or by the applicant in an unopened, unaltered envelope.

4.1.2 Evidence of national certification as an Interpreter for the Deaf and Hard of Hearing from ~~either NAD or~~ RID.

5.0 Criminal Conviction History

5.1 An applicant shall disclose his or her criminal conviction history upon application for the Permit. Failure to disclose a criminal conviction history is grounds for denial or revocation of a Permit.

6.0 An applicant may be denied a Permit for an Interpreter/Tutor for the Deaf and Hard of Hearing upon a finding that the applicant has failed to meet the requirements set forth herein or is unfit to be issued a permit in this State.

6.1 The Secretary shall give written notice to the applicant of the denial and the reasons therefore. The notice of denial shall be sent by certified mail and shall give notice that a full and fair hearing may be requested before the Secretary or his or her designee within 10 days of the receipt of the notice of denial. The Secretary's decision shall be final.

6.2 Notwithstanding any other provision stated herein, no Permit shall be issued to an applicant if:

6.2.1 There is legal evidence that the applicant is not of good moral character;

6.2.2 The applicant has had an educator Permit, certificate or license revoked in another jurisdiction for immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty or falsification of credentials.

7.0 A Permit issued under the provisions of this regulation may be revoked upon a finding of immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty or falsification of credentials and must be revoked upon finding that the permit holder made a materially false or misleading statement in his or her permit application.

7.1 The Secretary shall give written notice to the permit holder of the proposed revocation and the reasons therefore. The notice of revocation shall be sent by certified mail and shall give notice that a full and fair hearing may be requested before the Secretary, or his or her designee, within 10 days of the receipt of the notice of denial. The Secretary's decision shall be final.

8.0 This regulation shall be effective immediately. Notwithstanding this provision, the Department shall recognize a Certification Interpreter/Tutor for the Hearing Impaired that is otherwise valid if issued prior to July 11, 2005, provided that the Certificate holder is employed as an interpreter/tutor as of July 11, 2005. If a holder of a Certification Interpreter/Tutor for the Hearing Impaired issued prior to July 11, 2005, should leave employment as an interpreter/tutor, such individual shall meet the then-in-effect permit requirements upon reapplication.

9 DE Reg. 113 (07/01/05)(Final)