

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)
14 **DE Admin. Code** 1571

PROPOSED

PUBLIC NOTICE

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

1571 Special Education Teacher of Students with Disabilities

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1571 Special Education Teacher of Students with Disabilities. The regulation concerns the requirements for a Special Education Teacher of Students with Disabilities Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments to the regulation include revising the title of the Standard Certificate in Section 1.0; striking terms from Section 2.0 that have been embedded within the body of the regulation; revising the definition of "Valid and Current License or Certificate" in Section 2.0; clarifying the reference to license in subsection 3.1.2; adding the Praxis Special Education: Foundational Knowledge (ETS Test Code # 5355) as an option in subsection 4.1.2.2; adding subsection 5.2, which concerns disclosure of criminal conviction history; and adding Section 10.0, which concerns applicants' and Educators' contact information with the Department and specifies how they can change their name or address.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before August 1, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change the authority or flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Special Education Teacher of Students with Disabilities Standard Certificate but whose effectiveness is documented by the district or school. Section 6.0 is consistent with the statute.

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 does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same

entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12 relating to licensure and certification of educators.

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 is consistent with, and not an impediment to, the implementation of other state educational policies, and 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? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state or to the local school boards of complying with this amended regulation.

1571 Special Education Teacher of Students with Disabilities

1.0 Content

1.1 This regulation shall apply to the issuance of a ~~Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Special Education Teacher of Students with Disabilities (Category)~~ Special Education Teacher of Students with Disabilities (Category) Standard Certificate pursuant to 14 **Del.C.** §1220(a).

1.1.1 ~~This Certification~~ The Special Education Teacher of Students with Disabilities Standard Certificate is required for an Educator whose primary assignment is teaching children with disabilities in grades K to 12 in Delaware public schools.

1.1.1.1 The Early Childhood Exceptional Children Special Education Teacher Standard Certificate may be used for grades K to 2 in lieu of Special Education Teacher of Students with Disabilities Standard Certificate.

1.1.1.2 The Teacher of Students with Autism or with Severe Intellectual Disabilities Standard Certificate, Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate, and Teacher of Students with Visual Impairments Standard Certificate shall be used when the teacher's primary assignment providing instruction to the category of students designated within those category certifications.

1.1.2 ~~This Certification~~ The Special Education Teacher of Students with Disabilities Standard Certificate is a category Standard Certificate and does not certify an Educator to practice in a particular area or teach a particular subject. A category Standard Certificate only establishes that an Educator has met the prescribed education, knowledge, or skill to instruct a particular category of students. ~~This Certification~~ The Special Education Teacher of Students with Disabilities Standard Certificate is limited to the category of teaching Students with Disabilities.

1.1.3 An Educator shall hold at least one content area Standard Certificate.

16 DE Reg. 766 (01/01/13)

19 DE Reg. 505 (12/01/15)

24 DE Reg. 48 (07/01/20)

2.0 Definitions

The following words and terms, when used in this regulation, have the following meaning:

~~"15 Credits or the Equivalent in Professional Development"~~ means college credits or an equivalent number of hours with one credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department. ~~College credit means undergraduate or graduate level coursework and continuing education units (CEUs) completed at or through a Regionally Accredited college or university or other Department approved provider.~~

~~"Certification"~~ means the issuance of a Standard 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.** Ch. 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 Professional Standards Board and approved by the State Board of Education. The term 'educator' does not include substitute teachers.

~~"Employing Authority"~~ means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.

"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 the educator's unfitness or otherwise.

"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 coursework in a particular content area.~~

~~**"Passing Score"** means a minimum score as established by the Standards Board, in consultation with the Department, and with the approval of the State Board of Education.~~

~~**"Professional Development"** means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change participants' attitudes, insights, and/or perspectives; and ultimately results in improved professional practice. Effective professional development programs include ample opportunities for knowledge acquisition, skill mastery, descriptive feedback, and refinement of practice in the work setting.~~

"Regionally Accredited" means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher 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.

"Students with Disabilities" means the same as "Child with a Disability" as provided in 14 Del.C. §3101(2).

"Valid and Current License or Certificate" means a current full or permanent certificate or license as an educator issued by another state or jurisdiction. This means the educator applicant is fully credentialed by having met all of the requirements for full licensure or certification as an educator in another state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

19 DE Reg. 505 (12/01/15)

24 DE Reg. 48 (07/01/20)

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Special Education Teacher of Students with Disabilities Standard Certificate ~~for Special Education Teacher of Students with Disabilities~~ to an applicant who:

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 meets the requirements set forth in Section 4.0 of this regulation; or

3.1.2 Has met the requirements for ~~licensure~~ an educator's license in Delaware and holds a Valid and Current License or Certificate in special education or teaching students with disabilities by another state or jurisdiction.

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Special Education Teacher of Students with Disabilities Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

19 DE Reg. 505 (12/01/15)

24 DE Reg. 48 (07/01/20)

4.0 Prescribed Education, Knowledge, and Skill Requirements

4.1 An applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.

4.1.1 An applicant shall have satisfied ~~one~~ 1 of the following education requirements:

4.1.1.1 Obtained and currently maintain an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards; or

4.1.1.2 Earned a bachelor's, master's, or doctoral degree from a Regionally Accredited college or university with a ~~Major or Its Equivalent~~ minimum of 30 semester hours of coursework in special education or teaching students with disabilities from an educator preparation program approved or recognized by ~~the National Council for the Accreditation of Teacher Education (NGATE)~~, the

- Council for the Accreditation of Educator Preparation (CAEP), (CAEP) or a state where the state approval body employed the appropriate standards; or
- 4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach students with disabilities as provided in 14 Del.C. §§1260 – 1266; or
- 4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in special education; or
- 4.1.1.5 Earned a bachelor's degree from a Regionally Accredited college or university in any content area and also satisfactorily completed 15 Credits or the Equivalent in Professional Development college credits with a focus in special education or in students with disabilities in the following areas: areas provided in subsection 4.1.1.5.3 or an equivalent number of hours in professional development with 1 credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department in the areas provided in subsection 4.1.1.5.3.
- 4.1.1.5.1 For the purpose of subsection 4.1.1.5, professional development means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change the participants' attitudes, insights, and perspectives and ultimately results in improved professional practice.
- 4.1.1.5.2 Professional development hours may be approved if the applicant shows that the activity meets all of the following criteria:
- 4.1.1.5.2.1 Relevant courses from a Regionally Accredited college or university in special education are not available to the applicant online or in the applicant's county of residence; and
- 4.1.1.5.2.2 The activity is grounded in research and current best practices as judged by the Department's content specialist in special education; and
- 4.1.1.5.2.3 The activity is documented by the provider to provide knowledge and skills that are required for the special education certification; and
- 4.1.1.5.2.4 The activity is part of a professional development program that includes knowledge acquisition, skill mastery, descriptive feedback, and refinement of practice in the work setting.
- 4.1.1.5.3For the purpose of subsection 4.1.1.5, the areas are the areas specified in subsections 4.1.1.5.3.1 through 4.1.1.5.3.5.
- 4.1.1.5.3.1 Diagnosis and Instruction for Reading / Literacy (3 credits);
- 4.1.1.5.3.2 Education Evaluation and IEP Development (3 credits);
- 4.1.1.5.3.3 Curriculum and Instruction in Special Education (3 credits);
- 4.1.1.5.3.4 Applied Behavior Analysis (3 credits); and
- 4.1.1.5.3.5 One of the following areas:
- 4.1.1.5.3.5.1 Legislation, Policy & Procedures/ Special Issues in Special Education (3 credits);
- 4.1.1.5.3.5.2 Transitions from Secondary Special Education or Secondary Transition Planning (3 credits);
- 4.1.1.5.3.5.3 Collaborative Teaming in Special Education (3 credits); or
- 4.1.1.5.3.5.4 Assistive Technology (3 credits).
- 4.1.2 The applicant shall have achieved ~~on the Praxis Subject Assessment — Special Education: Core Knowledge and Applications (ETS Test Code # 5354) a Passing Score of 151. a minimum score on 1 of the following examinations:~~
- 4.1.2.1 A minimum score of 151 on the Praxis Subject Assessment - Special Education: Core Knowledge and Applications (ETS Test Code #5354); or
- 4.1.2.2 A minimum score of 145 on the Praxis Special Education: Foundational Knowledge (ETS Test Code # 5355).

19 DE Reg. 505 (12/01/15)

24 DE Reg. 48 (07/01/20)

5.0 Application Requirements

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with application for an Initial License, and the applicant shall also provide all required documentation for the License.

- 5.2 If the applicant is also applying for the issuance or renewal of an educator's license or paraeducator's permit, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license or permit application as specified in 14 Del.C. §1219 and it could delay the processing or result in the denial of the application for a Special Education Teacher of Students with Disabilities Standard Certificate.
- 5.2.5.3 The following documentation is required with the application for a Special Education Teacher of Students with Disabilities Standard Certificate:
- 5.2.4.5.3.1 ~~Evidence of obtaining an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards, if applicable.~~ applicable; and
- 5.2.2.5.3.2 Official transcript from the applicant's Regionally Accredited college or university.
- 5.2.2.4.5.3.2.1 ~~Electronic transcripts may be submitted by the applicant's Employing Authority or Regionally Accredited college or university.~~
- 5.2.2.2.5.3.2.2 ~~Sealed paper transcripts may be submitted by the applicant, the applicant's Employing Authority, or the applicant's Regionally Accredited college or university.~~
- 5.2.2.3.5.3.2.3 ~~The Department will not accept copies of transcripts.~~ transcripts; and
- 5.2.3.5.3.3 ~~Evidence of completing the equivalent of 15 Credits or the Equivalent in Professional Development, as provided in subsection 4.1.1.5, if applicable.~~ Documents verifying successful completion of Department-approved professional development, if applicable; and
- 5.2.4.5.3.4 Official score on the Praxis Subject Assessment as provided in subsection 4.1.2.
- 5.2.5.5.3.5 Additional documentation as required by the Department.
- 5.3.5.4 For applicants who have met the requirements for licensure as an educator in Delaware and hold a Valid and Current License or Certificate in special education or teaching students with disabilities from another state or jurisdiction, the following documentation is required in the application for a Special Education Teacher of Students with Disabilities Standard Certificate:
- 5.3.4.5.4.1 An official copy of the educator license or certificate from another state or jurisdiction.
- 5.3.2.5.4.2 Additional documentation as required by the Department.

24 DE Reg. 48 (07/01/20)

6.0 Secretary of Education Review

- 6.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Special Education Teacher of Students with Disabilities Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Special Education Teacher of Students with Disabilities Standard Certificate but whose effectiveness is documented by the local school district or charter school.
- 6.1.1 For school districts, requests shall be approved by the superintendent of the school district.
- 6.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

6.0 7.0 Validity of a Standard Certificate

- 6.4.7.1 A Special Education Teacher of Students with Disabilities Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.
- 6.2.7.2 A Special Education Teacher of Students with Disabilities Standard Certificate is not subject to renewal.

24 DE Reg. 48 (07/01/20)

7.0 8.0 Disciplinary Action

- 7.4.8.1 An Educator's Special Education Teacher of Students with Disabilities Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 DE Admin. Code 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.
- 7.2.8.2 An Educator's Special Education Teacher of Students with Disabilities Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 Del.C. §1222.

~~7.3~~ 8.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

8.0 Secretary of Education Review

~~The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Special Education Teacher of Students with Disabilities Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Special Education Teacher of Students with Disabilities Standard Certificate but whose effectiveness is documented by the local school district or charter school.~~

9.0 Past Certificate Recognized

The Department shall recognize a Special Education Teacher of Students with Disabilities Standard Certificate that was issued by the Department prior to the effective date of this regulation. An Educator holding such a Standard Certificate shall be considered certified to instruct Students with Disabilities.

10.0 Contact Information and Change of Name or Address

- 10.1 All applicants and Educators are required to update their contact information in DEEDS if their contact information changes.
- 10.2 An Educator who legally changes the Educator's name and wishes to change the name on the Special Education Teacher of Students with Disabilities Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 10.3 An applicant or Educator whose mailing address, email address, or phone number changes shall provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change.

7 DE Reg. 775 (12/01/03)

Renumbered effective 06/01/07 - see Conversion Table

11 DE Reg. 671 (11/01/07)

16 DE Reg. 766 (01/01/13)

19 DE Reg. 505 (12/01/15)

24 DE Reg. 48 (07/01/20)

27 DE Reg. 24 (07/01/23) (Prop.)