

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

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

FINAL

REGULATORY IMPLEMENTING ORDER

1517 Paraeducator Permit

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** 1517 Paraeducator Permit. 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.

Notice of the proposed adoption of the regulation was published in the Delaware *Register of Regulations* on December 1, 2013 through January 31, 2014. The notice invited written comments. Comments were received from the State Council for Persons with Disabilities and the Governor's Advisory Council for Exceptional Citizens. The comments included issues of clarification, as well as some grammar and usage edits in the regulation. The suggested comments were considered by the Board and all necessary edits were made. No additional comments were received regarding the proposed amendments to this regulation.

II. FINDINGS OF FACTS

The Professional Standards Board and the State Board of Education find that it is appropriate to adopt this regulation to comply with changes in statute.

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** 1517 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 6th DAY OF FEBRUARY, 2014

Chris Kenton, Chair

Rosaria Macera

Diane Albanese

Byron Murphy

Michael Casson

Wendy Murray

Joanne Christian

Mary Pinkston

Samtra Devard

Whitney Price

Stephanie DeWitt

JoAnn Reynolds

Cristy Greaves

Stephanie Smith

David Kohan

Jacque Wisnauskas

IT IS SO ORDERED the 20th day of FEBRUARY, 2014.

Department of Education
Mark Murphy, Secretary of Education

Approved 20th day of February, 2014

State Board of Education

Teri Quinn Gray, Ph.D., President

Jorge L. Melendez, Vice President

G. Patrick Heffernan

Barbara B. Rutt

Gregory B. Coverdale, Jr.

Terry M. Whittaker, Ed.D.

Randall L. Hughes

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 **[otherwise qualified]** 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 Submission of]** sufficient verifiable evidence of qualifications to the Department **[and which]** 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 **[otherwise qualified]** 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 Submission of]** sufficient verifiable evidence of qualifications to the Department **[and which]** 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 and when required]** official scores on an [approved] 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 **[Service Paraeducator]** Permit to ~~an Instructional Paraeducator applicant or [a Service Paraeducator an otherwise qualified]~~ applicant for whom the district, charter school, or other employing authority **[who]** 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 [who]~~ 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. 919 (03/01/14) (Final)