

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Section 1205(b) (14 **Del.C.** §1205(b))
14 **DE Admin. Code** 1506

PROPOSED

PUBLIC NOTICE

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

1506 Emergency Certificate

A. Type of Regulatory Action Required

Amendment to Existing Regulation

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 1506 Emergency Certificate. This regulation is being amended to provide current formatting and to eliminate unnecessary language, as well as to allow the Department of Education the ability to process some Emergency Certificates automatically for those enrolled in an approved Alternate Routes program.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before March 31, 2016 to Chris Kenton, Executive Director, Professional Standards Board, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation may be viewed or obtained at the Department of Education, Finance Office located at the address listed above.

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 for the issuance of a standard certificate to educators who have acquired the prescribed knowledge, skill, and/or education to practice in a particular area, to teach a particular subject, or to instruct a particular category of students to help ensure that students are instructed by educators who are highly qualified.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation helps to ensure that all teachers employed to teach students meet high standards and have acquired the prescribed knowledge, skill, and/or education to practice in a particular area, to teach a particular subject, or to instruct a particular category of students.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The regulation is related to the Professional Standards Board and does not directly affect any changes to the protection of students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The regulation is related to the Professional Standards Board and does not directly affect any changes to students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulations do not change or weaken the ability to make decisions 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 does not place any unnecessary reporting or administrative requirements on decision makers.

7. Will the 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 does not change because of the amendment.

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 amendment is consistent with and not an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a less burdensome method for addressing the purpose of the regulation, and 14 **Del.C.** §1221 requires that we promulgate this regulation.

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

1506 Emergency Certificate

1.0 Content

This regulation shall apply to the issuance of an Emergency Certificate, pursuant to 14 **Del.C.** §1221.

7 DE Reg. 161 (8/1/03)

2.0 Definitions

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

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

~~“Certified” means holding a certificate in a specific content area at designated grade levels.~~

“Credentialed” means holding an active license and an active certificate in a specific content area at appropriate grade levels.

“Emergency Certificate” means a temporary credential issued to an individual educator who has obtained employment or an offer of employment with an employing authority and holds a valid Delaware Initial, Continuing, or Advanced License, but lacks necessary skills and knowledge to immediately meet certification requirements in a specific content area. The temporary credential provides the individual educator with a limited time to meet the requirements for certification in the specific content area.

“Exigent Circumstances” means unanticipated circumstances or circumstances beyond the educator's control, including, but not limited to, serious illness of the educator or a member of his/her immediate family, activation to active military duty, and other serious emergencies which necessitate the educator's temporarily leaving active service.

“Satisfactory Evaluation” means the overall rating of "Highly Effective" or "Effective" on the DPAS-II Summative Evaluation or other Department-approved evaluation system.

7 DE Reg. 161 (8/1/03)

9 DE Reg. 555 (10/1/05)

12 DE Reg. 1412 (05/01/09)

15 DE Reg. 1150 (02/01/12)

3.0 Issuance of Emergency Certificate

3.1 Upon receipt of a completed application from the employing authority, the Department may issue an Emergency Certificate to an individual educator who holds a valid Delaware Initial, Continuing, or Advanced License, but who is not eligible for certification in the area of need.

3.1.1 An Emergency Certificate is valid for one school year subject to a limited extension as indicated herein.

3.1.2 The Emergency Certificate is issued for ~~a particular~~ one school year and expires on June 30th ~~unless a limited extension is granted.~~

3.1.3 The Department may grant a ~~limited extension~~ second-year Emergency Certificate if the individual educator has met the requirements for an extension outlined in Section 6.0 of this regulation.

~~3.2 An Emergency Certificate is only valid for the individual during their tenure with the employing authority requesting the Certificate unless a transfer is approved as specified in 3.7.~~

~~3.3 An Emergency Certificate may not be renewed or extended for a leave of absence.~~

~~3.4 An Emergency Certificate may be extended for an exigent circumstances. Extensions for exigent circumstances shall not exceed one (1) year in length.~~

3.5~~2~~ Notwithstanding the foregoing, an Emergency Certificate issued to an individual educator in a Skilled and Technical Sciences specific career area is valid for up to six (6) years to provide time for completion of specified college level course work or professional development required for certification.

3.6~~3~~ Notwithstanding the foregoing, an Emergency Certificate issued to an individual educator in an alternative routes for to teacher licensure and certification program shall be valid for the time specified in 14 **Del.C.** §1260 and 14 **DE Admin. Code** 1507 Alternative Routes to Teacher Licensure and Certification.

~~3.7 Transfer of Emergency Certificates to a New Employing Authority.~~

~~3.7.1 Upon application by a new employing authority, the Department may approve the transfer of the Emergency Certificate if the following requirements are met:~~

- 3.7.1.1 ~~The new employing authority that hires an individual with a valid Emergency Certificate requests prior to the expiration of the original emergency certificate, the continued approval of the Emergency Certificate through the remainder of the original term or requests an extension.~~
- 3.7.1.2 ~~The new employing authority must conduct an independent review of the individual's competency and assume the commitments and responsibilities of an employing authority within this regulation.~~
- 3.7.1.3 ~~The new employing authority shall also review the individual's Emergency Certificate written plan and amend as necessary and submit the revised written plan and transfer request for Department approval.~~

3.8 ~~Extension of Emergency Certificates~~

- 3.8.1 ~~The Emergency Certificate may be valid for up to two (2) consecutive school years. An employing authority must request an extension of the Emergency Certificate prior to June 30th.~~
- 3.8.2 ~~Emergency Certificates granted an extension shall expire on June 30th of the consecutive school year.~~
- 3.8.3 ~~Prior to June 30th, the employing authority shall review the Emergency Certificate and if considered necessary, the employing authority may apply to the Department for an extension for an additional school year.~~
- 3.8.4 ~~The Department may grant an extension of the Emergency Certificate if the following requirements are met:~~
 - 3.8.4.1 ~~The employing authority submits a complete request and report prior to June 30th.~~
 - 3.8.4.2 ~~The employing authority has established that the individual has made documented progress toward earning the Standard Certificate and has demonstrated continued competence through receiving a satisfactory summative evaluation on the annual DPAS.~~
 - 3.8.4.2.1 ~~Documented progress toward the Standard Certificate would include but is not limited to evidence of the educator having:~~
 - 3.8.4.2.1.1 ~~taken the necessary examination of content knowledge, such as the Praxis II test, or~~
 - 3.8.4.2.1.2 ~~completed requisite coursework or professional development, or~~
 - 3.8.4.2.1.3 ~~made significant growth toward the necessary degree or certificate.~~
 - 3.8.4.3 ~~Notwithstanding the above requirements in 3.8.4.2.1, the Department may grant an extension upon a showing of exigent circumstances.~~

3.9 ~~Notification to Parents~~

- 3.9.1 ~~As a condition of the individual receiving an emergency certificate, an employing authority shall within sixty (60) days of the assignment notify the parents of the students within the educator's responsibility of the emergency certification.~~
- 3.9.2 ~~The notification may be included in an already established form of communication to parents including but not limited to Highly Qualified Teacher status.~~
- 3.9.3 ~~A copy of the employing authority letter shall be on file with the Department.~~

3.10 ~~An Emergency Certificate shall not be issued more than once to an individual for a specific Standard Certificate.~~

7 DE Reg. 161 (8/1/03)

9 DE Reg. 544 (10/1/05)

12 DE Reg. 1412 (05/01/09)

15 DE Reg. 1150 (02/01/12)

4.0 **Application Procedures**

4.1 The employing authority shall:

- 4.1.1 ~~Submit to the Department in its request for the issuance of an Emergency Certificate the need for the individual to receive an Emergency Certificate and certify that the employing authority has conducted a meaningful review of the applicant's credentials and found that the individual is competent.~~
- 4.1.2~~1~~ ~~Establish that the proposed recipient of an Emergency Certificate is competent by submitting evidence of the individual's educator's license and other considerations. The evidence must establish that the employing authority conducted a meaningful review of the individual's competence and may include, but is not limited to, evidence of course work or work experience in the area for which the Emergency Certificate is requested.~~
- 4.1.3~~2~~ ~~Apply for the Emergency Certificate within sixty (60) calendar days of the individual's educator's hire or new job assignment.~~

- 4.1.2.1 Notwithstanding the above, the Department may issue an Emergency Certificate to an employed educator enrolled in an approved alternative route to licensure and certification program.
- 4.1.3 Support and assist the educator in achieving the skills and knowledge necessary to meet applicable certification requirements.
- 4.1.4 Set forth a written plan with the application of the Emergency Certificate, verified by the individual and the employing authority. The plan must be designed to support and assist the individual in achieving the skills and knowledge necessary to meet the applicable certification requirements. The written plan is subject to Department approval. The written plan shall contain at a minimum the following:
 - 4.1.4.1 A listing of all the outstanding certification requirements necessary to obtain the standard certificate in the area for which the Emergency Certificate is requested including but not limited to the specific examination of content knowledge such as Praxis II and any required course work, professional development, education or experience; and
 - 4.1.4.2 The specific course work or professional development including the educational institution or provider the individual intends to use to fulfill the requirements; and
 - 4.1.4.3 The anticipated time frame for the completion of the requirements; and
 - 4.1.4.4 A specific listing of how the employing authority shall support and assist the individual in achieving the skills and knowledge necessary and completing the requirements.
- 4.1.4 Verify that the educator understands the Standard Certificate requirements, the deadline in which to complete requirements, and the expectation to earn a Standard Certificate.
- 4.2 Failure by the employing authority to fulfill the conditions set forth shall result in denial of the Emergency Certificate.

15 DE Reg. 1150 (02/01/12)

5.0 Employing Authority Report

- 5.1 At the end of the validity period during which an Emergency Certificate is in effect, if the employing authority intends to request an extension for an additional school year, the employing authority shall file a status report with the Department detailing the individual's progress which shall:
 - 5.1.1 Establish that the recipient of the Emergency Certificate has demonstrated continued competence through receiving a satisfactory summative evaluation on the annual DPAS.
 - 5.1.2 Document the progress made by the recipient of the Emergency Certificate toward fulfilling the written plan established by the employing authority and approved by the Department to meet the applicable certification requirements and any amendments to the written plan including but not limited to change in courses, providers, or time frames.
- 5.2 Failure by the employing authority to fulfill the conditions set forth in 5.1 prior to June 30th shall result in the expiration of the Emergency Certificate.

7 DE Reg. 161 (8/1/03)

12 DE Reg. 1412 (05/01/09)

15 DE Reg. 1150 (02/01/12)

5.0 Notification to Parents

- 5.1 Any year that an educator holds an Emergency Certificate, the employing authority shall notify parents of the students within the educator's responsibility. Parents shall be notified within (60) days of the assignment or the start of the school year each year.
- 5.2 The notification may be included in an already established form of communication to parents including but not limited to Highly Qualified Teacher status.
- 5.3 The employing authority shall submit a copy of the parent notification to the Department each year.

6.0 Expiration Second Year Reissue of Emergency Certificate

- 6.1 Prior to the expiration of an Emergency Certificate, the individual shall meet the requirements for issuance of a Standard Certificate (See 14 **Del.C.** §1505). If the educator does not meet all Standard Certificate requirements during the first school year, the employing authority may apply for a second-year of the Emergency Certificate in the same area.
- 6.2 If no action is taken by the employing authority prior to the deadline, an Emergency Certificate automatically expires on June 30th. The Department may issue a second-year Emergency Certificate if the following requirements are met:

- 6.2.1 The employing authority submits a request for the Emergency Certificate within sixty (60) calendar days of the start of the next consecutive school year.
- 6.2.2 The employing authority has established that the educator has made documented progress toward earning the Standard Certificate and has demonstrated continued competence through receiving a satisfactory summative evaluation on DPAS-II or another Department-approved evaluation system.
 - 6.2.2.1 Documented progress toward the Standard Certificate would include but is not limited to evidence of the educator having:
 - 6.2.2.1.1 taken the necessary examination of content knowledge, or
 - 6.2.2.1.2 completed requisite coursework or professional development, or
 - 6.2.2.1.3 made significant growth toward the necessary degree or certificate.
- 6.3 Emergency Certificates that have expired may not be extended. For an employed educator enrolled in an approved alternative route to licensure and certification program, the Department may issue a second-year of the Emergency Certificate if requirements in subsection 6.2.2 have been met.

7 DE Reg. 161 (8/1/03)

12 DE Reg. 1412 (05/01/09)

15 DE Reg. 1150 (02/01/12)

7.0 Expiration of Emergency Certificate

- 7.1 Emergency Certificates shall expire on June 30th.
- 7.2 Emergency Certificates that have been issued for two consecutive school years may not be extended. The educator shall meet the requirements for issuance of a Standard Certificate (See 14 **Del.C.** §1505).
- 7.3 Educators holding an active license without a current or valid certificate are not considered credentialed to teach.
- 7.4 An Emergency Certificate may not be renewed or extended for a leave of absence.
- 7.5 Notwithstanding the above, the Department may grant an extension upon a showing of exigent circumstances. Extensions for exigent circumstances shall not exceed one (1) year in length.

8.0 Transfer of Emergency Certificate to a New Employing Authority

The Department may approve the transfer of an Emergency Certificate from one employing authority to another if the new employing authority conducts an independent review of the educator's progress towards a Standard Certificate and assumes the commitments and responsibilities of an employing authority within this regulation.

79.0 Revocation of Emergency Certificate

- 79.1 An Emergency Certificate shall be revoked in the event the educator's Initial, Continuing, or Advanced License is revoked in accordance with 14 **DE Admin. Code** 1514.
 - 79.1.1 An educator is entitled to a full and fair hearing before the Standards Board.
 - 79.1.2 Hearings shall be conducted in accordance with the Standards Board's Hearings Procedures and Rules.

7 DE Reg. 161 (8/1/03)

9 DE Reg. 555 (10/1/05)

Renumbered effective 6/1/07 - see Conversion Table

15 DE Reg. 1150 (02/01/12)

19 DE Reg. 812 (03/01/16) (Prop.)