

**DEPARTMENT OF EDUCATION**  
**364 Certification for Interpreter/Tutor for the Hearing Impaired**  
**Statutory Authority: Section 122(e) (14 Del.C. §122(e)) 14 DE Admin. Code 364**

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

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

**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** 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.

**C. Impact Criteria**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation addresses Credentials for Interpreter/Tutor for the Deaf and Hard of Hearing not student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses Credentials for an Interpreter/Tutor for the Deaf and Hard of Hearing not equitable education issues.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation addresses Credentials for an Interpreter/Tutor for the Deaf and Hard of Hearing not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses Credentials for an Interpreter/Tutor for the Deaf and Hard of Hearing not 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 regulation will preserve the necessary authority and flexibility of decision making 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 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 will remain in the same entity.

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 regulation? There is no less burdensome method for addressing the purpose of the regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no additional cost to the State and to the local school boards of compliance with the regulation.

~~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 is nationally certified as an Interpreter for the Deaf and Hard of Hearing by either NAD or RID, or;

3.2 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.

**8 DE Reg. 1531 (05-01-05)**