

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

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

FINAL

REGULATORY IMPLEMENTING ORDER

1506 Emergency Certificate

I. Summary of the Evidence and Information Submitted

The Professional Standards Board, acting in cooperation and consultation with the Department of Education, seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 1506 Emergency Certificate. This regulation concerns the requirements for certification of educational personnel, pursuant to 14 **Del.C.** §1220(a). It is necessary to amend this regulation in order to clarify the application process and to set forth appropriate time lines. This regulation sets forth the requirements for an Emergency Certificate.

Notice of the proposed amendment of the regulation was published in the *News Journal* and the *Delaware State News* on February 2, 2009 in the form hereto attached as Exhibit "A". The notice invited written comments. No written comments were received.

II. Findings of Facts

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

III. Decision to Amend the Regulation

For the foregoing reasons, the Professional Standards Board and the State Board of Education conclude that it is appropriate to amend the regulation. Therefore, pursuant to 14 **Del.C.** §1205(b), the regulation attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), the regulation 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 the regulation amended shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 1506 of the *Administrative Code of Regulations* of the Department of Education.

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 2ND DAY OF APRIL, 2009

Kathleen Thomas, Chair

Joanne Christian

Samtra Devard
Karen Gordon
Lori Hudson
Jill Lewandowski
Gretchen Pikus
Karen Schilling-Ross
Carol Vukelich

Marilyn Dollard
Cristy Greaves
David Kohan
Wendy Murray
Whitney Price
Michael Thomas
Cathy Zimmerman

FOR IMPLEMENTATION BY THE DEPARTMENT OF EDUCATION:
Lillian Lowery Ed.D., Secretary of Education

IT IS SO ORDERED THIS 16TH DAY OF APRIL, 2009

STATE BOARD OF EDUCATION

Richard M. Farmer, Jr., Vice President
Jorge L. Melendez
Dennis J. Savage

G. Patrick Heffernan
Barbara Rutt
Terry M. Whittaker, Ed.D.

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.

~~**“Department”** means the Delaware Department of Education.~~

~~**“Educator”** means a person licensed and certified by the State under 14 **Del.C.**, Chapter 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 Standards Board and approved by the State Board. For purposes of 14 **Del.C.**, Chapter 12, the term ‘educator’ does not include substitute teachers.~~

“Emergency Certificate” means a certificate temporary credential issued to an educator individual who has obtained employment or an offer of employment with an employing district 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 with a limited time to meet the requirements for certification in the specific content area.

“Employing District” means a school district, charter school, or other employing authority that proposes to employ an educator individual under an Emergency Certificate and has reviewed the individual's credentials and established that the individual is competent and that the employing district is committed to support and assist the individual in achieving the skills and knowledge necessary to meet the certification requirements.

“Exigent Circumstances” means unanticipated circumstances or circumstances beyond the educator’s control, including, but not limited to, expiration of a license during the school year, 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 an overall rating of "basic" or higher on an annual DPAS summative evaluation or “effective” on an annual DPAS II summative evaluation.

~~**“Standard Certificate”** means a credential issued to verify 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.~~

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

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

3.0 Issuance of Emergency Certificate

Upon request from the employing district, the Department may issue an Emergency Certificate, valid for up to three years, to an educator individual who holds a valid Delaware Initial, Continuing, or Advanced License, or a valid Standard or Professional Status Certificate, but who is not eligible for certification in the area of need. An Emergency Certificate is only valid for the individual during their tenure with the employing district requesting the Certificate. Provided, however, upon application by a new employing district, the Department may approve the transfer as specified in this section. The new employing district that hires an individual with a [n] valid pre-existing Emergency Certificate may request the continued approval of the Emergency Certificate through the remainder of the original three year term. The new employing district shall assume the commitments and responsibilities of the employing district within this regulation, review and amend as necessary the individual's Emergency Certificate written plan, and submit the revised written plan and transfer request for Department approval. An Emergency Certificate may not be renewed or extended for a leave of absence or an exigent circumstance other than specified in Section 3.3.1. Notwithstanding the foregoing, an Emergency Certificate issued to an educator individual in a ~~vocational trade and industry~~ 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.

3.1 In its request for the issuance of an Emergency Certificate, the employing district ~~must~~ shall:

3.1.1 Submit to the Department in writing the need for this individual to receive an Emergency Certificate.

~~3.1.2~~ 3.1.2 Establish that the proposed recipient of an Emergency Certificate is competent by submitting evidence of the ~~educator's~~ individual's license and other considerations, which may include, but is not limited to, evidence of course work or work experience in the area for which the Emergency Certificate is requested, which the employing district applied in determining the proposed recipient's competence.

3.1.3 Apply for the Emergency Certificate within sixty (60) [calendar] days of the individual's hire or new job assignment.

~~3.1.4~~ 3.1.4 Set forth a written plan with the application of the Emergency Certificate, verified by the individual and the employing district designed to support and assist the proposed recipient individual in achieving the skills and knowledge necessary to meet the applicable certification requirements. The written plan shall contain at a minimum the following:

3.1.4.1 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

3.1.4.2 The specific course work or professional development including the educational institution or provider the individual intends to use to fulfill the requirements; and

3.1.4.3 The anticipated time frame for the completion of the requirements; and

3.1.4.4 A specific listing of how the employing district shall assist the individual in completing the requirements.

3.2 Failure by the employing district to fulfill the conditions set forth in 3.1 above ~~will~~ shall result in denial of the Emergency Certificate.

3.3 The Emergency Certificate ~~shall be in effect for~~ may be valid for up to three (3) years from the month in which the ~~applicant individual~~ applicant individual is employed until the last day of the month of issuance three (3) years later, except in the case of an Emergency Certificate issued to a ~~vocational trades and industry~~ Skilled and Technical Sciences teacher, which shall expire on the last day of the month of issuance six (6) years later.

3.3.1 A certificate holder whose Emergency Certificate expires during the school year may have the Emergency Certificate extended until the last day of the current fiscal year. This extension shall be considered an exigent circumstance and shall not exceed one (1) year in length.

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

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

4.0 Employing District Report

At the end of each school year during which an Emergency Certificate is in effect, the employing district shall file a written status report detailing the individual's progress completing the written plan with the Department, which shall:

4.1 Establish that the recipient of the Emergency Certificate has demonstrated competence through receiving a satisfactory evaluation on the annual Delaware Performance Appraisal System.

4.2 Document the progress made by the recipient of the Emergency Certificate toward fulfilling the written plan established by the employing district 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.

4.3 Failure by the employing district to fulfill the conditions set forth in 4.1 and 4.2 above ~~will~~ shall result in suspension of the Emergency Certificate. A suspension may be lifted upon fulfillment by the employing district of the conditions set forth in 4.1 and 4.2 above.

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

5.0 Expiration of Emergency Certificate

Prior to the expiration of an Emergency Certificate, the ~~recipient must~~ individual shall meet the requirements for issuance of a Standard Certificate (See 14 **Del.C.** §1505).

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

6.0 Secretary of Education Review

The Secretary of Education may, upon the written request of the superintendent of a local school district or charter school administrator or other employing authority, review credentials submitted in application for an Emergency Certificate on an individual basis and grant an Emergency Certificate to an ~~applicant individual~~ applicant individual who otherwise does not meet the requirements for an Emergency Certificate, but whose effectiveness is documented by the local school district or charter school administrator or other employing authority.

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

7.0 Revocation of Emergency Certificate

An Emergency Certificate shall be revoked in the event the educator's Initial, Continuing, or Advanced License or Limited Standard, Standard, or Professional Status Certificate is revoked in accordance with 14 **DE Admin. Code** 1505. An educator is entitled to a full and fair hearing before the Professional Standards Board. 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

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