

DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Section 1205(b) (14 **Del.C.** §1205(b))
14 **DE Admin. Code** 1517

PROPOSED

PUBLIC NOTICE

1517 Permits Paraeducators

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

A. Type of Regulatory Action Requested

Amendment to Existing Regulation

B. Synopsis of Subject Matter Of Regulation

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 Permits Paraeducators. It is necessary to amend this regulation in order to facilitate proper and current formatting trends, and to update renewal options. This regulation sets forth the requirements for a Paraeducator Permit.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on Monday, November 1, 2010 to Mr. Charlie Michels, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. Copies of this regulation are available from the above address or may be viewed at the Professional Standards Board Business Office.

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 amended regulation addresses educator certification, not students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses educator certification, not students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation will preserve the necessary authority and flexibility of decision makers 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 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 rests with the Professional Standards Board, in collaboration with the Department of Education, and with the consent of the State Board of Education.

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 amended regulation? 14 **Del.C.** requires that we promulgate this regulation.

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

1517 ~~Permits~~ Paraeducators Permit

1.0 Content

~~Pursuant to 14 **Del.C.** §1205(a) this regulation shall apply to the qualifications required of Title I Paraeducators, Instructional Paraeducators, and Service Paraeducators employed, either full time or part time, in support positions in public schools.~~

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.

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 ~~or nationally~~ accredited ~~through an agency recognized by the U.S. Secretary of Education, 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 ~~or nationally~~ accredited ~~through an agency recognized by the U.S. Secretary of Education, 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 (~~64~~).

“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

- 3.1 A Title I Paraeducator must hold a Title I Paraeducator Permit. In accordance with 14 **Del.C.** §1205(a), the Department shall issue a Title I Paraeducator Permit to an applicant who has met the following:
- 3.1 The Department shall issue a Permit to a Title I Paraeducator applicant who submits evidence to his/her district, charter school, or other employing authority of:
 - 3.1.1 ~~e~~Completion of at least two (2) years of study in general or educational studies at an institution of higher education; or
 - 3.1.2 ~~r~~Receipt of an associate's or higher degree; or
 - 3.1.3 ~~evidence~~ 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.
 - 3.1.3.1 Assessments which are accepted as providing evidence of knowledge and ability to assist in the instruction in reading, writing, and mathematics include:
 - 3.1.3.1.1 Para Pro assessment with a qualifying score of 459 or higher.
 - 3.1.3.1.2 Accuplacer Test, if taken before April 1, 2003, with the following qualifying scores:
 - 3.1.3.1.2.1 Mathematics: greater than or equal to a total right score of 94 on arithmetic.
 - 3.1.3.1.2.2 English: greater than or equal to a total right score of 87.
 - 3.1.3.1.2.3 Reading: greater than or equal to a total right score of 78.
 - 3.1.3.1.3 2 Such alternative as may be established by the Standards Board, with the approval of the State Board; and
 - 3.1.4 Submits sufficient verifiable evidence of qualifications to the Department.
- 3.2 Pursuant to the provisions of the *No Child Left Behind Act*, Title I Paraeducators hired after January 8, 2002 must meet the requirements set forth in 3.1 immediately.
- 3.3 Notwithstanding the above, and pursuant to the provisions of the *No Child Left Behind Act*, Title I paraeducators hired before January 8, 2002 must hold a high school diploma or its recognized equivalent and shall have until June 30, 2006 to meet the requirements of 3.1.
 - 3.3.1 Accordingly, Title I paraeducators hired before January 8, 2002 who do not meet the requirements set forth in 3.1 above, with the exception of the high school diploma or its recognized equivalent, shall be issued a Title I paraeducator permit which shall expire on June 30, 2006 unless evidence of meeting the requirements set forth in 3.1 above is provided prior thereto. If such evidence is provided to the Department prior to June 30, 2006 the permit shall expire five years from the date of issuance and may be renewed pursuant to 5.0.

3.42 Application Procedures.

3.42.1 The district, charter school, or other employing authority shall submit the approved application form, official transcripts or official scores on an 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 shall certify as part of the application form that the applicant, in their opinion, meets the requirements of Section 3.0.

3.42.1.1 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.

3.42.1.2 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)

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 Permit to an Instructional Paraeducator applicant or a Service Paraeducator applicant for whom the district, charter school, or other employing authority has submitted a Department approved application form and who provides evidence of a high school diploma or its recognized equivalent.

~~4.1 Notwithstanding the above, instructional paraeducators and service paraeducators hired before February 11, 2004 and who do not have a high school diploma may be issued the applicable permit which shall expire June 30, 2006 unless evidence of a high school diploma or its recognized equivalent is provided prior thereto. If such evidence is provided prior to June 30, 2006 the permit shall expire five years from the date of issuance and may be renewed pursuant to section 5.0.~~

9 DE Reg. 232 (8/1/05)

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 provides evidence to the Department of successful completion of a minimum of fifteen (15) clock hours of professional development.

5.43 Fifteen (15) clock hours of professional development is required to be completed during the term of validity of the Paraeducator Permit.

6.0 Options for Renewal

~~5-2~~ 6.1 Options for Renewal: are listed in Sections 6.2 and 6.3. These ~~following~~ 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, 2015.

~~56.2.1~~ 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).

~~56.2.2~~ Planned school professional development day (maximum six (6) clock hours per day).

- 56.2.3 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).
- 56.2.4 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.

67.0 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.

78.0 Denial and Revocation

- 8.1 A Paraeducator Permit may be denied an applicant upon a finding that an 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)

14 DE Reg. 233 (10/01/10) (Prop.)

Renumbered effective 6/1/07 - see Conversion Table