

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 **Del.C.** §§1203 & 1205(b))
14 **DE Admin. Code** 1573

FINAL

REGULATORY IMPLEMENTING ORDER

1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203 and 1205(b), the Professional Standards Board, acting in consultation and cooperation with the Delaware Department of Education (“Department”), developed amendments to 14 **DE Admin. Code** 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities. The regulation concerns the requirements for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include adding clarifying language regarding category certificates in Section 1.0; adding defined terms to Section 2.0; clarifying the requirements for issuing a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certificates.

Notice of the proposed regulation was published in the *Register of Regulations* on June 1, 2020. The Professional Standards Board received one written submittal. Ann C. Fisher, Chairperson of the Governor’s Advisory Council for Exceptional Citizens (“GACEC”), commented that GACEC supports the proposed amendments. Also, GACEC commented that it appreciated that its past recommendation to clarify subsection 3.2 was incorporated in the proposed amendments. Additionally, GACEC commented that it is concerned that the Professional Standards Board does not prescribe specific professional development for educators and that it is possible that an educator with a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate will not actually participate in any professional development related to the certificate. Accordingly, GACEC recommended that the Department consider whether including requirements for renewal of the certificate is warranted. GACEC further commented that “educators of special education students require the most qualified and efficient educators” and recommended that Section 8.0 be removed from the regulation.

II. FINDINGS OF FACTS

On August 6, 2020, the Professional Standards Board considered the written submittal from GACEC.

The Professional Standards Board found that the proposed subsection 6.2, which provides that the Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate is not renewed, is consistent with the statute concerning standard certificates. The statute, 14 **Del.C.** §1220(a), provides that the “Department shall issue a standard certificate to an applicant who . . . has acquired the prescribed knowledge, skill, or education to practice in a particular area, to teach a particular subject or to instruct a particular category of students.” 14 **Del.C.** Ch. 12 does not authorize the Department to renew a standard certificate once it has been issued, which is different from a continuing license that may be renewed for five years if an educator has completed 90 clock-hours of approved professional development (14 **Del.C.** §1212). The Professional Standards Board further found that it is in the process of obtaining recommendations from the Professional Development and Associated Compensation Committee to address the broader question of whether to change the current system for professional development in the future and that is the better approach rather than addressing the question piecemeal through individual regulations. In addition, the Professional Standards Board found that the proposed Section 8.0, Secretary of Education Review, is an important tool that is available for all certifications by statute (14 **Del.C.** §1224).

The Professional Standards Board determined that further changes in response to the written submittal were not necessary and voted to propose 14 **DE Admin. Code** 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education’s approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12

and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities subject to the State Board of Education's approval. Therefore, pursuant to 14 **Del.C.** §§1203 and 1205(b), 14 **DE Admin. Code** 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities attached hereto as Exhibit "A" is hereby amended.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities adopted hereby shall be in the form attached hereto as Exhibit "A," and said regulation shall be cited as 14 **DE Admin. Code** 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities in the Administrative Code of Regulations for the Department.

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 *Register of Regulations*.

IT IS SO ORDERED the 20th day of August, 2020.

Department of Education

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 20th day of August, 2020.

State Board of Education

/s/ Whitney Sweeney, President

Vincent Lofink (Absent)

/s/ Wali W. Rushdan, II, Vice President

/s/ Audrey J. Noble, Ph.D.

/s/ Nina Lou Bunting

Provey Powell, Jr. (Absent)

Candace Fifer (Absent)

***Please Note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate pursuant to 14 **Del.C.** §1220(a), ~~for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities. Eighteen (18) months from the effective date of this regulation, this certification shall be required for all educators within the Delaware public school system whose primary assignment is teaching children with autism or children with severe intellectual disabilities and for educators teaching in an Approved Program.~~
- 1.1.1 This Certification is required for an Educator whose primary assignment is teaching students with Autism or Severe Intellectual Disabilities in an Approved Program or in Delaware public schools.
- 1.1.2 This Certification is a category Standard Certificate and does not certify an Educator to practice in a particular area or teach a particular subject. A category Standard Certificate only establishes that an educator has met the prescribed education, knowledge, or skill to instruct a particular category of students. This Certification is limited to the category of students with Autism or Severe Intellectual Disabilities.
- 1.1.3 An Educator shall hold at least one content area Standard Certificate.
- 1.2 ~~Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

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:~~

"15 Credits or the Equivalent in Professional Development" means college credits or an equivalent number of hours with one credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department. College credit means undergraduate or graduate level coursework and continuing education units (CEUs) completed at or through a Regionally Accredited college or university or other Department-approved provider.

"Approved Program" means a program encompassing or within a public school designated by the Department and the State Board of Education as a component of the Delaware Autism Program.

"Autism" shall have the same meaning as provided in 14 DE Admin. Code 922, §3-0 Section 3.0 and 14 DE Admin. Code 925, §6-6 subsection 6.6.

"Certification" means the issuance of a Standard Certificate, which may occur regardless of a recipient's assignment or employment status.

"Department" means the Delaware Department of Education.

"Educator" means a person licensed and certified by the State under 14 Del.C. Ch. 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 Professional Standards Board and approved by the State Board of Education. The term 'educator' does not include substitute teachers.

"Employing Authority" means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.

"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 the educator's unfitness or otherwise.

"Intellectual Disability" shall have the same meaning as provided in 14 DE Admin. Code 922, §3-0 Section 3.0 and 14 DE Admin. Code 925, §6-12 subsection 6.12.

"License" means a credential which authorizes the holder to engage in the practice for which the license is issued.

"Major or Its Equivalent" means a minimum of 30 semester hours of coursework in a particular content area.

"Professional Development" means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change participants' attitudes, insights, and perspectives and ultimately results in improved professional practice. Effective professional development programs include ample opportunities for knowledge acquisition, skill mastery, descriptive feedback, and refinement of practice in the work setting.

"Regionally Accredited" means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education.

"Severe Intellectual Disability" shall have the same meaning as provided in 14 DE Admin. Code 922, §3-0 and 14 DE Admin. Code 925, §6-12 subsection 6.12.

"Standard Certificate" means a credential issued to certify 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.

"Standards Board" means the Professional Standards Board established pursuant to 14 Del.C. §1201.

"Valid and Current License or Certificate" means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate ~~as a Teacher of Students with Autism or Students with Severe Intellectual Disabilities~~ to an educator applicant who has met the following:
- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; ~~and, and~~ meets the requirements set forth in Section 4.0 of this regulation; or
 - 3.1.2 ~~Has met the requirements as set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto; and, Has met the requirements for licensure and holds a Valid and Current License or Certificate in teaching students with Autism or Severe Intellectual Disabilities.~~
 - 3.1.3 ~~Has satisfied the additional requirements in this regulation.~~
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

16 DE Reg. 767 (01/01/13)

4.0 Additional Requirements Prescribed Education, Knowledge, and Skill Requirements

- 4.1 An educator shall also have satisfied at least one (1) of the following additional education requirements:
- 4.1.1 ~~Graduating with a bachelor's or a master's degree, with a major in special education and with a concentration in autism and severe intellectual disabilities, from an NCATE specialty organization recognized educator preparation program or from a state approved educator preparation program, offered by a regionally accredited college or university. The state approval body shall employ the appropriate NASDTEC or NCATE specialty organization standard; or~~
 - 4.1.2 ~~Graduating with a bachelor's or master's degree from a regionally accredited college or university with a major in special education; and~~
 - 4.1.2.1 ~~Completion of a minimum of fifteen (15) credits from a regionally accredited college or university or their equivalent in professional development as approved by the Department, with a focus in autism and severe intellectual disabilities in the following content areas:-~~
 - 4.1.2.1.1 ~~Introduction to Autism and Severe Intellectual Disabilities (three credits);~~
 - 4.1.2.1.2 ~~Methods of Instruction in Academic Standards and Functional Skills (three credits);~~
 - 4.1.2.1.3 ~~Functional Communication Training (three credits);~~
 - 4.1.2.1.4 ~~Applied Behavior Analysis for Educators (three credits); and~~
 - 4.1.2.1.5 ~~Competency-Based Practicum in Behaviorally Based Teaching Techniques (three credits)~~
- 4.1 An applicant shall have satisfied one of the following education requirements:
- 4.1.1 Obtained and currently maintain an Exceptional Needs Specialist certificate in the specialty area of Mild/Moderate Disabilities or Severe and Multiple Disabilities from the National Board for Professional Teaching Standards; or
 - 4.1.2 Earned a bachelor's or master's degree from a Regionally Accredited college or university with a Major or Its Equivalent in special education with a concentration in autism and severe intellectual disabilities from an educator preparation program approved or recognized by the National Council for the Accreditation of Teacher Education (NCATE), the Council for the Accreditation of Educator Preparation (CAEP), or a state where the state approval body employed the appropriate standards; or
 - 4.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach students with autism and severe intellectual disabilities as provided in 14 Del.C. §§1260 - 1266; or
 - 4.1.4 Satisfactorily completed a Department-approved educator preparation program to teach students with autism and severe intellectual disabilities; or
 - 4.1.5 Earned a bachelor's or master's degree from a Regionally Accredited college or university with a Major or its Equivalent in special education and satisfactorily completed 15 Credits or the Equivalent in Professional Development with a focus in Autism and Severe Intellectual Disabilities in the following areas:
 - 4.1.5.1 Introduction to Autism and Severe Intellectual Disabilities (three credits);
 - 4.1.5.2 Methods of Instruction in Academic Standards and Functional Skills (three credits);
 - 4.1.5.3 Functional Communication Training (three credits);
 - 4.1.5.4 Applied Behavior Analysis for Educators (three credits); and

- 4.1.5.5 Competency-Based Practicum in Behaviorally Based Teaching Techniques (three credits); or
- 4.1.6 Currently hold a Special Education Teacher of Students with Disabilities Standard Certificate (14 DE Admin. Code 1571) and satisfactorily completed 15 Credits or the Equivalent in Professional Development with a focus in teaching students with Autism and Severe Intellectual Disabilities in the areas provided in subsections 4.1.5.1 through 4.1.5.5.

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5.0 Application Requirements

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.
- 5.2 The following documentation is required with the application for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate:
- 5.2.1 Evidence of obtaining and maintaining an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards, if applicable; and
- 5.2.2 Official transcript from the applicant's Regionally Accredited college or university.
- 5.2.2.1 Electronic transcripts may be submitted by the applicant's Employing Authority or Regionally Accredited college or university; or
- 5.2.2.2 Sealed paper transcripts may be submitted by the applicant, the applicant's Employing Authority, or the applicant's Regionally Accredited college or university.
- 5.2.2.3 The Department will not accept copies of transcripts; and
- 5.2.3 Evidence of completing the 15 Credits or the Equivalent in Professional Development as provided in subsections 4.1.5 and 4.1.6, if applicable; and
- 5.2.4 Additional documentation as required by the Department.
- 5.3 For applicants who have met the requirements for licensure and hold a Valid and Current License or Certificate in teaching students with Autism or Severe Intellectual Disabilities, the following documentation is required in the application for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate:
- 5.3.1 An official copy of the Valid and Current License or Certificate; and
- 5.3.2 Additional documentation as required by the Department.

6.0 Validity of a Standard Certificate

- 6.1 A Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.
- 6.2 A Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

- 7.1 An Educator's Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 DE Admin. Code 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.
- 7.2 An Educator's Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Standard or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 Del.C. §1222.
- 7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 DE Admin. Code 1515 Hearing Procedures and Rules.

8.0 Secretary of Education Review

The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Teacher of Students with Autism or Students

with Severe Intellectual Disabilities Standard Certificate but whose effectiveness is documented by the local school district or charter school.

5.09.0 Past Certification Certificate Recognized

5.19.1 The Department shall recognize a Standard Teacher of the Autistic Child or Professional Status Certificate issued by the Department between January 1, 1982 and August 31, 2005, if otherwise valid. ~~A teacher~~ An Educator holding a Standard Teacher of the Autistic Child or a Professional Status Certificate issued between January 1, 1982 and August 31, 2005 shall be considered certified to ~~teach classes for children with autism or severe intellectual disabilities~~ instruct students with Autism or Severe Intellectual Disabilities.

5.29.2 The Department shall recognize a ~~Standard Certificate~~ Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate issued by the Department ~~between September 1, 2005 and prior to~~ the effective date of this regulation. ~~A teacher~~ An Educator holding such a Standard Certificate ~~Teacher of Students with Autism or Severe Disabilities issued between October 1, 2005 and the effective date of this regulation~~ shall be considered certified to ~~teach classes for children with autism or severe intellectual disabilities~~ instruct students with Autism or Severe Intellectual Disabilities.

9 DE Reg. 550 (10/01/05)

Renumbered effective 06/01/07 - see Conversion Table

16 DE Reg. 767 (01/01/13)

24 DE Reg. 372 (10/01/20) (Final)