

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)
14 **DE Admin. Code** 1594

PROPOSED

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del. C. §122(d)

1594 Special Education Director

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1594 Special Education Director. The regulation concerns the requirements for a Special Education Director Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments in this regulation include revising who is required to hold a Special Education Director Standard Certificate in Section 1.0; revising and striking defined terms in Section 2.0; revising Sections 4.0 and 5.0 to remove outdated language and assessments and decrease the number of years of experience required; amending the experience options in subsection 4.1.3; adding subsection 6.2, which concerns the disclosure of criminal convictions; moving the section concerning Secretary of Education review; and adding Section 11.0, which concerns applicant's and educators' contact information.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before October 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Sections 4.0 and 5.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Sections 4.0 and 5.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Special Education Director Standard Certificate but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school's ability to submit such a request. Proposed Section 7.0 is consistent with the statute.

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 unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 6.0 apply to individual applicants. In addition, the requirements in Section 11.0 apply to individual applicants and Educators.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same

entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12 relating to licensure and certification of educators.

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 is consistent with, and not an impediment to, the implementation of other state educational policies, and 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? There is not a less burdensome method for addressing the purpose of this amended regulation.

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

1594 Special Education Director

1.0 Content

This regulation shall apply to the issuance of a Special Education Director Standard Certificate pursuant to 14 **Del.C.** §1220(a). This Standard Certificate is required for all ~~special education directors~~ persons serving in the position of a director, supervisor, or local educational agency (LEA) leadership who are working in Delaware public schools and are responsible for special education program planning, implementation, compliance, and evaluation.

16 DE Reg. 1073 (04/01/13)

24 DE Reg. 567 (12/01/20)

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning:

"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.

"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.~~

~~**"Passing Score"** means a minimum score as established by the Standards Board, in consultation with the Department, and with the approval of the State Board of Education.~~

"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 institutional accreditation from an agency that was designated as a regional accreditor before July 1, 2020, and is currently recognized by the U.S. Secretary of Education as a reliable indicator of the institution's educational quality.~~

"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 as an educator issued by another state or jurisdiction. This means the educator applicant is fully credentialed by having met all of the requirements for full licensure or certification as an educator in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

16 DE Reg. 1073 (04/01/13)
24 DE Reg. 567 (12/01/20)

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Special Education Director Standard Certificate to an applicant who:
- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003 and meets the requirements set forth in Section 4.0 of this regulation; or
 - 3.1.2 Has met the requirements for ~~licensure~~ an educator's license in Delaware and presents proof of a Valid and Current License or Certificate as a special education director from another state or jurisdiction whose requirements are substantially similar to the requirements in Section 4.0 of this regulation; or
 - 3.1.3 Has met the requirements for licensure in Delaware and meets the requirements set forth in Section 5.0 of this regulation.
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Special Education Director 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. 1073 (04/01/13)
24 DE Reg. 567 (12/01/20)

4.0 Prescribed Education, Knowledge, and Skill Requirements

- 4.1 The Department may issue a Special Education Director Standard Certificate to an applicant who has satisfied the requirements in subsections 4.1.1 through 4.1.3.
- 4.1.1 The applicant shall have satisfied ~~one~~ 1 of the following education requirements:
- 4.1.1.1 Earned a master's or doctoral degree with a ~~Major or Its Equivalent~~ minimum of 30 semester hours of coursework in special education leadership from a Regionally Accredited college or university with advanced preparation accreditation by ~~the National Council for the Accreditation of Teacher Education (NCATE) or the Council for the Accreditation of Educator Preparation (CAEP);~~ or
 - 4.1.1.2 Earned a master's or doctoral degree in special education from a Regionally Accredited college or university with advanced preparation accreditation by ~~the National Council for the Accreditation of Teacher Education (NCATE) or the Council for the Accreditation of Educator Preparation (CAEP)~~ and satisfactorily completed an alternative routes for licensure or certification program for leaders as provided in 14 **Del.C.** §§1260 – 1266; or
 - 4.1.1.3 Earned a master's or doctoral degree in any content area from a Regionally Accredited college or university and satisfactorily completed a Department-approved educator preparation program for special education directors as provided in 14 **DE Admin. Code** 290 Approval of Educator Preparation Programs; or
 - 4.1.1.4 Earned a master's or doctoral degree with a ~~Major or Its Equivalent~~ minimum of 30 semester hours of coursework in Pre-K to 12 educational leadership from a Regionally Accredited college or university with advanced preparation accreditation by ~~the National Council for the Accreditation of Teacher Education (NCATE) or the Council for the Accreditation of Educator Preparation (CAEP)~~ and completed an additional 30 graduate-level credit hours in special education from a Regionally Accredited college or university or the equivalent in Professional Development approved by the Department. For the purpose of subsection 4.1.1.4, graduate-level coursework that leads to professional licensure as a school psychologist, behavior analyst, occupational therapist, physical therapist, speech pathologist, or audiologist will be counted.
- 4.1.2 The applicant shall have achieved a ~~Passing Score~~ minimum score on ~~one~~ 1 of the following examinations:
- 4.1.2.1 A ~~Passing Score~~ minimum score of 146 on the Educational Leadership: Administration and Supervision Assessment (ETS Test Code # 5412); or
 - 4.1.2.2 A ~~Passing Score~~ of 160 on the School Leaders Licensure Assessment (ETS Test Code # 6011); or
 - 4.1.2.3 A ~~Passing Score~~ of 160 on the School Superintendent Assessment (ETS Test Code # 6021); or
 - 4.1.2.4 ~~4.1.2.2A~~ Passing Score minimum score of 151 on the School Leaders Licensure Assessment (ETS Test Code # 6990); or

~~4.1.2.5~~ 4.1.2.3A Passing Score minimum score of 162 on the School Superintendent Assessment (ETS Test Code # 6991).

4.1.3 The applicant shall have completed a minimum of ~~five~~ 4 years of ~~one~~ 1 of the following experience requirements in any Pre-K to 12 public school setting or an equivalent setting as approved by the Department:

4.1.3.1 Teaching or providing pupil personnel services to special education students as a school psychologist or behavior analyst under a state education credential with satisfactory annual summative evaluations or the equivalent thereof on a state-approved educator evaluation system; or

4.1.3.2 Working with special education students in a school as a school psychologist an occupational therapist, physical therapist, speech pathologist, or audiologist under a ~~Delaware Standard Certificate~~ or a Delaware professional license; or

4.1.3.3 Working with special education students as an educational diagnostician or special education coordinator; or

~~4.1.3.4 Providing pupil personnel services to special education students under a Delaware professional license; or~~

~~4.1.3.5 Supervising staff who teach special education students with satisfactory annual summative evaluations or the equivalent thereof on a state-approved educator evaluation system; or~~

~~4.1.3.6~~ 4.1.3.4 Any combination of the experience requirements in subsections 4.1.3.1 through ~~4.1.3.5~~ 4.1.3.3.

16 DE Reg. 1073 (04/01/13)

24 DE Reg. 567 (12/01/20)

5.0 Reciprocity

5.1 If an applicant is already licensed or certified as a special education director in a state or jurisdiction whose requirements are not substantially similar to the requirements in Section 4.0, the applicant shall have satisfied the requirements in subsections 5.1.1 through ~~5.1.4~~ 5.1.3 in order for the Department to issue a Special Education Director Standard Certificate:

5.1.1 The applicant shall hold a Valid and Current License or Certificate as a special education director.

5.1.2 The applicant shall have earned a master's or doctoral degree in a Pre-K to 12 education-related field from a Regionally Accredited college or university.

5.1.3 If the applicant has less than ~~five~~ 4 years' experience working as a special education director or supervisor at the LEA level in any Pre-K to 12 public school setting or an equivalent setting as approved by the Department, the applicant shall have achieved a ~~Passing Score minimum score~~ on ~~one~~ 1 of the following examinations:

5.1.3.1 A ~~Passing Score minimum score~~ of 146 on the Educational Leadership: Administration and Supervision Assessment (ETS Test Code # 5412); or

~~5.1.3.2 A Passing Score of 160 on the School Leaders Licensure Assessment (ETS Test Code # 6011); or~~

~~5.1.3.3 A Passing Score of 160 on the School Superintendent Assessment (ETS Test Code # 6021); or~~

~~5.1.3.4~~ 5.1.3.2A Passing Score minimum score of 151 on the School Leaders Licensure Assessment (ETS Test Code # 6990); or

~~5.1.3.5~~ 5.1.3.3A Passing Score minimum score of 162 on the School Superintendent Assessment (ETS Test Code # 6991).

24 DE Reg. 567 (12/01/20)

6.0 Application Requirements

6.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with an application for an Initial License, and the applicant shall also provide all required documentation for the License.

6.2 If the applicant is also applying for the issuance or renewal of an educator's license or paraeducator's permit, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license or permit application as specified in 14 Del.C. §1219 and it could delay the processing or result in the denial of the application for a Special Education Director Standard Certificate.

~~6.2~~ 6.3 For applicants who are applying for the Special Education Director Standard Certificate under subsection 3.1.1, the following documentation is required:

~~6.2.4~~ 6.3.1 Official transcript from the applicant's Regionally Accredited college or university with advanced preparation accreditation by the National Council for the Accreditation of Teacher Education (NCATE) or the Council for the Accreditation of Educator Preparation (CAEP) for applicants who are applying under subsections 4.1.1.1 and 4.1.1.4 or official transcript from the applicant's Regionally Accredited college or university for applicants who are applying under subsections 4.1.1.2 or 4.1.1.3.

~~6.2.4.1~~ 6.3.1.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or

~~6.2.4.2~~ 6.3.1.2 Sealed paper transcripts may be submitted.

~~6.2.4.3~~ 6.3.1.3 The Department will not accept copies of transcripts; and

~~6.2.2~~ 6.3.2 Documents verifying successful completion of Department-approved Professional Development, if applicable; and

~~6.2.3~~ 6.3.3 Official score on an examination as provided in subsection 4.1.2; and

~~6.2.4~~ 6.3.4 The Department-approved form verifying the applicant's completion of the experience requirement as provided in subsection 4.1.3; and

~~6.2.5~~ 6.3.5 Additional documentation as required by the Department.

~~6.3~~ 6.4 For applicants who are applying for the Special Education Director Standard Certificate under subsection 3.1.2, the following documentation is required:

~~6.3.1~~ 6.4.1 An official copy of the Valid and Current License or Certificate; and

~~6.3.2~~ 6.4.2 Additional documentation as required by the Department.

~~6.4~~ 6.5 For applicants who are applying for the Special Education Director Standard Certificate under subsection 3.1.3, the following documentation is required:

~~6.4.1~~ 6.5.1 An official copy of the Valid and Current License or Certificate; and

~~6.4.2~~ 6.5.2 Official transcript from the applicant's Regionally Accredited college or university.

~~6.4.2.1~~ 6.5.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or

~~6.4.2.2~~ 6.5.2.2 Sealed paper transcripts may be submitted.

~~6.4.2.3~~ 6.5.2.3 The Department will not accept copies of transcripts; and

~~6.4.3~~ 6.5.3 Official score on an examination as provided in subsection 5.1.3; and

~~6.4.4~~ 6.5.4 Additional documentation as required by the Department.

24 DE Reg. 567 (12/01/20)

7.0 Secretary of Education Review

7.1 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 Special Education Director Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Special Education Director Standard Certificate but whose effectiveness is documented by the local school district or charter school.

7.1.1 For school districts, requests shall be approved by the superintendent of the school district.

7.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

8.0 8.0 Validity of a Standard Certificate

~~7.1~~ 8.1 A Special Education Director Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.

~~7.2~~ 8.2 A Special Education Director Standard Certificate is not subject to renewal.

24 DE Reg. 567 (12/01/20)

8.0 9.0 Disciplinary Action

~~8.1~~ 9.1 An Educator's Special Education Director 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.

~~8.2~~ 9.2 An Educator's Special Education Director 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.

~~8.3~~ 9.3 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.

24 DE Reg. 567 (12/01/20)

9.0 Secretary of Education Review

~~9.1~~ 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 Special Education Director Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Special Education Director Standard Certificate but whose effectiveness is documented by the local school district or charter school.

~~9.1.1~~ For school districts, requests shall be approved by the superintendent of the school district.

~~9.1.2~~ For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

24 DE Reg. 567 (12/01/20)

10.0 Past Certificate Recognized

The Department shall recognize a Special Education Supervisor and a Special Education Director Standard Certificate that was issued by the Department prior to the effective date of this regulation. An Educator holding such a Standard Certificate shall be considered certified to practice as a special education director.

24 DE Reg. 567 (12/01/20)

11.0 Contact Information and Change of Name or Address

11.1 All applicants and Educators are required to update their contact information in DEEDS if their contact information changes.

11.2 An Educator who legally changes the Educator's name and wishes to change the name on the Special Education Director Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.

11.3 An applicant or Educator whose mailing address, email address, or phone number changes shall provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change.

8 DE Reg. 1299 (03/01/05)

Renumbered effective 06/01/07 - see Conversion Table

16 DE Reg. 1073 (04/01/13)

24 DE Reg. 567 (12/01/20)

28 DE Reg. 195 (09/01/24) (Prop.)