

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))
14 **DE Admin. Code** 1594

FINAL

REGULATORY IMPLEMENTING ORDER

1594 Special Education Director

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 adopt 14 **DE Admin** 1594 Special Education Director. The 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 upgrade the requirements' rigor including increasing the years of experience necessary and to build upon the other amended administrator regulations (1591 School Principal and Assistant School Principal, 1592 Certified Central Office Personnel, and 1593 Superintendent or Assistant Superintendent). Amendments were also made to reference the newly proposed regulation 1595 Certification Programs for Leaders in Education. This regulation sets forth the requirements for Special Education Director.

Notice of the proposed adoption of the regulation was published in the Delaware *Register of Regulations* on November 1, 2012. The notice invited written comments. Similar comments were received from the Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities. Both Councils questioned if there had been an omission allowing "administrative experience with children" as qualifying experience. The reference to administrative experience was included in section 4.2.1.2. Based on the concern, to add clarity an amendment has been made in 4.2.1.3 specifically listing administrative experience as a separate section. Both Councils noted that changes were made regarding qualifying work experience that deleted references to school psychologist, speech pathologist, and audiologist. The amendments in the new section 4.2.1.2 included professional experience under a Delaware Standard Certificate (i.e. School Psychologist) and other professional license (i.e. speech pathologist, audiologist). For clarification, specific language has been added to include school psychologist, speech pathologist, and audiologist as examples. The Councils suggested that future Impact Analysis be more detailed. Councils' concern is noted for future actions and it is the intent to do so.

II. FINDINGS OF FACTS

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

III. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, the Professional Standards Board and the State Board of Education conclude that it is appropriate to adopt the regulation. Therefore, pursuant to 14 **Del.C.** §1205(b), the regulation attached hereto as Exhibit "A" is hereby adopted. Pursuant to the provision of 14 **Del.C.** §122(e), the regulation hereby adopted 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 adopted shall be in the form attached hereto as Exhibit "A", and said regulation shall be cited as 14 **DE Admin. Code** 1594 of the *Administrative Code of Regulations* of the Professional Standards Board.

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 7th DAY OF FEBRUARY, 2013

Kathleen Thomas, Chair

Cristy Greaves

Michael Casson
Joanne Christian
Samtra Devard
Stephanie DeWitt
Marilyn Dollard
Karen Gordon

Chris Kenton
David Kohan
Wendy Murray
Mary Pinkston
Whitney Price
Jacque Wisnauskas

IT IS SO ORDERED the 21st day of February, 2013.

Department of Education

Mark Murphy, Secretary of Education

Approved 21st day of February, 2013

State Board of Education

Teri Quinn Gray, Ph.D., President

Jorge L. Melendez, Vice President

G. Patrick Heffernan

Barbara B. Rutt

Gregory Coverdale

Terry M. Whittaker, Ed.D.

Randall L. Hughes

1594 Special Education Director

4.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate for Director of Special Education, pursuant to ~~14 Del.C. §1220(a).~~

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:

~~“Administrative Experience” means experience in a pK to 12 setting as an assistant principal, principal, School Leader I, or School Leader II.~~

~~“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.~~

~~“Teaching Experience” means meeting students on a regularly scheduled basis, planning and delivering instruction, developing or preparing instructional materials, and evaluating student performance in any pK to 12 setting.~~

3.0 Standard Certificate

The following shall be required for the Standard Certificate for a Director of Special Education.

- 3.1 Educational requirements:

- 3.1.1 A master's degree in special education from a regionally accredited college or university where the program is NCATE approved or state approved, where the state approval body employed the appropriate NASDTEC or NCATE specialty organization standards; and

- 3.1.1.1 Successful completion of a Delaware approved alternative routes to certification program for school leaders. Until approval and implementation of an alternative routes to certification program occurs, candidates shall fulfill the following requirements;

- 3.1.1.1.1 A minimum of twenty four (24) semesters hours of graduate level course work in administration, completed either as part of the master's degree or in addition to it, to include at least one course in each of the following areas, unless otherwise indicated:

3.1.1.1.1.1 Supervision and Evaluation of Staff;

3.1.1.1.1.2 Curriculum Development;

3.1.1.1.1.3 School Law and Legal Issues in Education;

3.1.1.1.1.4 Human Relations; and

3.1.1.1.1.5 Special Education (12 credits) (may include courses in curriculum, instruction, methods, and administration); or

- 3.1.2 A master's degree in school administration; and 30 graduate level semester hours in Special Education taken either as part of a degree program or in addition to it; or
 - 3.1.3 A master's degree in any field from a regionally accredited college or university; and
 - 3.1.3.1 30 graduate level semester hours in Special Education taken either as part of a degree program or in addition to it; and
 - 3.1.3.2 Successful completion of a Delaware approved alternative routes to certification program for school leaders. Until approval and implementation of an alternative routes to certification program occurs, candidates shall fulfill the following requirements:
 - 3.1.3.2.1 Supervision and Evaluation of Staff;
 - 3.1.3.2.2 Curriculum Development;
 - 3.1.3.2.3 School Law or Legal Issues in Education;
 - 3.1.3.2.4 Human Relations; and
 - 3.1.3.2.5 Special Education (12 credits) (may include courses in curriculum, instruction, methods, and administration taken either as part of a degree program or as part of the requirement for graduate level semester hours in Special Education set forth in 3.1.2.1 and 3.1.3.1, above; or
 - 3.1.4 A current and valid special education administrative certificate from another state or the District of Columbia.
- 3.2 Experience requirements.
- 3.2.1 A minimum of three (3) years of teaching experience with children with disabilities at the pK to 12 level; or
 - 3.2.2 A minimum of three (3) years of professional experience with children with disabilities at the pK to 12 level, in any setting, in a position requiring certification or licensing by the appropriate regulatory body, including, but not limited to a school psychologist, speech pathologist, or audiologist, regardless of whether the applicant's position meets the definition of "teaching experience"; or
 - 3.2.3 A minimum of three (3) years administrative experience with children with disabilities at the pK to 12 level; or
 - 3.2.4 Any combination of these types of experiences which totals a minimum of three (3) years.

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate for Director of Special Education, pursuant to 14 Del.C. §1220(a).
- 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:
"Certification Program for Leaders in Education" means a program comprised of education components as defined and approved by the Standards Board and the State Board pursuant to 14 DE Admin. Code 1595 Certification Programs for Leaders in Education.

3.0 Standard Certificate

- 3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Standard Certificate as a Special Education Director to an educator who has met the following:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Professional Status Certificate issued by the Department prior to August 31, 2003; and
 - 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
 - 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Additional Requirements

An educator must also have met the following additional requirements.

- 4.1 Education requirements.

- 4.1.1 An educator shall also have satisfied at least one (1) of the following additional education requirements:
- 4.1.1.1 A master's or doctoral degree from a regionally accredited college or university in educational leadership offered by an NCATE specialty organization recognized educator preparation program or from a state approved educator preparation program where the state approval body employed the appropriate NASDTEC or NCATE specialty organization standards; and
 - 4.1.1.1.1 Thirty (30) graduate level semester hours from a regionally accredited college or university in Special Education taken either as part of a degree program or in addition to it, or the equivalent in professional development pre-approved by the Department; or
 - 4.1.1.2 A master's or doctoral degree from a regionally accredited college or university in Special Education offered by an NCATE specialty organization recognized educator preparation program or from a state approved educator preparation program where the state approval body employed the appropriate NCATE specialty organization standards; and
 - 4.1.1.2.1 The successful completion of any approved Program pursuant to 14 DE Admin. Code 1595 Certification Programs for Leaders in Education; or
 - 4.1.1.3 A master's or doctoral degree from a regionally accredited college or university in any field; and
 - 4.1.1.3.1 The successful completion of an approved Special Education Director Program pursuant to 14 DE Admin. Code 1595 Certification Programs for Leaders in Education.

4.2 Experience requirements.

- 4.2.1 An educator shall also have satisfied at least one (1) of the following additional education requirements:
- 4.2.1.1 A minimum of five (5) years of teaching experience with exceptional children special education students at the PreK to 12 public school level or the equivalent as approved by the Department; or
 - 4.2.1.2 A minimum of five (5) years professional experience under a Delaware Standard Certificate or other Delaware professional license [including but not limited to a school psychologist, speech pathologist, or audiologist,] working with exceptional children special education students at the PreK to 12 level or the equivalent as approved by the Department; or
 - 4.2.1.3 [A minimum of five (5) years administrative experience working with exceptional children special education students at the PreK to 12 level or the equivalent as approved by the Department;
 - 4.2.1.4] Any combination of the types of experiences prescribed in subsections 4.2.1.1[, and 4.2.1.2 and 4.2.1.3] which totals a minimum of five (5) years.

5.0 Validity

- 5.1 This regulation shall be effective no less than ten (10) days from the date the Order amending the regulation has been published in its final form in the Delaware Register of Regulations.
- 5.1.1 Educators currently enrolled in a Special Education Director course of study prior to the effective date of this regulation will have until eighteen (18) months subsequent to the effective date to apply for the previous Special Education Director Standard Certificate. Educators are responsible for providing to the Department evidence of enrollment via submission of appropriate transcripts.
- 5.2 An Emergency Certificate for Special Education Director is not available.
- 5.3 The Department shall also recognize a Standard Certificate for Special Education Director issued by the Department prior to the effective date of this regulation.

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

Renumbered effective 6/1/07 - see Conversion Table

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