

DEPARTMENT OF EDUCATION

PROFESSIONAL STANDARDS BOARD

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

PROPOSED

PUBLIC NOTICE

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

1504 Certificate of Eligibility

A. TYPE OF REGULATORY ACTION REQUESTED

New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

The Professional Standards Board ("Board"), acting in consultation and cooperation with the Department of Education ("Department"), developed a new regulation, 14 **DE Admin. Code** 1504 Certificate of Eligibility. The regulation concerns certification under 14 **Del.C.** §1221(2) for educators of students with disabilities who are participating in a state-approved, appropriate alternative route for teacher licensure and certification program.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 2, 2018 to Mr. Chris Kenton, Executive Director, Delaware Professional Standards Board, The Townsend Building, 401 Federal Street, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Professional Standards Board's Office, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The new regulation does not address student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The new regulation will help to ensure that all students receive an equitable education.

3. Will the amended regulation help to ensure all student's health and safety are adequately protected? The new regulation addresses certificates of eligibility and does not directly address students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The new regulation addresses certificates of eligibility and does not directly address 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 new regulation does not change 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 new regulation does 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 will be placed in the same entity.

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 new 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 the new regulation.

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

1504 Certificate of Eligibility

1.0 Content

1.1 This regulation shall apply to the issuance of a Certificate of Eligibility pursuant to 14 Del.C. §1221(2) for educators who are pursuing the following certifications:

1.1.1 14 DE Admin. Code 1570 Early Childhood Exceptional Children Special Education Teacher; or

1.1.2 14 DE Admin. Code 1571 Special Education Teacher of Students with Disabilities; or

1.1.3 14 DE Admin. Code 1573 Teacher of Students with Autism or with Severe Intellectual Disabilities; or

1.1.4 14 DE Admin. Code 1574 Teacher of Students Who Are Deaf or Hard of Hearing; or

1.1.5 14 DE Admin. Code 1575 Teacher of Students with Visual Impairments.

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"Certificate of Eligibility" means a credential which may be issued to teachers of students with disabilities if the employing district or charter school establishes that the proposed recipient meets the requirements of 14 Del.C. §1221(2).

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

"Credentialed" means holding an active license and an active certificate in a specific content area at appropriate grade levels.

"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.

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

"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.

3.0 Issuance of Certificate of Eligibility

3.1 Upon receipt of a completed application from the Employing Authority, the Department may issue a Certificate of Eligibility to an Educator who holds a valid Delaware Initial, Continuing, or Advanced License, but who is not eligible for Certification in the area of need for students with disabilities identified in Section 1.0 of this regulation.

3.1.1 A Certificate of Eligibility is valid for one school year subject to subsection 3.1.3 of this regulation.

3.1.2 The Certificate of Eligibility is issued for one school year and expires on June 30th.

3.1.3 The Department may grant a second-year Certificate of Eligibility and a third-year Certificate of Eligibility if the Educator has met the requirements outlined in Section 5.0 of this regulation.

4.0 Application Procedures

4.1 The Employing Authority shall:

4.1.1 Establish that the proposed recipient of a Certificate of Eligibility is competent by submitting evidence of the Educator's License and other considerations; and

4.1.2 Apply for the Certificate of Eligibility within sixty (60) calendar days of the Educator's hire or new job assignment; and

4.1.3 Establish that the proposed recipient is participating in a state-approved alternative route for teacher licensure and certification program which is appropriate to the Certification identified in Section 1.0 of this regulation that the proposed recipient is pursuing; and

4.1.4 Support and assist the Educator in achieving the skills and knowledge necessary to meet applicable Certification requirements; and

4.1.5 Verify that the Educator understands the Standard Certificate requirements, the deadline in which to complete requirements, and the expectation to earn a Standard Certificate.

4.2 Failure by the Employing Authority to fulfill the conditions set forth shall result in denial of the Certificate of Eligibility.

5.0 Second Year and Third Year Reissue of Certificate of Eligibility

5.1 If the Educator does not meet all Standard Certificate requirements during the first school year, the Employing Authority may apply for a second-year Certificate of Eligibility in the same area.

5.2 If the Department grants an Educator a second-year Certificate of Eligibility and the Educator does not meet all Standard Certificate requirements during the second school year, the Employing Authority may apply for a third-year Certificate of Eligibility in the same area.

5.3 The Department may issue a second-year Certificate of Eligibility or a third-year Certificate of Eligibility if the following requirements are met:

5.3.1 The Employing Authority submits a request for the Certificate of Eligibility within sixty (60) calendar days of the start of the next consecutive school year.

5.3.2 The Employing Authority has established that the Educator has made documented progress toward earning the Standard Certificate by continuing to participate in a state-approved alternative route for teacher licensure and certification program which is appropriate to the Certification identified in Section 1.0 of this regulation that the Educator is pursuing.

6.0 Expiration of Certificate of Eligibility

6.1 Certificates of Eligibility shall expire on June 30th.

6.2 Certificates of Eligibility that have been issued for three consecutive school years may not be extended. The Educator shall meet the requirements for issuance of a Standard Certificate in the area of Certification identified in Section 1.0 of this regulation that the Educator is pursuing.

6.3 Educators holding an active License without a current or valid certificate are not considered Credentialed to teach.

6.4 A Certificate of Eligibility may not be renewed or extended for a leave of absence.

7.0 Transfer of Certificate of Eligibility to a New Employing Authority

The Department may approve the transfer of a Certificate of Eligibility from one Employing Authority to another if the new Employing Authority conducts an independent review of the Educator's progress towards a Standard Certificate and assumes the commitments and responsibilities of an Employing Authority within this regulation.

8.0 Revocation of Certificate of Eligibility

8.1 A Certificate of Eligibility shall be revoked in the event an Educator's Initial, Continuing, or Advanced License is revoked in accordance with 14 DE Admin. Code 1514 Revocation, Limitation, or Suspension of Licenses.

8.1.1 An Educator is entitled to a full and fair hearing before the Standards Board.

8.1.2 Hearings shall be conducted in accordance with 14 DE Admin. Code 1515 Hearings Procedures and Rules.

21 DE Reg. 770 (04/01/18) (Prop.)