

**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** 1574

FINAL

REGULATORY IMPLEMENTING ORDER

1574 Teacher of Students Who Are Deaf or Hard of Hearing

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** 1574 Teacher of Students Who Are Deaf or Hard of Hearing. The regulation concerns the requirements for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include clarifying Section 1.0; adding defined terms to Section 2.0; clarifying the requirements for issuing a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Teacher of Students Who Are Deaf or Hard of Hearing 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 Who Are Deaf or Hard of Hearing 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 that were issued by the Department.

Notice of the proposed regulation was published in the *Register of Regulations* on April 1, 2021. The Professional Standards Board received written submittals from Ann C. Fisher, Chairperson of the Governor's Advisory Council for Exceptional Citizens ("GACEC"), Terri Hancharick, Chairperson of the State Council for Persons with Disabilities ("SCPD"), and Joseph Barrett.

GACEC commented that it "supports the proposed regulation as it is written so long as the proposed changes align with the Bill of Rights for Children Who Are Deaf or Hard of Hearing as well as other applicable laws and regulations." Regarding the first impact criterion (i.e., will the amended regulation help improve student achievement as measured against state achievement standards), GACEC asked for an explanation as to how the proposed changes will help improve student achievement. GACEC "querie[d] whether individuals who obtain their certificates [by obtaining and maintaining an Exceptional Needs Specialist certificate in the specialty area of Deaf/Hard of Hearing from the National Board of Professional Teaching Standards; satisfactorily completing an alternative routes for licensure or certification program to teach students who are deaf or hard of hearing; and satisfactorily completing a Department-approved educator preparation program in deaf education] will have the training and proficiency necessary to provide optimal instruction to this student population."

SCPD commented that it previously submitted comments to several proposed regulations and that only one of its recommendations has been adopted. SCPD further commented that the proposed amendments are "nearly identical to the previous" except for Section 4.0, which would expand the options for satisfying the prescribed education requirements from two to five. In addition, SCPD commented that Delaware law requires that when developing an IEP for children who are deaf or hard of hearing, a "local education agency must consider '[t]he provision of optimal, direct and ongoing language access to teachers of the Deaf or Hard of Hearing . . . who are knowledgeable due to specific training and who are proficient in the child's primary communication mode or language[.]' as well as '[t]he provision of communication-accessible academic instruction, school services, and direct access to all components of the educational process[.]'"

Mr. Barrett commented that he is employed at the Delaware School for the Deaf as a paraprofessional, he has been in the field of deaf education for 30 years, and he was a certified health and physical education teacher and a classroom teacher at Pennsylvania School for the Deaf for 25 years. Mr. Barrett further commented that he "strongly feel[s] there should be a 'grandfather clause' for people in [his] situation who have already been teaching in Deaf Education for many years and are highly educated and qualified." In addition, Mr. Barrett suggested that a competency test could be developed.

II. FINDINGS OF FACTS

On May 6, 2021, the Professional Standards Board considered the written submittals from GACEC and SCPD. The Professional Standards Board noted that the published response to the first impact criterion states that "[t]he education,

knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help improve student achievement." The Professional Standards Board found that the proposed amendments to the regulation are designed to ensure individuals will have the training and proficiency necessary to provide optimal instruction to students who are deaf or hard of hearing. In addition, the Professional Standards Board found that it has adopted clarifying language regarding the Department not acting on applications if the applicant is under investigation by any national, state, or local authority with the power to issue educator licenses as suggested by SCPD. The Professional Standards Board found that it has not included SCPD's suggestion for renewal of a standard certificate in standard certificate regulations because 14 **Del.C.** Ch. 12 does not authorize the Department to renew a standard certificate once it has been issued. The Professional Standards Board further found that it has not removed the section regarding Secretary of Education review because it is an important tool that is available for all certifications by statute (14 **Del.C.** §1224). The Professional Standards Board found that SPCD's other comments were editorial in nature and not a question or request.

At the May 6, 2021 meeting, the Professional Standards Board determined that further changes as a result of GACEC's and SCPD's written comments were not necessary and it voted to propose the regulation that was published for adoption by the Department subject to the State Board of Education's approval. Subsequent to the May 6, 2021 meeting, the Professional Standards Board was provided with Mr. Barrett's written submittal, which he timely submitted.

On June 3, 2021, the Professional Standards Board reviewed GACEC's and SCPD's written submittals and the Board's findings thereto as well as considered Mr. Barrett's written submittal. The Professional Standards Board found that proposed Section 8.0, Secretary of Education Review, is an option for applicants who do not meet the requirements for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate but whose effectiveness is documented by the applicant's school district or charter school and that such review would serve the same purpose as Mr. Barrett's suggestion for a grandfather clause. The Professional Standards Board determined that further changes as a result of the written submittals were not necessary and it voted to propose 14 **DE Admin. Code** 1574 Teacher of Students Who Are Deaf or Hard of Hearing, 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** 1574 Teacher of Students Who Are Deaf or Hard of Hearing.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1574 Teacher of Students Who Are Deaf or Hard of Hearing subject to the State Board of Education's approval. Therefore, pursuant to 14 **Del.C.** §§1203 and 1205(b), 14 **DE Admin. Code** 1574 Teacher of Students Who Are Deaf or Hard of Hearing, attached hereto as Exhibit A, is hereby amended.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1574 Teacher of Students Who Are Deaf or Hard of Hearing adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1574 Teacher of Students Who Are Deaf or Hard of Hearing in the Administrative Code of Regulations for the Department.

V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 17th day of June, 2021.

Department of Education

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

Approved this 17th day of June, 2021.

State Board of Education

/s/ Whitney Sweeney, President

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

/s/ Shawn Brittingham

/s/ Candace Fifer

/s/ Vincent Lofink

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

/s/ Provey Powell, Jr.

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

Exhibit A

1574 Teacher of Students Who Are Deaf or Hard of Hearing

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate, Certificate (Category) pursuant to 14 ~~Del.C. §1220(a)~~, ~~for a Teacher of Students Who Are Deaf or Hard of Hearing. 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 who are deaf or hard of hearing.~~
- 1.1.1 This Standard Certificate is required for an Educator whose primary assignment is teaching Deaf or Hard of Hearing Students in Delaware public schools.
- 1.1.2 The Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate 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 requirements to instruct a particular category of students. The Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate is limited to the category of Deaf or Hard of Hearing Students.
- 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.~~

16 DE Reg. 851 (02/01/13)

2.0 Definitions

~~The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

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

"CED" means the Council on Education for the Deaf.

"Deaf or Hard of Hearing Student" means a student with "deafness" or a "hearing impairment" as defined in Section 3.0 of 14 **DE Admin. Code** 922 Children with Disabilities Subpart A, Purposes and Definitions.

"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.

"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.

"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 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. 851 (02/01/13)

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 Who Are Deaf or Hard of Hearing Standard Certificate ~~as a Teacher of Students Who Are Deaf or Hard of Hearing 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, 2003 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 deaf education or teaching students who are deaf or hard of hearing.~~
 - 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 Who Are Deaf or Hard of Hearing 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. 851 (02/01/13)

4.0 **Additional 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 ~~Holding a master's degree from a regionally accredited college or university in Deaf Education from a program approved by the Council for Education of the Deaf; or~~
 - 4.1.2 ~~The successful completion of twenty-one (21) credits from a regionally accredited college or university or their equivalent in professional development as approved by the Department in the following areas:~~
 - 4.1.2.1 ~~Human Growth and Development Characteristics of the Deaf and Hard of Hearing (3 credits);~~
 - 4.1.2.2 ~~Assessment, Diagnosis and Prescriptive Techniques for the Deaf or Hard of Hearing (3 credits);~~
 - 4.1.2.3 ~~Curriculum and Instructional Methods for the Deaf or Hard of Hearing (3 credits);~~
 - 4.1.2.4 ~~Auditory Language Development (3 credits);~~
 - 4.1.2.5 ~~Audiology (3 credits);~~
 - 4.1.2.6 ~~Deaf and Hard of Hearing Practicum (3 credits); and either~~
 - 4.1.2.7 ~~Visual Language Development (3 credits); or~~
 - 4.1.2.8 ~~American Sign Language (3 credits).~~
- 4.1 An applicant for the Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate 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 Deaf/ Hard of Hearing from the National Board for Professional Teaching Standards;
 - 4.1.2 Earned a master's degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in deaf education from an educator preparation program approved or recognized by the CED; or
 - 4.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach students who are deaf or hard of hearing as provided in 14 **Del.C.** §§1260 - 1266; or
 - 4.1.4 Satisfactorily completed a Department-approved educator preparation program in deaf education; or
 - 4.1.5 Earned a bachelor's degree from a Regionally Accredited college or university in any content area and satisfactorily completed 21 college credits or the equivalent number of hours with one credit equating to 15 hours taken as part of or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department with a focus in deaf education that are guided by and include the following CED Initial Preparation Standards:
 - 4.1.5.1 Learner Development and Individual Learning Differences for Students Who Are Deaf or Hard of Hearing;
 - 4.1.5.2 Learning Environments for Students Who Are Deaf or Hard of Hearing;
 - 4.1.5.3 Curricular Content Knowledge for Students Who Are Deaf or Hard of Hearing;
 - 4.1.5.4 Assessment for Students Who Are Deaf or Hard of Hearing;
 - 4.1.5.5 Instructional Planning and Strategies for Students Who Are Deaf or Hard of Hearing;
 - 4.1.5.6 Professional Learning and Ethical Practice for Students Who Are Deaf or Hard of Hearing; and

4.1.5.7 Collaboration for Students Who Are Deaf or Hard of Hearing.

5.0 Application Requirements

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with application for the Initial License, and the applicant shall also provide all required documentation for the License.
- 5.2 For an applicant who is applying for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate under subsection 3.1.1 of this regulation, the following documentation is required with the application:
 - 5.2.1 Evidence of obtaining and maintaining an Exceptional Needs Specialist certificate in the specialty area of Deaf/Hard of Hearing 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.
 - 5.2.2.2 Sealed paper transcripts may be submitted.
 - 5.2.2.3 The Department will not accept copies of transcripts; and
 - 5.2.3 Additional documentation as required by the Department.
- 5.3 For an applicant who is applying for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate under subsection 3.1.2 of this regulation, the following documentation is required with the application:
 - 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 Who Are Deaf or Hard of Hearing 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 Who Are Deaf or Hard of Hearing Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

- 7.1 An Educator's Teacher of Students Who Are Deaf or Hard of Hearing 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 Who Are Deaf or Hard of Hearing Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License 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

- 8.1 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 Teacher of Students Who Are Deaf or Hard of Hearing 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 Who Are Deaf or Hard of Hearing Standard Certificate but whose effectiveness is documented by the local school district or charter school.
 - 8.1.1 For school districts, requests shall be approved by the superintendent of the school district.
 - 8.1.2 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.

5.0 9.0 Past Certification Certificate Recognized

The Department shall recognize a ~~Standard Certificate~~ Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate that was issued by the Department between January 11, 2007 and prior to the effective date of this regulation. A teacher An Educator holding such a Standard Certificate ~~Teacher of Students Who~~

~~Are Deaf or Hard of Hearing issued between January 11, 2007 and the effective date of this regulation shall be considered certified to teach students who are deaf or hard of hearing~~ instruct Deaf or Hard of Hearing Students.

10 DE Reg. 1144 (01/01/07)

Renumbered effective 06/01/07 - see Conversion Table

16 DE Reg. 851 (02/01/13)

25 DE Reg. 178 (08/01/21) (Final)