

**DEPARTMENT OF EDUCATION**  
**14 DE Admin. Code 365**  
Statutory Authority: 14 Delaware Code,  
Section 122(e) (14 **Del.C.** §122(e))

**REGULATORY IMPLEMENTING ORDER**

**765 (Previously 365) Credentials for a Resident Advisor in the Statewide Programs for Autism and for the Deaf and Hard of Hearing**

**I. Summary of the Evidence and Information Submitted**

The Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 365 Certification Resident Advisor (Houseparent). The amendments change Certification to a Permit and add sections on Definitions, Application Procedures, Criminal Conviction History, Denial and the Revocation of the Permit. The number of the regulation is changed to 765 and it will be in the 700 Section of the 14 **DE Admin. Code of Regulations**. The title is also changed to Credentials for a Resident Advisor in the Statewide Programs for Autism and for the Deaf and Hard of Hearing.

Notice of the proposed regulation was published in the News Journal and the Delaware State News on April 21, 2005, in the form hereto attached as *Exhibit "A"*. Comments were received from Governor's Advisory Council for Exceptional Children and the State Council for Persons with Disabilities. Concerns included the criminal background check, the definition of Morality and the expiration period for the permit and requiring proficiency in communications with the deaf (if employed at the Sterck school) as a condition of receiving the permit.

The Department cannot designate the failure to disclose one's criminal conviction history as a crime through regulation. All new employees including resident advisors must undergo a criminal background check as per 14 **DE Admin. Code** 745 Criminal Background Check for Public School Employees and 11 **Del.C.** Ch.85 Subchapter VI.

The Definition of morality and unfit are consistent with regulations adopted by the Professional Standards Board and approved by the State Board of Education in 14 **DE Admin. Code** 1513 and 1514.

The Department does not intend to place an expiration date on the permit. If an individual leaves employment and comes back to work years later the provisions of 11 **Del.C.** Ch.85 Subchapter VI will apply.

The Department declines to add the requirement for proficiency in communications with the deaf (if employed at the Sterck School) as a condition of receiving the permit since the district can add this as a condition of employment. In addition the Director of State-Wide Services for Deaf and Hard of Hearing requested that we not include the requirement in the credentials for the permit.

**II. Findings of Facts**

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 365 in order to change Certification to a Permit and add sections on Definitions, Application Procedures, Criminal Conviction History, Denial and the Revocation of the Permit.

**III. Decision to Amend the Regulation**

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 365. Therefore, pursuant to 14 **Del.C.** Ch.31, 14 **DE Admin. Code** 365 attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 765 hereby amended 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 14 **DE Admin. Code** 765 amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 765 in the *Administrative Code of Regulations* for the Department of Education.

**V. Effective Date of Order**

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on June 16, 2005. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

**IT IS SO ORDERED** the 16th day of June 2005.

**DEPARTMENT OF EDUCATION**

Valerie A. Woodruff, Secretary of Education  
Approved this 16<sup>th</sup> day of June 2005

**STATE BOARD OF EDUCATION**

Dr. Joseph A. Pika, President  
Jean W. Allen, Vice President  
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Dr. Claibourne D. Smith

**~~365 Certification Resident Advisor (Houseparent)~~**

~~Effective July 1 1993~~

~~1.0 The following shall be required for the Standard License:~~

- ~~1.1 Bachelor's degree from an accredited college and;~~
- ~~1.2 Demonstrated competency in manual communications as determined by employer and;~~
- ~~1.3 Professional Education~~

~~1.3.1 Completion of a program in teacher education in any area or;~~

~~1.3.2 A Minimum of 18 semester hours from at least 4 of the following areas: Survey/Introduction/Psychology/Education of Exceptional Children Child Growth and Development/Human Development Behavior Problems/Behavior Management/Behavior Disorders/Behavior Modification Educational Psychology/Psychology of Learning/Learning Theory/Child Psychology/Psychology of Adolescence Interpersonal Relationships/Functioning Principles and Practices of Guidance/Guidance in the Classroom/Tools and Techniques of Counseling/Group Counseling Alternative Communications Audiology Manual Communications Course(s) in any specific disability of Exceptional Children~~

~~2.0 The following shall be required for the Limited Standard License (not renewable)~~

~~2.1 This License may be issued for a period of three years at the request of a Delaware public school district to a person who meets the requirements listed below and who is employed as a Resident Advisor to allow for the completion of the requirements for the Standard License in 1.0:~~

~~2.1.1 Requirements of 1.1 and;~~

~~2.1.2 Completion of minimum nine semester hours as listed in 1.3.1.1.~~

~~3.0 Licenses that may be issued for this position include Standard and Limited Standard.~~

**765 Credentials for a Resident Advisor in the Statewide Programs for Autism and for the Deaf and Hard of Hearing**

**1.0 Content**

**1.1 This regulation shall apply to the requirements for a Permit for Resident Advisor in the Statewide Programs for Autism and for the Deaf and Hard of Hearing**

## **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:

“Permit” means a document issued by the Department of Education that verifies an individual’s qualifications and training to serve as a Resident Advisor in the Statewide Programs for Autism and for the Deaf and Hard of Hearing.

“Department” means the Delaware Department of Education.

“Immorality” means conduct which is inconsistent with the rules and principals of morality expected of a resident advisor in the Statewide Programs for Autism and for the Deaf and Hard of Hearing and may reasonably be found to impair an individual’s effectiveness by reason of his or her unfitness or otherwise.

“Secretary” means the Secretary of the Delaware Department of Education.

“Unfit” means lack of good moral character, misconduct in office, incompetence, willful neglect of duty, disloyalty or falsification of credentials.

3.0 The Department shall issue a Permit as a Resident Advisor in the Statewide Programs for Autism and for the Deaf and Hard of Hearing to an applicant who has a minimum of a Bachelor’s degree in any field from a regionally accredited college or university.

## **4.0 Application Procedures**

4.1 Applicants for a Permit as a Resident Advisor in the Statewide Programs for Autism and for the Deaf and Hard of Hearing shall submit to the Department official transcripts forwarded directly from the issuing institution or by the applicant in an unopened, unaltered envelope.

## **5.0 Criminal Conviction History**

5.1 An applicant shall disclose his or her criminal conviction history upon application for the Permit. Failure to disclose a criminal conviction history is grounds for denial or revocation of a Permit.

6.0 An applicant may be denied a permit for Resident Advisor in the Statewide Programs for Autism and for the Deaf and Hard of Hearing upon a finding that the applicant has failed to meet the requirements set forth herein or is unfit to be issued a permit in this State.

6.1 The Secretary shall give written notice to the applicant of the denial and the reasons therefore. The notice of denial shall be sent by certified mail and shall give notice that a full and fair hearing may be requested before the Secretary or his or her designee within 10 days of receipt of the notice of denial. The Secretary’s decision shall be final.

6.2 Notwithstanding any other provision stated herein, no Permit shall be issued to an applicant if:

6.2.1 There is legal evidence that the applicant is not of good moral character;

6.2.2 The applicant has had an educator Permit, certificate or license revoked in another jurisdiction for immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty or falsification of credentials.

7.0 A Permit issued under the provisions of this regulation may be revoked upon a finding of immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty or falsification of credentials and must be revoked upon a finding that the permit holder made a materially false or misleading statement in his or her permit application.

7.1 The Secretary shall give written notice to the permit holder of the proposed revocation and the reasons therefore. The notice of revocation shall be sent by certified mail and shall give notice that a full and fair hearing may be requested before the Secretary, or his or her designee, within 10 days of the receipt of the notice of denial. The Secretary’s decision shall be final.

**9 DE Reg. 115(07/01/05)(Final)**