

**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** 1571

FINAL

REGULATORY IMPLEMENTING ORDER

1571 Special Education Teacher of Students with Disabilities

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** 1571 Special Education Teacher of Students with Disabilities. The regulation concerns the requirements for a Special Education Teacher of Students with Disabilities Standard Certificate pursuant to 14 **Del.C.** §1220. The proposed amendments include clarifying changes to Section 1.0; adding defined terms to Section 2.0; clarifying the requirements for issuing a Special Education Teacher of Students with Disabilities Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Special Education Teacher of Students with Disabilities Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Special Education Teacher of Students with Disabilities 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 certification.

Notice of the proposed regulation was published in the *Register of Regulations* on April 1, 2020. The Professional Standards Board received written submittals from J. Todd Webb, Chairperson of the State Council for Persons with Disabilities (“SCPD”), Ann C. Fisher, Chairperson of the Governor’s Advisory Council for Exceptional Citizens (“GACEC”), and Jennifer August concerning the proposed amendments to the regulation.

SCPD and GACEC each commented that it is unclear whether the conduct listed in subsection 3.2 describes the only investigations where the Department will not act on an application or if the conduct listed represents examples. In addition, SCPD and GACEC commented that the Professional Standards Board does not prescribe specific professional development for educators and it is possible that an educator with a Special Education Teacher of Students with Disabilities Standard Certificate will not actually participate in any professional development related to the certification. SCPD and GACEC recommended that the Department consider whether including requirements for renewal of this standard certificate is warranted “given the vulnerability of the population served.” SCPD and GACEC also recommended that Section 8.0 be removed from the regulation because educators with a Special Education Teacher of Students with Disabilities Standard Certificate are responsible for educating “our most vulnerable students and those most in need of exceptional teachers.”

Ms. August, a licensed, registered, and board-certified art therapist, recommended that the definition of “Educator” in Section 2.0 be changed so that it “will not allow educators to ‘practice’ ‘other related [but-elsewhere-licensed] professional support services.’” She further commented that the regulation “should define that ‘other related professional services,’ ‘Professional Development,’ and continuing education/internally-issued ‘certificates’ do not create licensure exceptions or craft unqualified permissions by regulation.”

II. FINDINGS OF FACTS

On May 7, 2020, the Professional Standards Board considered the written submittals. The Professional Standards Board clarified the language of subsection 3.2 in response to SCPD’s and GACEC’s comment. In accordance with 29 **Del.C.** §10118(c), the Professional Standards Board’s Chairperson determined the changes to subsection 3.2 are not substantive and, as a result, the Professional Standards Board is not required to repropose the changes.

Additionally, the Professional Standards Board found that the proposed subsection 6.2, which provides that the Special Education Teacher of Students with Disabilities Standard Certificate is not renewed, is consistent with the statute concerning standard certificates. The statute, 14 **Del.C.** §1220(a), provides that the “Department shall issue a standard certificate to an applicant who . . . has acquired the prescribed knowledge, skill, or education to practice in a particular area, to teach a particular subject or to instruct a particular category of students.” 14 **Del.C.** Ch. 12 does not authorize the Department to renew a standard certificate once it has been issued, which is different from a continuing license that may be renewed for five years if an educator has completed 90 clock-hours of approved professional development (14 **Del.C.** §1212). The Professional Standards Board found that subsection 5.1 of the regulation concerning continuing licenses (14

DE Admin. Code 1511) provides that “[a]t least one half of the required hours [forty-five (45) hours every five (5) years] for educators shall be in activities that relate to the educator’s work with students or staff.” Moreover, one criterion for determining if a professional development activity is acceptable for clock-hour credit is that a professional development activity address “one of the standards for the educator’s area of the profession” (14 **DE Admin. Code 1511-5.4.2.3**). The Board found that, with recommendations from the Professional Development and Associated Compensation Committee, it can work with the Department to address the broader question of whether to change the current system for professional development in the future.

The Professional Standards Board found that the proposed Section 8.0, Secretary of Education Review, is an important tool that is available for all certifications by statute (14 **Del.C. §1224**).

In addition, the Professional Standards Board found that the definition of “Educator” in Section 2.0 of the regulation is consistent with the definition of “educator” in the statute (14 **Del.C. §1202(6)**), which has been in effect since June 30, 2005. The Professional Standards Board further found there are standard certificate regulations that certify an educator who provides other related professional support services in Delaware public schools to practice in a particular area such as school nurse, school counselor, school psychologist, school social worker, reading specialist, and library media specialist. The Professional Standards Board also found that Special Education Teacher of Students with Disabilities Standard Certificate certifies an educator to instruct students with disabilities and does not create an exception.

Except for the non-substantive change to subsection 3.2, the Professional Standards Board determined that further changes in response to the written submittals were not necessary and voted to propose 14 **DE Admin. Code 1571** Special Education Teacher of Students with Disabilities, 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 1571** Special Education Teacher of Students with Disabilities.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code 1571** Special Education Teacher of Students with Disabilities subject to the State Board of Education’s approval. Therefore, pursuant to 14 **Del.C. §§1203 and 1205(b)**, 14 **DE Admin. Code 1571** Special Education Teacher of Students with Disabilities attached hereto as Exhibit “A” is hereby amended.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code 1571** Special Education Teacher of Students with Disabilities adopted hereby shall be in the form attached hereto as Exhibit “A,” and said regulation shall be cited as 14 **DE Admin. Code 1571** Special Education Teacher of Students with Disabilities in the Administrative Code of Regulations for the Department.

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 *Register of Regulations*.

IT IS SO ORDERED the 21st day of May, 2020.

Department of Education

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

Approved this 21st day of May, 2020.

State Board of Education

/s/ Whitney Townsend Sweeney, President

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

/s/ Nina Lou Bunting

Candace Fifer (absent)

/s/ Vincent Lofink

/s/ Provey Powell, Jr.

/s/ Wali W. Rushdan, II

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

1571 Special Education Teacher of Students with Disabilities

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Special Education Teacher of Students with Disabilities (Category).
- 1.1.1 This ~~certification~~ Certification is required for an ~~educator within the Delaware public school system~~ Educator whose primary assignment is teaching children with disabilities in grades K to 12 in Delaware public schools.
- 1.1.1.1 The Early Childhood Exceptional Children Special Education Teacher ~~certification~~ Standard Certificate may be used for grades K to grade 2 in lieu of Special Education Teacher of Students with Disabilities ~~certification~~ Standard Certificate.
- 1.1.1.2 ~~Teachers of Students Who Are Deaf or Hard of Hearing Certification; and Teacher of Students with Visual Impairments Certification; and Teacher of Students with Autism or Students with severe Intellectual Disabilities Certification shall be used for grades K to 12 when the teacher's primary assignment is serving the special population designated within those category certifications. The Teacher of Students with Autism or with Severe Intellectual Disabilities Standard Certificate, Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate, and Teacher of Students with Visual Impairments Standard Certificate shall be used when the teacher's primary assignment providing instruction to the category of students designated within those category certifications.~~
- 1.1.2 This ~~certification~~ Certification is a category ~~certificate~~ Standard Certificate and does not certify an ~~educator~~ Educator to practice in a particular area or teach a particular subject. A category ~~certification~~ Standard Certificate only establishes that an ~~educator~~ Educator has met the prescribed education, knowledge, skill, or education or skill to instruct ~~the a~~ a particular category of students ~~specified~~. This ~~certification~~ Certification is limited to the ~~specific category of teaching students with disabilities~~ Students with Disabilities.
- 1.1.3 ~~Subject or area certification also required. An Educator shall hold at least one content area Standard Certificate.~~
- 1.1.3.1 ~~A category certificate may not be issued alone and an educator shall hold at least one subject or area certification.~~
- 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. 766 (01/01/13)

19 DE Reg. 505 (12/01/15)

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, have the following meaning ~~unless the context clearly indicates otherwise~~:

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

"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.

"15 Credits or the Equivalent in Professional Development" means college credits or an equivalent number of hours with one credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department. College credit means undergraduate or graduate level coursework and continuing education units (CEUs) completed at or through a Regionally Accredited college or university or other Department-approved provider.

"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 thirty (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/or 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.

"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.

"Students with Disabilities" means the same as "Child with a Disability" as provided in 14 Del.C. §3101(2).

"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. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

19 DE Reg. 505 (12/01/15)

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Standard Certificate as for Special Education Teacher of Students with Disabilities to an educator applicant who has met the following:

3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; ~~or a Limited Standard, or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; 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; Has met the requirements for licensure and holds a Valid and Current License or Certificate in special education or teaching students with disabilities.~~

3.1.3 Holds a Standard Certificate in a subject or area; and

3.1.4 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 Special Education Teacher of Students with Disabilities 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 ~~[alleged conduct involves allegations of 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.

19 DE Reg. 505 (12/01/15)

4.0 Additional Requirements Prescribed Education, Knowledge, and Skill Requirements

4.1 ~~An educator shall also have satisfied one of the following additional education requirements:~~

4.1.1 ~~Holding a bachelor's, master's, or doctoral degree from a regionally accredited college or university with a major or its equivalent, in special education or students with disabilities, from a National Council for the Accreditation of Teacher Education (NCATE) or the Council for the Accreditation of Educator Preparation (CAEP) specialty organization recognized educator preparation program or from a state approved educator preparation program where the state approval body employed the appropriate standards; or~~

4.1.2 ~~Completion of a minimum of fifteen (15) credits or their equivalent in professional development as approved by the Department, with a focus in special education or in students with disabilities in the following content areas:~~

~~4.1.2.1 Diagnosis and Instruction for Reading / Literacy (3 credits);~~

~~4.1.2.2 Education Evaluation and IEP Development (3 credits);~~

~~4.1.2.3 Curriculum and Instruction in Special Education (3 credits);~~

~~4.1.2.4 Applied Behavior Analysis (3 credits); and~~

4.1.2.5 One of the following areas:

- 4.1.2.5.1 ~~Legislation, Policy & Procedures/ Special Issues in Special Education (3 credits);~~
- 4.1.2.5.2 ~~Transitions from Secondary Special Education or Secondary Transition Planning (3 credits);~~
- 4.1.2.5.3 ~~Collaborative Teaming in Special Education (3 credits); or~~
- 4.1.2.5.4 ~~Assistive Technology (3 credits).~~

4.1 An applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.

4.1.1 An applicant shall have satisfied one of the following education requirements:

- 4.1.1.1 Obtained and currently maintain an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards; or
- 4.1.1.2 Earned a bachelor's, master's, or doctoral degree from a Regionally Accredited college or university with a Major or Its Equivalent in special education or teaching students with disabilities from an educator preparation program approved or recognized by the National Council for the Accreditation of Teacher Education (NCATE), the Council for the Accreditation of Educator Preparation (CAEP), or a state where the state approval body employed the appropriate standards; or
- 4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach students with disabilities as provided in 14 **Del.C.** §§1260 – 1266; or
- 4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in special education; or
- 4.1.1.5 Earned a bachelor's degree from a Regionally Accredited college or university in any content area and satisfactorily completed 15 Credits or the Equivalent in Professional Development with a focus in special education or in students with disabilities in the following areas:
 - 4.1.1.5.1 Diagnosis and Instruction for Reading / Literacy (3 credits);
 - 4.1.1.5.2 Education Evaluation and IEP Development (3 credits);
 - 4.1.1.5.3 Curriculum and Instruction in Special Education (3 credits);
 - 4.1.1.5.4 Applied Behavior Analysis (3 credits); and
 - 4.1.1.5.5 One of the following areas:
 - 4.1.1.5.5.1 Legislation, Policy & Procedures/ Special Issues in Special Education (3 credits);
 - 4.1.1.5.5.2 Transitions from Secondary Special Education or Secondary Transition Planning (3 credits);
 - 4.1.1.5.5.3 Collaborative Teaming in Special Education (3 credits); or
 - 4.1.1.5.5.4 Assistive Technology (3 credits).

4.1.2 The applicant shall have achieved on the *Praxis* Subject Assessment – Special Education: Core Knowledge and Applications (ETS Test Code # 5354) a Passing Score of 151.

19 DE Reg. 505 (12/01/15)

5.0 **Past Certification Recognized Application Requirements**

~~The Department shall recognize a Standard Certificate Exceptional Children Special Education Teacher or other valid equivalent Special Education Certification including Exceptional Children Special Education—Elementary and Exceptional Children Special Education—Secondary issued before July 1, 2016. A teacher holding such a Standard Certificate issued by the Department before July 1, 2016 shall be considered certified to instruct classes to students with disabilities.~~

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

5.2 The following documentation is required with the application for a Special Education Teacher of Students with Disabilities Standard Certificate:

5.2.1 Evidence of obtaining an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards, if applicable.

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 by the applicant, the applicant's Employing Authority, or the applicant's Regionally Accredited college or university.

5.2.2.3 The Department will not accept copies of transcripts.

5.2.3 Evidence of completing the equivalent of 15 Credits or the Equivalent in Professional Development, as provided in subsection 4.1.1.5, if applicable.

5.2.4 Official score on the *Praxis* Subject Assessment as provided in subsection 4.1.2.

5.2.5 Additional documentation as required by the Department.

5.3 For applicants who have met the requirements for licensure and hold a Valid and Current License or Certificate in special education or teaching students with disabilities, the following documentation is required in the application for a Special Education Teacher of Students with Disabilities Standard Certificate:

5.3.1 An official copy of the educator license or certificate from another state or jurisdiction.

5.3.2 Additional documentation as required by the Department.

19 DE Reg. 505 (12/01/15)

6.0 Effective Date Validity of a Standard Certificate

Section 4.0 of this regulation shall be effective on July 1, 2016.

6.1 A Special Education Teacher of Students with Disabilities 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 Special Education Teacher of Students with Disabilities Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

7.1 An Educator's Special Education Teacher of Students with Disabilities 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 Special Education Teacher of Students with Disabilities 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

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 Teacher of Students with Disabilities 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 Teacher of Students with Disabilities Standard Certificate but whose effectiveness is documented by the local school district or charter school.

9.0 Past Certificate Recognized

The Department shall recognize a Special Education Teacher of Students with Disabilities 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 instruct Students with Disabilities.

7 DE Reg. 775 (12/01/03)

Renumbered effective 06/01/07 - see Conversion Table

11 DE Reg. 671 (11/01/07)

16 DE Reg. 766 (01/01/13)

19 DE Reg. 505 (12/01/15)

24 DE Reg. 48 (07/01/20) (Final)