

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))
14 **DE Admin. Code** 764

PROPOSED

Education Impact Analysis Pursuant To 14 Del.C. Section 122(d)

764 Credentials for Interpreter Tutor for the Deaf and Hard of Hearing

A. Type of Regulatory Action Required

Amendment to Existing Regulation

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education seeks the consent of the State Board of Education 14 **DE Admin. Code** 764 Credentials for Interpreter Tutor for the Deaf and Hard of Hearing. The regulation was reviewed as part of the 5 year review cycle. Amendments included, but are not limited to the requirement that Permits for Interpreter/Tutor for the Deaf/Hard of Hearing are to be renewed every five years. In addition, changes were made to the requirements for a Permit. An individual with a current Permit for an Interpreter Tutor for the Deaf and Hard of Hearing shall be grandfathered for 5 years from the effective date of the regulation.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before April 4, 2011 to Susan Haberstroh, Education Associate, Regulation Review, Department of Education, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation is available from the above address or may be viewed at the Department of Education business office.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation is related to the permits for interpreter tutors for the deaf/hard of hearing and not specifically related to student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation is related to the permits for interpreter tutors for the deaf/hard of hearing and should assist in all students receiving an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation is related to the permits for interpreter tutors for the deaf/hard of hearing and not specifically related to students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation is related to the permits for interpreter tutors for the deaf/hard of hearing and should assist to ensure all students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation preserves the necessary authority and flexibility of decision making 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 amended regulation is related to the permits for interpreter tutors for the deaf/hard of hearing and does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability does not change because of the amendments.

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 amended regulation is consistent with other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a less burdensome method for addressing the purpose of the regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no additional costs to the State or local school boards for compliance with this regulation.

764 Credentials for an Interpreter/Tutor for the Deaf and Hard of Hearing

1.0 ~~Content~~ Purpose

- 1.1 This regulation shall apply to the requirements for a permit, pursuant to 14 Del.C. §1331(b), for Interpreter/Tutor for the Deaf and/Hard of Hearing in public schools.
- 1.2 No person shall be employed by a public school as an Interpreter/Tutor for the Deaf/Hard of hearing without obtaining a permit under this section.

2.0 Definitions

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

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

“**EIPA**” means Educational Interpreter Performance Assessment. For purposes of this regulation, EIPA includes both the Written Test and video stimulus tapes evaluation.

“**Immorality**” means conduct which is inconsistent with the rules and principles of morality expected of the interpreter tutor and may reasonably be found to impair an individual’s effectiveness by reason of his or her unfitness or otherwise.

“**Permit**” means a document issued by the Department of Education that verifies an individual’s qualifications and training to serve as an Interpreter/Tutor for the Deaf and/Hard of Hearing. Interpreter/Tutors shall renew permits every five years by meeting the minimum standards required by the RID Certification Maintenance Program.

“**RID**” means the National Registry of Interpreters for the Deaf.

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

“**Unfit**” means ~~lack of good moral character~~ immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, willful and persistent insubordination or falsification of credentials.

3.0 Requirements for a Permit

- 3.1 Subject to the provisions in 6.0 below, tThe Department shall issue a Permit as an Interpreter/Tutor for the Deaf and/Hard of Hearing to an individual who has a minimum of a Bachelor’s degree in any field from a regionally accredited college or university and:
- 3.2 A minimum of a Bachelor’s degree in any field from a regionally accredited college or university; and maintains Holds national certification as an Interpreter for the Deaf and Hard of Hearing a Generalist by RID, or, or
- 3.3 Maintains a current and valid license and is certified as a Teacher of the Hearing Impaired. Is a certified member of RID as an EIPA credentialed interpreter who achieved a level 4.0 or higher on the Elementary or Secondary American Sign Language video stimulus tapes evaluation.

4.0 Application Procedures

- 4.1 Applicants for a Permit as an Interpreter/Tutor for the Deaf and/Hard of Hearing shall submit to the Department:
 - 4.1.1 Official transcripts forwarded directly from the issuing institution or by the applicant in an unopened, unaltered envelope.
 - 4.1.2 Evidence of national certification as ~~an Interpreter for the Deaf and Hard of Hearing~~ a Generalist from RID or evidence which documents that the applicant has met the requirements defined in Section 3.2.

5.0 Criminal Conviction History

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 Denial of Permit

- 6.1 An applicant ~~may~~ shall be denied a Permit for an Interpreter/Tutor for the Deaf and/Hard of Hearing upon a finding that the applicant ~~has:~~
 - 6.1.1 ~~Failed to meet the requirements set forth herein; or is unfit to be issued a permit in this State.~~
 - 6.1.2 Is Unfit; or
 - 6.1.3 Had a Permit, certificate or license revoked in another jurisdiction; or
 - 6.1.4 Is under official investigation by any state or local authority with the power to issue educator licenses, permits, or certifications, where the alleged conduct involves immorality, misconduct in office,

incompetence, neglect of duty, disloyalty, willful and persistent insubordination or falsification of credentials, until the applicant provides evidence of the investigation's resolution.

~~6.1~~ 6.2 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 the 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 Revocation of Permit

7.1 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 finding that the permit holder made a materially false or misleading statement in his or her permit application or upon finding that the permit holder failed to maintain the requirements for a permit as designated in 3.0 herein.

7.2 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.

8.0 Effect on Current Certificate or Permit Holders

8.1 This regulation shall be effective immediately. ~~Notwithstanding this provision, the Department shall recognize a Certification Interpreter Tutor for the Hearing Impaired that is otherwise valid if issued prior to July 11, 2005, provided that the Certificate holder is employed as an interpreter tutor as of July 11, 2005. If a holder of a Certification Interpreter Tutor for the Hearing Impaired issued prior to July 11, 2005, should leave employment as an interpreter tutor, such individual shall meet the then in effect permit requirements upon reapplication.~~

8.2 Notwithstanding this provision, individuals who are employed as Interpreter/Tutors on May 11, 2011 shall be grandfathered for 5 years subsequent to May 11, 2011. After May 11, 2011, any Delaware Interpreter/Tutor shall meet the requirements of 3.0 herein.

9 DE Reg. 113 (7/1/05)

14 DE Reg. 848 (03/01/11) (Proposed)