

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))
14 **DE Admin. Code** 385

FINAL

REGULATORY IMPLEMENTING ORDER

385 Permits Substitute Teachers

I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to repeal 14 **DE Admin. Code** 385 Permits - Substitute Teachers because House Bill No. 250 of the 144th General Assembly Epilogue section 345 amends 14 **DE Admin. Code** Chapter 12 by deleting the subchapter related to substitute teacher.

Notice of the proposed regulation was published in the News Journal and the Delaware State News on Monday, August 27, 2007, in the form hereto attached as *Exhibit "A"*. Comments were received from the Governor's Advisory Council for Exceptional Children and the State Council for Persons with Disabilities related to a request the Department maintain certification or the permitting of substitutes. In the response, the Department explained that it is no longer the agency vested with the authority to regulate licensure and certification; this authority is vested with the Professional Standards Board. In addition, Delaware Code expressly excludes "substitute teachers" from the definition of "educator."

II. Findings of Facts

The Secretary finds that it is appropriate to repeal 14 **DE Admin. Code** 385 Permits - Substitute Teachers in order to comply with House Bill No. 250 of the 144th General Assembly Epilogue. Section 345 of House bill No. 250 of the 144th General Assembly Epilogue section amends 14 **DE Admin. Code** Chapter 12 by deleting the subchapter related to substitute teachers.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to repeal 14 **DE Admin. Code** 385 Permits - Substitute Teachers. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 385 Permits - Substitute Teachers attached hereto as *Exhibit "B"* is hereby repealed. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 385 Permits - Substitute Teachers hereby repealed shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.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 Code** 385 Permits - Substitute Teachers repealed hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 385 Permits - Substitute Teachers REPEALED in the *Administrative Code of Regulations* for the Department of Education.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 October 15, 2007. 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 15th day of October 2007.

DEPARTMENT OF EDUCATION
Valerie A. Woodruff, Secretary of Education

Approved this 15th day of October 2007

385 Permits Substitute Teachers

~~Effective July 1, 1993~~

1.0 ~~Permits shall be issued according to the following four categories~~

~~1.1 Class A, A Class A certificate may be issued to an applicant who holds or is eligible to hold a valid Standard Delaware teacher's certificate or such a certificate that has expired. In the case of a certificate that has expired, the applicant for the substitute certificate shall not be required to present refresher courses for issuance of the substitute's certificate.~~

~~1.2 Class B, A Class B certificate may be issued to an applicant with or without a Bachelor's degree who meets at least the requirements for a temporary emergency certificate as set forth in Types of Certificates, Section IV.~~

~~1.3 Class C, A Class C certificate may be issued to an applicant who is not eligible for either Class A or Class B certification but who is recommended to the Secretary of Education by the local district superintendent of a Delaware public school district.~~

~~1.3.1 A student currently enrolled in a four-year degree-granting institution who desires to serve as a substitute teacher may be employed as a Class C substitute without the formality of submitting a transcript or health certificate. (State Board of Education, November 12, 1970)~~

~~1.4 Class D, A Class D certificate may be issued to an applicant who is eligible for or holds a Class A, B, or C certificate, but who prefers on a given date to perform substitute teaching assignments as a volunteer worker, or at a wage rate to be determined by the Board of Education of the employing school district.~~

~~NOTE: Your attention is called to the fact that there must be local board action to implement this classification. (Class D Substitute, Approved by the State Board of Education, December 16, 1971 in compliance with 14 **Del.C.** §1230).~~

11 DE Reg. 664 (11-01-07)