

**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** 1570

FINAL

REGULATORY IMPLEMENTING ORDER

1570 Early Childhood Exceptional Children Special Education Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203 and 1205(b), the Professional Standards Board (“Board”), acting in consultation and cooperation with the Delaware Department of Education (“Department”), developed amendments to 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher. The regulation concerns the requirements for an Early Childhood Exceptional Children Special Education Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include adding clarifying language regarding category certificates in Section 1.0; adding defined terms to Section 2.0; clarifying the requirements for issuing an Early Childhood Exceptional Children Special Education Teacher Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining an Early Childhood Exceptional Children Special Education Teacher Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of an Early Childhood Exceptional Children Special Education Teacher 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 July 1, 2020. The Professional Standards Board did not receive any written submittals concerning the proposed amendments.

II. FINDINGS OF FACTS

On August 6, 2020, the Professional Standards Board voted to propose 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher, 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** 1570 Early Childhood Exceptional Children Special Education Teacher.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher subject to the State Board of Education’s approval. Therefore, pursuant to 14 **Del.C.** §§1203 and 1205(b), 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher attached hereto as Exhibit “A” is hereby amended.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher adopted hereby shall be in the form attached hereto as Exhibit “A,” and said regulation shall be cited as 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher 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 20th day of August, 2020.

Department of Education

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

Approved this 20th day of August, 2020.

State Board of Education

/s/ Whitney Sweeney, President

Vincent Lofink (Absent)

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

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

/s/ Nina Lou Bunting

Provey Powell, Jr. (Absent)

/s/ Candace Fifer

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

1570 Early Childhood Exceptional Children Special Education Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of ~~a Standard Certificate~~, an Early Childhood Exceptional Children Special Education Teacher Standard Certificate (Category) pursuant to 14 **Del.C.** §1220(a), ~~for Early Childhood Exceptional Children Special Education Teacher. This certification is for Birth to Grade 2, however, certification as an Exceptional Children Special Education Teacher may also be used in K to grade 2.~~
- 1.1.1 This Standard Certificate is required for an Educator whose primary assignment is teaching Students with Disabilities from Birth to Grade 2 in Delaware public schools.
- 1.1.1.1 The Early Childhood Exceptional Children Special Education Teacher Standard Certificate may be used for grades K to 2 in lieu of the Special Education Teacher of Students with Disabilities Standard Certificate.
- 1.1.1.2 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 is providing instruction to the category of students designated within those category certifications.
- 1.1.2 This Certification 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. This Certification is limited to the category of teaching Students with Disabilities from Birth to Grade 2 in Delaware public schools.
- 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.~~

10 DE Reg. 696 (10/01/06)

16 DE Reg. 286 (09/01/12)

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:

"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.

"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.

"Major or Its Equivalent" means a minimum of 30 semester hours of coursework in a particular content area.

"Professional Development" means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change participants' attitudes, insights, and 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.

10 DE Reg. 696 (10/01/06)

16 DE Reg. 286 (09/01/12)

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 an Early Childhood Exceptional Children Special Education Teacher Standard Certificate to an ~~educator~~ Educator 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; and, 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 early childhood exceptional children special education.~~

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 an Early Childhood Exceptional Children Special Education Teacher 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.

10 DE Reg. 696 (10/01/06)

16 DE Reg. 286 (09/01/12)

4.0 **Additional Requirements Prescribed Education, Knowledge, and Skill Requirements**

4.1 An Educator must also have met the following:

4.1.1 If the educator is applying for a first Standard certificate pursuant to 14 DE Admin. Code 1505 Standard Certificate 3.1.3.1, the required 15 credits or their equivalent in professional development required in 14 DE Admin. Code 1505 Standard Certificate 3.1.3.1 that must be satisfactorily completed for this standard certificate must at a minimum include the following areas;

4.1.1.1 Atypical Infants and Toddlers (3 credits);

4.1.1.2 Emergent Literacy in Reading and Writing (3 credits);

- 4.1.1.3 Assessment of Young Children (3 credits);
- 4.1.1.4 Differentiated Instruction for Young Children (3 credits); and
- 4.1.1.5 Consultation or Working with Families (3 credits).

4.1.2 If the educator is applying for a second or subsequent Standard Certificate pursuant to 14 ~~DE Admin. Code~~ 1505 Standard Certificate 5.0, the satisfactory completion of fifteen (15) credits or their equivalent in professional development in the following areas;

- 4.2.1.1 Atypical Infants and Toddlers (3 credits);
- 4.2.1.2 Emergent Literacy in Reading and Writing (3 credits);
- 4.2.1.3 Assessment of Young Children (3 credits);
- 4.2.1.4 Differentiated Instruction for Young Children (3 credits); and
- 4.2.1.5 Consultation or Working with Families (3 credits).

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

- 4.1.1 Obtained and currently maintain an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards; or
- 4.1.2 Earned a bachelor's, master's, or doctoral degree from a Regionally Accredited college or university with a Major or Its Equivalent in early childhood exceptional children special education 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
- 4.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach early childhood exceptional children as provided in 14 ~~Del.C.~~ §§1260 – 1266; or
- 4.1.4 Satisfactorily completed a Department-approved educator preparation program in early childhood exceptional children education; or
- 4.1.5 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 in the following areas that are guided by and include the following Council for Exceptional Children's (CEC) Early Childhood Special Education (ECSE) Initial Preparation Standards:
 - 4.1.5.1 Child development and early learning for young children with special needs;
 - 4.1.5.2 Partnering with families of young children with special needs;
 - 4.1.5.3 Collaboration and teaming to meet the needs of young children with exceptionalities;
 - 4.1.5.4 Assessment processes for young children with special needs;
 - 4.1.5.5 Application of curriculum frameworks in the planning and facilitation of meaningful learning experiences for young children with special needs;
 - 4.1.5.6 Using responsive and reciprocal interactions, interventions, and instruction for young children with special needs; and
 - 4.1.5.7 Professionalism and ethical practice.

10 DE Reg. 696 (10/01/06)

16 DE Reg. 286 (09/01/12)

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 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 an Early Childhood Exceptional Children Special Education Teacher 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 4.1.5, if applicable.

5.2.4 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 early childhood exceptional children special education, the following documentation is required in the application for an Early Childhood Exceptional Children Special Education Teacher 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.

6.0 Validity of a Standard Certificate

6.1 An Early Childhood Exceptional Children Special Education Teacher 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 An Early Childhood Exceptional Children Special Education Teacher Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

7.1 An Educator's Early Childhood Exceptional Children Special Education Teacher Standard Certificate may be limited, suspended, or revoked for cause as provided in 14 **DE Admin. Code** 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.

7.2 An Educator's Early Childhood Exceptional Children Special Education Teacher 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 an Early Childhood Exceptional Children Special Education Teacher Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for an Early Childhood Exceptional Children Special Education Teacher Standard Certificate but whose effectiveness is documented by the local school district or charter school.

9.0 Past Certificate Recognized

The Department shall recognize an Early Childhood Exceptional Children Special Education Teacher Standard Certificate that was issued by the Department prior to the effective date of this regulation. An Educator holding such a Standard Certificate issued shall be considered certified to instruct Students with Disabilities from Birth to Grade 2.

10 DE Reg. 696 (10/01/06)

16 DE Reg. 286 (09/01/12)

24 DE Reg. 367 (10/01/20) (Final)