

November 18, 2015

Chris Kenton, Executive Director  
Delaware Professional Standards Board  
Townsend Building  
401 Federal Street, Suite 2  
Dover, DE 19901

**RE: 19 DE Reg. 367/14 DE Admin. Code 1506 DOE Proposed Emergency Certificate Regulation (November 1, 2015)**

Dear Mr. Kenton:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Department of Education proposal to adopt some discrete amendments to the "emergency certificate" regulation. Council would like to share the following observations.

First, the Department is striking the current requirement (§4.1.4) that an application for an Emergency Certificate include a written plan outlining how the applicant intends to meet certification requirements. The DOE may wish to reconsider this deletion for the following reasons:

A. The plan is still referred to in Section 3.7.

B. It would be valuable to have a plan "verified by the individual and the employing authority" so everyone is "on the same page" with respect to steps needed to achieve regular certification. It would also be useful to the DOE to have such a plan so it could review progress (or lack of progress) when someone files a renewal application.

Second, there are inconsistencies in the duration of the Emergency Certificate. On the one hand, two sections indicate that the Emergency Certificate is valid for a single school year:

3.1.1. An Emergency Certificate is valid for one school year subject to a limited extension as indicated herein.

3.1.2. The Emergency Certificate is issued by a particular school year and expires on June 30<sup>th</sup> unless a limited extension is granted.

On the other hand, two sections contemplate a 2-year duration to the Emergency Certificate:

3.8.1. The Emergency Certificate may be valid for up to two (2) consecutive school years. An employing authority must request an extension of the Emergency Certificate prior to ~~June 30<sup>th</sup>~~ November 1st.

3.8.2. Emergency Certificates granted an extension shall expire on June 30<sup>th</sup> of the consecutive school year.

This is confusing. Consider the following.

A. If an educator has a one year Emergency Certificate, could the educator apply for an additional two years in duration (aggregating three years) or is the “two consecutive school years” the cap? Since §3.6 contemplates a three year duration for persons enrolled in the “alternative routes” program, Council suspects the DOE intends to authorize an aggregate three year cap.

B. It is counterintuitive to have certificates expire on June 30 and allow requests for “extensions” to be filed by November 1, more than four months later. If a certificate expired more than four months ago, it is unusual to characterize an application for the next school year as an “extension”. The DOE may wish to consider adopting the term “renewal”.

Third, although not earmarked for amendment, §§3.8.4.2 and 5.1.1 still refer to the “DPAS”. The DOE may wish to revise those references since “DPAS II” is now applicable. See 14 DE Admin Code 106A.1.0.

Thank you for your consideration of our observations. Please contact me or Wendy Strauss at the GACEC office if you have any questions.

Sincerely,

Robert D. Overmiller  
Chairperson

RDO:kpc

CC: The Honorable Dr. Steven H. Godowsky, Secretary of Education  
Dr. Teri Quinn Gray, State Board of Education  
Mary Ann Mieczkowski, Department of Education  
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