

**GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS**

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January 16, 2014

Dr. Donna Mitchell, Executive Director
Professional Standards Board
Townsend Building
401 Federal Street
Dover, DE 19901

RE: Professional Standards Board Revised Proposed Paraeducator Permit Regulation [17 DE Reg. 683 (January 1, 2014)]

Dear Dr. Mitchell:

The Governor's Advisory Council for Exceptional Citizens (GACEC) reviewed the Professional Standards Board proposal, in conjunction with the Department of Education, to adopt revisions to its regulation covering paraeducator permits published as 17 DE Reg. 591 in the December Register of Regulations. A copy of our comments is attached for your reference. In that letter, Council noted that there appeared to be an error in the Register of Regulations in terms of the deadline for comments. The Register stated that "Persons wishing to present their views regarding this matter may do so in writing by the close of business on the 1st day of December, 2013..." Council noted that this should be the 1st day of January, 2014 since the Register of Regulations is published on December 1. A response was received from the Professional Standards Board stating the following:

Thanks so much Kathie. I received the comments. We realized the error in impact analysis immediately upon publication and have resubmitted the regulation for an additional month of public comments. We will look to see what other corrections may be made in second publication as well.

The Department has now reissued the proposed regulation. The only difference between the December and January versions is that §§1.0 and 2.0 of the regulation are included in the publication. Since there are no proposed amendments to §§1.0 and 2.0, Council would like to thank you for reissuing the proposed regulation and reiterate our earlier comments. Those observations are as follows:

First, §§3.1.1.4 and 3.1.2.4 are grammatically incorrect. The other subparts begin with nouns (“completion”; “receipt”; and “completion” while this subpart begins with a verb (“submits”). Moreover, the reference to “and meets all the requirements” is redundant since §3.1 and 3.1.2 already require the applicant to meet listed standards. Compare analogous regulations (e.g. 14 DE Admin Code 1520, §3.0; 14 DE Admin Code 1521, §3.0). Council recommends consideration of the following substitute: “Submission of sufficient verifiable evidence to the Department that the applicant meets the above qualifications.”

Second, §3.2.1 literally allows an applicant to submit either transcripts or tests scores. Council recommends substituting “and” for “or” since §§3.1.1 and 3.1.2 require both completion of education studies and satisfactory score on a test/assessment.

Third, the grammar in §4.2 is incorrect. Consider inserting “who” between “applicant” and “has”.

Fourth, the grammar in §5.2 is incorrect. Consider inserting “who” between “Paraeducator” and “has”.

Thank you for your consideration of our comments and recommendations. Please contact the GACEC office if you have any questions.

Sincerely,



Terri A. Hancharick
Chairperson

TAH:kpc

CC: The Honorable Mark Murphy, Secretary of Education
Dr. Teri Quinn Gray, State Board of Education
Ms. Mary Ann Mieczkowski, Department of Education
Ms. Susan Haberstroh, Department of Education
Ms. Paula Fontello, Esq., Department of Education
Ms. Terry Hickey, Esq., Department of Education
Ms. Ilona Kirshon, Esq., Department of Justice

Attachments