



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: June 20, 2018

TO: The Honorable Members of the Delaware General Assembly

**FROM: Terri A. Hancharick, Vice Chairperson
GACEC**

**RE: House Bill No. 433 Alternative Routes for Teacher Licensure and Certification
Program Expansion**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 433 which expands the pathways to entering an alternative routes for teacher licensure and certification program (ARTC) by amending Delaware Code sections that govern the ARTC programs. Council would like to share the following observations and requests on the proposed legislation.

Currently, an ARTC program consists of three phases: (1) at least a 120-hour seminar or practicum that should occur prior to when the educator "takes full responsibility for a classroom." The seminar/practicum must provide formal instruction in certain enumerated topics, basic teaching skills "through supervised teaching experiences with students," and information on policies, organization, and the curriculum of the employing school district; (2) intensive supervision and evaluation beginning the first day the ARTC teacher takes control of the classroom and continuing for at least 10 weeks; and (3) additional supervision and evaluation lasting for at least 20 weeks, during which time the teacher should be afforded an opportunity to observe experienced colleagues teaching.

The Code additionally states that at least 200 hours of formal instruction or professional development should be provided, in total, throughout the three program phases. The training must, at a minimum, address curriculum, student development and learning, and the classroom and the school. The law provides examples of what topics would constitute a study in curriculum, student development and learning, and the classroom and the school. The law also states that participants shall receive credit for training successfully completed before entry into ARTC or during the seminar/practicum phase. Finally, the Code states that other ARTC programs may be implemented, so long as they meet the minimum requirements required.

The proposed amendment removes the requirement that the seminar/practicum component be at least 120-hours. It also no longer requires that a teacher hired before July 1 complete the seminar/practicum before taking full responsibility for the classroom or that a teacher hired after July 1 finish the seminar/practicum before the next school year. Furthermore, phase two and phase three would be removed from the ARTC program responsibilities section and placed into a section that outlines school district and charter school responsibilities. This appears to be an effort to clarify responsibilities since according to the synopsis, one purpose of this bill is to distinguish responsibilities of the school districts and charter schools, and the responsibilities of the ARTC program providers.

The legislation keeps the requirement that at least 200 hours of formal instruction or professional development be required to address, at minimum, the following topics: curriculum, student development and learning, and the classroom and the school. However, the amended section would no longer include examples of what constitutes studies in the aforementioned topics. Furthermore, the legislation no longer guarantees participants will receive credit for training received before entry into ARTC or during the seminar/practicum phase—it states that participants *may* receive credit, rather than *shall*, as it is currently written. Finally, the proposed amendment removes the subsection that states other ARTC programs may be implemented so long as they satisfy the minimum requirements.

Council would like to request that the bill include a requirement for some pre-employment training to take the place of the 120-hour seminar/practicum requirement. It seems wise to provide ARTC participants, who likely are new to teaching, some training before they assume responsibility for a classroom or to require that those hired later complete a certain amount of training within their first year, as was previously required. The amended law does not indicate when the educator would have to take the seminar/practicum or how many hours would be required.

The Council would also suggest the inclusion of a subsection that makes it possible for other ARTC programs to be implemented, so long as they meet the minimum requirements. This would keep the door open for the Department of Education (DOE) to propagate regulations in the event it becomes advantageous to add other types of ARTC programs later.

Section 1261 outlines school district and charter school requirements for utilizing a teacher in an ARTC program and the minimum training an ARTC program must provide. Section III of the amendment removes ARTC program responsibilities, and focuses solely on school district and charter school duties. Currently, school districts and charter schools must “participate” in the three ARTC phases discussed, and assign a mentor to each ARTC participant. 14 *Del. C.* § 1261(a)(1),(2). Phase two and phase three require supervision and evaluation. Phase two begins the first day the teacher “assumes fully responsibility for a classroom,” and continues for 10 weeks. The teacher shall participate in mentoring, and at the end of 10 weeks, be observed and evaluated by certified evaluators. The certified evaluators shall provide a “formal written progress report” to the teacher. 14 *Del. C.* §1261(b)(2). Phase three is a continuation of the supervision and evaluation, which should last no less than 20 weeks. 14 *Del. C.* § 1261(b)(3). The teacher shall continue to participate in mentoring, and will be observed and evaluated on at least two occasions by school administration. *Id.* Additionally, “no more than 2 months shall pass without a formal observation.” *Id.* Finally, the teacher shall have opportunities to observe experienced colleagues teach. *Id.*

The amended Code would still require school districts and charter schools to assign each ARTC participant a mentor. Furthermore, school districts must provide “an initial period of intensive on-the-job supervision...and provide an additional period of continued supervision and evaluation.” However, all the details about what the initial and continued supervision phases will look like have been

removed. The reader is referred to the regulations for guidance. Currently, the regulations impose similar requirements, though there is no mention that a formal progress report must be provided at the end of Phase 2 nor is it specified that school administrators must observe the educator. Although the ARTC regulations do not include a requirement that the participant be afforded the opportunity to observe experienced teachers, the regulations on educator mentoring do require that novice educators observe experienced educators at least four times during their first year of teaching. A teacher participating in the ARTC program would qualify as a novice educator. 14 DE Admin. C. 1503.2.0. Under House Bill 433, the ARTC participant might not be afforded the opportunity to observe an experienced colleague within the 20-week continued supervision period, but they would at least be given the opportunity to do so at some point within their first year teaching.

Council is concerned by the fact that the law if amended, will no longer set minimum guidelines on the requirements for the initial and continued supervision period. The regulations could be amended to weaken supervision requirements. Council would therefore ask that the legislation include some description of the initial and continuing supervision phases; that way there are some minimum requirements in place. Council also notes that line 112 states that districts and charter schools seeking to hire ARTC program participants must "... (2) Provide an initial period of intensive on-the-job supervision under rules and regulations promulgated by the Department." Council would suggest a definition of the term 'intensive' be included in the legislation.

Section 1262 discusses evaluation requirements for ARTC teachers. Section 1262 states that teachers shall be observed by their assigned mentor, but that their mentor shall not "participate in any way in decisions which might have a bearing on the licensure, certification or employment of teachers... interactions between teachers and experienced mentor teachers are formative in nature and considered a matter of professional privilege." 14 *Del C.* §1262(a),(b).

Section IV of this bill strikes all mentor-mentee protections from Section 1262. Once removed from Section 1262, there does not appear to be any other section that provides similar protection for the mentor-mentee relationship. The regulations prevent mentors from participating in licensure and certification decisions, but it is possible this could be amended if the Code no longer contains the prohibition.

Council would suggest the sponsors of the legislation amend the bill to add a section that continues to codify protection of the mentor-mentee relationship. There may be value to ensuring a mentee feels safe communicating questions and concerns to their mentor. Additionally, a mentor observes the teaching of the mentee and offers feedback. It may be helpful for the professional development of the mentee to receive commentary and critiques that cannot be used as part of their formal evaluations.

Section 4 which outlines Section 1262 describes the requirements an educator participating in ARTC must fulfil to obtain an initial license and an emergency certificate or certificate of eligibility. Currently, these requirements are located in 14 *Del. C.* § 1260. Section 1260 requires that the individual maintain enrollment in an ARTC program, have a bachelor's degree with at least 30 credit hours in the applicable instructional area; pass a content readiness exam by the end of next fiscal year after their hire date; pass a health and criminal background screening; and obtain and accept an employment offer.

This bill does not limit ARTC participation to those solely with college credit in an applicable area. The amendment requires that an individual hold a bachelor's degree, and either have obtained 24 credits in a relevant content area *or* the equivalent in professional development, *or* passed an approved

content-readiness exam prior to entering ARTC. Allowing more ways to qualify for an ARTC program seemingly advances the goal of “expanding pathways to entering” an ARTC program and to recruiting a more diverse population. Council applauds this effort.

Next, lines 138-140 add the following section: “while in an ARTC program, a participant must...maintain satisfactory progress towards the completion of all ARTC program requirements and be continuously employed with a district or charter school.” Council would like to request clarification on this requirement. It would be helpful to know what the consequences are for failing to progress toward the completion of ARTC program requirements and/or for failing to maintain employment.

Lines 141 through 147 list requirements that the ARTC program participant must satisfy within two years of teaching to obtain a Standard Certificate. One of the requirements is that the educator must receive two summative evaluations with not more than one being unsatisfactory.

As currently written, educators are eligible for a Standard Certification if they, among other things, meet the qualifications for licensure. 14 *Del. C.* § 1220(a). The requirements to obtain an Initial License are (1) holding a bachelor’s degree; (2) passing a content-readiness exam; and (3) completing a student teaching program or other alternative, such as participation in an ARTC program. 14 *Del. C.* §1210. To obtain a Continuing License, the educator must satisfy the Initial Licensure requirements, while also having received two summative evaluations with not more than one being unsatisfactory. Aside from coming into play through the licensure requirement, satisfactory performance on summative evaluations is not otherwise a prerequisite for earning a Standard Certificate. 14 *Del. C.* §1220(a), 14 DE Admin C. 1505.

Council requests clarification on whether a satisfactory summative evaluation performance is now part of the requirements to earn a Standard Certificate or whether the requirement is that ARTC participants qualify for a Continuing License, rather than an Initial License, within their first two years of teaching. If the answer to either question is no, the summative evaluation requirement should likely be stricken from this section.

An Initial License is valid for four years. 14 *Del. C.* § 1210. Functionally, for an educator to attain a Continuing License, they may not have earned more than one unsatisfactory summative evaluation score during their period of initial licensure. 14 DE Admin C. 1511.3.3. Since novice teachers receive a summative evaluation each year, an ARTC participant cannot receive more than one unsatisfactory summative evaluation within two years if they eventually want their Continuing License. 14 DE Admin. C.106A.3.3. It may be that the summative evaluation requirement was added to reflect this reality. If that is the case, Council requests the term “initial” be removed from the title of this section.

Currently, the law requires certified evaluators to prepare a “comprehensive evaluation report” on the teacher’s performance in the ARTC program, and provide either a recommendation to approve or disapprove licensure and certification. 14 *Del. C.* § 1263(a), (c). The evaluators will recommend an initial license, if the individual completed the program in less than four years or a continuing license if four years has elapsed. *Id.* The evaluators must provide a copy of the report to the teacher before it is submitted to the DOE. 14 *Del. C.* § 1263(d). The educator may provide written argument to DOE to contest the recommendations of the evaluators. 14 *Del. C.* § 1263(e). The Secretary or his/her designee decides whether to adopt the recommendations of the evaluators. *Id.* An educator who is “disapproved” may ask DOE for another opportunity to participate in ARTC. 14 *Del. C.* §1263(f).

The legislation identifies who is responsible for providing the ARTC participant or DOE information relevant to the licensure and certification decision. Next, the amendment states that the “the Department shall issue” a license and certification to a participant that (1) successfully completes all ARTC program requirements; (2) receives two summative evaluations, with not more than one being unsatisfactory; (3) passes a content readiness exam; (4) passes an approved performance assessment.

As mentioned above, Council requests clarification on why the summative evaluation requirement is included. The Title of this amended section would be “Issuance of *initial* licensure and certification to a participant in an alternative routes for teacher initial licensure and certification program.” Emphasis added. It does not appear certain scores on summative evaluations are required to obtain an Initial License and a Standard Certificate. 14 *Del. C.* § 1210, 14 *Del. C.* § 1220(a), 14 DE Admin C. 1505, 14 DE Admin C. 1511. As mentioned above, the summative evaluation scores will become relevant when the participant applies for a Continuing License. If the participant has attained more than one unsatisfactory score, they will be ineligible for a Continuing License. 14 DE Admin C. 1511.3.3.

Council would suggest language be added to describe the outcome if an application does not satisfy the requirements to obtain license and certification. Will the participant be allowed to ask the DOE for another opportunity to participate in ARTC, as is currently allowed?

Currently, 14 *Del. C.* §1264 gives teachers participating in an ARTC program the right to a hearing before the Standards Board to challenge an adverse decision by the Secretary or his/her designee. The new legislation would repeal this section. Licensure and certification denial is a serious consequence that could cause people to lose their jobs. It seems wise to offer affected individuals a hearing to ensure the denial was appropriate. It may be that 14 *Del. C.* §1217 provides ARTC participants the right to a hearing if their application for a license is denied. However, there does not appear to be a hearing right for an individual who is denied a Standard Certificate—rather there is only a hearing right when the Standard Certificate is revoked. Council does not agree with the removal of the fair hearing right for ARTC participants.

Thank you for your time and consideration of our observations. Please feel free to contact me or Wendy Strauss should you have any questions.

CC: The Honorable Susan Bunting, Secretary of the Department of Education