



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904
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May 28, 2019

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

RE: 22 DE Reg. 899/14 DE Admin. Code 1510 [DOE Proposed Initial Licensure for Educators Regulation (May 1, 2019)]

Dear Mr. Kenton:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Department of Education (DDOE) proposal to amend definitions, requirements and Secretary of Education Review requests. Council supports the proposed amendments; however, we would like to share the following observations.

The proposed amendment amends Sections 3.0 and 7.0, which address requirements for issuance of an Initial License. Section 3.3 requires that Initial License applicants, other than an educator licensed in another jurisdiction, meet a list of requirements. It strikes from this list that an individual pass an approved performance assessment within their first two years of the initial license. The proposed amendment correctly removes the performance assessment provision from the requirements for *issuance* of an Initial License. In 2017, the General Assembly passed House Substitute 1 for House Bill 143, which removed the requirement that an individual have passed an approved performance assessment to receive an initial license. Del. H.B. Sub. 1 for H.B. 143, 149th Gen. Assem. (2017).

However, an Initial License holder *is* required to pass a performance evaluation within the first two years of holding their Initial License if they want to be eligible for a Continuing License. *See* 14 Del. C. § 1210(c) ("If an initial licensee intends to apply for a continuing license, the licensee shall, prior to the expiration of that initial license, obtain a passing score on an approved performance assessment within the first 2 years of the initial license."); Del. H.B. Sub. 1 for H.B. 143 syn., 149th Gen. Assem. (2017). Therefore, the proposed amendment incorrectly strikes "within the first two (2) years of the Initial License" from subsection 7.2. Council would suggest that this phrase not be removed from the proposed amendment.

The proposed amendment also changes the process for school districts and charter schools to request that the Secretary of Education undertake a review to grant an Initial License to an individual who does not meet the requirements for an Initial License but has otherwise demonstrated effectiveness. The changes require that requests for review be in writing, and identifies which school officials must approve requests for review. The Delaware Department of Education (DDOE) seeks to amend the functionally equivalent provision in its regulation on Continuing Licenses. However, instead of requiring that certain school officials *approve* the request for review, it requires that these same school officials *submit* the requests to the Secretary. *Compare* 22 Del. Reg. 899, 901 (Section 16.0) *with* 22 Del. Reg. 901 (Section 16.0). It seems likely that DDOE may wish for consistency. Council would ask the DDOE if it intends to make a difference between the sections on Secretary Review in the issuance of an initial license and a continuing license.

Thank you for the opportunity to share our comments with you. Please contact me or Wendy Strauss at the GACEC office if you have any questions.

Sincerely,

Ann C Fisher

Ann C. Fisher
Chairperson

ACF: kpc

CC: The Honorable Susan Bunting, Secretary of Education
Whitney Sweeney, State Board of Education
Mary Ann Mieczkowski, Department of Education
Jenna Ahner, State Board of Education
Valerie Dunkle, Esq.