



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904  
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April 30, 2020

Department of Education  
Office of the Secretary  
Attn: Regulation Review  
401 Federal Street, Suite 2  
Dover, DE 19901

**RE: 23 DE Reg. 808/14 DE Admin. Code 1571 [DOE Proposed Certification of Special Education Teacher of Students with Disabilities Regulation (April 1, 2020)]**

Dear Secretary Bunting:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Professional Standards Board proposal in consultation and cooperation with the Department of Education (DOE) to develop amendments to DE Admin. Code 1571 Special Education Teacher of Students with Disabilities. Amending this regulation will clarify changes made in Section 1.0, add definitions to Section 2.0, clarify the requirements for issuing a special education teacher of students with disabilities certificate, clarify disciplinary procedures, and add two new sections, which (1) allow for the Secretary of Education to review applications and (2) recognize past certifications. Council would like to share the following observations.

First, in proposed §1571.3.2, DOE proposes to include a provision that it will not act on an application under this section if the applicant is under official investigation by any local, state, or national authority with the power to issue educator licenses. It goes on to list alleged conduct where the DOE will not act. It is unclear whether the list describes the *only* investigations where the DOE will not act, or if they represent examples. Council would suggest DOE clarify this section.

Second, proposed §1571.6 establishes that an educator with a certificate under this section is not required to renew the certificate as long as their educator's license is valid and current. For background, an educator's initial license is valid for four years at which point they can apply for a continuing license, which is valid for five years. After five years, the educator can apply to renew their license. That renewal requires a certain number of professional development hours along with other requirements. The purpose of these professional development hours is to ensure that Delaware educators are continuing to learn and develop their practice, just as other

professions are required to do. The Board does not prescribe specific professional development for educators. This is true for educators possessing one of the many standard certifications that are available, including the certification under proposed §1571. The only requirements for professional development, found at 14 Del. Admin. C. §1511.6, are that it should include at least 90 “Clock Hours” which are related to 14 Del. Admin. C. §1597 (Delaware Professional Teaching Standards), 14 Del. Admin. C. §1590 (Delaware Administrator Standards), or “appropriate specialty organization standards.” Consequently, it appears to be possible for an educator with this certificate to not actually participate in any professional development related to their certification. Council would like to suggest that DOE consider whether including requirements for renewal of this certificate is warranted, especially given the vulnerability of the population served. For ease, the renewal of this certificate could coincide with the date of renewal for the educator’s license. Proposed requirements for renewal could include activities such as participation in a mandated number of hours (out of the 90 required) of professional development related to this certificate or additional mentoring on top of the current mentoring requirements.

Third, proposed §1571.8 establishes an additional route to obtaining a certificate under this section. Specifically, it allows the Secretary of Education to review and grant certification where the educator does not meet the requirements necessary. This review would be prompted at the request of a local school or school district and would need to be supplemented with documentation showing the educator’s effectiveness.

Proposed §1571.8 mirrors similar language found in 14 Del. C. §1224, which allows the Secretary to “review licensure and certification credentials on an individual basis and to act upon same at the request of the local school district or charter school provided that the local school district or charter school is able to document the effectiveness of the applicant.” The regulations implementing this part, found at 14 Del. Admin. C. §1505.9, use the same language as that found in the proposed regulation. Although proposed §1571.8 is aligned with current regulations concerning standard certificates, the DOE cannot forget that students with disabilities require Delaware’s most capable educators. Given that educators under this certificate are responsible for educating our most vulnerable students and those most in need of exceptional teachers, Council would like to recommend that DOE remove proposed §1571.8. Alternatively, Council would like to recommend DOE remove the language allowing for a review by the Secretary where an applicant does not meet the listed requirements. Our students are too vulnerable to allow applicants who do not meet the requirements for the position.

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: Whitney Sweeney, State Board of Education  
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