



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904
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June 18, 2020

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

RE: 23 DE Reg. 992/14 DE Admin. Code 1573 [DOE Proposed Certification for Teachers of Students with Autism or Students with Severe Intellectual Disabilities Regulation (June 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 Delaware Department of Education (DDOE) to develop amendments to DE Admin. Code 1573. The proposed amendment describes requirements for teachers of students with autism or severe intellectual disabilities standard certificate. It also clarifies language, adds definitions and clarifies the requirements for issuing a Certificate. Many of the proposed changes are similar to proposed changes to regulations governing the Standard Certificate for teachers of students who are gifted and talented, which Council commented on last month and teachers of students with disabilities that Council commented on in April. Council **supports** the proposed amendments and would like to offer the following observations.

First, in proposed §1573.3.2, DDOE 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 DDOE will not act. Council previously recommended (in proposed §§1571.3.2 and 1572.3.2) that DDOE clarify this section concerning whether the alleged conduct listed is the *only* conduct where DDOE shall not act. We appreciated that the DDOE has incorporated those past recommendations here to clarify that the listed conduct are only examples rather than an exhaustive list.

Second, proposed §1573.6 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. Our concern is that 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 §1573. 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.” Therefore, it is possible that an educator with this certificate will not actually participate in any professional development related to their certification.

Council would like to once again recommend that DDOE consider whether including requirements for renewal of this certificate is warranted. 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 §1573.8 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 §1573.8 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 § 1572.8 is aligned with current regulations concerning standard certificates, DDOE cannot forget that educators of special education students require the most qualified and efficient educators. Council therefore recommends that the DDOE remove proposed §1573.8 or as an alternative, remove the language allowing for a review by the Secretary where an applicant does not meet the listed requirements. Our most talented educators are needed for this vulnerable population of students.

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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