



Governor's Advisory Council for Exceptional Citizens (GACEC)
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February 25, 2021

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

RE: 24 DE Reg. 758/14 DE Admin. Code 1583 [DOE Proposed School Psychologist Regulation (February 1, 2021)]

Dear Secretary Bunting:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Department of Education (DDOE) proposal to amend section 1583 on School Psychologists in cooperation with the Professional Standards Board. The amendment would add definitions to Section 2.0, clarify the requirements for issuing a Certificate, specify application requirements and add Sections 7.0-10.0, which concern the validity of the Certificate, disciplinary actions, requests for the Secretary of Education to review applications, and the recognition of Certificates granted prior to the effective date of this proposed regulation. Council would like to reiterate a concern voiced in other revisions of education professional Certificates that DDOE has introduced this year.

Proposed section 8.1 states the following:

8.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a School Psychologist Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a School Psychologist Standard Certificate but whose effectiveness is documented by the local school district or charter school.

Council suggests the DDOE remove the language that provides DDOE or the Secretary of Education discretionary authority to grant Certificates when an applicant otherwise does not meet requirements. We understand that there are greater checks in this proposed regulation on discretionary authority than were included in the regulations regarding other professional Certificates. For instance, section 4.2 requires applicants to have a Nationally Certified School Psychologist certificate from the National Association of School Psychologists (NASP) to be considered for a Certificate. However, Council queries whether these are adequate limitations on DDOE and Secretary of Education authority to grant Certificates on a discretionary basis.

Thank you for the opportunity to share our comments with you. Please contact Wendy Strauss or me 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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