



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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October 25, 2013

Dr. Donna Lee Mitchell, Executive Director
Professional Standards Board
Townsend Building
401 Federal Street
Dover, DE 19901

RE: 17 DE Reg. 372 [DOE Prop. Issuance of Initial License Regulation]

Dear Dr. Mitchell:

The State Council for Persons with Disabilities (SCPD) has reviewed the Professional Standards Board's [in collaboration with the Department of Education (DOE)] proposal to amend its regulation covering the initial license for educators published as 17 DE Reg. 372 in the October 1, 2013 issue of the Register of Regulations. SCPD has the following observations.

First, in §2.0, the definition of "suspension" is limited to removal of a license for failure to pass the PRAXIS I test. In contrast, §§6.0 and 7.1.1 authorize suspension for failure to pass alternatives to the PRAXIS I. Moreover, the enabling legislation authorizes "suspension" in a variety of contexts apart from failure to pass the PRAXIS I test. See Title 14 Del.C. §1218(a). The definition of "suspension" in §2.0 may simply be too narrow.

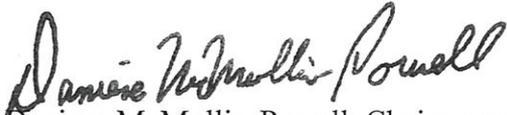
Second, SCPD has previously noted that it is odd to disallow applicants from seeking a license unless they also meet the requirements of a certification. This approach is retained in §3.3. This approach is facially contrary to Title 14 Del.C. §1210 which recites that the Department "shall issue an initial license" if certain criteria are met, none of which requires certification.

Third,, §5.2.1 recites that "(t)he one year of teaching experience must have occurred within the last year." This may result in confusion. For example, do all of the "countable" days have to occur within the last 365 days or is it sufficient that the last portion of the "countable" days be within the last 365 days? Moreover, in other sections, the standards refer to "fiscal year". See, e.g., §§7.1 and 13.1.1. Does "year" in §5.2.1 refer to calendar year or fiscal year?

Fourth, §11.2 would ostensibly allow someone who obtains an initial license to keep the (inactive) license indefinitely (e.g. 20 years) until offered a job by a public school. There is some “tension” between such an authorization and the normal 3-year duration of an initial license. See §11.1. Even a leave of absence cannot exceed 3 years without some effect on the duration of the initial license. See §14.0.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

Sincerely,



Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Mark T. Murphy
Dr. Teri Quinn Gray
Ms. Mary Ann Mieczkowski
Ms. Paula Fontello, Esq.
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