



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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The Honorable John Carney
Governor

John McNeal
SCPD Director

February 25, 2021

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

RE: 24 DE Reg. 758 Proposed DOE Regulation on 1583 School Psychologist
(February 1, 2021)

The State Council for Persons with Disabilities (SCPD) has reviewed the proposal by the Department of Education (DOE), in cooperation with the Professional Standards Board, (hereinafter "The Board"), to amend this regulation to 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. The proposed regulation was published as 24 DE Reg. 758 in the February 1, 2021 issue of the Register of Regulations. SCPD has the following observations.

Proposed §1583.2 introduces definitions largely included in 14 Del. Admin. C. § 1505, but also includes additional definitions for "Passing Score" ("a minimum score as established by the Standards Board in consultation with the Department

and with the approval of the State Board of Education”) and “Regionally Accredited” (“means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education”).

In proposed §1583.3, DOE revises the requirements for issuance of a Standard Certificate. The proposed language adds the requirement that existing license or Certificate holders as of August 31, 2003 must also “meet[s] the requirements set forth in Section 4.0 of this regulation.” The proposed regulation replaces the language that “the requirements as set forth in 14 DE Admin Code 1505 Standard Certificate...,” with “[h]as met the requirements for licensure in Delaware and presents proof of a Valid and Current License or Certificate as a school psychologist.” In the proposed language, §1583.3.1.3 is eliminated (the requirement that applicants have “satisfied the additional requirements in this regulation.”). Proposed §1583.3.2 introduces a provision describing circumstances under which it will not act on an application, specifying that will not act “if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications” or “where the allegations include but are not limited to conduct such as immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation’s resolution.” This language is largely verbatim to the language included and adopted in other recent regulations revising education professional license and Certificate requirements that have been part of DOE’s review since April 2020. Comments previously submitted by SCPD during earlier related proposed regulations have been adopted in this proposed language.

The most significant changes in this proposed regulation are in §1583.4, (previously titled “Additional Requirements” and renamed “Prescribed Education, Knowledge, and Skill Requirements”). Previously, this section required an applicant to have completed “at least one” of three requirements: a degree from a National Association of School Psychologists (NASP) or American Psychological Association (APA) accredited graduate program and the completion of a supervised internship OR “a valid Nationally Certified School Psychologist (NCSP) Certificate from the National Association of School Psychologists (NASP)” OR “a valid and current license or Certificate from another state in school psychology.” The proposed language drastically increases the education, knowledge, and skill requirements to obtain a School Psychologist Certificate, and further clarifies existing requirements. Under proposed §1583.4, applicants must now meet all of the following requirements:

4.1.1.1 An Educational Specialist (Ed.S.) degree, the equivalent of an Ed.S. degree, or a doctoral degree through a program approved by the National Association of School Psychologists (NASP) at a Regionally Accredited college or university; or

4.1.1.2 A doctoral degree in school psychology through a program approved by the American Psychological Association (APA) at a Regionally Accredited college or university.

4.1.2 The applicant shall have achieved a Passing Score of 147 on the Praxis Subject Assessment - School Psychology (ETS Test Code # 5042).

4.1.3 The applicant shall have completed a supervised, culminating, comprehensive field experience of at least 1,200 hours, 600 hours of which must have been completed in an educational setting, in an institution or agency that is approved by the applicant's graduate program or the Department, completed at or near the end of formal training, through which the applicant had the opportunity to integrate and apply professional knowledge and skills acquired in prior courses and practica as well as to acquire new competencies consistent with training program goals.

Proposed §1583.4.2 and §1583.8 also introduce alternative routes to obtaining a School Psychologist Standard Certificate for applicants who may not meet all the requirements under §1583.4.1. Proposed §1583.4 states that:

Notwithstanding subsection 4.1, the Department may issue a School Psychologist Standard Certificate to an applicant who holds a Nationally Certified School Psychologist (NCSP) certificate from NASP that is in good standing.

Proposed §1583.8 introduces further discretion in granting applicants a School Psychologist Standard Certificate:

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.

8.1.1 For school districts, requests shall be approved by the superintendent of the school district.

8.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

Proposed §1583.8, in particular, mirrors similar language in other revisions of education professional Certificates that DOE has introduced this year. SCPD has previously requested that DOE remove the language that provides DOE or the Secretary of Education discretionary authority to grant Certificates when an applicant otherwise does not meet requirements. However, proposed §§1583.4.2 and 1583.8 do offer greater checks on this discretionary authority than were included in the regulations regarding other professional Certificates. For instance, §1583.4.2 requires applicants to still have a NASP certificate to be considered for a Certificate and §1583.8 requires district or school level leaders to authorize a request for review of an application by the Secretary of Education. SCPD has concern whether these are adequate limitations on DOE and Secretary of Education authority to grant Certificates on a discretionary basis.

Proposed §1583.5 eliminates language requiring an internship (which is now described in greater detail in §1583.4) and instead specifies the documentation that must accompany a School Psychologist Certificate application. The new internship requirements are addressed in greater detail in §1583.4.1.3.

Proposed §1583.6 eliminates language that states that an Emergency Certificate process does not exist. Proposed §1583.6 replaces this with language taken almost verbatim from 14 Del. Admin. C. § 1505.8 stating that:

6.1 A School Psychologist Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.

6.2 A School Psychologist Standard Certificate is not subject to renewal.

Proposed §1583.7 introduces language specifying disciplinary action that may result in the limitation, suspension, and revocation of Certificates in accordance with 14 DE Admin. Code 1514, 14 Del. C. §1222, and 14 DE Admin. Code 1515. Proposed §1583.9 introduces language recognizing School Psychologist Standard Certificates granted before this regulation. Similar revisions have been accepted into final versions of other similar regulations updating and revising the requirements for other education professional standard Certificates.

While SCPD has commented on previous proposed regulations since DOE began reviewing and updating professional Certificate requirements in April 2020, the only comment incorporated into a final regulation was regarding 14 Del. Admin. C. §1571.3.2. SCPD addressed ambiguity in the subsection describing the circumstances under which DOE would not act on an application. The final regulation of §1571 corrected the ambiguity in this subsection and the revised language included in §1571 is included in this proposed regulation as well. SCPD is again addressing concerns with DOE's or Secretary of Education's discretion in granting Certificates to candidates who may otherwise not meet requirements.

SCPD endorses the proposed regulation but still has the aforementioned concerns regarding the proposed regulations.

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

Sincerely,



Terri Hancharick, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Susan Bunting, Department of Education
Mary Ann Mieczkowski, Department of Education
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Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council