

June 23, 2009

Ms. Susan K. Haberstroh
Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 12 DE Reg. 1467 (DOE Proposed Accountability Regulation)

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOEs) proposal to adopt some discrete revisions to its accountability regulation published as 12 DE Reg. 1467 in the June 1, 2009 issue of the Register of Regulations. Council has the following observations.

First, the words "approved" and "Education" are misspelled in Section 7.1.1.

Second, in the same §7.1.1, the DOE proposes deletion of the following sentence:

Schools not designated as Title 1 shall give priority, as appropriate, within their extra time services to students in those subgroups that have not met the target for percent proficient in the reading/language arts or mathematics assessments.

The rationale for the deletion is not provided. The DOE may wish to consider retention of the provision since it would be logical to target remedial services to students struggling to achieve proficiency.

Third, the regulation is ostensibly inconsistent in references to "reading" and "reading/language arts". Compare Sections 2.6.2; 2.6.2.1; and 5.1 (referring to "reading") with Sections 2.1; 2.1.1.2; 2.1.1.3; 2.7; and 2.9 (referring to "reading/language arts"). The proposed revision to new §4.6 exacerbates this lack of uniformity by equating "reading/language arts" proficiency with "reading" proficiency exclusive of writing competency. The DOE DSTP regulation, 14 DE Admin Code 101, §1.0, appears to treat reading and writing assessments as distinct. The DOE should consider using consistent terminology.

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 Lillian Lowery
Dr. Teri Quinn
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Ms. Paula Fontello, Esq.
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Developmental Disabilities Council
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