



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

MARGARET M. O'NEILL BUILDING
410 FEDERAL STREET, SUITE 1
DOVER, DE 19901

VOICE: (302) 739-3620
TTY/TDD: (302) 739-3699
FAX: (302) 739-6704

October 24, 2016

Ms. Tina Shockley, Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 20 DE Reg. 233 [Proposed "Age of Majority" Regulation (Part 1) (10/1/16)]

Dear Ms. Shockley:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposed regulation addressing educational decision-making upon a student's attainment of age 18. As background, the Disabilities Law Program (DLP), Governor's Advisory Council for Exceptional Citizens (GACEC) and other councils were highly involved with the drafting and enactment of State legislation (S.B. 180) implementing a federal regulation (34 C.F.R. 300) which addresses this issue. The legislation, enacted in June, requires the DOE to promulgate implementing regulations in consultation with the GACEC. Representatives of the DLP, GACEC, DOE, and school districts reached consensus on regulatory text in September. The DOE is now formally publishing two (2) sets of regulations based on that consensus. This is the first set of proposed regulations. The proposed regulation was published as 20 DE Reg. 233 in the October 1, 2016 issue of the Register of Regulations.

This regulation revises a single sentence in an IEP regulation resulting in the following standard:

20.3. Transfer of rights at age of majority: Beginning not later than one year before the child reaches the age of 18, the IEP shall include a statement that the child has been informed that the child's rights under 14 Del.C. §3132 will transfer to the child, or an educational representative or educational surrogate parent on reaching the age of 18 under 14 DE Admin Code 926.20.0.

This recital is accurate and alerts IEP participants to the statutory and regulatory sections which provide detailed standards on decision-making upon the student's attainment of age 18.

SCPD endorses the proposed regulation.

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

Sincerely,

Jamie Wolfe

Jamie Wolfe, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Steven Godowsky, Ed.D, Secretary of Education
Mr. Chris Kenton, Professional Standards Board
Dr. Teri Quinn Gray, State Board of Education
Ms. Mary Ann Mieczkowski, Department of Education
Ms. Laura Makransky, Esq., Department of Justice
Ms. Terry Hickey, Esq., Department of Justice
Ms. Valerie Dunkle, Esq., Department of Justice
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens

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