



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

January 29, 2010

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

RE: 13 DE Reg. 886 [Proposed Citizen Budget Oversight Committee Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE) proposal to adopt a Citizen Budget Oversight Committee regulation published as 13 DE Reg. 886 in the January 1, 2010 issue of the Register of Regulations. The SCPD submitted comments of an earlier version of this regulation in November, 2009. The DOE has now published a revised proposed regulation based on input from the Councils, lawmakers, and citizens. SCPD appreciates that the DOE effected many improvements in the revised version of the proposed regulation and has the following supplemental observations.

First, SCPD characterized the training requirements as both weak (2 hours) and "late" (completion required within 1 year of appointment). In Section 5.0, the DOE changed the time period for completion to 3 months from appointment. This is preferable to 1 year but, if the training only takes 2 hours, the DOE could shorten the period further. The DOE compromised on the scope of training by maintaining the minimum 2 hour standard while adding a provision that "additional training may be required from time to time as determined by the Department." SCPD continues to believe that 2 hours of training is insufficient for effective performance.

Second, the DOE rejected the Council's suggestion that districts and charter schools provide insurance coverage or right to indemnification to members in the event of litigation based on the rationale that the committee "is an advisory board". At 886. Members of "advisory" boards are not immune from liability and SCPD still encourages districts and charter schools to offer insurance or indemnification protection.

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

Sincerely,

A handwritten signature in cursive script that reads "Daniese McMullin-Powell". The signature is written in black ink and is positioned above the printed name.

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

cc: The Honorable Lillian Lowery
Dr. Teri Quinn Gray
Ms. Martha Toomey
Ms. Paula Fontello, Esq.
Ms. Mary Cooke, Esq.
Mr. John Hindman, Esq.
Mr. Charlie Michels
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens