



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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January 28, 2011

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

RE: 14 DE Reg. 606 [DOE Proposed Children with Disabilities Part 923 Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to amend its special education regulation in the context of general duties and eligibility of agencies. The proposed regulation was published as 14 DE Reg. 606 in the January 1, 2011 issue of the Register of Regulations. Council has the following observations.

First, the regulation does not address children served prior to age three consistent with Title 14 Del.C. §3101(1)(2). See, e.g., §§1.2 and 24.1. There are multiple categories of children who are eligible for a FAPE at birth. See, e.g., Title 14 Del.C. §§1703(l) and 14 DE Admin Code 925, §6.6.3 (autism); Title 14 Del.C. §1703(m) and 14 DE Admin Code 925, §6.8.4 (deaf-blind); and Title 31 Del.C. §2501 and 14 DE Admin Code 925, §6.17 (blind/visual impairment). The DOE may wish to revise references to include children eligible at birth.

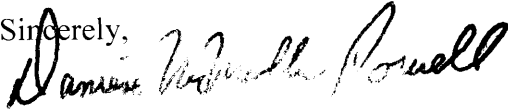
Second, the terms "sub grant" in §§33.1.1 and 33.1.2 should be "subgrant". See 34 C.F.R. §§300.228 and 300.705.

Third, in §52.1, the term "Sixty" should be "sixty".

Fourth, in §68.1.11, the word "Corrections" should be "Correction". The correct reference is Department of Correction. See Title 29 Del.C. §8901.

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

Sincerely,



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. Terry Hickey, Esq.
Mr. John Hindman, Esq.
Mr. Charlie Michels
Mr. Brian Hartman, Esq.
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Governor's Advisory Council for Exceptional Citizens

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