



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

September 26, 2013

Ms. Susan K. Haberstroh, Ed.D.
Department of Education
35 Commerce Way – Suite 1
Dover, DE 19904

RE: 17 DE Reg. 275 [DOE Proposed Charter School Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to adopt some discrete amendments to its charter school standards which was published as 17 DE Reg. 275 in the September 1, 2013 issue of the Register of Regulations. SCPDI has the following observations.

First, in §2.0, there is a definition of "audit" which recites that it is "(a)n informal financial, programmatic, or compliance audit of a charter school. The term is then used in §7.0 to refer to "a required audit of the business and financial transactions, records, and accounts of the school" pursuant to Title 14 Del.C. §513(a). Although not earmarked for revision, the DOE may wish to delete the term "informal" in the definition in the current regulation or prospective proposed regulation. We are unfamiliar with the term "informal" audit when required by statute. The use of the term allows a charter school to argue that errors, misleading information, and omissions in the published audit are not important since the audit, after all, is simply "informal".

Second, in §2.0, the definition of "Department's Annual Charter Report" omits any reference to recommended changes in education laws. S.B. 147, which the Governor signed on July 18, 2013, amended Title 14 Del.C. §514 to require the DOE report to include "the Secretary of Education's analysis of, recommendations relating to, and proposed changes relating to Delaware education laws, in light of the content of annual reports submitted pursuant to Section 513 of Title 14;..."

Third, §3.6 recites that "(n)o application for a new Charter School will be accepted by the Department in any year in which the Department with the approval of the State Board has decided not to accept applications". Although not earmarked for revision, the Department may wish to consider whether this statement conforms to the current Code.

H.B. 165, signed by the Governor on June 26, 2013, revised Title 14 Del.C. §511(h) through the following “strike-out”:

~~The Department of Education with the consent of the State Board of Education may also decide that it will not accept any new charter school applications under this chapter provided that it does so annually upon affirmative vote of its board at a public meeting on or before October 1.~~

Fourth, in §7.0, there is a plural pronoun (“their”) with a singular antecedent (“School”). SCPD recommends substituting “its” for “their”.

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 Mark Murphy, Secretary of Education
Dr. Donna Mitchell, Professional Standards Board
Dr. Teri Quinn Gray, State Board of Education
Ms. Mary Ann Mieczkowski
Ms. Paula Fontello, Esq.
Ms. Terry Hickey, Esq.
Ms. Ilona Kirshon, Esq.
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor’s Advisory Council for Exceptional Citizens

17reg275 doe-charter school 9-26-13