



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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October 29, 2014

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

RE: 18 DE Reg. 280 [DOE Proposed Extended School Year Services Regulation]

Dear Ms. Shockley:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to amend its extended school year (ESY) regulation to implement S.B. 229. The proposed regulation was published as 18 DE Reg. 280 in the October 1, 2014 issue of the Register of Regulations.

As background, S.B. 229 amended Title 14 Del.C. §3110 by adding the following mandate:

(e) With respect to any child with a disability who is not beginning to read by age seven, each IEP prepared for such student until that student is beginning to read shall (a) enumerate the specific, evidence-based interventions that are being provided to that student to address the student's inability to read, and (b) provide for evidence-based interventions through extended school year services during the summer absent a specific explanation in the IEP as to why such services are inappropriate.

The attached August 26, 2014 News Journal article offers the following perspective on the new law from its co-author, the Lieutenant Governor:

This fall, a new law that helps elementary school students with disabilities will also take effect. The law, which I was proud to help author, helps elementary school students with disabilities who have reached age 7 but have not yet started to read. We know reading is critical to every facet of student success, but many of the students we wrote this law for have dyslexia or other diagnosable conditions that make it harder for them to decode written texts. There are evidence-based programs that have proven very successful at helping young

students with decoding-related disabilities learn to read, but not all of our schools are providing young students with prompt access to these programs.

Under the newly enacted state law, every Individualized Education Plan for a student with a disability - who is not reading by age 7 - must state the specific, evidence-based interventions that are being provided to that student to address his or her reading skills. Just as importantly, each IEP for such students must provide for extra reading help over the summer, unless the IEP team explains why such help is not appropriate.

I encourage parents of students with disabilities who are not reading by age 7 to take full advantage of this new law. Ask for an IEP meeting if one is not already scheduled, and at that meeting, ask: “What are the evidence-based interventions that you are using to help my child learn to read,” “What is the evidence supporting this program” and “What summer interventions will we be using to help m child learn to read?” ...

In pertinent part, the DOE proposes to implement the new law with the following regulation:

6.5.4 Reading acquisition: For a child who is not beginning to read by age seven, or who is beyond age seven and not yet beginning to read, the team should determine whether, without extended school year services, appropriate and meaningful progress on IEP goal(s) related to reading will not be achieved.

SCPD believes the proposed regulation represents a grudging, anemic attempt to fulfill the statute. First, while the statute creates a presumption that ESY will be offered to a non-reading student, the regulation simply promotes some vague consideration of ESY when reviewing progress on reading goals. Second, the regulation omits the requirement that the ESY interventions be “evidence-based” and targeted to reading. Third, the regulation omits the requirement that declining to include ESY in the IEP is disallowed unless the team includes “a specific explanation in the IEP as to why such services are inappropriate.”

SCPD recommends adoption of the following substitute regulation:

6.5.4 Reading acquisition: For a child who is not beginning to read by age seven, or who is beyond age seven and not yet beginning to read, the team shall presumptively include extended school year services in the IEP which incorporate evidence-based interventions that address the child’s inability to read. The team may decline to include such extended school year services in the IEP only if the team provides a specific explanation in the IEP why such services are inappropriate.

This version of the regulation comports with both the letter and spirit of the enabling legislation.

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 Matthew Denn
The Honorable Nicole Poore
The Honorable Bethany Hall-Long
The Honorable Valerie Longhurst
The Honorable Quinton Johnson
The Honorable Melanie Smith
Mr. Mark Murphy, 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. Paula Fontello, Esq., Department of Justice
Ms. Terry Hickey, Esq., Department of Justice
Ms. Ilona Kirshon, Esq., Department of Justice
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens

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New school year, new opportunities for parents

DELAWARE VOICE: Lt. Gov. Matt Denn 4:15 p.m. EDT August 26, 2014



(Photo: SUBMITTED)

The beginning of the school year is an exciting time for all of us who have school-aged kids. I am privileged to visit schools on a regular basis and have the opportunity to hear from teachers and parents about what is working well and what could be improved when it comes to getting parents more involved in education. With the beginning of this school year, here are just a few things we've been working on in my office that might offer some assistance to those parents.

In the next few days, every public school in the state will receive an application for one of the state's Accelerated Academic Program grants. These grants, now in their second year, were created by legislation I wrote with several legislators to give public schools the opportunity to create new programs that would better challenge those students capable of doing schoolwork beyond their current grade level.

LETTER: [Demand tougher teacher standards \(/story/opinion/readers/2014/08/25/demand-tougher-teacher-standards/14418057/\)](#)

LETTER: [Kudos for parent responsibilities editorial \(/story/opinion/readers/2014/08/25/kudos-parent-responsibilities-editorial/14593661/\)](#)

Last fall, the first set of grants were awarded, and it has been exciting to see these schools using their grant money to create new programs incorporating math, reading, computers and the arts. I encourage parents to ask their schools and school districts to apply for these grants (applications are due by Oct. 1). Parents should not have to seek out specialized public schools or private schools in order to ensure their academically advanced children are receiving interesting, challenging coursework – students should be able to receive that work right in their home schools, and these grants start us down the road to making that possible.

This fall, a new law that helps elementary school students with disabilities, will also take effect. The law, which I was proud to help author, helps elementary school students with disabilities who have reached ages 7 but have not yet started to read. We know reading is critical to every facet of student success, but many of the students we wrote this law for have dyslexia or other diagnosable conditions that make it harder for them to decode written texts. There are evidence-based programs that have proven very successful at helping young students with decoding-related disabilities learn to read, but not all of our schools are providing young students with prompt access to these programs.

Under the newly enacted state law, every Individualized Education Plan for a student with a disability – who is not reading by age 7 – must state the specific, evidence-based interventions that are being provided to that student to address his or her reading skills. Just as importantly, each IEP for such students must provide for extra reading help over the summer, unless the IEP explains why such help is not appropriate.

I encourage parents of students with disabilities who are not reading by age 7 to take full advantage of this new law: Ask for an IEP meeting if one is not already scheduled, and at that meeting, ask: "What are the evidence-based interventions that you are using to help my child learn to read," "What is the evidence supporting this program" and "What summer interventions will we be using to help my child learn to read?" If you do not receive satisfactory answers, contact Kim Siegel (kimsiegel@state.de.us (<mailto:kimsiegel@state.de.us>)) in my office and we will refer you to organizations that can help you.

Finally, in the coming few weeks, my office will be emailing every state school and PTA an electronic publication we just put together featuring the 10 schools that have won the Lieutenant Governor's "Excellence in Parental Involvement Award" over the past five years. We created this award in 2009 in order to highlight the importance of parental involvement on students' success and to shine a spotlight on innovative and successful programs taking place throughout the state that might serve as models for parents or teachers wishing to improve parental involvement in their own schools.

This publication contains detailed descriptions of the diverse programs that have been recognized. If you are a parent interested in expanding parental involvement in your school, I encourage you to visit my website for a copy (<http://ltgov.delaware.gov> (<http://ltgov.delaware.gov/>)).

I believe that the success of our schools depends in large part on efforts like these – challenging our academically advanced students, reaching out early and effectively to students who are struggling, and involving parents in a meaningful way. I encourage parents to seize the new opportunities in each of these areas that are available at the beginning of this school year, so that we can make this the best year ever for our state's kids.

Matt Denn is Delaware's Lieutenant Governor.

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