



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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February 22, 2016

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

RE: 19 DE Reg. 718 [DOE Proposed IEP 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 regulations related to IEPs. Some of the changes are prompted by enactment of S.B. 33 in 2015. The proposed regulation was published as 19 DE Reg. 718 in the February 1, 2016 issue of the Register of Regulations. SCPD has the following observations.

First, the grammar in §20.2.2.2 should be corrected since there is a plural pronoun (their) with a singular antecedent (child). This is easily corrected by substituting "the child's" for "their".
Compare §22.3.1.

Second, there is some "tension" between §22.2.3 and 14 Del.C. §3134(1). The statute requires the prior notice to include "a full explanation of procedural safeguards" while the regulation defers the provision of the "full explanation" to the meeting AND only "offers" a copy of the "full explanation". The regulation should be amended to conform to the statute, i.e., the written "full explanation" should be provided in advance of the IEP meeting with the prior notice.

Third, to improve grammar in §22.3, consider substituting "through the following" for "by".

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 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. Kathleen Geiszler, 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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