



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney,
Governor

John McNeal, Director
SCPD

MEMORANDUM

DATE: April 25, 2024

TO: Delaware Department of Education
Office of the Secretary/Attn: Regulation Review

FROM: Benjamin Shrader, Chairperson 
State Council for Persons with Disabilities

RE: Proposed DDOE Regulation 14 DE Admin. Code 603 Compliance with the Gun-Free Schools Act, 27 DE Register of Regulations 730 (April 1, 2024)

The State Council for Persons with Disabilities (SCPD) has reviewed the Delaware Department of Education's (DDOE) proposal to amend 14 Del. Admin. C. § 603, regarding the Gun-Free Schools Act, and have the following comments:

- **SCPD supports this regulation** as this proposed regulation makes changes consistent with the federal Gun Free Schools Act and thus generally speaking does not pose new concerns for students with disabilities.
- However, **the SCPD recommends that DDOE review section 3.0** because presently the proposed regulation is inconsistent within section 3.0 with whether it is following the federal or state language. Specifically,
 - state law and this proposed regulation differ from the Gun Free Schools Act in that they give modification of expulsion discretion to school and charter boards, while in the federal law that discretion lies with the "chief administering officer of a local educational agency." 20 U.S.C. § 7961(b)(1).
 - the regulation removes the requirement to record the expulsion modification in writing and instead requires simply it to be reported to DDOE, while the federal Gun Free Schools Act requires that any modification be "in writing." 20 U.S.C. § 7961(b)(1). This could be fixed by adding that the reports required in section 4.0 of this proposed regulation must be in writing.

The SCPD thanks DDOE for taking considering our comments and concerns. Please contact SCPD if you have any questions or comments regarding our observations or recommendations on the proposed regulation.

cc: Marissa Band, Esq., DLP
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council