



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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April 25, 2011

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

RE: 14 DE Reg. 947 [DOE Proposed Student Testing Program 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 student testing program regulation to reflect the transition from the Delaware Student Testing Program (DSTP) to the Delaware Comprehensive Assessment System (DCAS). The proposed regulation was published as 14 DE Reg. 947 in the April 1, 2011 issue of the Register of Regulations. Council has the following observations.

First, the former benchmarks for performance levels (very good; good; deficient; very deficient) in §§2.2-2.5 are being stricken. Reasonable persons might differ on whether such readily understandable descriptions should be retained.

Second, the DCAS lacks a writing assessment. See, e.g., §§1.2 and 6.1.2. Given the importance of writing proficiency, SCPD encourages the DOE to pursue development of a writing assessment.

Third, §6.1 refers to "proficient" levels of performance. However, this term is not used in §2.0. SCPD infers this approach provides the Department with more flexibility in defining "cut points" for the four levels of achievement (§2.1) and the "cut point" for qualifying for a diploma. However, in theory, the DOE could adopt a "proficiency" standard allowing graduation for students who score at a performance level 1 or 2 previously characterized as "deficient" and "very deficient".

Fourth, the DOE is deleting the following provision:

6.6. Parent, Guardian or Relative Caregiver Notification: Within 30 days of

receiving student performance levels and diploma indices, school districts and charter schools shall provide written notice of the same and the consequences thereof to the student's parent, guardian or Relative Caregiver.

Parental notification of a student's performance and consequences is important and the DOE may wish to reconsider the deletion.

Fifth, in §7.4.2.3, first sentence, the words "or charter school" should be inserted between "district" and "personnel".

Sixth, §9.2.3.3 indicates that a student granted a special exemption will not be subject to any student testing consequences for students in grades 2-8. The rationale for restricting the effect of the exemption to these grades is not clear. Exemptions are available to students in grade 10. See §9.2. The DOE may wish to reconsider whether the reference to grades 2-8 is unduly narrow.

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 Lillian Lowery
Dr. Teri Quinn Gray
Ms. Martha Toomey
Ms. Paula Fontello, Esq.
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