



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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June 25, 2014

Ms. Susan K. Haberstroh, Associate Secretary
Education Supports & Innovative Practices Branch
Department of Education
35 Commerce Way – Suite 1
Dover, DE 19904

RE: DOE Proposed High School Graduation Requirements & Diploma Regulation [17 DE Reg. 1127 (6/1/14)]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to amend its regulation regarding graduation and diploma eligibility. The DOE notes that the significant changes are in the following contexts: 1) requiring an advisement process to the student success planning; 2) modifying definitions; 3) revising the date for which diplomas may be awarded to the previous graduating class; and 4) addressing students in the custody of the DSCY&F. The proposed regulation was published as 17 DE Reg. 1127 in the June 1, 2014 issue of the Register of Regulations. SCPD has the following observations, concerns and recommendations.

First, the Department maintains a requirement (§4.1.4) that a credit in Mathematics shall be earned during the senior year. SCPD questions the justification for the requirement. Students must achieve 4 credits in math (§4.1) so why should it matter when the credits are obtained? There is no analogous requirement that an English or Science credit be obtained in the senior year. If a student were to earn a 4th credit through on-line learning or a summer program prior to the onset of the senior year, the student should not be penalized.

Second, §5.1 establishes the need for a Student Success Plan for students in grades 8-12. It would be preferable to clarify that grade 12 encompasses students through the end of their eligibility for education. See Title 14 Del.C. §1703(d) which recites as follows: "Grade 12 is defined as enrollment until receipt of a regular high school diploma or the end of the school year in which the student attains the age of 21, whichever occurs first, as defined in Chapter 31 of this title." This clarification could be accomplished through the addition of a definition of "twelfth grade student".

Third, §5.1 requires the Student Success Plan to incorporate the transition plan required by 14 DE Admin Code 925. The transition plan must also be incorporated in the IEP. See 14 DE Admin Code 925, §20.2. These competing directives may result in confusion. Do educators place the transition plan in the IEP or the SSP?

Fourth, §9.3 provides as follows: “Diplomas from one school year shall not be issued after ~~December 31~~ September 15 of the next school year.” SCPD recommends retaining the existing standard. What harm results from retention of the existing standard? Moreover, it’s unclear what happens if a student completes credit requirements between September 16th and December 31st. Does the student receive a diploma in the Fall or have to wait until the following calendar year? Delaying receipt of a diploma can affect job qualifications, qualifications to enter the military, and qualifications to enter post-secondary education.

Fifth, in §10.2, it would be preferable to add an explicit standard that the districts and charter schools will defer to any full and partial awards of credit by DSCY&F educational settings. For example, the Ferris School for Boys [Title 31 Del.C. §5112] is a public school and the DSCY&F should be able to award credits which would be honored by other schools. Other DSCY&F settings also provide comprehensive full day education by certified teachers. See attached p. 44 from December 19, 2013 MOU among DSCY&F and the public school system. Parenthetically, the attached p. 18 of the same MOU directs schools receiving transfer students to “immediately apply full credits” while also encouraging the receiving schools to “accept partial credits to benefit the student”. It would be preferable to include similar guidance in §10.0.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or recommendations on the proposed regulation.

Sincerely,



Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Mark Murphy, Secretary of Education
Mr. Chris Kenton, Professional Standards Board
Ms. Jennifer Ranji, Secretary - DSCYF
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

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children. Services may include in-home services, placement, family reunification, or other permanency options including adoption, guardianship, and independent living.

EXCEPT:
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AMOSC DOES
DSCYF & DISTRICT

Division of Management Support Services (DMSS)

Education Programs

1. **Ferris School** - Education is provided on site by certified school personnel to youth in the secure treatment facility. Students transitioning through Mowlds Cottage either continue in the Ferris Program or return to the home school. Regular and special education courses are offered through a schedule which mirrors any local public high school. Electives include art, technology, media literacy, school to work and JDG classes.
2. **New Castle County Detention Center** - All students attend a full day of courses which include all the Core Courses. GED is available to youth meeting criteria for entry into the Program. Special education services are provided in accordance with state and federal law.
3. **Grace and Snowden Cottages** - This program is a residential treatment program for adjudicated males and females. Students are typically between the ages of 12-18. The program, located on the Wilmington Campus, is operated directly by the Division of Youth Rehabilitative Services. Education is provided on site by certified school personnel who are employed by DSCYF.
4. **Terry Children's Psychiatric Center** - This DPBHS program is a Residential Treatment Center providing inpatient and day hospital services for youth under the age of 14. Education is provided on-site by certified school personnel. Special education services are provided in accordance with state and federal law.
5. **Northeast Treatment** - This program is operated by Northeast Treatment Centers, LKEC (Delaware) Inc. under contract to the DPBHS. Students ages 12-17 receive a full day of education by certified teachers. Special education services are provided in accordance with state and federal law.
6. **Silver Lake Treatment Center** - This DPBHS program provides day treatment and educational services to youth ages 12-17. Full complement of core courses is provided by teachers certified by Delaware Department of Education. Special education services are provided in accordance with state and federal law.
7. **Stevenson House Detention Center** - All students attend a full day of courses which include all the Core Courses. GED is available to youth meeting criteria for entry into the Program. Special education services are provided in accordance with state and federal law.
8. **Peoples' Place II** - Peoples' Place II is a non-secure detention environment for non-adjudicated males and females ages 12-18. While in placement youth are required to attend school. The certified educator employed by Department of Services for Children, Youth, and Their Families, Education Unit works closely with the youth's "home school" to make sure the on-site education provided while in placement is aligned with the child's "home school" class assignments. The DSCYF teacher also ensures compliance with special education regulations as required and assists in arranging a smooth return to a more conventional school environment upon discharge from the non-secure detention placement. Education is provided year round, on site, and in compliance with state and federal regulations. Peoples' Place II is located in Milford, DE
9. **Seaford House Treatment Center** - This program provides day treatment and educational services at the treatment center operated by Children and Families First under contract with DPBHS. Students ages 12-17 receive a full day of education by certified teachers. Special education services are provided in accordance with state and federal law.
10. **Delaware Day Treatment Center** - There are two Delaware Guidance programs: one in Kent County and one in Sussex County. Both programs are operated by Delaware Guidance Inc. under contract to the DPBHS. Students ages 6-15 are provided with day treatment and educational services. Education is provided on site by certified teachers

their school of origin and be provided transportation to the school of origin when a change in foster care placement occurs, when in the best interest of the child.

- b. Enroll a child in foster care (based on the results of the Best Interest Meeting) within two school days of referral in a new school even if DSCYF is unable to produce records, or the sending school has not yet transferred the records, such as previous academic records, medical records, proof of residency, and/or other documentation if all parties (child, school, parent/legal guardian/Relative Caregiver, Guardian ad litem, CASA, and DSCYF staff) agree that it is in the best interest of the child to change schools according to the McKinney-Vento Act.
- c. Ensure that the receiving school promptly obtains school and medical records from the sending school for a newly enrolled child in foster care.
- d. Transfer school and medical records from the sending school immediately (within three school days during the school year, or five working days in the summer) to a new school for a child in foster care who is transferring schools.
- e.  The receiving school shall immediately apply full credits and is encouraged to accept partial credits to benefit the student. The receiving and sending schools should determine, for transferring seniors, which school will provide the diploma.
- f. Accept a DSCYF letterhead statement as proof of residency of a child in foster care with the placement resource identified.
- g. Accept registration materials from DSCYF case managers via fax and schedule a meeting or a teleconference with the caseworker for a later date, within five business days, to discuss other educational information that may not have been shared.
- h. Host meetings with necessary parties to develop the best educational plan for a child or youth in foster care, as may be needed from time to time.
- i. Host a meeting in May or June, with all involved parties (district/school liaison, caseworker, parent, Guardian ad litem, CASA, and child) to determine whether it is in the best interest of the child to remain in the school of origin or be transferred to the district in which they are now living for the subsequent year. The school liaison will schedule the meeting and be responsible for scheduling other school personnel.