



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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August 26, 2015

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

RE: 19 DE Reg. 100 [DOE Proposed High School Graduation & Diploma Regulation]

Dear Ms. Shockley:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to adopt amendments to its standards covering graduation requirements and diplomas. The proposed regulation was published as 19 DE Reg. 100 in the August, 2015 issue of the Register of Regulations. SCPD has the following observations.

First, the references to "pursuant to 10 Del.C. Chapter 9, §1009" in §§10.1 and 10.2 are redundant since incorporated into the definition of a "Student in DSCYF Custody." The references could be deleted as superfluous.

Second, recently enacted H.B. 116 authorizes the DSCYF to award credits to students completing courses in its education system (e.g. Ferris) or outside placements (e.g. Devereux). There is some "tension" between that authorization and §8.1 which limits awards of credits to district and charter schools. The DOE may wish to incorporate this aspect of H.B. 116 into the regulation.

Third, the multiple references to §1009 are "underinclusive". For example, §1009 only covers "post adjudication" youth. Pre-adjudication youth are covered by Title 10 Del.C. §921. A minor could also be in DSCYF custody based on other statutes, including Title 10 Del.C. §921(3)(12), Title 10 Del.C. §1007, Title 13 Del.C. Ch. 25, Title 16 Del.C. §§2210-2214, and Title 16 Del.C. §5025. The "bottom line" is that there are many statutory "routes" to DSCYF custody and/or placement. Sole reference to §1009 is clearly underinclusive. SCPD recommends deletion of the following from the definition of "Student in DSCYF Custody" – "pursuant to 10 Del.C. Chapter 9, §1009,". There's no need to include a statutory reference.

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 Mark Murphy, Secretary of Education
Ms. Angela Porter, DSCYF
Mr. Steve Perales, DSCYF
Mr. Steve Yeatman, DSCYF
Mr. Chris McIntyre, DSCYF
Ms. Janice Tigani, DAG
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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