



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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November 24, 2015

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

RE: 19 DE Reg. 355 [DOE Proposed Educational Records Transfer & Maintenance 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 covering the transfer and maintenance of student records. The proposed regulation was published as 19 DE Reg. 355 in the November 1, 2015 issue of the Register of Regulations. SCPD has the following observations.

The most significant clarification is the treatment of records when students transfer between schools. See §§3.2.1.1 and 3.2.1.2. First, if a student transfers from a public school to either a private school or DSCY&F educational program, the public school keeps the original cumulative file while sending a copy to the receiving private school or DSCY&F program. Second, if a student transfers from a public school to another public school, the original cumulative file is sent to the receiving public school. This is ostensibly a reasonable approach. The only caveat is that there could be ambiguity if a student transfers to an out-of-state "public school". There is no definition of "public school" and it might be prudent for the Delaware public school to retain at least a copy of the cumulative file sent to an out-of-state public school so there is a Delaware record. Otherwise, if the out-of-state school loses the record, and the student seeks to document his/her education in Delaware, there would be no Delaware cumulative record for reference.

SCPD is endorsing the proposed regulation subject to DOE's review of the practice for students transferring to an out-of-state public school.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or position 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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