



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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December 21, 2015

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

RE: 19 DE Reg. 455 [DOE Proposed Instructional Program Requirements Regulation]

Dear Ms. Shockley:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to adopt some discrete changes to its instructional program standards. The proposed regulation was published as 19 DE Reg. 455 in the December 1, 2015 issue of the Register of Regulations. SCPD endorses the proposed regulation and has the following observations.

First, § 5.4 allows any "licensed medical provider" to authorize an exemption from physical education. This would include an OT, PT, ST or licensed practical nurse. The analogous "homebound" regulation (14 DE Admin Code 930.2.2.) is somewhat more restrictive, referring to physicians, advanced practice nurses, physician assistants, and psychologists. SCPD has no preference in approach. On the one hand, authorizing a speech/language therapist to exempt a student from PE could be perceived as "overbroad". On the other hand, there are many mental health practitioners apart from psychologists who would have the background to authorize an exemption based on psycho-social reasons. See Title 24 Del.C. Ch. 39 (licensed clinical social worker); Title 24 Del.C. Ch. 30 (professional counselor of mental health; family therapist).

Second, the availability of career and technical education programs of study is expanded in §7.0. For example, §7.2 recites as follows:

7.2. All public school students in grades 9 through 12 in local school districts, and charter schools when consistent with the charter school's approved program, shall be provided with the opportunity to enroll in and complete a career and technical education program of study.

SCPD endorses this provision.

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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