



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES  
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September 26, 2016

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

RE: 20 DE Reg. 172 [DOE Final IEP Regulation (9/1/16)]

Dear Ms. Shockley:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) final regulation to amend its IEP standards. SCPD commented on the initial version of this proposed regulation in February, 2016. The Department of Education then published a revised proposed regulation in May which incorporated some revisions suggested by the Council. SCPD issued comments on the May version. The final regulation was published as 20 DE Reg. 172 in the September 1, 2016 issue of the Register of Regulations. The DOE proposed to require merely an "offer" of procedural safeguards at the meeting itself:

22.2.3 A full copy of the procedural safeguards under state and federal law and regulations shall be offered to the parents at the IEP meeting.

The DOE has now adopted a final regulation which reflects a compromise with two improvements:

1) a summary of the procedural safeguards is included with the notice; and 2) a full copy of the procedural safeguards is not merely offered, but given, to the parent at the meeting. The final regulation represents a significant improvement over the proposed version.

SCPD certainly appreciates that the DOE adopted a final standard which reflects a compromise with the two improvements noted above. Please contact SCPD if you have any questions or comments regarding our observations on the final regulation.

Sincerely,

*Jamie Wolfe*

Jamie Wolfe, 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. Laura Makransky, Esq., Department of Justice  
Ms. Terry Hickey, Esq., Department of Justice  
Ms. Valerie Dunkle, Esq., Department of Justice  
Mr. Brian Hartman, Esq.  
Developmental Disabilities Council  
Governor's Advisory Council for Exceptional Citizens

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