



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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November 30, 2016

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

RE: 20 DE Reg. 338 [Proposed Public, Private & Nonpublic School Definitions (11/1/16)]

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 regarding the definitions of Public School, Private School and Nonpublic School. DOE cites the purpose of amending this regulation is to include and clarify definitions of various types of schools as well as change the title of the regulation to more accurately reflect its content. The proposed regulation was published as 20 DE Reg. 338 in the November 1, 2016 issue of the Register of Regulations.

In July, 2016 the Department of Education published an earlier version of this proposed regulation. The SCPD submitted comments with two recommendations: 1) the definition of charter school should include a reference to operation in an approved physical plant to prevent a "cyber" school from qualifying as a charter school; and 2) the definition of school district was ambiguous since it recited that a Vo-Tech district "may" meet the definition. The Department is now issuing a revised proposed regulation which addresses both concerns.

First, it revises the definition of "public school" (which is incorporated into the definition of "charter school") to include a reference to having a "physical plant".

Second, it has separate definitions of "reorganized school district" and "school district" with a caveat that a "school district" is included in the definition "depending on the context in which the term is used". This concept is reinforced by a new preamble to §2.0: "The following words and terms are applicable unless a specific regulation, statute or the context in which they are used clearly indicates otherwise".

SCPD endorses the proposed regulation since it addresses both observations identified in the Council's July commentary,

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