



**STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES**

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The Honorable John Carney
Governor

John A. McNeal
Director

January 30, 2019

Ms. Emily Cunningham
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 22 DE Reg. 562 [DDOE Proposed Regulation – Student Success Planning (January 1, 2019)]

Dear Ms. Cunningham:

The State Council for Persons with Disabilities (SCPD) has reviewed Delaware Department of Education's (DDOE) proposed regulation to create 14 DE Admin. Code 507 Student Success Planning. The synopsis suggests that the new regulation is needed to provide guidance for districts and charters in their role to support students in establishing goals that lead to post-secondary plans for the student's desired career. The regulation also requires every student in grade 8 and above to have a Student Success Plan (SSP), which is a written plan stating students' post-high school goals. The proposed regulation was published as 22 DE Reg. 562 in the January 1, 2019 issue of the Register of Regulations.

SCPD supports the creation of the Post-secondary Advisement Plan (PSAP) and the progress report requirement. School districts will have to identify processes to assist students with post-secondary education goal setting. The school districts will have to report their progress to the DDOE annually. This oversight will hopefully ensure that students in all school districts will be getting exposure to career and post-secondary education information. SCPD endorses the concept of the proposal, but has the following observations and recommendations which would improve the regulation.

14 Del. Admin. Code 505 currently requires students to have SSPs. A proposed amendment, published in the November 2018 Register of Regulations, would eliminate SSPs from Section

505.¹ The synopsis of the proposed amendment to Section 505 stated a new regulation on the topic would be forthcoming. SCPD asked for clarification on how student post-secondary education planning would work until a new regulation was promulgated. Section 507 is that “new regulation.” The amended Section 505 has not yet been adopted.

Under Section 505, an SSP fulfils two functions. First, it identifies a student’s post-secondary goals, and creates “a program of study” comprised of academic courses, electives and extra-curricular activities that will prepare a student for entry into their desired career path.² Next, it requires the school district to ensure the student is satisfying graduation requirements, and is taking the steps necessary to meet their career goals.³ If there are concerns about the student failing or if they are “not on track” to meet their career goals, the SSP must identify necessary supports that the district shall provide.⁴

Section 507 appears to remove the program of study, and the identification and provision of necessary support requirements from the SSP. Section 507 defines an SSP as a “written plan which sets post-secondary goals based on a student’s career interests.”⁵ It states that SSPs should be developed in conjunction with student exposure to, among other things, college and career information, internships, aptitude and career testing, and discussions with parental figures and school employees, and that by the student’s senior year, the plan should identify “the necessary steps to transition.”⁶

Section 507 does not explicitly mandate the creation of a “program of study” nor inclusion of supports necessary to help the student reach their career goals. Removing the “program of study” and the supports requirements may make SSPs less impactful. While it is certainly helpful for students to develop written career goals, it is likely even more valuable to assist students with creating a plan on how to achieve their written goals, and to identify and provide supports the student may need along the way. Section 507 does require an SSP to “identify the necessary steps to transition” by the student’s senior year of high school. However, a student may be more successful in their desired career path if he or she, with input and support from the school district, creates and follows a concrete plan more than one year in advance of graduation.

Section 507 does require school districts to create a PSAP, or a plan that lays out processes the school district will follow to ensure that, among other things, there are “activities, supports and resources” available to allow students to gain exposure to career and college information, “such as but not limited to:… one-on-one advisement.”⁷ Advisement is defined as “a documented process that engages students in ongoing discussion and planning with school staff to identify their personal talents and interests and plan their career goals.”⁸ It may be that students will

¹ 22 Del. Reg. 335 (Nov. 2018).

² 14 Del. Admin. Code 505.1.0.

³ 14 Del. Admin. Code 505.1.0, 5.2.4.

⁴ 14 Del. Admin. Code 505.5.2.4.

⁵ 22 Del. Reg. 562 (Jan. 2019) (See proposed section 2.0).

⁶ 22 Del. Reg. 562, 563-564 (Jan. 2019) (See proposed section 3.0).

⁷ 22 Del. Reg. 562, 564 (Jan. 2019) (See proposed section 4.1.2.2).

⁸ 22 Del. Reg. 562 (Jan. 2019) (See proposed section 1.0).

develop a concrete plan to achieve their post-secondary goals through advisement and it is just no longer placed in an SSP. It seems like good policy to couple goals with plans in the same document: at least students would still be engaging in a formal career-planning process. However, if this is the case, the advisement requirement should likely be removed from subsection 4.1.2.2 to clarify that school districts are still responsible for working with students to plan their career paths, and are not just responsible for planning how the student will be exposed to opportunities to learn about career and post-secondary education opportunities and requirements. Even if students will still engage in a planning process, Section 507 still appears to eliminate the requirement that school districts identify and provide necessary supports in the event the student is failing or if they are “not on track” to meet their career goals.

Additionally, it appears school districts would no longer be required to as aggressively monitor whether a student is satisfying graduation requirements or making progress toward achieving post-secondary goals. Section 505 requires school districts to “actively monitor....educational progress and career planning toward life goals” by holding conferences between the student and their advisor at least once every marking period.⁹ Section 505 also requires annual review and updates to the SSP and review of the student’s transcript at the end of each school year to ensure the student is satisfying graduation requirements. Section 507 does contemplate revision of the SSP “annually as necessary” and that students should have the opportunity to “have meetings with counselors, teachers, parents, guardians, care-givers at regular intervals to discuss student interests regarding careers.”¹⁰ However, the school district would no longer be required to review the student’s transcript at the end of the year to ensure the student is on track to graduate, nor does the regulation require conferences every marking period. Additionally, the Councils may want to seek inclusion of a section on SSP requirements for students with IEPs. Section 505 requires SSPs to incorporate the IEP transition plan requirements in 14 DE Admin. Code 925. Section 507 would eliminate this requirement.

Finally, the proposed regulation does not use that the term “Core Course Credit”, but the respective definition is included in Section 2.0. Therefore, the definition is unnecessary.

Given the aforementioned observations, SCPD has the following recommendations on the proposed regulation.

First, include clarification that school districts will still assist students with developing a program of study or plan to clearly identify what steps a student must follow to achieve career goals, even if it is no longer placed in the SSP.

Second, include a requirement that school districts identify and provide supports necessary to help a student achieve their career goals.

Third, include an annual transcript review requirement.

9 14 Del. Admin. Code 505.5.2.2.

10 22 Del. Reg. 562, 564 (Jan. 2019) (See proposed Sections 3.1.2, 3.2).

Fourth, include a section that requires SSPs to incorporate the IEP transition plan requirements in 14 DE Admin. Code 925;

Fifth, delete the definition of Core Course Credit.

Sixth, include a requirement for some data measures (e.g. students with IEPs will have access to and receive equal amounts of ESSA measures and Career Pathways programming as compared with students without IEPs).

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

Sincerely,

A handwritten signature in blue ink that reads "J. Todd Webb". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

J. Todd Webb
Chairperson - State Council for Persons with Disabilities

cc: The Honorable Susan Bunting
Mary Ann Mieczkowski
Chris Kenton, Executive Director - Professional Standards Board
Laura Makransky, Esq. - Department of Justice
Valerie Dunkle, Esq. - Department of Justice
Whitney Sweeney, SBE
Laura Waterland, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disability Council

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