February 24, 2020

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

RE:   23 DE Register of Regulation 645 [DOE Final Regulation on Family Educational Rights and Privacy (February 1, 2020)]

Dear Ms. Cunningham:

The State Council for Persons with Disabilities (SCPD) has reviewed Delaware Department of Education’s (DDOE) final regulation focusing on Family Educational Rights and Privacy Act (FERPA). The final regulations were published as 23 DE Reg. 645 in the February 1, 2020 issue of the Register of Regulations.

SCPD suggested that DOE leave in the sentence explaining that SPPO will investigate and review alleged FERPA violation complaints that are filed with its office and noted that the zip code listed on SPPO’s website (20202-5920) differs from the zip code stated in the proposed regulation (20202-4605). DDOE in the final regulation corrected the zip code and noted that the complaints section is in 4.1; DDOE agreed to place the language regarding complaints in bold type to make it more prominent.

Thank you for your consideration of SCPDs comments and we certainly appreciates that DOE incorporated the Council’s recommendations.

and please contact SCPD if you have any questions or comments regarding our observations on the final regulations.
Sincerely,

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

cc: The Honorable Susan Bunting – Department of Education
    Mary Ann Mieczkowski – Department of Education
    Linnea Bradshaw - Executive Director of the PSB
    Laura Makransky, Esq. - Department of Justice
    Terry Hickey, Esq. – Department of Justice
    Valerie Dunkle, Esq. – Department of Justice
    Whitney Sweeney, SBE
    Tracy Poitras - PSB
    Ms. Laura Waterland, Esq.
    Governor’s Advisory Council for Exceptional Citizens
    Developmental Disability Council

23reg645 - DOE family educational rights and privacy act (FERPA) 2-24-20