

October 25, 2016

Tina Shockley
Education Associate – Policy Advisor
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 20 DE Reg. 233/14 DE Admin. Code 925 [DOE Proposed “Age of Majority” Regulation (October 1, 2016)]

Dear Ms. Shockley:

The Governor’s Advisory Council for Exceptional Citizens (GACEC) has reviewed the Department of Education (DOE) proposal to adopt two regulations implementing Senate Bill No. 180. Senate Bill No. 180 implements a federal regulation (34 C.F.R. 300.) which addresses educational decision-making once a student reaches the age of 18. The GACEC, Disabilities Law Program (DLP) and other councils were highly involved with the drafting and enactment of the legislation, which requires the DOE to develop implementing regulations in consultation with the GACEC. Representatives of the DOE, GACEC, DLP, other councils and school districts reached consensus on the regulatory language in September. Council **endorses** the proposed regulation.

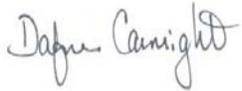
This regulation revises one sentence in the IEP regulation resulting in the following standard:

20.3. Transfer of rights at age of majority: Beginning not later than one year before the child reaches the age of 18, the IEP shall include a statement that the child has been informed that the child’s rights under 14 Del.C. §3132 will transfer to the child, or an educational representative or educational surrogate parent on reaching the age of 18 under 14 DE Admin Code 926.20.0.

This recital is accurate and directs IEP participants to the statutory and regulatory sections which provide detailed standards on decision-making upon the student’s attainment of age 18.

Thank you in advance for your consideration of our endorsement and the opportunity to work with the DOE on these regulations.

Sincerely,

A handwritten signature in cursive script that reads "Dafne A. Carnright".

Dafne A. Carnright
Chairperson

DAC:kpc

CC: The Honorable Dr. Steven H. Godowsky, Secretary of Education
The Honorable Nicole Poore, Delaware State Senate
The Honorable Debra Heffernan, Delaware State House of Representatives
Dr. Teri Quinn Gray, State Board of Education
Mr. Chris Kenton, Professional Standards Board
Mary Ann Mieczkowski, Department of Education
Matthew Korobkin, Department of Education
Terry Hickey, Esq.
Valerie Dunkle, Esq.