

November 28, 2016

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

RE: 20 DE Reg. 338/14 DE Admin. Code 122b [DOE Proposed Public, Private and Nonpublic School Definitions Regulation (November 1, 2016)]

Dear Ms. Shockley:

The Governor’s Advisory Council for Exceptional Citizens (GACEC) reviewed the Department of Education (DOE) proposed regulation 20 DE Reg. 9 in July of 2016. See attached. Council submitted comments with two observations: 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.

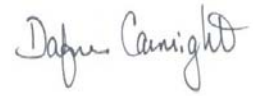
The current revised proposed regulation being proposed by the DOE addresses and resolves both concerns noted in our earlier letter; therefore, Council **endorses** the revised proposed regulation.

The revised definition of “public school” (which is incorporated into the definition of “charter school”) now includes a reference to having a “physical plant”.

The revised regulation includes 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”.

We thank the DOE for accepting and incorporating the changes suggested in our earlier letter.

Sincerely,

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

Dafne A. Carnright
Chairperson

DAC:kpc

CC: Dr. Steven H. Godowsky, Secretary of Education
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.

Attachment