



Governor's Advisory Council for Exceptional Citizens (GACEC)
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January 29, 2021

Department of Education
Office of the Secretary
Attn: Regulation Review
401 Federal Street, Suite 2
Dover, DE 19901

RE: 24 DE Reg. 637/14 DE Admin. Code 401 [DOE Proposed Major Capital Improvement Programs Regulation (January 1, 2021)]

Dear Secretary Bunting:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Department of Education (DDOE) proposal to amend 14 Del. Admin. C. §401. This amendment is needed to comply with a court order that directs the Department of Education to require school districts to provide an Equity Statement in connection with a request for Issuance of a Certificate of Necessity. Council would like to share the following suggestion.

Currently, the Certificate of Necessity application includes an enrollment and projection attachment, which only includes information about students in Kindergarten through twelfth grade. The proposed regulation to include an Equity Statement should also include language requiring school districts to provide demographic information (enrollment, projection, race, Low Income, English Learner, etc.) about **all** students, including early childhood students and students age 18-21 who are not given a graded designation.

Thank you for the opportunity to share our observations with you. Please contact Wendy Strauss or me if you have any questions.

Sincerely,

Ann C Fisher

Ann C. Fisher

Chairperson

ACF: kpc

CC: Whitney Sweeney, State Board of Education
Mary Ann Mieczkowski, Department of Education
Emily Cunningham, Department of Education
Linnea Bradshaw, Professional Standards Board
Jenna Ahner, State Board of Education
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