



**Governor's Advisory Council for Exceptional Citizens (GACEC)
516 West Loockerman St., Dover, DE 19904
302-739-4553 (voice) 302-739-6126 (fax) <http://www.gacec.delaware.gov>**

April 29, 2022

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

RE: 25 DE Reg. 910/DE Admin. Code 933 DELACARE Regulations for Early Care and Education and School Age Centers (April 1, 2022)

Dear Secretary Holodick:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Department of Education (DDOE) proposal to make numerous amendments to its childcare regulations, including many that may impact children with disabilities. Council supports the proposed amendments; however, we would like to share the following recommendations.

In general, these proposed recommendations support childcare accessibility and accountability for children with disabilities and their families.

The proposal to "[a]llow for OCCL to investigate complaints typically investigated by other entities if the complaint involves a violation of OCCL's regulations" is particularly beneficial to families who have experienced disability discrimination in childcare settings. Council supports this change.

The proposed amendment requiring childcare centers to "inquire if the child has an IFSP or IEP and to discuss... any reasonable accommodations or modifications" may assist families and childcare centers in identifying and providing reasonable accommodations. However, it may be beneficial to requiring training to inform childcare centers about their obligations to provide reasonable accommodations. It would be counterproductive if this requirement led childcare centers to screen out children who may require accommodations or modifications. There is a proposed amendment to "[a]dd[] the approved training topic of disability non-discrimination, accommodations, or modifications." However, from the language of this proposal, it would only add disability related training to the topics a childcare provider can choose from to meet annual training requirements. Council recommends that at least initial disability-related training be mandatory, particularly in light of the requirement that childcare centers must inquire about and discuss accommodations and modifications.

Council also supports the proposed changes to IFSP/IEP service provision and special education screening as these changes will help identify children earlier who may need services and will improve access to those services.

The proposed amendments on drug/medication error and medication/safety training will likely improve child safety and accountability when accidents occur; therefore, Council also supports these proposed amendments.

Thank you for this opportunity to share our support of the proposed amendments and our recommendation to make initial disability-related training mandatory. Please contact Pam Weir or I at the GACEC office if you have any questions on our comments.

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
Carla Jarosz, Esq.