



Governor's Advisory Council for Exceptional Citizens (GACEC)
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December 30, 2022

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

**RE: 26 DE Reg. 437, 439, 441, 442/14 DE Admin. Code 922, 923, 924, 926 DDOE
Proposed Children with Disabilities regulations (December 1, 2022)**

Dear Secretary Holodick:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Department of Education (DDOE) proposal to amend 14 Del. Admin. C. §§ 922, 923, 924, and 926. These sections of the Delaware Title 14 regulations represent four of the eight sections comprising Delaware's state equivalent to the federal Individuals with Disabilities Education Act implementing regulations, found at 34 C.F.R. §300, *et seq.* DDOE is proposing to amend these regulations to bring them into compliance with House Bill 454 of the 151st General Assembly which was signed into law on July 22, 2022. House Bill 454 amended Chapters 31 and 17, Title 14 of the Delaware Code relating to Exceptional Children and Unit funding, respectively to extend eligibility for special education services to August 31 after the school year in which a student turns twenty-two. Council **endorses** the proposed changes, as they will ensure the regulations are compliant with Delaware state law as well as federal law and regulations. Also, amendment of these regulations will ensure that students with disabilities eligible for special education and related services are provided a free appropriate public education until August 31 after the school year in which they turn twenty-two.

Thank you for providing this opportunity to share our endorsement of the proposed amendment with you. Please contact Pam Weir or me at the GACEC office if you have any questions on our comments.

Sincerely,

Ann C Fisher

Ann C. Fisher
Chairperson

ACF: kpc

CC: Shawn Brittingham, State Board of Education
Kathleen Smith, State Board of Education
Dale Matusevich, Department of Education
Emily Cunningham, Department of Education
Linnea Bradshaw, Professional Standards Board
Carla Jarosz, Esq.
Alexander Corbin, Esq.