



**Governor's Advisory Council for Exceptional Citizens (GACEC)**  
**516 West Loockerman St., Dover, DE 19904**  
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September 29, 2023

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

**RE: 27 DE Reg. 137/14 DE Admin. Code 901 DDOE Proposed Dispute Resolution for Educational Placement for Children and Youth Experiencing Homelessness regulation (September 1, 2023)**

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. § 901, which describes the dispute resolution procedures and processes for educational placement for children and youth under the McKinney-Vento Homeless Assistance Act (McKinney-Vento). Council **supports** the proposed amendment; however, we would like to share two recommendations.

Council notes that these regulations appear to be out of compliance in relation to providing notice of the written decision and the right to appeal. The regulations provide that the student must be immediately enrolled in "either the school of origin or the school of residence in which enrollment is sought[.]" 14 Del. Admin. C. § 901.4.2. Council therefore recommends that the current language be amended to require that the school at which enrollment is sought immediately enroll the student, pending final resolution of the dispute.

Also, these regulations do not comply with the third requirement related to referring the parent, guardian, or unaccompanied youth to the local liaison. Instead, the current (and proposed) regulations simply state that the written explanation and notice include "[c]ontact information for the LEA homeless liaisons and state coordinator, with a brief description of their roles[.]" 14 Del. Admin. C. § 901.4.1.2. Council recommends that the current language be amended to require that the school affirmatively refer the parent, guardian or unaccompanied youth to the school's homeless liaison rather than putting it on the parent, guardian or youth to make the

affirmative contact, for example, Council recommends transmitting the school's letter to the school's homeless liaison with the expectation that the liaison reach out to the family.

Thank you for allowing us the opportunity to share our observations 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  
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