



Governor's Advisory Council for Exceptional Citizens (GACEC)
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October 28, 2024

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

RE: 28 DE Reg. 269/14 DE Admin. Code 1596 DDOE Charter School Leader regulation (October 1, 2024)

Dear Secretary Holodick:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Professional Standards Board (PSB) and Delaware Department of Education (DDOE) proposal to amend 14 DE Admin. Code 1596 Charter School Leader. The proposed amendments include defining and subsequently adding the role of "Instructional Administrator in Sections 1.0 and 2.0; revising the definition of "Regionally Accredited" based on U.S. Department of Education changes in Section 2.0; adding reciprocity language in Section 3.0; revising requirements in Section 4.0; adding Section 5.0 regarding reciprocity; and revising the application requirements in Section 6.0. Council **supports** the proposed amendment but would like to add a requirement for special education legal/regulatory training requirements for applicants seeking Charter School Leader Certification, especially individuals coming from non-academic backgrounds. Council would also like to encourage the DDOE to look to existing training for other certifications/licensures and how to augment training requirements for charter school leaders, in order to address charter school disparities for students with disabilities and ensure Delaware students receive a free, appropriate public education (FAPE).

Instructional Administrators will have ultimate authority and responsibility in ensuring the delivery of a FAPE to students with disabilities. Charter schools must follow all federal laws that apply to public schools. Under the Individuals with Disabilities Education Act (IDEA), all public schools have the responsibility to provide FAPE to students with disabilities; charter schools are public schools and thus bear the same responsibility. Students with disabilities are more likely to experience punitive discipline than students without disabilities in charter schools. The most recent report by the Center for Learner Equity found that students with disabilities in charter schools were secluded 2.11 times more than their peers without disabilities. Recent studies reviewed by Council note a discrepancy in suspension rates in charter schools between students with and without disabilities.

The report from the Center for Learner Equity also found that charter schools have failed to "consistently address the needs of students with disabilities or, perhaps more importantly, close the gap in educational outcomes between students with disabilities and their peers."

To tackle these discrepancies, it is essential that Instructional Administrators are provided with current special education legal requirements and understand that a charter school is responsible for providing FAPE for students with disabilities.

We appreciate your consideration of our support and recommendations. We look forward to a more collaborative partnership with you on behalf of the students of Delaware.

Sincerely,

Ann C Fisher

Ann C. Fisher
Chairperson

ACF: kpc

CC: Shawn Brittingham, State Board of Education
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