

**DEPARTMENT OF EDUCATION**  
**OFFICE OF THE SECRETARY**  
Statutory Authority: 14 Delaware Code, Section 1049B (14 **Del.C.** § 1049B)  
14 **DE Admin. Code** 210

**PROPOSED**

**PUBLIC NOTICE**

**Education Impact Analysis Pursuant To 14 Del.C. Section 122(d)**

**210 District School Board Member Special Education Due Process Hearing Training**

**A. TYPE OF REGULATORY ACTION REQUIRED**

Amendment to Existing Regulation

**B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION**

Pursuant to 14 **Del.C.** §1049B, the Secretary of Education intends to amend 14 **DE Admin. Code** 210 District School Board Member Special Education Due Process Hearing Training. This regulation is being amended to include charter school board members, to ensure consistent and clear language when referencing school district, charter school and vocational technical school district, and to streamline language in accordance with the *Delaware Administrative Code Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before April 1, 2021 to Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or email to [DOERegulations.comment@doe.k12.de.us](mailto:DOERegulations.comment@doe.k12.de.us). A copy of this regulation may be viewed online at the Registrar of Regulation's website, [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml), or obtained at the Department of Education, located at the address listed above.

**C. IMPACT CRITERIA**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation does not specifically address the improvement of student achievement as measured against state achievement standards.
2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help ensure all students receive an equitable education.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amendment regulation will help ensure all students' health and safety are adequately protected.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to help ensure that all students' legal rights are respected.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the decision making at the local board and school level.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place any unnecessary reporting or administrative requirements or mandates on decision makers.
7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The amended regulation does not change the decision making authority and accountability for addressing the subject to be regulated.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The amended regulation is consistent with and not an impediment to the implementation of other state educational policies.
9. Is there a less burdensome method for addressing the purpose of the regulation? There is no less burdensome method for addressing the purpose of the amended regulation.
10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no material costs to implementing this amended regulation.

**210 District and Charter School Board Member Special Education Due Process Hearing Training**

**1.0 Purpose**

The purpose of this regulation is to outline the criteria and process for the required training for members of district and charter school boards, including vocational technical school boards, pursuant to 14 **Del.C.** §1049B. The purpose of the training is to inform school board members of the educational and legal issues generally involved in special education due process hearings arising under the Individuals With Disabilities Education Act, 20 U.S.C. § 1400 ("IDEA") and ~~Chapter 31 of Title 14 of the Delaware Code ("Chapter 31")~~ 14 Del.C. Ch. 31.

## **2.0 Definitions**

**"District School Board" or "Charter School Board"** ~~shall mean~~ means a reorganized school district ~~boards and board, a charter school board, or a vocational technical school district boards board~~ duly appointed or elected pursuant to ~~Chapter 10 of Title 14 of the Delaware Code~~ 14 Del.C. Ch. 10.

**"Materials"** ~~shall mean~~ means training aids approved by the Secretary of Education for use in the Special Education Due Process Hearing Training.

**"School Board Member"** ~~shall mean~~ means a district school board District or Charter School Board member ~~whether that person is elected, appointed, or is a volunteer~~ volunteers.

**"Special Education Due Process Hearing Training"** means the program and materials approved by the Department of Education consisting of a minimum of two (2) hours covering the topics described in Section 3.0.

**"Trainer"** means an individual, agency, or organization approved by the Secretary of Education to provide the Special Education Due Process Hearing Training, in whole or in part.

## **3.0 Special Education Due Process Hearing Training Requirement**

3.1 The Special Education Due Process Hearing Training ~~means the program and materials approved by the Department of Education consisting~~ shall consist of a minimum of two (2) hours and ~~covering~~ cover the following topics:

3.1.1 Overview of special education requirements related to the identification, evaluation, and educational placement of children with disabilities, and the provision of a free, appropriate public education to children with disabilities; and

3.1.2 Overview of the due process hearing system; and

3.1.3 Summary of other procedural safeguards and dispute resolution options available to ~~parents and school districts~~ parents, school districts and charter schools under the IDEA and ~~Chapter 31~~ 14 Del.C. Ch. 31.

3.2 The training may be provided in a format that includes, but is not limited to, an electronic media format or in person.

## **4.0 Special Education Due Process Hearing Training Requirement for District and Charter School Board Members**

4.1 Each ~~district~~ District or Charter School Board Member shall participate and complete the Special Education Due Process Hearing Training ~~the later of the following:~~ within one (1) year of election, appointment, or voluntary service to a District or Charter School Board.

4.1.1 ~~Within one (1) year of election, appointment, or voluntary service to a District School Board; or~~

4.1.2 ~~Within one year of the initial effective date of this regulation.~~

## **5.0 Trainer**

The training required by this regulation shall be conducted by a trainer as defined in this regulation.

## **6.0 Materials**

The materials used for the training required by this regulation shall be those as defined in this regulation.

**14 DE Reg. 1048 (04/01/11)**

**24 DE Reg. 826 (03/01/21) (Prop.)**