



Recent Amendments to State Special Education Regulations

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**Special Education Leadership Meeting
Dover, Delaware
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State Regulations

- ▶ Amendments Approved by the State Board of Education on August 17, 2011.
- ▶ Amendments are Effective September 1, 2011.



Amendments

Definition of “Multiple Disabilities” Now Clarifies that Children May Be Identified in More than One Disability Category .

14 DE Admin Code § 922.3.0

Mental Disability

- Mental Disability ➤ **Intellectual Disability**
- Educable Mental Disability ➤ **Mild Intellectual Disability**
- Trainable Mental Disability ➤ **Moderate Intellectual Disability**
- Severe Mental Disability ➤ **Severe Intellectual Disability**

Transition

14 DE Admin Code § 925.20.2

The Old:

By the middle of the 8th grade, the IEP shall include strengths, interests, preferences, postsecondary goals, courses of study, and plans to make application to high school and career tech programs. Full transition services planning will apply by the end of the 9th grade or prior to the child's 15th birthday whichever occurs first, unless determined appropriate at a younger age by the IEP team.

The New:

Beginning with the earlier of the first IEP to be in effect when the child turns 14 or enters the 8th grade, or younger if determined appropriate by the IEP team, the IEP must include postsecondary goals, transition services and activities, the child's strengths, interests and preferences, plans to make application to high school and career tech programs.

Prior Written Notice

Current Federal Regulation:

Districts and Charter Schools Must Provide Written Notice **“Within a Reasonable Time”** Before an Action Proposed or Refused.

34 C.F.R. § 300.503

What the States Do:

Some States Decide What is a “Reasonable Time” on a Case by Case Basis

Some States Consider 5 or 10 Days a Reasonable Time

Some States Have a State Regulation About it, Some Don't

Prior Written Notice

14 DE Admin Code § 926.3.0

The Old Delaware Regulation:

The State Defined by Regulation that a “Reasonable Time” is **10 School Days** for Actions Proposed or Refused, and **3 School Days** For Disciplinary Removals

The New Delaware Regulation:

Prior Written Notice Is Required **10 School Days** Before Action Proposed or Refused, and **5 School Days** Before Disciplinary Changes of Placement

IEP Meeting Notice

Current Federal Regulation:

Districts and Charter Schools Must Notify Parents **“Within a Reasonable Time”** Before an IEP Meeting.

34 C.F.R. § 300.322

What the States Do:

Some States Decide What is a “Reasonable Time” on a Case by Case Basis

Some States Consider 5 or 10 Days a Reasonable Time

Some States Have a State Regulation About it, Some Don't

IEP Meeting Notice

14 DE Admin Code §22.1.1

The Old Delaware Regulation:

The State Defined by Regulation that a “Reasonable Time” is **10 School Days** Before Meeting, and **3 School Days** Before Meeting For Disciplinary Removals

The New Delaware Regulation:

Notify Parents **10 School Days** Before IEP Meeting, and **5 School Days** Before Manifestation Determination Meeting



Fact Pattern

On September 1st, Student Is Involved in a Serious Fight and Assaults Another Student.

School Administrators Want to Change Child's Placement to a Disciplinary Alternative Setting

Student Has No Prior Suspensions for the School Year.

The School Wants to Schedule the Manifestation Determination Meeting and Move Forward.

What are the School's Obligations?