

LAWS OF DELAWARE
VOLUME 85
CHAPTER 8
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 11

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SPECIAL EDUCATION RECORDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 3130, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3130. Opportunity to examine records and educational program.

(a) The parents of a child with a disability, either personally or through a representative, shall be afforded an opportunity to inspect and review all ~~relevant~~ records with respect to:

- (1) The identification, evaluation and educational program and placement of the child; and
- (2) The provision of a free, appropriate, public education to the child.

(b) The ~~parents~~ parents, either personally or through a representative, shall have the right to obtain copies of all records, except the actual evaluation or examination instrument, described in subsection (a) of this section either without charge, or, at the discretion of the district or state agency, at a fee not to exceed actual cost. Under no circumstances shall a fee be assessed which effectively prevents parents from exercising their right to inspect, review and copy records.

(c) The parents of a child with a disability shall have the right to visit and observe, either personally or through a representative, their child's current or proposed public educational program.

Approved April 14, 2025