



SPONSOR: Sen. Poore

DELAWARE STATE SENATE  
148th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 3

TO

SENATE BILL NO. 33

1 AMEND Senate Bill No. 33 after line 9 and before line 10 by inserting the following:

2 "NOW, THEREFORE:"

3 FURTHER AMEND Senate Bill No. 33 by deleting lines 11 through 17.

4 FURTHER AMEND Senate Bill No. 33 by deleting lines 18 and 19 and inserting in lieu thereof the following:

5 "Section 1. Amend Subchapter III, Chapter 31, Title 14 of the Delaware Code by making deletions as shown by  
6 strike through and insertions as shown by underline as follows:"

7 FURTHER AMEND Senate Bill No. 33 by deleting line 24 and inserting in lieu thereof the following:

8 "person support for individual parents and children. The charter schools and school districts shall collaborate and  
9 coordinate with existing parent groups".

10 FURTHER AMEND Senate Bill No. 33 after line 25 and before line 26 by inserting the following:

11 "§ 3125A. IEP training for charter schools.

12 Effective January 1, 2016, each charter school will designate and maintain at least one professional staff member  
13 who has completed training approved by the Department of Education regarding the legal responsibilities of charter schools  
14 with respect to preparation of individualized education programs for students with disabilities and resources available to  
15 charter schools to assist in preparation of such programs. The Department of Education, by regulation, shall define the  
16 scope and timetable of initial and refresher training.

17 Section 2. Amend Subchapter V, Chapter 31, Title 14 of the Delaware Code by making deletions as shown by  
18 strike through and insertions as shown by underline as follows:"

19 FURTHER AMEND Senate Bill No. 33 by deleting lines 33 through 39 and inserting in lieu thereof the following:

20 (a) No charter school or school district, or any person acting under the authority of a charter school or school  
21 district, shall discriminate or take any adverse employment or contract action against any person based upon statements that

22 person makes while advocating for a student in connection with an individualized education program (IEP), including  
23 statements made in preparation for or at a meeting, review, or conference concerning a child with a disability's free,  
24 appropriate public education. Entities or persons who violate this subsection shall be subject to the same injunctive and  
25 monetary sanctions as persons or entities that engage in unlawful employment practices under Chapter 7, Title 19 of the  
26 Delaware Code.

27 FURTHER AMEND Senate Bill No. 33 by deleting lines 45 and 46 and inserting in lieu thereof the following:

28 (c) Discussions about employment options with children and parents during the IEP process should be consistent  
29 with Delaware's employment first policy articulated by § 743 of Title 19. Progress made toward post-secondary goals in  
30 transition IEPs will be reported with the same frequency as that for academic goals.

31 FURTHER AMEND Senate Bill No. 33 by deleting lines 52 through 75 and inserting in lieu thereof the following:

32 "§ 3134. Contents of notice.

33 The notice under § 3133 of this title must include all of the following:

34 (1) A full explanation of all of the procedural safeguards available to the parents under ~~this subchapter~~; state  
35 and federal law and regulations.

36 (2) A written description of the action proposed or refused by the district or agency, an explanation of why the  
37 district or agency proposes or refuses to take the action, and a description of any options the district or agency  
38 considered and the reasons why those options were ~~rejected~~; rejected.

39 (3) A written description of each evaluation procedure, test, record or report the district or agency uses as a  
40 basis for the proposal or ~~refusal~~; refusal.

41 (4) A written description of any other factors which are relevant to the district or agency's proposal or ~~refusal~~;  
42 refusal.

43 (5) A written statement that the parents of a child with a disability have protection under the procedural  
44 safeguards of ~~this chapter~~ state and federal law and regulations and, ~~if this notice is an initial referral for evaluation,~~  
45 the means by which a copy of a description of the procedural safeguards can be ~~obtained~~; and obtained.

46 (6) Sources for parents to contact to obtain assistance in understanding the provisions of this subchapter,  
47 including specific contact information for existing parent assistance programs, legal assistance programs, and the  
48 Delaware State Bar Association.

49 (7) A separate questionnaire requesting the input of a child's parent and, where appropriate, a child, with  
50 respect to the child's progress to date and additional proposed steps that should be taken to adjust the child's goals,  
51 curriculum, services, aids, modifications, or other elements of the child's individualized education program. The

52 questionnaire may be sent prior to the written notice of an individualized education program meeting or its equivalent  
53 and, if it is, does not need to be included in the notice under this section.

54 (8) A copy of the draft individualized education program accompanied by a letter clearly indicating to the  
55 parent and child that the document is a draft for discussion and subject to revision at the noticed meeting, if a draft  
56 individualized education program will be presented to a child or parent, or otherwise utilized at the individualized  
57 education program meeting for which notice is provided. If such a draft individualized education program is”.

58 FURTHER AMEND Senate Bill No. 33 on line 80 by deleting “LEAs” and inserting in lieu thereof “charter  
59 schools and school districts”.

60 FURTHER AMEND Senate Bill No. 33 by deleting line 81 and 82 and inserting in lieu thereof the following:

61 “(9) A notice that a parent or child may request prior to an individualized education program meeting any data  
62 in the charter school’s or school district’s possession relevant to the child’s needs or disability.”

#### SYNOPSIS

This Amendment makes a number of changes to better implement the recommendations of the Individualized Education Program (IEP) Improvement Task Force. It adds new emphasis to the law requiring that notices to parents must be in writing. It clarifies that charter schools and school districts have similar obligations in educating students with disabilities and that charter schools have an ongoing obligation to have a designated staff person trained in the legal requirements of educating students with disabilities. It provides clearer protections to those advocating for students with disabilities by adding the protections existing under Delaware’s whistleblower laws. Finally, it adds a specific task force recommendation that progress on transition-related goals be regularly reported.

Author: Senator Poore