



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
MARGARET M. O'NEILL BUILDING  
410 FEDERAL STREET, SUITE 1  
DOVER, DE 19901

VOICE: (302) 739-3620  
TTY/TDD: (302) 739-3699  
FAX: (302) 739-6704

**MEMORANDUM**

DATE: December 10, 2014

TO: The Honorable Matthew Denn  
Lieutenant Governor

FROM: Lloyd Schmitz, Chairperson  
Employment First Oversight Commission  
*LS/KIV*

RE: Individualized Education Plan (IEP) Improvement Task Force

I write on behalf of Employment First Oversight Commission (EFOC) to endorse the attached letter from the Developmental Disabilities Council regarding the work and recommendations of the (IEP) Improvement Task Force. EFOC has the following additional recommendations:

- Competitive and integrated employment settings should be thoroughly discussed during the IEP process as the top priority employment option for students with disabilities starting at age 14. This is consistent with H.B. 319 signed in July 2012 which declares that it is the policy of this State that competitive employment (including compensation at or above minimum wage) in an integrated setting shall be considered the first and priority option when offering or providing services to persons with disabilities who are of working age (14 years of age or older).
- If another Task Force is established to further discuss the recommendations from the IEP Improvement Task Force, EFOC would like to designate a representative.

Thank you for your consideration and please contact EFOC if you have any questions or comments regarding our recommendations.

cc: Ms. Maryann Mieczkowski  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council



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Margaret O'Neill Building,  
2<sup>nd</sup> Floor  
410 Federal Street, Suite 2  
Dover, Delaware 19901

Office: (302) 739-3333  
Fax: (302) 739-2015  
[www.ddc.delaware.gov](http://www.ddc.delaware.gov)

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To: The Honorable Matt Denn, Lt. Governor  
From: Diann Jones, Developmental Disabilities Council  
Date: October 21, 2014  
RE: Individualized Education Plan (IEP) Task Force

Thank you for the opportunity to share our recommendations and ideas towards the work of the IEP Task Force. Our representative on the Task Force, Shawn Rowe, submits this on our behalf.

As it is the intention that the Task Force develop and provide recommendations on the IEP Process, our recommendations take that same perspective. At the end, we provide recommendations to consider that may be outside of the purview of this Task Force for consideration at some point. The goal is to start with the "end in mind" to plan forward for each student.

For consideration:

1. We agree that technical assistance needs to be provided to schools, and in particular, charter schools, in preparing IEP's.
2. We agree that technical assistance needs to be provided to parents and guardians, at best, at diagnosis of a disability or delay in school, and prior to the first IEP meeting. We strongly recommend that a variety of medium be used to communicate with and train parents and guardians beginning at diagnosis and testing and throughout the process during school years.
3. We strongly recommend that each District be required to establish Special Education Councils to add to the opportunities that parents and guardians have to access technical assistance.
4. We strongly recommend that technical assistance be provided to all students in Special Education and with 504 Plans to learn the Student Directed IEP Process and to learn how to advocate for themselves beginning at age 14 and continuing until they exit the school system and enter the adult world.
5. We recommend that a requirement be established for each District to provide to each parent and guardian at each IEP an approved list of resources that can provide technical assistance. At a minimum, this



list should include the Parent Information Center, the Disabilities Law Program and the DeldHub.com.

6. We recommend increased funding for both the Parent Information Center and the Disabilities Law Program under Community Legal Aid Society, Inc. to allow for ample staff to meet the needs of parents, guardians, and students.
7. We recommend that each IEP team be required to discuss employment first at each IEP meeting for each student with the goal of educating and supporting each student to be employment ready when they exit school.
8. We recommend that each IEP team be required to discuss at each IEP meeting how each student will have access to physical education, health education including drug and alcohol awareness education, and sex education classes.
9. We recommend that each IEP team be required to discuss at each IEP meeting for each student a plan for emergency preparedness and school safety including which personnel will interact with the student, when they will interact with that student, to where that student will be taken if movement is necessary, and a plan for recovery of that student.
10. We recommend that each District be provided technical assistance on identification of needs and remedy for truancy utilizing the IEP process to provide supports needed for each student on an individualized basis.
11. The discussion to provide to families and guardians a draft IEP document prior to the IEP meeting is concerning. At the best of times, when a teacher and parent has had optimum interactions prior to the meeting and each has had the opportunity to provide input into a draft document, this plan to provide a draft document prior to the meeting makes sense. However, the testimony of teachers and parents alike and experience has shown that the ability to have a robust back-and-forth discussion between teachers and each parent of a child with and IEP prior to the IEP is almost impossible. There just isn't enough time in a day.



It is concerning to us that the requirement to provide a draft IEP prior to the IEP will, in effect, move us backwards in time when parents experienced schools dictating to them what would be in an IEP and parents facing the demands of school personnel to agree with and sign the draft IEP as a final document at the IEP meeting with no ability of the parents to make changes or to advocate for needed supports for the children.

We offer the recommendation of sincere caution in requiring the draft IEP document prior to the meeting to prevent a loss of parental or student power as an IEP team member.

We also offer the following recommendations for consideration.

- We recommend that all students have access to the opportunity to take part in the Youth Risk Surveys that are completed in middle and high schools in Delaware. Currently, segregated schools and self-contained classes are denied access to these surveys. The results of the surveys are used in a variety of planning initiatives and often drive both federal and state policy and spending. National statistics show that children and adults with disabilities are at a higher risk for victimization and high risk behaviors and it is discriminatory for Delaware to keep these students from access to these surveys that may help the students in the long-run.
- Counting and tracking of students with 504 plans continues to be a concern for Delaware as it is not required in Delaware. This information is not readily accessible so planning for policy and funding is not available. Delaware needs to be required to count and track and provide the information readily on these student statistics.
- Students who are homeless are at a much higher risk of school failure especially if those students have disabilities. Districts must be provided technical assistance to better serve this population of



students to ensure a higher success rate and better after school outcomes.

Thank you for your sincere consideration of our remarks. Should you have any questions regarding these please contact us at 302.739.3333