

**GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS**

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December 17, 2015

Tina Shockley
Education Associate – Policy Advisor
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 19 DE Reg. 455/14 DE Admin. Code 503 [DOE Proposed Instructional Program Requirements Regulation (December 1, 2015)]

Dear Ms. Shockley:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Department of Education (DOE) proposal to adopt some discrete changes to its instructional program standards. Council **endorses** the proposed changes and would like to share the following observations.

First, § 5.4 allows any "licensed medical provider" to authorize an exemption from physical education (PE). This would include an Occupational Therapist (OT), Physical Therapist (PT), Speech Therapist (ST) or licensed practical nurse. The comparable "homebound" regulation (14 DE Admin Code 930.2.2.) is more restrictive, referring to physicians, advanced practice nurses, physician assistants and psychologists. There are pros and cons to both of these approaches. On the one hand, authorizing an ST to exempt a student from PE could be perceived as "overbroad". On the other hand, there are many mental health practitioners apart from psychologists who would have the background to authorize an exemption based on psycho-social reasons. See Title 24 Del.C. Ch. 39 (licensed clinical social worker); Title 24 Del.C. Ch. 30 (professional counselor of mental health; family therapist).

Second, the availability of career and technical education programs of study is expanded in §7.0. For example, §7.2 recites as follows:

7.2. All public school students in grades 9 through 12 in local school districts, and charter schools when consistent with the charter school's approved program, shall be provided with the opportunity to enroll in and complete a career and technical education program

of study.

Council appreciates this expansion.

Please contact me or Wendy Strauss at the GACEC office if you have any questions on our observations.

Sincerely,



Robert D. Overmiller
Chairperson

RDO:kpc

CC: The Honorable Dr. Steven H. Godowsky, Secretary of Education
Dr. Teri Quinn Gray, State Board of Education
Mr. Chris Kenton, Professional Standards Board
Mary Ann Mieczkowski, Department of Education
Matthew Korobkin, Department of Education
Kathleen Geiszler, Esq.
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