

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY
200 Administration and Operations

210 District and Charter School Board Member Special Education Due Process Hearing Training

1.0 Purpose

The purpose of this regulation is to outline the criteria and process for the required training for members of district and charter school boards, including vocational technical school boards, pursuant to 14 **Del.C.** §1049B. The purpose of the training is to inform school board members of the educational and legal issues generally involved in special education due process hearings arising under the Individuals With Disabilities Education Act, 20 U.S.C. § 1400 ("IDEA") and 14 **Del.C.** Ch. 31.

24 DE Reg. 998 (05/01/21)

2.0 Definitions

"Materials" means training aids approved by the Secretary of Education for use in the Special Education Due Process Hearing Training.

"School Board" means charter school boards of directors organized pursuant to 14 **Del.C.** Ch. 5, and reorganized school district boards and vocational technical school district boards duly appointed or elected pursuant to 14 **Del.C.** Ch. 10.

"School Board Member" means a district, vocational technical, or charter school board member that is elected, appointed, or volunteers.

"Special Education Due Process Hearing Training" means the program and materials approved by the Department of Education consisting of a minimum of two (2) hours covering the topics described in Section 3.0.

"Trainer" means an individual, agency, or organization approved by the Secretary of Education to provide the Special Education Due Process Hearing Training, in whole or in part.

24 DE Reg. 998 (05/01/21)

3.0 Special Education Due Process Hearing Training Requirement

3.1 The Special Education Due Process Hearing Training shall consist of a minimum of two (2) hours and cover the following topics:

3.1.1 Overview of special education requirements related to the identification, evaluation, and educational placement of children with disabilities, and the provision of a free, appropriate public education to children with disabilities; and

3.1.2 Overview of the due process hearing system; and

3.1.3 Summary of other procedural safeguards and dispute resolution options available to parents, school districts and charter schools under the IDEA and 14 **Del.C.** Ch. 31.

3.2 The training may be provided in a format that includes, but is not limited to, an electronic media format or in person.

24 DE Reg. 998 (05/01/21)

4.0 Special Education Due Process Hearing Training Requirement for District and Charter School Board Members

Each School Board Member shall participate and complete the Special Education Due Process Hearing Training within one (1) year of election, appointment, or voluntary service to a School Board.

24 DE Reg. 998 (05/01/21)

5.0 Trainer

The training required by this regulation shall be conducted by a trainer as defined in this regulation.

6.0 Materials

The materials used for the training required by this regulation shall be those as defined in this regulation.

14 DE Reg. 1048 (04/01/11)

24 DE Reg. 998 (05/01/21)