

**DEPARTMENT OF EDUCATION**  
**OFFICE OF THE SECRETARY**  
**200 Administration and Operations**

**211 Notice to District and Charter School Boards of Due Process Hearings**

**1.0 Purpose**

The purpose of this regulation is to outline the process for notifying district, including vocational technical school, and charter school board members pursuant to 14 **Del.C.** §3110(d) of special education administrative hearings under the Individuals With Disabilities Education Act, 20 U.S.C. § 1400 et seq. ("IDEA") and 14 **Del.C.** §3101 involving the school district, vocational technical school, or charter school.

**24 DE Reg. 1000 (05/01/21)**

**2.0 Definitions**

"**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.

**24 DE Reg. 1000 (05/01/21)**

**3.0 Privacy and Confidentiality Considerations**

Actions taken and documents provided in accordance with this regulation and 14 **Del.C.** §3110(d) must comply with IDEA and its regulations, the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g ("FERPA") and its regulations, the Delaware Freedom of Information Act, 14 **Del.C.** §10001 et seq. ("FOIA"), and all other applicable federal and state laws and regulations governing the privacy and confidentiality of student information and records.

**4.0 Notice of Due Process Complaint**

- 4.1 After receiving notification that a due process complaint has been received by the Secretary of the Department of Education, the superintendent of a reorganized school district or a vocational technical school district or the head of charter school shall provide a copy of the complaint to each school board member at the next scheduled school board meeting.
- 4.2 The school board president shall sign a statement that all school board members received a copy of the complaint and the superintendent or head of charter school shall provide a copy of the statement to the parent or legal guardian of the child named in the complaint by certified mail.

**24 DE Reg. 1000 (05/01/21)**

**5.0 Notice of Due Process Hearing Panel Decision**

- 5.1 Within seven (7) school days of receiving a due process hearing decision, the superintendent or head of charter school shall provide a copy of the decision to each school board member.
- 5.2 The superintendent or head of charter school shall send a letter signed by the school board president to the parent or legal guardian of the child named in the hearing decision by certified mail, stating that the members of the school board were provided with a copy of the due process hearing decision.

**14 DE Reg. 1050 (04/01/11)**

**24 DE Reg. 1000 (05/01/21)**

**6.0 Notice of Parent Request for Judicial Review of Due Process Hearing Panel Decision**

- 6.1 After receipt of the civil action filed by a parent or legal guardian seeking judicial review of a due process hearing decision pursuant to applicable laws and regulation, the superintendent or head of charter school shall provide each school board member with a copy of the civil action at the next regularly scheduled school board meeting.

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- 6.2 The superintendent or head of charter school shall send a letter signed by the president of the school board by certified mail to the parent or legal guardian of the child named in the civil action stating that the members of the school board were provided with a copy of the civil action.

**24 DE Reg. 1000 (05/01/21)**

**7.0 School District or Charter School Request for Judicial Review of Due Process Hearing Panel Decision**

A decision by a reorganized school district, a vocational technical school district or a charter school to seek judicial review of a due process hearing decision must be made by a majority of school board members.

**14 DE Reg. 1050 (04/01/11)**

**24 DE Reg. 1000 (05/01/21)**