

CHAPTER 315  
FORMERLY  
HOUSE BILL NO. 387

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO  
EDUCATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3110, Title 14 of the Delaware Code by adding a new subsection (d) as follows:

“(d) The Department of Education shall promulgate regulations that provide that when a due process hearing is requested by a parent or guardian of a child with disabilities a notice of such request shall be provided to members of the school board for the appropriate school district at the next scheduled school board meeting. Additionally, the regulations shall provide that upon notification of a due process hearing request, a school board president must sign a statement stating that the members of the board of education are aware of said due process hearing. The statement shall be sent by certified mail to the parents or guardian.

Furthermore, the regulations will provide that upon conclusion of a due process hearing a copy of the decision shall be sent to members of the school board for the appropriate district and a signed certified letter shall be sent to the parents notifying them that the members of the school board are aware of the decision. The regulations shall also provide that if the parents or guardian of the child appeal the decision of a due process hearing then the members of the school board for the appropriate school district shall be notified of the appeal at the next regularly scheduled board of education meeting. A certified letter, signed by the president of the board receiving the appeal, shall be sent to the parents notifying the parents that members of the school board are aware of the appeal. Lastly, the regulations shall provide that before a school district can appeal the decision of a due process hearing, a majority of the members of the school board for such district must by affirmative vote decide to appeal.”.

Approved June 29, 2010