

# Exhibit 1

[REDACTED]

[REDACTED]

On Oct 3, 2023, at 11:56 AM, Matusевич Dale  
<dale.matusевич@doe.k12.de.us> wrote:

Good morning [REDACTED]

Your Family Service Coordinator reached out to me last week to receive a better understanding of LSL services. Cindy Brown, Director of Early Childhood Intervention, and I spoke with Alysia D'Ambrogi about LSL options. Our conversation with Alysia was an attempt to get everyone on the same page as we continue moving LSL services forward.

One of the areas of concern in providing services is the delivery of services through IDEA Part C or IDEA Part B. As I am sure you are aware, families qualifying for services under Part B have a choice to remain in Part C services until entering Kindergarten. Current LSL services are funded through Part B. If a family chooses to remain in Part C services, Part C would be the responsible party for providing/paying for services. With new leadership within Part C, Cindy Brown and I have recently had conversations with Nicole Topper from Part C to give some recommendations.

From our conversation with Alysia, our understanding is Part B services were declined and services would continue through Part C under an IFSP. With this decision, Part C would be providing/paying for the services. In our conversation with Alysia, our recommendation was to have both Christina and Capital representatives at the IFSP meeting to discuss all of the potential options and service delivery methods so an informed decision can be made.

We also explained the LSL Program is currently being administered by the Christina School District. Sort of the same way they are currently the administrator of Statewide Programs for Deaf and Hard of Hearing. It is not a "stand-alone" program. Exceptional Children Resources (ECR) has been providing Christina through IDEA Part B funds (for approximately the last 10 years) with a subgrant to fund the LSL teaching position. Christina was chosen to administer because at the time all of the requests for LSL services were coming from New Castle County families.

Currently, the teacher, [REDACTED], is on maternity leave so referrals for LSL services should go through Becky Ryan, Christina's Special Education Director. We anticipate [REDACTED] return in January. Another issue we face is there are only approximately 800 LSL certified teachers in the world. We are fortunate to have one in Delaware but when she is out it does present some concerns in the delivery of services. We did discuss with Alysia and Nicole, one option for providing LSL services would be contracting with a tele-remote provider until [REDACTED] returns.

DDOE (ECR) is currently reaching out to the Clarke School (Philadelphia) in an attempt to gauge interest in providing LSL professional learning opportunities to audiologists, speech language pathologists, and teachers of the deaf in an effort to expand services through Part B.

I have availability Thursday, October 5 from 8:30 – 10:00 and 11:30 – 2:30, or Friday, October 6 from 8:30 – 10:30 and 1:30 – 4:30 to meet with you.

Please let me know if you have any additional questions. This issue can be very confusing with the ages of children whose families are requesting LSL services.

Dale

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

# Exhibit 2

**Re: Letter re: Education of Deaf and Hard of Hearing Students in DE****Corbin, Alexander (DOJ) <Alexander.Corbin@delaware.gov>**

Mon 12/18/2023 3:49 PM

To: Casey Danoff &lt;cdanoff@aclu-de.org&gt;

Cc: Dwayne Bensing &lt;dbensing@aclu-de.org&gt;; McAndrews, Caitlin &lt;Cmcandrews@mcandrewslaw.com&gt;; Seitz, Meredith (K12) &lt;meredith.seitz@doe.k12.de.us&gt;; Matusевич, Dale (K12) &lt;dale.matusевич@doe.k12.de.us&gt;

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**This Message Is From an External Sender**

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Hi Casey,

I hope all is well. My understanding is that LSL is currently available. Christina School District is administering the program.

As for other options for Delaware students, LSL is a treatment that focuses on meaningful communication through listening and speaking and is but one approach. The IEP team may think that Cued Speech and Language; Auditory Therapy; Speech Therapy; Augmentative and Alternative Communication; Total Communication; or American Sign Language may be appropriate, or it may be a combination. As the DDOE is not part of any IEP team, the Department cannot speak to each team's decision as to what may be appropriate for a given student's communication needs, which would include the availability of any provider. Simply because Delaware has a possible support option does not mean that LEAs are restricted to that option. Any LEA is free to contract with an appropriate service provider to ensure a student receives FAPE.

I hope this helps.

Sincerely,  
Alex

-----  
**Alexander T. Corbin**  
Deputy Attorney General  
Delaware Department of Justice  
102 W. Water Street  
Dover, DE 19904

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**From:** Casey Danoff <cdanoff@aclu-de.org>  
**Sent:** Wednesday, December 13, 2023 3:24 PM  
**To:** Corbin, Alexander (DOJ) <Alexander.Corbin@delaware.gov>  
**Cc:** Dwayne Bensing <dbensing@aclu-de.org>; McAndrews, Caitlin

<Cmcandrews@mcandrewslaw.com>; Seitz, Meredith (K12) <meredith.seitz@doe.k12.de.us>;  
Matusevich, Dale (K12) <dale.matusevich@doe.k12.de.us>

**Subject:** Re: Letter re: Education of Deaf and Hard of Hearing Students in DE

Hi Alex,

To further clarify my request - I asked for information "demonstrating that the program is really up and running in this moment, not just generally," which may be shown by the number of *current* LSL instructors and hours of instruction provided. I understand from your response that, instead, you provided general information about the typical structure of the program, rather than information about the current state of the LSL therapy provided. **Please confirm whether you have information that demonstrates that LSL is currently and regularly being provided by Delaware providers to eligible students for this current school year (or date of the most recent year it was provided).**

Additionally, you mentioned that LSL need not be provided to satisfy the IDEA if there are alternatives. Please identify what DE considers to be viable alternatives to LSL that are currently being provided.

Thanks again,  
Casey

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**From:** Corbin, Alexander (DOJ) <Alexander.Corbin@delaware.gov>  
**Date:** Wednesday, December 13, 2023 at 1:34 PM  
**To:** Casey Danoff <cdanoff@aclu-de.org>  
**Cc:** Dwayne Bensing <dbensing@aclu-de.org>, McAndrews, Caitlin <Cmcandrews@mcandrewslaw.com>, Seitz, Meredith (K12) <meredith.seitz@doe.k12.de.us>, Matusevich, Dale (K12) <dale.matusevich@doe.k12.de.us>  
**Subject:** Re: Letter re: Education of Deaf and Hard of Hearing Students in DE

Hi Casey,

This is more general. For a specific academic year, the DOE would need more time to do a deep dive into the students' IEPs to determine the exact amount of time for a given year. Is there a specific school year you are looking for?

Thanks,  
Alex

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**Alexander T. Corbin**  
Deputy Attorney General  
Delaware Department of Justice  
102 W. Water Street  
Dover, DE 19904

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**From:** Casey Danoff <cdanoff@aclu-de.org>  
**Sent:** Wednesday, December 13, 2023 1:21 PM

**To:** Corbin, Alexander (DOJ) <Alexander.Corbin@delaware.gov>  
**Cc:** Dwayne Bensing <dbensing@aclu-de.org>; McAndrews, Caitlin <Cmcandrews@mcandrewslaw.com>; Seitz, Meredith (K12) <meredith.seitz@doe.k12.de.us>; Matusevich, Dale (K12) <dale.matusevich@doe.k12.de.us>  
**Subject:** Re: Letter re: Education of Deaf and Hard of Hearing Students in DE

Hi Alex,

Thank you for sending this. Since we've been going back and forth, I want to make sure I am understanding this crystal clear. What is the timeframe for the info you provided? I know you said "per academic year"—does this info correspond with this past academic year (say, the past 12 months) in terms of hours and sessions provided? Or are these numbers more generally to the point of "if there is a program, here is how it looks"?

Thanks again for your continued cooperation.

Best,  
Casey

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**From:** Corbin, Alexander (DOJ) <Alexander.Corbin@delaware.gov>  
**Date:** Wednesday, December 13, 2023 at 9:04 AM  
**To:** Casey Danoff <cdanoff@aclu-de.org>  
**Cc:** Dwayne Bensing <dbensing@aclu-de.org>, McAndrews, Caitlin <Cmcandrews@mcandrewslaw.com>, Seitz, Meredith (K12) <meredith.seitz@doe.k12.de.us>, Matusevich, Dale (K12) <dale.matusevich@doe.k12.de.us>  
**Subject:** Re: Letter re: Education of Deaf and Hard of Hearing Students in DE

Hello,

I hope all is well. I have some additional information.

Hours LSL is provided through Christina School District: This depends on the student. With the classroom model, the LSL teacher provides a full day of instruction both in a separate setting and then in the more general classroom. That would be a total of 6 hours of instruction. In a model where the LSL teacher is pushing in to consult or work on specific skills, that would be more closely aligned to a related service-type situation so maybe a 30min/session, 3 sessions per week, or something similar.

Total number of hours that LSL has provided therapy per academic year: About 1,002 hours per academic year.

Please let me know if there is anything else. I would like to point out that LSL is but one language therapy for deaf or hard-of-hearing students in Delaware. IDEA does not entitle a student to one specific evidence-based program but for them to have appropriate support to make reasonable progress. There would not be an IDEA violation so long as a reasonable alternative that allowed the student to make that progress was used if LSL was unavailable or ineffective. This decision would fall to the specific IEP team for the given student.

Thanks,  
Alex

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**Alexander T. Corbin**  
Deputy Attorney General  
Delaware Department of Justice  
102 W. Water Street  
Dover, DE 19904

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**From:** Casey Danoff <cdanoff@aclu-de.org>  
**Sent:** Wednesday, November 29, 2023 9:59 AM  
**To:** Corbin, Alexander (DOJ) <Alexander.Corbin@delaware.gov>  
**Cc:** Dwayne Bensing <dbensing@aclu-de.org>; McAndrews, Caitlin <Cmcanrews@mcandrewslaw.com>; Seitz, Meredith (K12) <meredith.seitz@doe.k12.de.us>; Matusevich, Dale (K12) <dale.matusevich@doe.k12.de.us>  
**Subject:** Re: Letter re: Education of Deaf and Hard of Hearing Students in DE

Hi Alex,

Thanks for your response. I just wanted to clarify on the "personnel records" point- we are not in any way seeking the identity or personnel info of LSL instructors. The number of LSL teachers and hours of LSL instruction would be totally sufficient- we are really just seeking to confirm that these teachers and hours exist, not who or when they are.

Best,  
Casey

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**From:** Corbin, Alexander (DOJ) <Alexander.Corbin@delaware.gov>  
**Sent:** Wednesday, November 29, 2023 9:34 AM  
**To:** Casey Danoff <cdanoff@aclu-de.org>  
**Cc:** Dwayne Bensing <dbensing@aclu-de.org>; McAndrews, Caitlin <Cmcanrews@mcandrewslaw.com>; Seitz, Meredith (K12) <meredith.seitz@doe.k12.de.us>; Matusevich, Dale (K12) <dale.matusevich@doe.k12.de.us>  
**Subject:** Re: Letter re: Education of Deaf and Hard of Hearing Students in DE

Hi Casey,

Thanks for the email. I will work with the Department to get the information.

As for the new request, I completely understand where you are coming from and will try to get some information that can be provided. I think we can answer the outsourcing question but the other question regarding the LSL teacher cannot be disclosed even with a FOIA request because it would be disclosing personnel files that are not deemed public records. If you disagree, a formal FOIA request is required for that point. I should be able to get an answer to the outsourcing question when I follow up with more info in the coming weeks.

Thanks,  
Alex

-----  
**Alexander T. Corbin**  
Deputy Attorney General  
Delaware Department of Justice  
102 W. Water Street  
Dover, DE 19904



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**From:** Casey Danoff <cdanoff@aclu-de.org>  
**Sent:** Tuesday, November 28, 2023 3:47 PM  
**To:** Corbin, Alexander (DOJ) <Alexander.Corbin@delaware.gov>  
**Cc:** Dwayne Bensing <dbensing@aclu-de.org>; McAndrews, Caitlin <Cmcanrews@mcandrewslaw.com>; Seitz, Meredith (K12) <meredith.seitz@doe.k12.de.us>; Matusevich, Dale (K12) <dale.matusevich@doe.k12.de.us>  
**Subject:** Re: Letter re: Education of Deaf and Hard of Hearing Students in DE

Hi Alex,

I hope you had a nice and restful Thanksgiving week. Thank you so much for getting back to us and working to provide us with data. 12/18 works fine for a return date.

In the interest of collaboration, we hope that you may be able to provide us with information sufficient to allay our concerns. Specifically, we have reason to believe that the LSL program in Delaware is either extremely limited (meaning that there is just one instructor who has been on a many-month leave), or non-existent. We also have reason to believe that Delaware might lack an LSL program of its own, and may instead be outsourcing LSL to out-of-state providers. We are seeking information demonstrating that the program really is up and running in this moment, not just generally (i.e., that there are a certain number of students currently and regularly receiving a certain number of hours of LSL instruction provided by Delaware schools). We are not interested in identifying the individual students receiving those services and appreciate the Department's care to not divulge any PII.

We have some thoughts on additional FOIA requests we could submit that would better target these questions, but to the extent that you could affirmatively provide data/info on these questions, the lower the administrative burden would be on all parties.

Again, thank you for your continued cooperation, and we look forward to working with you to figure out these questions. Please let me know if any clarification would be helpful.

Best,  
Casey

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**From:** Corbin, Alexander (DOJ) <Alexander.Corbin@delaware.gov>  
**Sent:** Tuesday, November 21, 2023 1:56 PM  
**To:** Casey Danoff <cdanoff@aclu-de.org>  
**Cc:** Dwayne Bensing <dbensing@aclu-de.org>; McAndrews, Caitlin <Cmcanrews@mcandrewslaw.com>; Seitz, Meredith (K12) <meredith.seitz@doe.k12.de.us>; Matusevich, Dale (K12) <dale.matusevich@doe.k12.de.us>  
**Subject:** Re: Letter re: Education of Deaf and Hard of Hearing Students in DE

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Hello,

I wanted to provide an update. I spoke with the Department and they do not regularly keep the amount of hours per day or per week for the LSL teacher. FOIA does not require the creation of a record that is not already kept. However, the Department is planning on gathering that information and providing either the hours per day or hours per week for the LSL teacher. Due to the holiday and because this is not a record already kept, the Department requires more time to gather this information. The Department will not be able to provide this by 11/29/23. The Department will be able to get this information to you by 12/18/23 at the latest. We will make every effort to get it to you sooner.

Please let me know if this new date is agreeable.

Thanks,  
Alex

-----  
**Alexander T. Corbin**  
Deputy Attorney General  
Delaware Department of Justice  
102 W. Water Street  
Dover, DE 19904

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**From:** Casey Danoff <cdanoff@aclu-de.org>  
**Sent:** Tuesday, November 21, 2023 8:01 AM  
**To:** Corbin, Alexander (DOJ) <Alexander.Corbin@delaware.gov>  
**Cc:** Dwayne Bensing <dbensing@aclu-de.org>; McAndrews, Caitlin <Cmcanrews@mcandrewslaw.com>; Seitz, Meredith (K12) <meredith.seitz@doe.k12.de.us>; Matusevich, Dale (K12) <dale.matusevich@doe.k12.de.us>  
**Subject:** Re: Letter re: Education of Deaf and Hard of Hearing Students in DE

Dear Alex,

Thank you for your response. Unfortunately, we do not think that your letter is entirely responsive to our initial request. We can appeal your response to the AG pursuant to the FOIA statute, but we would rather work through our request together, if possible. Please respond to the following clarifications by November 29, 2023:

For Q1, please confirm that the number of young people receiving LSL through a Christina School District certified provider is, in fact, between 1 and 15. If there are 0 young people receiving LSL, there is no risk of PII, and we do not see how such an admission would fall within the ambit of disclosure rules. Therefore, please let us know if there are zero individuals receiving LSL through Christina.

Additionally, please disclose the total number of hours per day that LSL therapy is provided through Christina School District. We understand that disaggregation may not be possible when there are fewer than 15 recipients, so please disclose the total hour count. Again, if the total number is 0, please include that.

For Q3, if disaggregation risks FERPA violations, please disclose the total number of hours that the certified LSL teacher has provided therapy each day this academic year, or the total number of hours that the LSL teacher has provided therapy each week this academic year- whichever is a value you can disclose. If the number is 0, please disclose that too.

Again, we appreciate your cooperation as we attempt to collect important public information, and we hope to resolve this matter without turning to official FOIA appeal proceedings.

Thank you.

Best,  
Casey

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**From:** Corbin, Alexander (DOJ) <Alexander.Corbin@delaware.gov>  
**Date:** Friday, November 17, 2023 at 8:49 AM  
**To:** Casey Danoff <cdanoff@aclu-de.org>  
**Cc:** Dwayne Bensing <dbensing@aclu-de.org>, McAndrews, Caitlin <Cmcanrews@mcandrewslaw.com>, Seitz, Meredith (K12) <meredith.seitz@doe.k12.de.us>, Matusevich, Dale (K12) <dale.matusevich@doe.k12.de.us>  
**Subject:** Re: Letter re: Education of Deaf and Hard of Hearing Students in DE

Hi Casey,

I hope all is well. Please see attached.

Thanks,  
Alex

-----  
**Alexander T. Corbin**  
Deputy Attorney General  
Delaware Department of Justice  
102 W. Water Street  
Dover, DE 19904

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**From:** Casey Danoff <cdanoff@aclu-de.org>  
**Sent:** Monday, September 11, 2023 11:40 AM  
**To:** Corbin, Alexander (DOJ) <Alexander.Corbin@delaware.gov>  
**Cc:** Dwayne Bensing <dbensing@aclu-de.org>; McAndrews, Caitlin <Cmcanrews@mcandrewslaw.com>; Seitz, Meredith (K12) <meredith.seitz@doe.k12.de.us>; Draper, Beth (K12) <beth.draper@doe.k12.de.us>  
**Subject:** Letter re: Education of Deaf and Hard of Hearing Students in DE

Dear Mr. Corbin:

Please see the attached correspondence. We look forward to your response.

Thank you!

Best,  
Casey

--

**Casey Danoff • she/her**

*Catalyst Legal Fellow*

American Civil Liberties Union of Delaware

[cdanoff@aclu-de.org](mailto:cdanoff@aclu-de.org)

 [Image removed by sender.](#)

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*Without your support, none of our vital work would be possible.*

 [Image removed by sender.](#)

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**From:** Draper Beth <[beth.draper@doe.k12.de.us](mailto:beth.draper@doe.k12.de.us)> **On Behalf Of** Matusevich Dale

**Sent:** Wednesday, August 23, 2023 3:23 PM

**To:** [dbensing@aclu-de.org](mailto:dbensing@aclu-de.org); [cmcandrews@mcandrewslaw.com](mailto:cmcandrews@mcandrewslaw.com)

**Cc:** Corbin, Alexander <[alexander.corbin@delaware.gov](mailto:alexander.corbin@delaware.gov)>; Seitz Meredith <[Meredith.Seitz@doe.k12.de.us](mailto:Meredith.Seitz@doe.k12.de.us)>

**Subject:** ACLU Response

Good afternoon,

Attached please find the Delaware Department of Education (DDOE), Exceptional Children Resources response to your letter dated July 26, 2023.

Please do not hesitate to reach out with any additional questions or concerns. You can contact Alex Corbin, the Deputy Attorney General who represents the Exceptional Children department of the DDOE, via email [alexander.corbin@delaware.gov](mailto:alexander.corbin@delaware.gov).

Thank you,  
Dale

<image001.png>

**Dale Matusevich**

*Director*

Exceptional Children Resources

401 Federal Street, Suite 2 | Dover, DE 19901

(302) 735-4210 (T) (302) 739-2388 (F)

[Delaware Department of Education](#)

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 Please consider the environment before printing this e-mail.

<ACLU Hearing Impaired Letter.pdf>

# Exhibit 3

# STATEWIDE PROGRAMS

for the Deaf, Hard of  
Hearing, and Deaf-Blind



Nemours Annual Audiology Conference  
Statewide Services 1-1:30pm

Melinda 'Mindi' Failing, Statewide Director

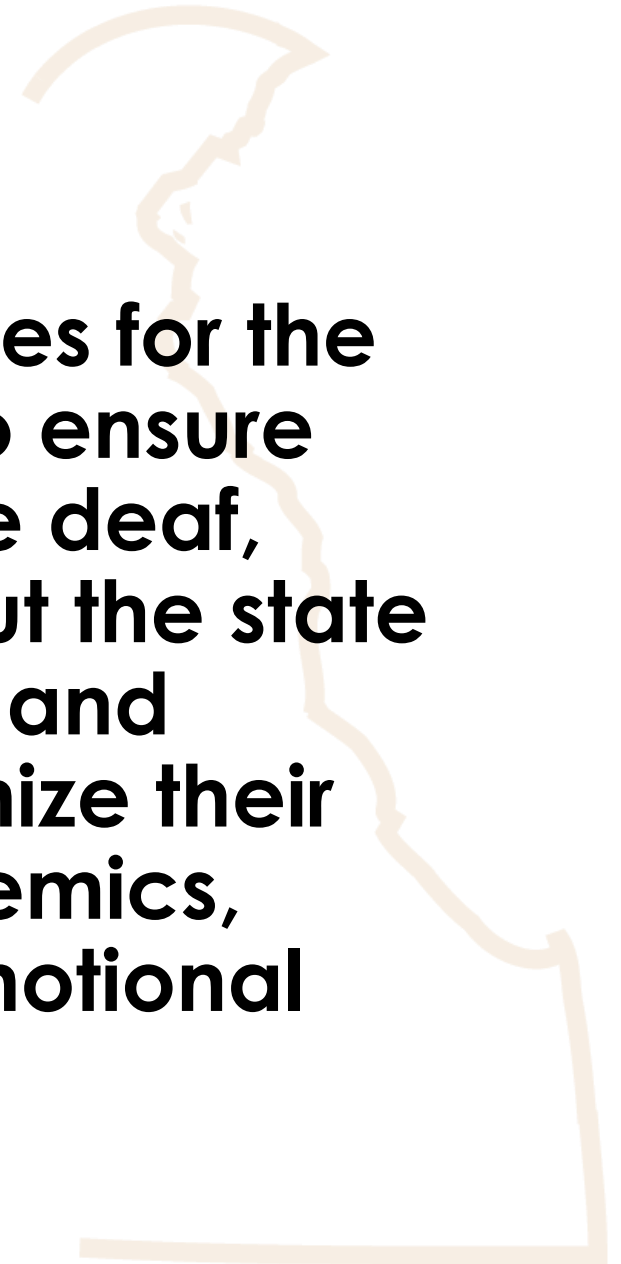
[Melinda.Failing@christina.k12.de.us](mailto:Melinda.Failing@christina.k12.de.us)

Kristin Johnson, Statewide Family Educator

[Kristin.Johnson@christina.k12.de.us](mailto:Kristin.Johnson@christina.k12.de.us)

# Statewide Programs Mission

**The mission of Statewide Outreach Services for the Deaf, Hard of Hearing, and DeafBlind is to ensure that all individuals, ages birth-22, who are deaf, hard of hearing, and deafblind throughout the state of Delaware have access to their natural and educational environments, and to maximize their abilities to succeed in the areas of academics, communication, linguistic, and social-emotional skills.**

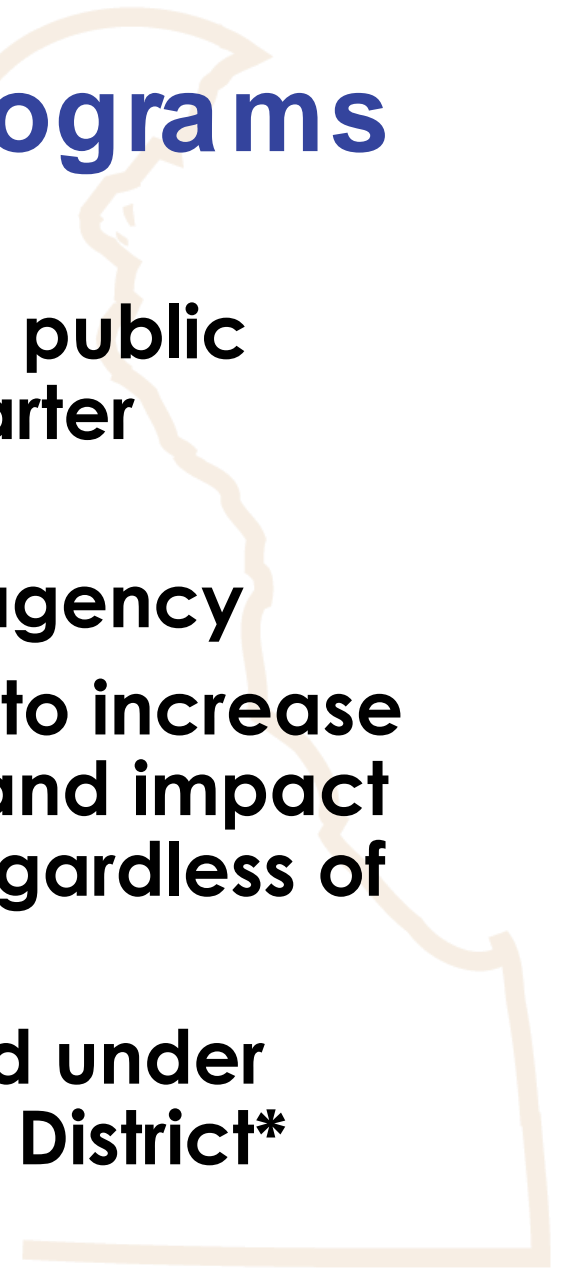




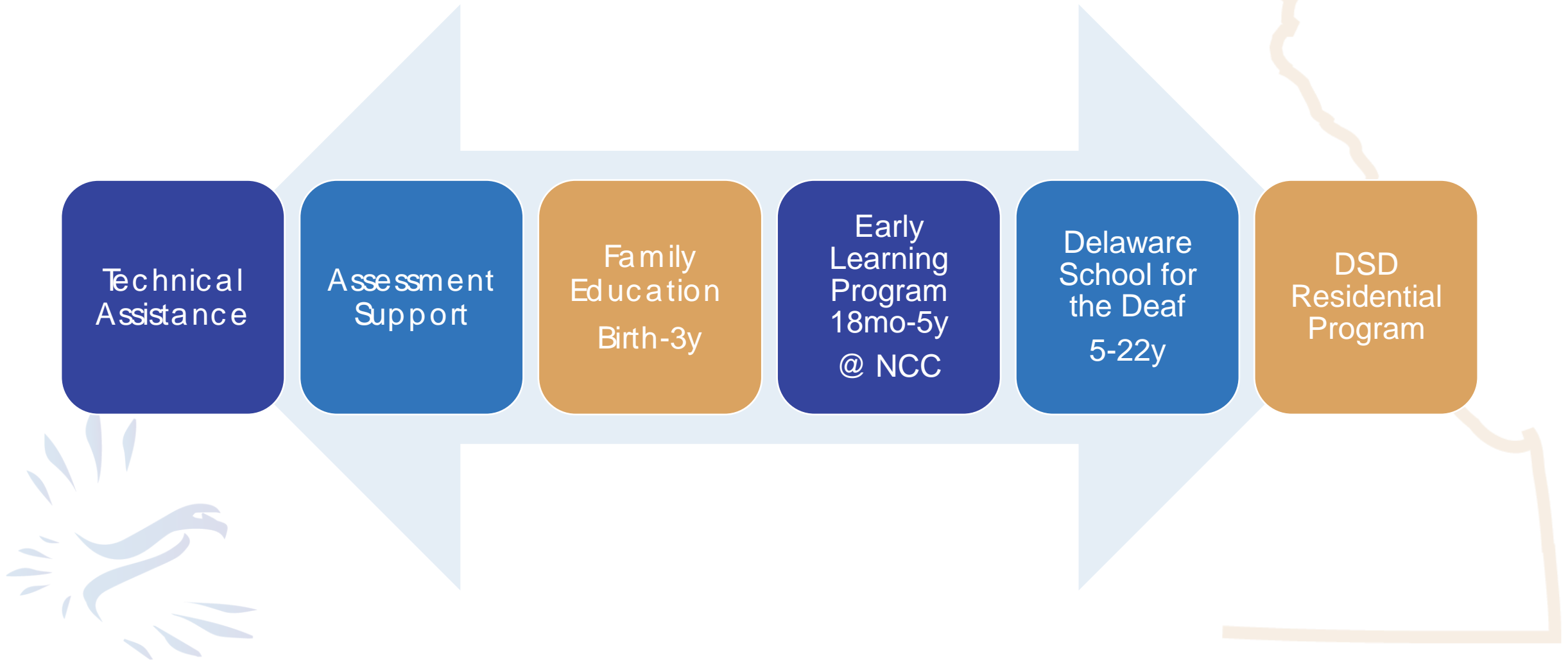
# Services Provided by Statewide Programs



- We work with all public schools and charter schools
- We are a state agency
- Provide support to increase local capacity and impact child change regardless of placement
- Currently housed under Christina School District\*



# Continuum of Support to Districts and Charters

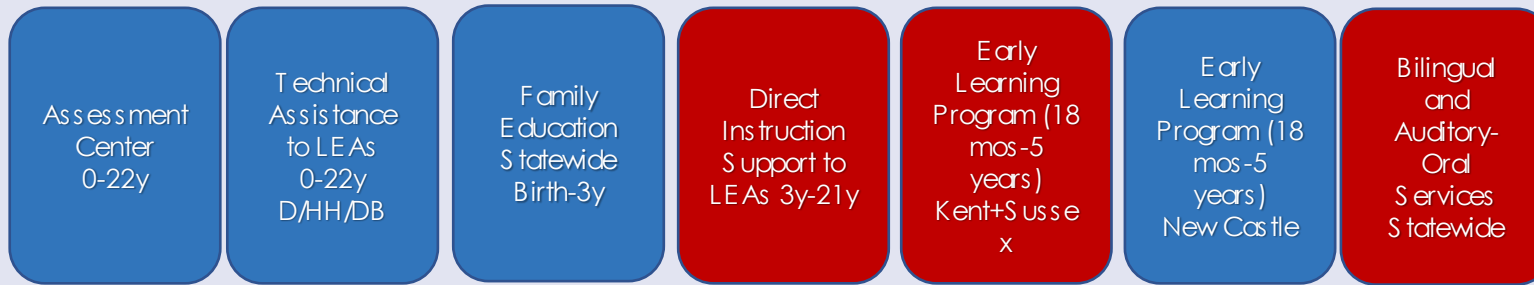


# Current and Purposed Programs and Services

## Delaware Statewide Programs for the Deaf, Hard of Hearing and Deaf-Blind

Director: Mindi Failing

### Statewide Outreach

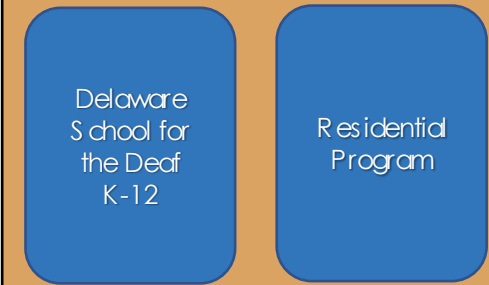


Tuition Based Peers

*Proposed program features are in red*

Statewide Coordinator DB: VACANT  
Statewide Coordinator D/HH: VACANT

### Statewide Onsite

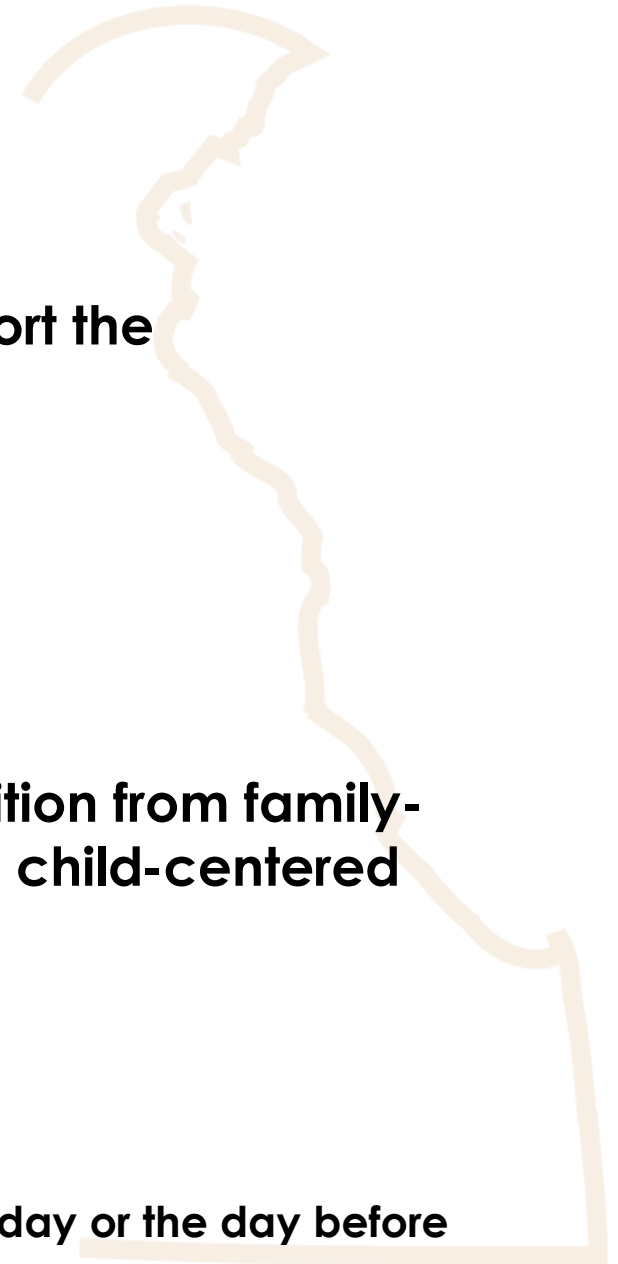
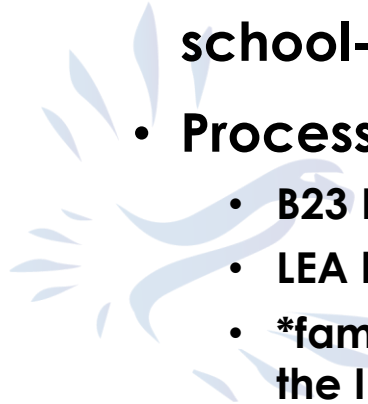


School Leader: Chris Smith  
School Leader: Courtney Cooper  
Residential Program: Eva Hartmann

Continuum of services for districts/charters from Statewide, less involved (left) to more involved (right)

# Family Education – Birth-3

- **Family education services enhance a family's capacity to support the development of their DHH child by:**
  - supporting family choice
  - providing neutral, unbiased information
  - building supportive communities
  - coaching model
  - goal setting
- **Family education supports families and caregivers as they transition from family-centered early intervention in children's natural environments to child-centered school-based services**
- **Process:**
  - B23 FSC hosts transition conference
  - LEA hosts re-eligibility or initial IEP meeting
  - \*family education sessions continue until the day before the child's 3<sup>rd</sup> birthday or the day before the IEP initiates



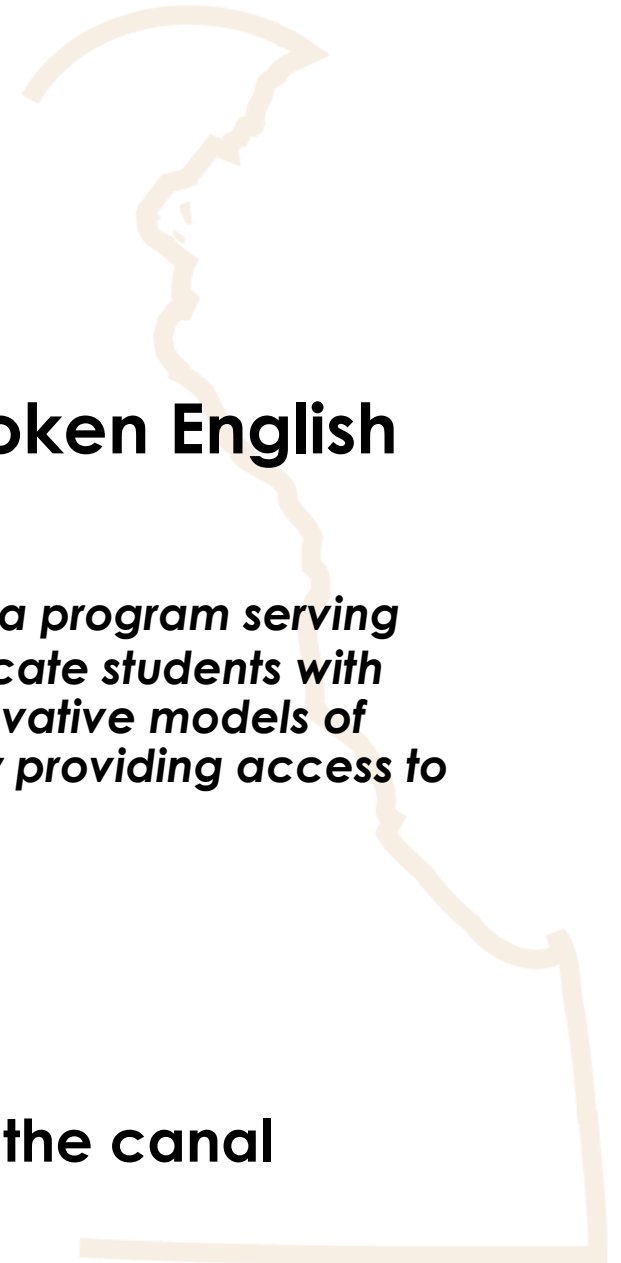
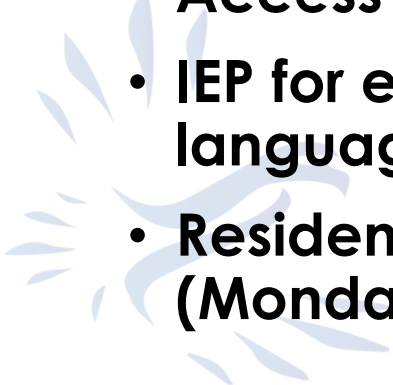
# Technical Assistance & Outreach Birth-22

- Eligibility determination, IEP consultation/development support, communication plans
- Functional vision evaluations
- Classroom observations & recommendations – TOD, TODB, and/or Audiologist
- Modeling of strategies, modifications and accommodations
- Professional development support to staff, administration
- In-service consultation to staff



# Delaware School for the Deaf

- Kindergarten-12<sup>th</sup> Grade
- Bilingual (ASL and English) Program, including spoken English as appropriate
- **School's Mission:** *The mission of the Delaware School for the Deaf, a program serving deaf, hard of hearing, and deaf-blind students 5 -22 years of age, is to educate students with rigorous academic standards using evidence-based assessments and innovative models of bilingual instruction, in order to prepare them to be contributing citizens, by providing access to language and information in a safe and supportive learning environment.*
- Access to General Education
- IEP for each student considering their LRE (access to language/communication)
- Residential Program available for students who live below the canal (Monday-Friday)



# Transition Support Birth-22

- **Family Education Services (Birth-3)**
- **New Academic Year and School Transition Support (3-22)**
  - New teachers/staff working with the student
  - Consultation throughout the year as appropriate
- **IEP Meeting Annually to review Needs, Goals, Accommodations, Least Restrictive Environment, Placement (5-22)**
  - Can request to meet at any time as needed
  - Delaware's Bill of Rights for Children who are Deaf and Hard of Hearing
- **Post Secondary Transition (14-22)**
  - Employment
  - Post-Secondary Education and Training
  - Independent Living
  - Community Participation
  - Division of Vocational Rehabilitation



# Contact Information

- [www.delawareoutreach.org](http://www.delawareoutreach.org)
- 302-454-2305
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