



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904
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MEMORANDUM

DATE: April 25, 2013

TO: The Honorable Members of the Delaware General Assembly

FROM: Dafne Carnright, Vice Chairperson
GACEC

RE: **House Substitute 1 for House Bill 46 (Gifted and Talented Start-Up Grants)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Substitute No. 1 for House Bill No. 46. This legislation would authorize competitive start-up grants for public schools. The number of grantees and amount of the grants would vary based on the availability of funding. The Department of Education would issue regulations with an explicit formula for evaluation of proposals based on criteria listed in lines 19-31 of the bill. Unlike the original bill, the substitute bill integrates the existing statutory criteria for gifted and talented students [14 Del.C. §3101(6)] so the focus is not simply on a few academic areas. See lines 20-21 and 34-46. The GACEC **endorses** the substitute bill subject to one amendment.

The model contemplated in the original bill encouraged participation by students from "diverse backgrounds". The substitute bill deletes that reference in favor of encouraging "participation by students from 'traditionally underserved' populations" (lines 26-27). Both references could be interpreted as only focusing on the socioeconomic, cultural, and racial status of students. Indeed, since special education students have been eligible for specialized services under the federal IDEA and Section 504 since approximately 1975, one could argue that they are not "traditionally underserved". Council recommends the renumbering of Subsections (b)(5) and (6) as (6) and (7) respectively and insertion of the following new Subsection (5) to read as follows:

"(5) Preference shall be given to programs that explicitly provide for the participation of students with disabilities who are capable of high performance with accommodations or related services." This approach would maintain the preference for "underserved" populations while adding a separate "preference" for programs including students with disabilities. The term "high performance" is based on text in lines 36 and 39. Consistent with the attached articles, public schools often overlook eligibility of students with disabilities for gifted programs. Both federal policy letters and case law confirm that students identified under both the IDEA and §504 may qualify for gifted programs.

Thank you in advance for your time and consideration of our position. Please feel free to contact me or Wendy Strauss should you have questions or concerns.

CC: The Honorable Matthew L. Denn, Lt. Governor

Enclosures