



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: **Senate Bill No. 20 (Department of Correction Education Program)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed Senate Bill No. 20 which addresses the number of teacher positions, salaries and funding for the Prison Education Program. It also addresses the qualifications for employees for the program. The legislation is similar to House Substitute No. 1 for House Bill No. 183 which was introduced on April 26, 2012. The Council issued comments on that legislation in May, 2012. Some of the same concerns identified in connection with the prior bill also apply to Senate Bill No. 20; therefore, Council would like to share the following observations.

First, the text at lines 8-10 is grammatically infirm and unclear. It reads as follows:

Department of Correction's Educational Services shall be provided by utilizing FTEs of which up to 4.0 shall be authorized as teachers/ supervisors, authorized as teachers, minimum of 10.0 authorized teachers will be Career and Technical Education Teacher, 3.0 authorized as secretaries for the Department of Education.

Council suspects the intention is to replicate some variation on the following Section 302 from the Governor's proposed budget (House Bill No. 30):

Section 302. Section 1 of this Act appropriates 39.7 FTEs, of which up to 4.0 shall be authorized as teachers/supervisors, 31.7 authorized as teachers, 3.0 authorized as secretaries for the Department of Education and 1.0 Education Associate to operate the Prison Education Program...

Second, the text at lines 10-13 is likewise grammatically deficient and unclear. It reads as follows:

Prison Educational Program, 2.0 of these authorized secretaries will be located within a

correctional facilities served. 2.0 authorized as Educational Diagnostic for all correctional facility locations and 1.0 Education Associate dedicated directly to operating the Prison Education Program.

Third, lines 22-30 merit revision. In line 22, delete the comma. In lines 23, 26, 28, and 30, correct the form of references to the Delaware Code. In line 25, substitute “qualifying” for “are qualified”. Compare Section 302 of H.B. No. 30, p. 200, lines 12-21.

Fourth, in line 33, substitute “with” for “within”. Compare Section 302 of House Bill No. 30, page 200, line 23.

Fifth, in line 36, correct the form of reference to the Delaware Code.

Sixth, the text in lines 38-39 is grammatically incorrect and redundant since it essentially repeats the text in lines 36-37. Council feels that the intent may have been to include the following from Section 302 from House Bill No. 30 (subject to deletion of the incorrect comma after the word “event”):

In the event, the Director of the Office of Management and Budget proposes or implements a position attrition or complement reduction initiative, the Director shall clearly indicate to the Co-Chairs of the Joint Finance Committee when positions outlined in this section are included in said initiative(s).

Seventh, in line 51, substitute “to” for “for” and delete the redundant “of the”.

Eighth, in line 54, insert “and” between “data” and “information”.

Ninth, in line 61, substitute “be referred” for “move forward”.

Tenth, in line 68, delete the comma.

Eleventh, in line 69, delete “a”.

Twelfth, in line 70, capitalize “technical”.

Thirteenth, in line 71, substitute “provided” for “provide”.

Council would also like to note that the figures in the synopsis of the legislation are inconsistent with the figures in the text of the bill.

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.