



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. 27 (Gifted and Talented Start-Up Grants)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed Senate Bill No. 27 which would authorize competitive start-up grants for public schools to fund programs for gifted and talented students. The number of grantees and amount of the grants would vary based on availability of funding. The Department of Education would issue regulations with an explicit formula for evaluation of proposals based on criteria listed in lines 20-36 of the bill.

Council would like to share the following observations.

First, the legislation creates a new §3113 in Title 14 of the Delaware Code. It would be more logical to create a new §3127 in Title 14 since it would then "fit" under Subchapter IV entitled "Gifted or Talented Children". The analogous House Substitute No. 1 for House Bill No. 46 envisioned creation of a new §3127.

Second, there is some "tension" between the inclusion of "visual and performing arts" (line 27) which conforms to Title 14 Del.C. §3101(6) and the somewhat narrow academic achievement focus in lines 22, 34, and 39-41. It may be difficult to link dance or painting to "writing, reading, science, math or engineering". Moreover, the reference to "accelerated academic work" (line 22) would seem to exclude a student who is slow and meticulous who eventually arrives at a high quality outcome (e.g. an engineering student may not be the quickest to design an engine but he might design the best engine). By analogy to House Bill No. 1 for House Bill No. 46, lines 36 and 39), consider the following:

A. In line 22, substitute "high performance in an identified field" for "performing accelerated academic work".

B. In line 34, substitute "educational" for "academic".

C. In 39, substitute “Performance in an identified field” for “Academic work”.

Third, the bill establishes a preference for applications which encourage “participation by students from diverse backgrounds” (lines 31-32). However, the bill does not explicitly mention students with disabilities. The reference to “diverse backgrounds” could be interpreted as only referring to socioeconomic, cultural, and racial diversity. 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. Council therefore recommends the renumbering of Subsections (b)(6) and (7) as (7) and (8) respectively and insertion of the following new Subsection (6) to read as follows: “(6) Preference shall be given to programs that explicitly provide for the participation of students with disabilities who are capable of high performance in an identified field with accommodations or related services.” This approach would maintain the preference for “diverse” populations while adding a separate “preference” for programs which include students with disabilities.

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