



Governor's Advisory Council for Exceptional Citizens (GACEC)
516 West Lookerman St., Dover, DE 19904
302-739-4553 (voice) 302-739-6126 (fax) <http://www.gacec.delaware.gov>

MEMORANDUM

DATE: March 20, 2015

TO: The Honorable Members of the Delaware General Assembly

FROM: Robert D. Overmiller, Chairperson
GACEC

RE: **House Bill No. 30 (Basic Special Education Unit Funding)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 30 on Basic Special Education Units with the complete fiscal note. House Bill No. 30 would provide state funding to kindergarten through third grade for basic special education to promote earlier identification and assistance for basic special education needs. State funding already occurs for intensive and complex special education during these grades. However, basic special education funding currently runs from fourth through twelfth grade.

The GACEC would like to point out some irregularities that currently exist in the unit count system for students who qualify for special education.

First, special education students of all ages (Pre-K to 12) with "deep-end" needs are funded through "Intensive" or "Complex" units (lines 12-13). In contrast, special education students with "basic" needs are funded through the following units: Preschool (pre-kindergarten) and Basic Special Education (grades 4-12). There is an obvious gap, i.e., there is no distinct special education unit for students with basic needs in grades K-3. The K-3 special education students with basic needs are merged into a K-3 unit with all other students (line 10).

Second, the result of the current system is reduced funding for K-3 special education students with basic needs. The irregularity is illustrated in the following table:

“BASIC NEEDS” SPECIAL EDUCATION STUDENT FUNDING

| GRADE | UNIT COUNT (number of students needed to generate a unit) |
|----------------------|---|
| Preschool (pre-K) | 12.8 |
| K-3 | 16.2 |
| 4-12 | 8.4 |

It is unusual to have “richer” unit counts for very young (pre-K) students and students in higher (4-12) grades. Moreover, the difference in funding is dramatic. Identical K-3 students generate roughly half of the funding of the 4-12 students (16.2 versus 8.4).

The impact of this irregularity is difficult to measure. A duty of the district to identify students with disabilities and provide a free, appropriate public education is not statutorily diminished by lower funding for the K-3 special education population (14 Del.C. §§3101, 3120, and 3122). However, it is logical to assume that reduced funding may influence the availability of services and supports for this cadre of students.

The GACEC **endorses** House Bill No. 30 subject to one amendment. Line 57 should be corrected as follows: “and not counted in the intensive unit or complex unit described later in this section identified as eligible for special education and related services.” This is the approach adopted for the comparable 4-12 regular education unit at line 70.

In their discretion, Council would suggest the sponsors also consider renaming the “K-3” unit as “K-3 Regular Education” (line 10) for equivalence to the “4-12 Regular Education” unit (line 11). However, all subsequent references to the K-3 unit throughout Title 14 would then have to be changed as well, including references at lines 56 and 58. This could be addressed in subsequent legislation.

Thank you for your time and consideration of our observations and recommendations. Please feel free to contact me or Wendy Strauss should you have any questions.