



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: February 28, 2019

TO: The Honorable Members of the Delaware General Assembly

FROM: Ann C Fisher, Chairperson
GACEC

RE: **House Bill No. 48 (Basic Special Education Unit Funding for K-3)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **House Bill No. 48** which will provide State funding to kindergarten through third grade for basic special education. State funding already occurs for intensive and complex special education during these grades. The synopsis states that "this bill is an effort to promote earlier identification and assistance for basic special education needs which should then mitigate costs over the long term. Council **strongly endorses** this legislation as it will increase funding to schools and school districts with K-3 students that are identified as requiring basic special education and related services. We would also like to share one observation for your consideration.

Although this proposed amendment addresses the need for equitable funding for one category of students, other children with disabilities who receive services and accommodations under Section 504 of the Rehabilitation Act of 1973 ("Section 504") rather than the Individuals with Disabilities Education Act (IDEA) may be missed. For purposes of Delaware's education funding statute, whether a student is classified as requiring basic, intensive or complex special education is based upon the IEP and Delaware Department of Education (DDOE) regulations. A review of DDOE regulations suggest that students are only included in a disability unit if they have an IEP. However, students with a Section 504 plan will not have an IEP. Schools need funding and staff to create and implement successful Section 504 plans. It would be good policy for the State to implement a system to ensure the needs of students with 504 plans are addressed as well.

Thank you for your time and consideration of our endorsement and observation. Please feel free to contact me or Wendy Strauss at the GACEC office should you have any questions.

CC: The Honorable Susan L. Bunting, Department of Education
Ms. Whitney Sweeney, State Board of Education
Mary Ann Mieczkowski, Department of Education
Valerie Dunkle, Esq.