



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

**DATE:** February 6, 2019

**TO:** The Honorable Members of the Delaware General Assembly

**FROM:** Ann C. Fisher, Chairperson  
GACEC

**RE:** **House Bill No. 21 and 22 (Education for Inmates who are Students with Disabilities)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) reviewed House Bill No. 344 in April of 2018. The purpose of that legislation was to "...remove barriers and unrealistic goals to offenders with learning disabilities when being considered for parole or a sentence modification." House Bill No. 21 has been introduced to "remove barriers for inmates who are students with disabilities and who have an Individualized Education Program (IEP) under state and federal law, when being considered for parole or a sentence modification. Council **supports** House Bill No. 21 since it incorporates some of the changes Council recommended on House Bill No. 344.

Persons convicted of crimes can be required to participate in educational programming and can be barred from seeking parole or sentence modification unless they receive a high school diploma or GED. For inmates with disabilities who, were they not incarcerated, would have received a "State of Delaware Diploma of Alternate Achievement Standards" in lieu of a standard diploma, completing the requirements for a standard diploma or GED may be functionally impossible. The purpose of this bill, like its predecessor is to allow inmates who are able to complete the requirements of their IEPs to gain the same benefit as inmates who receive standard diplomas or GEDs. House Bill No. 22 provides the authority for and instructs the Department of Education (DOE) to "prescribe the rules and regulations necessary to implement the prison education program...".

Council supports the concept of the legislation but is concerned that it may not capture individuals who have never had an IEP. Therefore, Council suggests adding language that inmates who have a sentencing requirement of completing or participating in an educational program are provided appropriate programming based on their evaluated learning needs and capacity, and that they be allowed to pursue the diploma of alternative achievement standards based on their current level of educational performance.

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