MEMORANDUM

DATE: April 26, 2021

TO: The Honorable Members of the Delaware General Assembly

FROM: Ann C. Fisher, Chairperson
GACEC

RE: House Bill No. 128 Extension of Special Education Past Age 21

The Governor’s Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 128, which will permit the extension of special education and related services to those students with a disability who turn 21 during the 2020-2021 school year. Council supports this proposed legislation as it ensures compliance with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504) and Title II of the Americans with Disabilities Act (ADA).

The bill proposes that the “individualized education program team responsible for a child with a disability whose education has been interrupted or otherwise adversely affected by the State of Emergency shall review and revise the child’s Individualized Education Program to enumerate the specific basis for extension of services and the special education and related services to be provided.”

The extension beyond the age of 21 will benefit individuals receiving special education services and supports that cannot be delivered virtually or part-time with the same effectiveness as in-person. Council would however like to ask for clarification to ensure that all procedural rights and safeguards attach to the assessment by the IEP Team.

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