



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

**DATE:** April 26, 2021

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

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

**RE:** **House Substitute No. 1 for House Bill No. 54 Mid-Year Unit Count**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **House Substitute No. 1 for House Bill No. 54**, which introduces an optional mid-year unit count of the student populations in all school districts and charter schools. Council **supports** this proposed legislation. The proposal acknowledges the difficulties schools can face in providing adequate staffing and resources if school populations fluctuate throughout the year. Schools that have substantial increases in the number of students in their school building mid-year will be able to adequately fund additional teachers, support staff, or other needs associated student population growth that would otherwise not be included in their funding determined by the September annual count. School districts and charter schools will not be penalized for participating in the mid-year count because they only have the potential to increase their funding without risk of losing funding. The proposed legislation also ensures that increases to school district funding as a result of the mid-year count will only be used by schools that experienced growth between September and January, ensuring that funds are designated to the schools within a district that may be under-resourced due to mid-year population growth.

§1704 of Title 14 currently requires a count of the total enrollment of students in each school on the last school day in September of every school year (known as the "actual unit count.") An "estimated unit count" is required to be completed every April 15 of every school year, estimating student population for the following September's actual unit count. The estimated and unit counts are critical to determining school funding designated to each school district and charter school.

S1 for HB 54 amends Title 14 to add §1704a, which introduces an optional mid-year count of students within district public and charter schools. The count would be held on the last school day of January. The stated goal of the “optional mid-year unit count” would be to “identify school districts and charter schools that experience unit growth during the school year but after the actual unit count” that is held annually in September. Units would be calculated in the same way that units are typically determined during the regular count. S1 for HB 54 proposes that “[s]chool districts and charter schools that elect to participate in the optional mid-year unit count shall receive state financial support for each additional unit or fraction thereof in an amount determined by the annual Appropriations Act.” School districts and charter schools may use the additional funding to pay for any “Division I, II, or III purpose” (which includes school personnel, school costs and energy, and educational advancement). Schools that opt-in to the mid-year count will not have their funding decreased from the amount determined by the previous September annual actual count.

Additionally, S1 for HB 54 proposes that “[f]unding associated with the additional units generated by the optional mid-year unit count shall be utilized only in schools which experienced unit growth between the last school day in September and the last school day in January.”

The introduction of a mid-year count may offset some of the impact charter schools may have on public school districts, addressing arguments made by charter school critics throughout the country that charter school disciplinary practices and standards can lead to high rates of expulsion or “push-out,” in turn leading to a greater number of students entering traditional public schools from charter schools mid-year, which may also disproportionately impact students of color and students with disabilities. The proposed legislation ensures that any school that accepts a substantial number of transferring students mid-year would be provided with accompanying financial support. This mid-year count would also positively impact schools that have an influx of young students aging into Part B services and ensure funding is available to provide necessary resources for this population.

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.