



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

MEMORANDUM

DATE: June 29, 2022

TO: The Honorable Members of the Delaware General Assembly

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

RE: House Bill No. 454 Special Education and Related Services Eligibility

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill (HB) No. 454, which would extend eligibility for special education services to August 31 after the school year in which a student turned 22. Council **endorses** the proposed legislation and would like to share one observation.

This bill would amend Chapter 31 of Title 14 to bring Delaware in compliance with its duties under the Individuals with Disabilities Education Act (IDEA), by ensuring students with disabilities eligible for special education and related services are provided a free appropriate public education until August 31 after the school year in which the student turns 22.

Council would like to recommend one slight change to 14 Del. C. §3101(6), which is the definition for students identified as gifted and talented. These students, under HB 454, would still have eligibility end on August 31 after the school year in which they turn 21. This should be changed to 22 to ensure Delaware State law is fully consistent and compliant with the IDEA, which is federal law.

Council encourages legislators to push the bill through the Legislature as quickly as possible to ensure its passage prior to the end of this legislative session. This would ensure that students who would otherwise lose eligibility for special education and related services on August 31, 2022 will be able to remain in school and receive their much needed services for an additional year.

Thank you for your time and consideration of our endorsement and request that this be acted on quickly. Please feel free to contact me or Pam Weir at the GACEC office should you have any questions.