



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

DATE: February 28, 2023

TO: The Honorable Members of the Delaware General Assembly

FROM: Ann C. Fisher, Chairperson
GACEC

RE: **Senate Bill No. 32 with Senate Amendment 1 Eligibility for 12 Month School Year**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed Senate Bill No. 32 with Amendment 1. This bill adds "visual impairments including blindness" to the list of disabilities that qualify children for a 12 month school year. The amendment limits the number of teacher workdays for teachers with the Division for the Visually Impaired to not more than 226 days. Council **endorses** the proposed legislation. However, Council would like the sponsors of the legislation to take this opportunity to amend the statutory language listing eligible students to make it consistent with federal law, state practice and remove outdated and offensive terminology.

Council considers this an opportunity to refine the list of eligible disabilities. Refining the list would make it more inclusive. Council would also ask that the sponsors of the legislation remove some extremely arcane and offensive terms from the statute that are not consistent with terminology used today either by DOE, by diagnosticians or by the public in general.

The current list of qualified disabilities in Section 1703 includes "severe mental disability" and "trainable mental disability" and restricts orthopedic impairments to specific conditions that would certainly exclude students who have functionally equivalent diagnoses. "Severe mental disability and trainable mental disability" are classifications that are antiquated and are not used today. In 2010, the federal government passed legislation (Rosa's Law) that required federal programs to eliminate the use of "mental retardation" and to use "intellectual disability" instead.

The Delaware Department of Education in its regulation uses the terms “severe intellectual disability” and “moderate intellectual disability.” These are defined in DDOE Regulation 925.6.12.

Thank you for your time and consideration of our endorsement. We hope there is sufficient time to address the need to correct the outdated language. Please feel free to contact me or Pam Weir at the GACEC office should you have any questions.