



**GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS (GACEC)
GENERAL MEMBERSHIP MEETING
7:00PM January 20, 2026
VIRTUAL MEETING**

MEMBERS PRESENT: Nancy Cordrey, Bill Doolittle, Karen Eller, Ann Fisher, Tika Hartsock, Kristina Horton, Jessica Mensack, Molly Merrill, Beth Mineo, Maria Olivere, Trenee Parker, Erika Powell, Jennifer Pulcinella, and Stefanie Ramirez

GUESTS PRESENT: Chris Budesheim, Craig Clizbe, Matt Clizbe, Esther Curtis, Mindi Failing, Dale Matusевич/Delaware Department of Education (DDOE), Deb Monhollan (ASL interpreter), Maricarmen Morales, Cassandra Pierce, Lisa Savino, Kathleen Stephan, and Peg Stewart (ASL interpreter).

STAFF PRESENT: Pam Weir/Executive Director, Kathie Cherry/Office Manager, Lacie Spence/Administrative Coordinator and Theresa Moore/Administrative Support Specialist.

MEMBERS ABSENT: Thomas Keeton, Brenn  Shepperson, and Meedra Surratte

MEMBERS ON LEAVE OF ABSENCE: Al Cavalier and Cory Gilden

ADMINISTRATIVE BUSINESS/MOTIONS:

1. Call to Order

Bill Doolittle called the January meeting of the Governor's Advisory Council for Exceptional Citizens (GACEC) to order at 7:05 PM.

Lacie Spence confirmed that a quorum was present.

2. Approval of Agenda

Bill Doolittle presented the agenda and asked for a motion to approve the agenda.

- Motion: To approve agenda.

- Moved by: Maria Oliverere
 - Seconded by: Tika Hartsock
 - Vote:
 - No objections.
 - Result: Motion carried. The agenda was approved.
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3. Approval of Previous Meeting Minutes

a. September 16, 2025 – General Membership Meeting

Bill Doolittle asked to leave these minutes on the table until the February Meeting.

b. November 18, 2025 – Full Council Meeting

Bill Doolittle introduced the minutes from November 18, 2025, Full Council Meeting for approval.

- Motion: To approve the minutes of November 18, 2025, Full Council Meeting.
 - Moved by: Trenee Parker
 - Seconded by: Ann Fisher
 - Vote:
 - No objections.
 - Result: Motion carried. November 18, 2025, Full Council Meeting minutes were approved.
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4. Financial Reports

Bill Doolittle introduced the November 2025 financial report.

- Motion: To approve the November 2025 financial report.
 - Moved by: Trenee Parker
 - Seconded by: Maria Oliverere
 - Vote:
 - No objections

- Result: Motion carried. The November 2025 financial report was approved
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5. Leadership Committee Motions

Bill Doolittle presented motion previously approved by the Leadership Committee and requested a motion from the Full Council to affirm those actions. The motions was included in the Council Meeting package in advance of the meeting.

- Motion: To affirm the motions made by the Leadership Committee that were included in the Council Meeting package shared with all Council members ahead of the meeting.
 - Result: Motion was tabled until the February meeting.
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PUBLIC COMMENTS: There were no public comments tonight.

COMMITTEE REPORTS:

POLICY AND LAW COMMITTEE: The Committee met tonight and reviewed the Legal Memo dated January 20th. The Legal Memo can be found at the end of the minutes. Council approved submitting letters based on analysis provided in the Disability Rights Delaware (DRD) legal memo and the additional recommendations the Policy and Law members made on 29 DE Reg 577, 29 DE Reg 579, 29 DE Reg 585, House Bill 261 and Senate Bill 198. Molly Merrill and Trenee Parker abstained from this vote.

Recommendations to Council for letters to be sent:

The Committee reviewed three regulations and two bills. The proposed DDOE regulation is about prohibition of discrimination. Section 1 embraces diversity in a school community and explicitly references the identities/life circumstances that contribute to diversity: racial, ethnic, regional, religious, linguistic, socioeconomic, gender, age and disability. Section 2, however, requires all LEAs to integrate information on racial, cultural and ethnic groups into the curriculum. The committee recommended the endorsement of recommendations from the DRD memo and the addition of a recommendation that the diversity to be represented in the curriculum should mirror the scope of diversity recognized in Section 1.0.

The proposed DDOE regulation on DIAA health and safety requirements calls for a range of actions to help keep students safe yet only recommends—rather than requires—LEAs to provide caregivers and athletes with concussion and head injury information. The committee recommended endorsement of the recommendations in the DRD memo that acknowledge DDOE’s commitment to student safety but urge DDOE to require that concussion and head injury information be shared with students and families.

The committee concurred with the DRD memo that no comment was needed regarding proposed DHSS Division of Medicaid and Medical Assistance amendments regarding family and community eligibility groups.

The committee recommended endorsement of recommendations in the DRD memo regarding both pieces of legislation: HB261, which addresses payment for out-of-school-boundary transportation and SB198, which codifies the protections of Section 504 in effect on January 1, 2025 in Delaware law.

Additional Discussion: The P&L Committee also brought to full Council its concerns regarding the need for a process for transparent sharing when Council members are engaged with issues/policy development not yet on the Council's radar. When issues/policies are still in the development stage, it would be preferable for Council members to have the opportunity to learn about and debate the merits—and ideally reach a position—prior to being placed in a reactive stance that may be too late to influence outcomes.

Transparent Sharing of Emerging Issues

It was discussed that Council members should share information about issues that may fall outside the Council's current purview. Currently, the Council sometimes does not learn about a position or issue until it is too late to take meaningful action. It was suggested that when a member becomes aware of an emerging issue, it would be prudent to inform the entire Council. This allows the Council to:

- Learn about the issue early
- Discuss and debate relevant points
- Reach a consensus on the Council's position

Without timely sharing, the Council cannot take these constructive actions. Members were encouraged to adopt a process for notifying the Council whenever they become aware of an issue in play.

You can find a copy of Council's letters in reference to this legal memo at the following links on the [GACEC website](#):

- Regulatory letters, visit <https://gacec.delaware.gov/regulatory-letters/>.
- Legislative letters, visit <https://gacec.delaware.gov/legislative-letters/>.

[INFANT AND EARLY CHILDHOOD COMMITTEE](#): The group met to discuss current activities in the Birth to 3 (B23) areas of support.

• Redding Consortium Decision

- There was a lively discussion regarding the ongoing Redding Consortium decision.
- Questions were raised about how contracts for services would transfer if Redding moves forward.

- Concerns were expressed about whether there are enough Early Childhood Assistance Program (ECAP) seats to accommodate the children currently being served.
- It was noted that ECAP funding does not follow the child.

• **Funding Updates**

- Additional funding is becoming available for Purchase of Care (POC), specifically for different needs.

• **Service Delivery and Transitions**

- The importance of ensuring that services continue to be provided in the Least Restrictive Environment (LRE) as children transition into 619 was emphasized.
- Discussion included whether any district in Redding has been particularly effective in providing services for B-23.
- A need was identified for a more standardized method of Individualized Education Program (IEP) writing.
- Greater standardization in the transition process from B-23 was discussed as a potential improvement.

CHILDREN AND YOUTH COMMITTEE: The committee did not have time to discuss potential speakers for the upcoming year; this topic will be addressed at the next meeting. The majority of the meeting focused on reviewing committee goals, selecting goals for the upcoming year and assigning goal champions.

Review of Goals for the Upcoming Year

a. Continuing Goal

- Due Process Case Review
 - Carryover goal from last year.
 - Including making recommendations for family follow-up, compensatory services, or confirmation of corrective action and post-decision support, with written feedback.
 - With the process now established, the committee will move forward with reviewing 30% of due process cases from the previous year.

b. Discontinued Goal

- The committee chose to discontinue (for now) the goal related to:
 - Monitoring the School Resource Officer (SRO) program and restraint and seclusion, goal was transferred to the ad hoc committee.

c. New Goals Proposed

- Monitor Parent Councils

ADULT AND TRANSITION SERVICES COMMITTEE: The committee reviewed and approved goals for the upcoming year, discussed leadership roles and advanced a motion regarding a formal letter related to prison education services for students with disabilities.

1. Committee Goals

- The ATS Committee finalized two goals in November and distributed them to stakeholders.
- **Goal 1:** Provide collaborative oversight of the Joint Prison Education Program in accordance with the committee's mandate.
- **Goal 2:** Improve the transition process across districts by promoting consistent communication and reviewing the tools used by each district and charter.

2. Review of Draft Letter & Committee Motion

- The committee reviewed the prison education letter discussed in November.
- Clerical edits were made to the letter.
- The committee agreed the letter is ready to move forward.
- The letter will be shared with the full council for review, particularly to gather input from subject matter experts who were unable to participate due to involvement in other committees.
- Council members are asked to review the letter to confirm that the requested information is appropriate and to identify any missing elements.
- The letter will be distributed with a response due date of **February 13**.
- The letter represents a culmination of the committee's prison education work to date.

5. Next Steps for Goal #2

- The committee discussed the second goal focused on improving the transition process.
- It was noted that transition processes and available information can vary by district, building, and point of contact.
- A common theme identified was the need to understand how individuals involved in the transition process perceive and understand the process, how they stay current, and what resources, services, and supports they use.
- The committee agreed that a survey would be an effective tool to assess current practices related to the transition process.
- Committee members will collaborate to draft survey questions and will share the draft with the full Council for input.
- The committee will work with collaborative partners, including Kathi Stephan from the Transition Cadre, during survey development.
- The goal is to ensure the survey is comprehensive enough to gather needed information while avoiding duplication of existing efforts.

MEMBERSHIP COMMITTEE:

1. Three members of the Membership Committee resigned from the Committee in December.

2. The Chair reappointed the committee as a committee of the whole. This means until we can reconstruct the Membership Committee, the whole Council will act as the Membership Committee.

DEPARTMENT OF EDUCATION REPORT:

Annual Performance Report Update

- DDOE is in the process of finalizing the annual performance report to submit to OSEP.
 - Submission deadline: Early February (adjusted due to weekend; likely February 2nd or 3rd).
 - Progress: About halfway through uploading content into the portal, currently ahead of schedule compared to typical timelines.
 - Introduction section was sent to Bill and Pam to share with Council for feedback by the end of the day Thursday January 22nd.
 - Opportunity for Council discussion is available, or the meeting can proceed to other items.
 - Dale will work with Bill and Pam to decide how to divide up the indicators between the appropriate committees for next year.
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2. Annual Performance Report Review Proposal

What's being proposed (plain-English summary)

- Instead of reviewing *all* indicator data together, assign specific indicators to the committees most aligned with them. Dale would meet with Bill and Pam to divvy up the indicators with the appropriate committees.
 - Have DDOE staff (Dale's group) meet directly with those committees to walk through the relevant data.
 - Committees would still bring insights back to Council, but the deep dives happen where the expertise and interest already live.
 - The goal is more useful, targeted discussion, not adding work or overriding existing committee goals.
 - This only moves forward if committees actually want to receive information this way.
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Suggested committee alignment (example framework)

- Adult & Transition Committee
 - Indicators 1, 2, 13, 14
(Graduation, Dropout, Transition in IEPs, Post-School Outcomes)
- Policy & Law
 - Indicators 9 & 10
(Disproportionate Representation)
- Early Childhood Committee
 - Early childhood indicators

(These are starting points — flexible, not prescriptive.)

3. Parent Information Session

- A virtual Parent Information Session is scheduled for February 19, from 12:00–1:00 PM.
- DDOE asked Council to share this information by:
 - Posting the event on the website and DeIDHub
 - Distributing the information to Council members
 - Helping spread the word to parents and families
- The session will focus on the special education process and related topics, in response to needs expressed by parents during recent meetings.
- This session is intended as an initial step in addressing parent-identified needs and informing future outreach efforts.

DIRECTOR'S REPORT:

Redistricting Work Group Update

- Earlier email shared:
 - Invitation for the work group
 - Summary of redistricting work group discussions
 - Draft framework based on workgroup conversations and relevant regulations

- Framework is a starting point, not final; intended to guide discussion and planning
- Formal work with the Council has not yet started; draft prepared to initiate the process
- Once interested participants are identified, further information will be shared
- Draft framework can be revised completely or used as a foundation for the group's work
- Goal: Have a draft prepared before the next meeting
- Council members can contribute by creating wording for specific areas if desired

Discussions:

- Pam encouraged members to submit questions for consideration, noting that questions may relate to Public Integrity, the Deputy Attorney General (DAG), or may be submitted without categorization. She emphasized that the process begins with identifying questions, researching answers, and developing guidance based on documented information whenever possible.
- Pam reported an established connection with the Public Integrity Commissioner, Ben Warsaw, who has expressed willingness to meet and review questions submitted in advance. Documentation and tangible materials were emphasized as important tools to support this work, recognizing that not all information may be fully documented.
- Work will continue with Dale to further develop indicators and determine appropriate alignment within committee structures.
- Pam acknowledged that Nancy Cordrey was presenting at the LIFE Conference the following day and shared appreciation for her representation.
- Additionally, Pam announced that Kathie Cherry would be receiving the State Service Award at the LIFE Conference in recognition of her 25-plus years of service with GACEC. Congratulations.

CHAIR REPORT:

1. Members were reminded that support is available and that requests for assistance may be directed to the Chair as needed. It was noted that the position in question is an elected position; therefore, acceptance of the resignation required action by the full body.
2. The Chair asked whether the body would accept the resignation of Stefanie Ramirez from the position as a Member at Large and opened the floor for discussion. Hearing none and confirming a quorum was present, a motion was requested.
 - Motion: To accept the resignation.
 - Moved By: Trenee Parker
 - Seconded by: Tika Hartsock
 - No abstentions or objections
 - Outcome: The motion to accept the resignation passed unanimously.
3. Council agreed to put on the February Agenda a special election to fill the Member at Large position. This vacant seat will be covering the period from the election to June 30th 2026. Then in April during the regular elections the Member at Large position will be on again for the July 1 2026 to June 30, 2028 period of time.

EVALUATION AND IMPROVEMENT WORKGROUP (E & D):

The Council discussed the process related to the evaluation of Council and the involvement of the Committee.

Members stated that a pause in the process had been requested to allow for transparency and broader Council participation. It was noted that the workgroup was not intended to function as a closed body and that there was interest in conducting discussions in an open meeting setting. Members indicated their understanding that the full Council would be permitted to provide input on the matter, particularly because the action under consideration could result in restarting the evaluation process.

Concerns were raised regarding the timing and manner in which decisions were communicated. Members noted that limited discussion occurred outside of brief email exchanges and that no opportunity was provided for additional Council discussion prior to moving forward.

It was further noted that there was no requirement to proceed on an expedited basis and that additional time for Council discussion could have been accommodated.

Action / Motion

A motion related to the evaluation of Council was referenced during the discussion. Consideration of the motion was paused pending further Council discussion.

Next Steps

- Schedule further discussion to allow full Council input regarding the evaluation of Council.
- Clarify the Committee's role and process in relation to Council decision-making.

ADJOURNMENT: Trenee Parker made a motion that was seconded by Maria Olivero to adjourn the meeting. The motion passed and Bill Doolittle adjourned the meeting at 9:09 PM.

POLICY AND LAW MEMO

January 2026 Policy and Law Memo

Please find below, per your request, analysis of pertinent proposed regulations and bills identified by councils as being of interest.

I. Proposed Regulations

- ➔ **Proposed DDOE Regulation on Prohibition of Discrimination, 29 DE Reg. 577 (1/01/26).**

With this proposed rulemaking, the Delaware Department of Education (“DDOE”) developed amendments to 14 DE Admin. Code § 225, Prohibition of Discrimination. The DDOE reviewed this regulation as part of its every four-year review; the Department made changes to the title and amendments to comply with the Delaware Administrative Code Drafting and Style Manual. Additionally, two new sections were newly added as discussed below.

First, DDOE added a subsection entitled “Diversity in Schools.” Here, DDOE memorializes the benefits of diversity in school communities and of the benefits of a curriculum that is inclusive:

1.0 Diversity in Schools

Diversity in a school community means it embraces and builds on the strengths of individual and group differences, and by so doing, enriches the educational program for all students. The curriculum is inclusive of many racial, ethnic, regional, religious, linguistic, and socioeconomic groups, gives visibility to all genders, to people of all ages, and to persons with disabilities, and affirms the richness of our pluralistic society. The Secretary of Education believes that students achieve their best in classrooms where diversity is commonplace.

This commitment to diversity, in state regulation, is laudable and consistent with the mission of councils to promote educational environments that embrace and include individuals with disabilities.

Second, the DDOE adds a subsection entitled “Responsibilities of Schools,” in which districts and charters schools are directed to integrate curriculum on racial, cultural and ethnic groups to prepare students to participate in global society, to ensure student counseling, assessment, discipline, and placement “are responsive to the needs of all student populations”, and to “enact measures to prevent and address inequitable and prejudicial behaviors among employees and students”, amongst other statements:

2.0 Responsibilities of Schools

2.1 Each school district and charter school shall:

2.1.1 Integrate information on racial, cultural, and ethnic groups to include, but not limited to, American Indian or Alaska Native, Asian American, Black or African American, Hispanic or Latino, Native Hawaiian or other Pacific Islander, White or Caucasian throughout the K to 12 curriculum to prepare students with the knowledge and skills necessary to participate productively in a globally connected society

2.1.2 Provide professional learning to equip all teachers with effective instructional techniques and best practices.

2.1.3 Work to close gaps in student outcomes associated with the student’s gender, race, ethnicity, socioeconomic status, multilingual learner status, or disability.

2.1.4 Ensure student counseling, assessment, discipline, and placement that are responsive to the needs of all student populations.

2.1.5 Provide appropriate instruction to multilingual learners so that they will have success in accessing grade level standards aligned to instruction.

2.1.6 Ensure strategies to attract and retain a highly skilled and committed faculty and staff reflective of the school community.

2.1.7 Enact measures to prevent and address inequitable and prejudicial behaviors among employees and students.

2.1.8 Ensure principals, school leaders, and building staff create an atmosphere which recognizes, accepts, and values individual and group differences as essential to a healthy learning environment.

Here too, the DDOE’s commitment to diversity of perspective and equity of experiences is commendable, and that they are tasking districts and charter schools to incorporate this into curriculum.

Lastly, in subsection 3.0, “Prohibition of Discrimination,” the DDOE added to the prohibition of discrimination (currently on the basis of “race, color, religion, national origin, sex, sexual orientation, genetic information, marital status, disability, age or Vietnam Era veteran’s status”) “ or any other basis protected under Chapter 45 of Title 6 of the Delaware Code.” This is a citation to the Delaware Equal Accommodation Law (“DEAL”), which prohibits discrimination on the basis of “race, age, marital status, **creed**, religion, color, sex, disability, sexual orientation, **gender identity**, **military status**, or national origin.” 6 Del. C. § 4501 (bolding indicates bases not previously covered by DDOE’s regulation).

However, what is missing here is what enforcement DDOE will utilize to ensure that the regulation is implemented with fidelity by districts and charter schools. With the federal Office of Civil Rights staffing yo-yoing between reduction in force and rehiring, placing staff on administrative leave, and otherwise blocking OCR staff from doing their jobs¹, this is of particular important now.

Recommendations:

1. *Council may wish to commend DDOE for committing as DDOE policy the benefits of diversity in school communities and of a curriculum that is inclusive;*
2. *Council may wish to support DDOE’s addition of the “Responsibilities of Schools,” and DDOE’s leadership in directing districts and charter schools to integrate curriculum on racial, cultural and ethnic groups to prepare students to participate in global society, to ensure student counseling, assessment, discipline, and placement “are responsive to the needs of all student populations”, and to “enact measures to prevent and address inequitable and prejudicial behaviors among employees and students”;*
3. *Council may wish to support the DDOE’s addition of all other bases of protection found in DEAL, into the Prohibition of Discrimination section;*
4. *Council may wish to inquire of DDOE how DDOE intends to enforce this rulemaking; and*
5. *Council may wish to suggest that DDOE, if it is not intending to create a complaint structure to receive and adjudicate reports of alleged violations of this regulation, add a section with cross-references to the complaint procedures found in title 6, chapter 45 (DEAL) as well as the protections of Title 19, chapter 7 (for employees), so that students, parents and staff can assist DDOE to realize the goals of this regulation through complaint enforcement when necessary.*

➔ **Proposed DDOE Regulation on DIAA Health and Safety Requirements, 29 DE Reg. 579 (1/01/26).**

Here, DDOE via the Delaware Interscholastic Athletic Association Board of Directors (“DIAA”) proposes amendments to 14 DE Admin. Code 1034 Health and Safety Requirements to comply with a newly enacted law requiring the Board to adopt regulations pertaining to CPR training for coaches and automated external defibrillator (AED) accessibility and emergency action plans for members schools. The proposed amendments further clarify what is required of emergency action plans as well AED availability, accessibility, and maintenance. Technical and style edits were also included in the proposed rulemaking.

Substantively, this rulemaking adds:

- 1) That coaches may not assume coaching responsibilities unless documentation of current CPR, AED, first aid, and NFHS “Concussion in Sports” course certification is on file with the school;

¹ Education Department recalls fired attorneys amid civil rights complaint backlog, Cory Turner, NPR (December 10, 2025, available at: <https://www.npr.org/2025/12/10/nx-s1-5637464/education-department-layoffs-civil-rights>).

- 2) That each school with an interscholastic athletic program develop and maintain a written Emergency Action Plan (“EAP”) for responding to cardiac arrest and other emergencies
 - a. Such plans must be venue specific;
 - b. Must be consistent with national emergency response guidelines;
 - c. Be distributed annually and posted conspicuously; and
 - d. Be rehearsed at least annually.
- 3) Clearly marked and accessible AED must be available in unlocked locations, that comply with national guidelines, and that are accessible both during the school day and during any school sponsored activities.
 - a. The AEDs must be tested and maintained according to manufacturing guidelines; and
 - b. Comply with reporting requirements about EAD devices.

The above changes are aimed at ensuring professional staff who are on site during practices, games and competitions are competent to respond to medical emergencies, thereby reducing students acquiring disabilities during athletic participation, and preventing deaths.

We note that in addition to having training and available emergency equipment and planning, there is more schools can do to reduce the risks associated with athletic participation. For example, the American Academy of Neurology (“AAN”) recommends, amongst other recommendations with respect to sports concussions, that K-12 schools should provide caregivers and athletes with a concussion and head injury information sheet each year before an athlete can practice and compete in their sport², to ensure that concussion symptoms are identified both on and off the field.

Recommendation:

1. ***Council may wish to commend DDOE for committing to ensuring student athletes are safe via training, planning, and ensuring lifesaving equipment is on hand during youth sporting practices and events; and***
2. ***Council may wish to suggest DDOE add a requirement that districts and charters provide caregivers and athletes with an annual concussion and head injury information sheet, consistent with AAN recommendations.***

➔ PROPOSED DHSS Division of Medicaid and Medical Assistance Amendments to DSSM 15000 Family and Community Eligibility Groups, 29 Del. Reg. of Regulations 585 (January 1, 2026).

DMMA proposes to amend Section 15550 related to Medicaid eligibility of former foster care children. The Affordable Care Act extended Medicaid eligibility for former foster care children up to age 26. The Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (the “SUPPORT Act”) modified these eligibility requirements for the former foster care children group in two ways.³ First, section 1002(a)(1)(A) eliminates the requirement that an individual not be eligible for another mandatory eligibility group (other than the adult group) to be eligible for the former foster care children group. As a result, a person may be enrolled in the former foster care children

² American Academy of Neurology position statement: Sports Concussions, available at: <https://www.aan.com/advocacy/sports-concussion-position-statement>

³ <https://www.medicaid.gov/resources-for-states/downloads/macpro-ig-former-foster-care-children.pdf>

group even if the individual meets the eligibility requirements for a separate mandatory group described in section 1902(a)(10)(A)(i) of the Act, so long as the individual is not actually enrolled in such group.

Second, section 1002(a)(1)(B) and (C) expanded eligibility for the former foster care children group by requiring that states cover individuals who aged out of foster care in a state other than the state in which they are currently seeking Medicaid coverage. This means that all states must cover in the former foster care children group individuals who aged out of foster care in another state, as long as they otherwise meet the eligibility requirements for this group.

The proposed amendments reflect these changes to eligibility found in the SUPPORT Act.

Recommendation: Council may not feel the need to comment on these changes, as they reflect federal requirements.

II. Legislation → **HB 261**

This bill addresses district payment for out of school boundaries transportation. Currently, the bill provides:

(3) Pupils Students enrolled in nonpublic, nonprofit schools shall only be are entitled to transportation only within the described boundaries of a public school district and not beyond those boundaries.

However, this does not take into account when out of district transportation may be required in order to comply with provisions of federal and state anti-discrimination laws, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, McKinney Vento Act, and State anti-discrimination laws, or for students in Level IV Youth Rehabilitative Facilities (i.e. Vision Quest). This could be addressed with the following additions noted with underlining:

(3) Pupils Students enrolled in nonpublic, nonprofit schools shall only be are entitled to transportation only within the described boundaries of a public school district and not beyond those boundaries. Except out of district transportation shall be provided when:

(A) The out of district transportation is for a private placement paid through State or Local Educational Agency (LEA) funding and is required for the provision of a Free and Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act;

(B) The provision of transportation outside of the LEA's boundaries is otherwise required to comply with the requirements of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, Americans with Disabilities Act, the McKinney Vento Act, or State anti-discrimination laws; or

(C) Out of district transportation is required for a student at a Division of Services for Children, Youth and Their Families Level IV facility.

Recommendation: Council may wish to recommend that the bill sponsors consider amending the bill to add to the end of (3) the following:

Except out of district transportation shall be provided when:

(A) The out of district transportation is for a private placement paid through State or Local Educational Agency (LEA) funding and is required for the provision of a Free and Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act;

(B) The provision of transportation outside of the LEA's boundaries is otherwise required to comply with the requirements of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, Americans with Disabilities Act, the McKinney Vento Act, or State anti-discrimination laws; or

(C) Out of district transportation is required for a student at a Division of Services for Children, Youth and Their Families Level IV facility.

→ SB 198

This Act, if passed, would amend the Delaware Equal Accommodations Law to adopt the protections of the federal Rehabilitation Act of 1973's Section 504 ("Section 504"), and its implementing regulations as those regulations existed on January 1, 2025. This bill aims to ensure that Delawareans with disabilities get broad and full protection within Delaware. The bill also adds that references to Section 504 in other parts of Delaware law or regulation will be considered a reference to the Delaware Equal Accommodations Law. Senator Poore introduced this bill in response to concerns brought to her by the Delaware Developmental Disabilities Council. ***This bill is on the schedule for the Senate Banking Business and Insurance Committee at 1 PM on January 21, 2026.***

Over the last year, we have seen efforts to "roll back" Section 504 regulations, including the U.S. Department of Energy's requirements under Section 504 that specify standards for newly constructed and altered buildings, in order for the buildings to be considered accessible, standards that have been in place for decades.⁴ Nationally, disability communities have voiced concerns that this is the first stone amongst many to come, to erode disability protections that have enjoyed bipartisan support for decades.

SB 198 would, by adopting into State law the existing Section 504 regulations, protect the "meat" of Section 504's safeguards, as the details of those protections are in the Section 504 regulations, not the law itself. The regulations provide much needed guidance and specificity to assist local/state governments, businesses, and private citizens to understand what is required to ensure non-discrimination against people with disabilities.

Examples (not-exhaustive) of the "meat" of what Section 504 regulations provide includes:

- Section 504 regulations ensure that students who do not qualify for an Individualized Education Program, receive an appropriate education like their nondisabled peers. See 34 CFR § 104.33 (Education): Free appropriate public education. This regulation requires that public elementary or secondary education programs or activity "provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity" of the disability, which means "regular or special education and related aids and services that... are designed to meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met."

⁴ Effort to Roll Back Federal Disability Rights Protections Alarms Advocates, Michelle Diamant, DISABILITY SCOOP (June 9, 2025, available at: <https://www.disabilityscoop.com/2025/06/09/effort-to-roll-back-federal-disability-rights-protections-alarms-advocates/31484/>).

- Section 504 Education regulations also require schools to “establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure.” 34 CFR § 104.36.
- For post-secondary education, 34 CFR § 104.44, requires colleges and universities to “make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student... Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.”
- In the realm of health and social services, the 504 regulations require health and social service programs to be in “the most integrated setting appropriate to the needs of a qualified person with a disability” including by not:
 - (1) *Establishing or applying policies or practices that limit or condition individuals with disabilities' access to the most **integrated** setting appropriate to their needs;*
 - (2) *Providing greater benefits or benefits under more favorable terms in segregated settings than in **integrated** settings;*
 - (3) *Establishing or applying more restrictive rules and requirements for qualified individuals with disabilities in **integrated** settings than for individuals with disabilities in segregated settings; or*
 - (4) *Failure to provide community-based services that results in institutionalization or serious risk of institutionalization.*

45 CFR § 84.76: Integration.

- 504 regulations provide directions on how buildings are to be made accessible. 45 C.F.R. § 84.22 (Existing Facilities) and § 84.23 (New construction and alterations).
- 504 regulations require that healthcare facilities that use kiosks must make those devices accessible. 45 C.F.R. § 84.83.
- 2024 Section 504 regulations require newly acquired/leased accessible medical diagnostic equipment (“MDE”), requires a certain percentage or number of MDE equipment. For example, within 2 years after July 8, 2024, providers must purchase, lease, or otherwise acquire the following, unless they already have them in place:
 - (1) *At least one examination table that meets the Standards for Accessible MDE, if the recipient uses at least one examination table; and*
 - (2) *At least one weight scale that meets the Standards for Accessible MDE, if the recipient uses at least one weight scale.*

45 C.F.R. § 84.92.

SB 198 would, by adopting into State law the existing Section 504 regulations, ensure that at least within the boundaries of the First State, Delawareans with disabilities would continue to enjoy the protections of inclusion and accessibility that Section 504 brings.