



**GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS (GACEC)  
GENERAL MEMBERSHIP MEETING  
7:00PM March 17, 2026  
VIRTUAL MEETING**

**MEMBERS PRESENT:** Mary Andrews, Al Cavalier, Nancy Cordrey, Bill Doolittle, Harley Doolittle, Karen Eller, Ann Fisher, Tika Hartsock, Kristina Horton, Jessica Mensack, Beth Mineo, Maria Olivere, Cassandra Pierce, Erika Powell, Jennifer Pulcinella, Stefanie Ramirez and Daniella Spitelli-Sarnecky

**GUESTS PRESENT:** Chris Budesheim, Sarah Celestin, Craig Clizbe, Matt Clizbe, Lisa Lawson, Dale Matusевич/Delaware Department of Education (DDOE), Lillian McCuen, Sarah McGuire, Maricarmen Morales, Monique Saastamoinen, Lisa Savino, Dr. Amber Shelton, Jeri Turner, Representative Kim Williams

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

**MEMBERS ABSENT:** Melinda Failing, Molly Merrill, Trenee Parker, Brenné Shepperson, Meedra Surratte and Renee Yarrington

**MEMBERS ON LEAVE OF ABSENCE:** Cory Gilden

**ADMINISTRATIVE BUSINESS/MOTIONS:**

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**1. Call to Order**

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

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Theresa Moore confirmed that a quorum was present.

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**2. Approval of Agenda**

Bill Doolittle presented the agenda and asked for any comments or changes.

- No changes were made and the agenda was accepted as written.
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### **3. Approval of Previous Meeting Minutes**

#### **a. February 17, 2026 – General Membership Meeting**

- Motion: To approve the minutes of February 17, 2026, Full Council Meeting.
    - Moved by: Kristina Horton
    - Seconded by: Jennifer Pulcinella
    - Vote:
      - No objections.
    - Result: Motion carried. February 17, 2026, Full Council Meeting minutes were approved with Al Cavalier, Tika Hartsock, Jessica Mensack, and Daniella Spitelli-Sarnecky abstaining.
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### **4. Financial Report**

Bill Doolittle introduced the January 2026 financial report.

- Motion: To approve the January 2026 financial report.
    - Moved by: Ann Fisher
    - Seconded by: Tika Hartsock
    - Vote:
      - No objections
    - Result: Motion carried. The January 2026 financial report was approved
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### **5. Leadership Committee Motions**

There were no Leadership Committee motions brought to Council for approval tonight.

**PUBLIC COMMENTS:** There were no public comments tonight.

## GUEST SPEAKERS:

The main presentation was delivered by Representative Kim Williams, Lisa Lawson (Superintendent of Brandywine School District), and Sarah Celestin (Senior Director of Student Services from Red Clay Consolidated School District) regarding a proposed bill to shift the burden of proof for private placement requests in special education cases from school districts to parents or their attorneys. Representative Kim Williams, Lisa Lawson, and Sarah presented data showing that approximately 21% of legal cases in their district involved private placement requests, with many involving inappropriate or out-of-state schools. The presenters argued that the current system allows private schools to target families and creates unnecessary legal burdens on districts, while Bill and other Council members raised concerns about equity of access to attorneys and potential disadvantages for disadvantaged families. The discussion revealed ongoing challenges with private placement cases, including procedural issues with 10-day letters and the impact on staff time for preparation, though the conversation ended with agreement to gather further feedback from the council before proceeding with the bill introduction.

## COMMITTEE REPORTS:

### POLICY AND LAW COMMITTEE:

The committee met tonight to review the 3/16/26 Policy & Law memo from Disability Rights Delaware (DRD) regarding three regulations and five bills and discuss the sign-on request from SCPD regarding their letter about Medicaid funding reductions.

#### **Recommendations to Council for letters to be sent:**

The committee endorsed all recommendations regarding regulations in the DRD memo and proposed adding a request for more information regarding Proposed DDOE Reg. 1527 on Student Support Personnel Permit, 29 DE Reg. 750. The committee recommends requesting clarification on what is meant by the reference to an “intern.” In some cases, interns are advanced undergraduates, but by the definitions incorporated into this regulation, undergraduates without a degree would not fall under the coverage of this regulation.

The committee endorsed all recommendations regarding SB 253 (parent notification regarding incidents of bullying) and recommends adding one additional recommendation that the parent notification required by this bill include notification that the incident will be reported to the DDOE.

The committee endorsed all recommendations regarding SB198, SS 1 for SB2, and HB 180. The committee endorsed all the recommendations regarding HB313 (students receiving educational services from DSCYF) with the exception of the first recommendation calling for reconsideration of the reference to hazard pay.

The committee ran out of time, so was unable to discuss the SCPD letter about Medicaid funding.

The recommendations above were presented as a motion from the committee and were approved by the full Council.

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 discussed severe funding challenges facing Delaware public education (especially southern districts), heard a detailed update on the DOE/UD LRE inclusion pilot aimed at keeping young children with disabilities in community child care settings, and touched on birth-to-5 system coordination, charter school preschool absence, child care workforce pressures, and property tax concerns.

### **CHILDREN AND YOUTH COMMITTEE:**

The Children and Youth Committee discussed follow-ups related to previous requests for various data sets. Members reviewed the updated process for submitting such requests through FOIA and considered potential next steps, noting that the new process may add complexity to the committee's work, as well as to the efforts of other committees.

The committee also revisited progress on goals established for this year. One focus area is the development of parent councils. Work is underway to create a tracking system to review district participation and identify initial trends or gaps.

Another priority area involves collecting and validating baseline enrollment data comparing the proportion of students with disabilities in charter schools versus district schools. The committee discussed identifying any preliminary disparities or priority areas that may warrant further analysis.

Additionally, the committee began exploring the issue of teacher shortages. Members discussed the broader national trend and considered how, and to what extent, these shortages may be impacting students with disabilities in Delaware.

### **ADULT AND TRANSITION SERVICES COMMITTEE:**

The committee reviewed the ongoing prison education data request, which has been a recurring topic of discussion. In response to feedback indicating difficulty in compiling the originally requested ten years of data, the committee agreed to narrow the scope of the request.

The revised request will focus on more recent and accessible data, including:

- Due process data
- Compliance and Department of Education (DOE) monitoring data
- Individualized Education Program (IEP) implementation and service data

The committee noted that these data categories should be more readily available. It is anticipated that reducing the scope of the request will facilitate progress and help initiate the data collection process.

Additionally, the committee discussed transition services more broadly, including identifying supports that can be implemented and exploring ways to better streamline communication across agencies and Local Education Agency (LEA) personnel. The goal is to ensure that families receive clear, consistent information and remain fully informed.

### **DEPARTMENT OF EDUCATION REPORT:**

Dale Matusevich from the Delaware Department of Education (DDOE) provided an update regarding the upcoming IDEA grant application. Due to time constraints, the full presentation was deferred. It was agreed that the PowerPoint slides will be distributed to Council members for review in advance, with a more detailed discussion scheduled for the April meeting. Council members were encouraged to review the materials and provide more thoughtful input at that time.

The Council also discussed the proposed process for distributing APR indicators across committees. It was confirmed that this approach will move forward as a pilot. Committees will begin engaging with assigned indicators, including coordinating presentations and preparing questions. The Adult and Transition Services Committee shared its plan to review its assigned indicators in phases across upcoming meetings.

DDOE requested confirmation to begin aligning staff with committee schedules to support this work, and Council members agreed to proceed.

DDOE also shared updates on efforts to address significant disproportionality. Over the past several years, the department has strengthened its approach by ensuring Local Education Agencies (LEAs) maintain compliant written policies and procedures. LEAs identified as noncompliant are required to publicly share revisions and obtain appropriate approvals.

The department has expanded its efforts to include district leadership—such as superintendents, charter leaders, and special education directors—in addressing areas of noncompliance. There has also been an increased emphasis on the role of general education staff, particularly in discipline and identification practices.

DDOE has partnered with Dr. Eddie Fergus over the past three years to support LEAs in analyzing data, identifying root causes of disproportionality, and developing targeted plans for the use of Comprehensive Coordinated Early Intervening Services (CCEIS) funds and consolidated grants. Approval of these grants is contingent upon alignment with identified root causes.

As a result of these efforts, several LEAs have exited identification for significant disproportionality, including:

- Caesar Rodney School District (identification of African American students with intellectual disabilities)
- Cape Henlopen School District (identification of African American students with intellectual disabilities and learning disabilities)
- Odyssey Charter School (discipline disproportionality for African American students)

DDOE will continue working with LEAs to strengthen policies, procedures, and targeted interventions. Ongoing efforts include professional learning opportunities, equity-focused professional learning communities (PLCs), and data review sessions during leadership and county meetings.

Upon request from Council, DDOE agreed to share documentation and protocols used to guide LEAs in this work.

The report concluded with a reminder that IDEA application materials will be shared for review prior to the next meeting.

## **DIRECTOR'S REPORT:**

### **Membership and Leadership Updates**

Membership continues to be a key focus for the Council. It was reported that Delaware Boards and Commissions have made significant progress, with six new members recently appointed.

The Council welcomed and congratulated the following new members:

- Cassandra Pierce
- Harley Doolittle
- Daniella Spitelli-Sarnecky
- Mindi Failing
- Mary Andrews
- Renee Yarrington

It was also noted that additional candidates are currently in the pipeline, with interviews being scheduled in coordination with Boards and Commissions.

Despite this progress, it was reported that staffing challenges continue within Boards and Commissions. Tria Stallings recently departed her position, leaving the office with reduced staffing capacity. Pam and Bill will continue to meet regularly with the Boards and Commissions to maintain communication and support ongoing membership efforts.

### **Collaboration with the Department of Education**

The Council has continued engagement with the Delaware Department of Education, including meetings with:

- Dr. Monica Grant
- Michael Saylor

These discussions have focused on multiple areas of collaboration. It was also announced that Secretary Martin will attend the April Council meeting to present on the newly released strategic plan. Council members were encouraged to prepare and contribute key talking points and concerns in advance of this discussion.

### **Legislative Updates**

Several pieces of legislation were shared with the Council for review. In addition to one bill previously referenced in the policy memo, four additional bills were distributed along with analysis. Further discussion of these bills is anticipated, including potential follow-up under Policy and Law considerations.

It was also noted that a representative will attend an upcoming Delaware House Education Committee meeting to provide in-person public comment regarding House Bill 313.

### **Closing Notes**

Additional updates were acknowledged but deferred due to time constraints.

### **CHAIR REPORT:**

The Chair reported on a recent meeting held with representatives from the Delaware Department of Education, including the Chief of Staff, Assistant Secretary, and departmental leadership. The meeting was described as productive, though no formal commitments or definitive resolutions were reached.

During the discussion, guidance was provided regarding the submission of informational requests through the Freedom of Information Act (FOIA) process. While it was noted that not all Council requests traditionally fall under FOIA, the Chief of Staff indicated that requests submitted through the FOIA system would be personally reviewed to ensure they are properly processed and not dismissed.

The Council has encountered challenges with prior submissions. Multiple requests submitted through the FOIA system were returned without fulfillment, possibly due to technical or procedural issues. These include:

- A request for unit count data, for which a partial response had previously been provided but did not fully address the Council’s needs
- A request for school resource officer (SRO) data, to which the department responded that such data is not collected centrally and would need to be obtained from Local Education Agencies (LEAs)

Following recent guidance, Pam re-submitted the prison education data request through the FOIA system. Additional submissions, including the unit count and SRO data requests, were attempted but returned; these will be resubmitted to address potential system-related issues. The Chair noted that this process remains ongoing, and efforts will continue to ensure that requested information is successfully obtained.

Additionally, the Chair discussed concerns related to House Bill 309. The bill proposes changes that would significantly alter or eliminate components of a previously established statewide autism support framework. The Chair noted that this framework was developed over several years through the work of an autism task force and was intended to implement a ratio-based, needs-based system of support for students.

It was further noted that the original framework had not been fully implemented by DDOE, and the current legislation would effectively discontinue much of the prior work. The Chair expressed strong concern regarding this development, characterizing it as a breach of prior commitments and emphasizing the importance of stakeholder engagement and transparency when proposing significant policy changes.

**ADJOURNMENT:** Maria Olivere made a motion that was seconded by Erika Powell to adjourn the meeting. The motion passed and Bill Doolittle adjourned the meeting at 9:24 PM.

## **POLICY AND LAW MEMO**

**Date: 3/16/2026**

**Re: DRD 2026 Policy and Law Memo**

### **I. Proposed Regulations**

- ➔ **Proposed DDOE Reg. 503 on Instructional Program Requirements, 29 DE Reg. 742 (3/01/26).**

Here, the Delaware Department of Education (DDOE) proposes to amend 14 Del. Admin. C. section 503 on instructional program requirements as a result of recent statutory changes. Specifically, the DDOE proposes to add:

### **10.0 Financial Literacy**

10.1 School districts and charter schools shall provide Financial Literacy programming for grades K through 8 that demonstrates alignment to the Department of Education’s adopted Financial Literacy Content Standards.

10.2 All public school students in grades 9 through 12 shall complete ½ credit in Financial Literacy necessary to graduate from high school through programming that demonstrates alignment to the Department of Education’s adopted Financial Literacy Content Standards.

According to Disability Justice, “financial fraud is one of the fastest growing forms of abuse targeting seniors and adults with disabilities.”<sup>1</sup> Adding financial literacy will be important for all students but particularly so for students with disabilities. Councils may wish to note that for students with disabilities, online and social media safety should be addressed in the curriculum, as individuals with ill intent target individuals with disabilities in this way.

The DDOE made one additional change, to strike the word “such” from 5.4 regarding waiver of physical education requirements upon excuse from a qualified licensed healthcare provider or religious believes. It is unclear if 5.4 is being used to exempt students with disabilities from gym, or if waivers are utilized in cases of temporary physical limitations (e.g. broken leg). Councils may wish to inquire and suggest DDOE consider guidance to districts about adaptive physical education for students with disabilities, and or future language changes to make sure adaptive education is considered.

#### ***Recommendations:***

1. ***Council may wish to note that for students with disabilities, online and social media safety should be addressed in the curriculum, as individuals with ill intent target individuals with disabilities in this way.***
2. ***Council may wish to inquire about physical education waivers and suggest DDOE consider providing guidance to districts about adaptive physical education for students with disabilities, and or future language changes to make sure adaptive education is considered.***

**➔ Proposed DDOE Reg. 505 on High School Graduation Requirements and Diplomas, 29 DE Reg. 743 (3/01/26).**

In this proposed rulemaking, DDOE proposes to amend 14 Del. Admin. C. § 505 as a result of recent statutory changes, information gathered from the Financial Literacy Alignment Study report from May 1, 2025 as well as previous conversations with local education agencies following the passage of House Substitute 1 for House Bill 203 with Senate Amendment 1, from the 153rd General Assembly (THE EQUITY AND INCLUSION IN FINANCIAL LITERACY FOR ALL HIGH SCHOOL STUDENTS IN DELAWARE ACT). The DOE makes several other changes.

The proposed changes adds a definition for financial literacy: **““Financial Literacy” means those components of financial planning and decision-making, money management, saving and investing, and risk protection that are included in the State Content Standards for Financial Literacy as required in 14 DE Admin. Code 501.”**

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<sup>1</sup> See <https://disabilityjustice.org/financial-fraud/>

The DDOE also provides a new section for credit requirements for graduation class 2030 and beyond, which adds the new ½ credit of financial literacy requirement:

**7.0 Credit Requirements for State of Delaware High School Diploma Beginning with Graduation Class of 2030 (Freshman Class of 2026 – 2027)**

7.1 Beginning with the students entering grade 9 in the 2026-2027 school year, a public school student shall be granted a State of Delaware high school diploma when the student has successfully completed a minimum of 24 credits to graduate including: 4 credits in English Language Arts, 4 credits in Mathematics, 3 credits in Science, 3 credits in Social Studies, 2 credits in a World Language, 1 credit in Physical Education, 1/2 credit in Health Education, **1/2 credit in Financial Literacy**, 3 credits in a Career Pathway, and 3 ½ credits in elective courses.

7.2 During the senior year, the student must maintain a credit load each semester that earns the student at least a majority of credits that could be taken that semester and includes a credit in Mathematics.

7.2.1 A student participating in a dual enrollment course or dual credit course, as defined in [14 DE Admin. Code 506](#) Policies for Dual Enrollment and Awarding Dual Credit, will be considered to be meeting the majority of credits, as long as a credit in Mathematics is earned during the senior year.

7.2.2 Senior year credits include regular high school course offerings, the options available in Section 9.0, or a combination of both.

7.3 Course specific requirements:

7.3.1 Mathematics: Mathematics course work must include no less than the equivalent of the requirements set forth in [14 DE Admin. Code 501](#) for Geometry, Algebra I, and Algebra II. Students must complete an Algebra II or Integrated Mathematics III course as 1 of the 4 required Mathematics credits.

7.3.2 Science: Scientific investigations related to the State Content Standards must be included in all 3 science course requirements. Students shall complete a Biology course as 1 of the 3 required Science credits.

7.3.3 Social Studies: Students shall complete a U.S. History course as 1 of the 3 required Social Studies credits.

7.3.4 World Language: Students may fulfill the 2 credit World Language requirements by either earning a minimum of 2 World Language credits in the same language; or demonstrating novice-high or higher proficiency level on a nationally recognized assessment of language proficiency, except English, in the skill areas of oral or signed expressive and receptive communication, reading, and writing, that uses the levels of proficiency as identified by the American Council for the Teachers of Foreign Language, or as approved by the Department.

7.3.4.1 Any student enrolling in a Delaware public high school from an out-of-state school or nonpublic Delaware high school:

7.3.4.1.1 Between and including October 1 of the eleventh grade year and September 30 of the twelfth grade year with 1 World Language credit from a previous school will be required to earn the second credit in that language unless the language is not offered at the enrolling school. In this case, the student shall earn 1 credit in an additional language for a total of 2 credits or pursue available options in Section 9.0 to earn the second credit of the original language.

7.3.4.1.2 Between and including October 1 of the eleventh grade year and September 30 of the twelfth grade year with no World Language credits will be required to earn at least 1 World Language credit prior to graduation. The student must still meet all other graduation requirements and earn a minimum of 24 total credits.

7.3.4.1.3 On or after October 1 of the twelfth grade year will not be required to earn any World Language credits. The student must still meet all other graduation requirements and earn a minimum of 24 total credits.

7.3.4.2 Any student transferring between Delaware public schools with 1 World Language credit from a previous school will be required to earn the second credit in that same language unless the

language is not offered at the enrolling school. In this case, the student can pursue available options in Section 9.0 to earn the second credit in the original language or earn 1 credit in a different language for a total of 2 credits.

**7.3.5 Financial Literacy: Students may fulfill the 1/2 credit in Financial Literacy requirement by either completing a course aligned solely to the State Content Standards for Financial Literacy or completing a 1 credit course aligned to both the State Content Standards of Financial Literacy and the Social Studies Content Standards in Economics.**

**7.3.5.1 Courses aligned solely to the State Content Standards for Financial Literacy must be applied toward the Financial Literacy credit requirement in Section 7.1 and shall count as part of the elective credit in Section 7.1.**

**7.3.5.2 A 1 credit course aligned to both the State Content Standards for Financial Literacy and the Social Studies Content Standards in Economics must be applied to the Social Studies credit requirement in Section 7.1.**

**7.3.5.3 A course aligned only to the State Content Standards for Financial Literacy and not also aligned to the Social Studies Content Standards in Economics cannot be used to satisfy the Social Studies credit requirement.**

**7.3.5.4 Any student enrolling in a Delaware public high school from an out-of-state school or nonpublic Delaware high school on or after October 1 of the twelfth grade year, will not be required to earn the Financial Literacy credit. The student must still meet all other graduation requirements and earn a minimum of 24 total credits.**

(Emphasis added)<sup>2</sup>. As discussed above regarding the 503 regulation, adding financial literacy will be important for all students but particularly so for students with disabilities. *Councils may wish to note that for students with disabilities, online and social media safety should be addressed in the curriculum, as individuals with ill intent target individuals with disabilities in this way.*

Next, in new 9.0, Options for Awarding Credit Toward High School Graduation, DDOE makes several changes. First, a portion of former 8.1 was struck as follows:

~~8-19.1 District and charter school boards, and the Department of Services for Children, Youth and their Families (DSCYF) as provided in 29 Del.C. §9003(8), & their Families, or DSCYF, are authorized to award credit toward High School high school graduation for the following activities<sup>3</sup> on the condition that the activities incorporate any applicable state content standards. **Before awarding credit for any of the following activities, the districts and charter school boards shall have adopted a policy approving the activity for credit and establishing any specific conditions for the award of credit for the activity. Such policy shall be applicable to each school within the district or each charter High School.**~~

The rulemaking moves what was struck to a new section 9.2. While reviewing the above, we noted that the educational agencies that consider the foregoing for credit includes DSCYF, districts, and charter schools, and does not specifically list special education students enrolled in K-12 education through the James H. Groves Adult High School. **While under law James H. Groves provision of education to such students**

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<sup>2</sup> The entire credit requirements section was added for council awareness, but DRD's review focused only on financial literacy in this section.

<sup>3</sup> The addressed activities include courses taken at or through accredited 2 or 4-year colleges, community service, supervised work experience, independent study, distance learning, high school courses taken in middle school, credit transfers from other high schools, course credit earned through summer or evening classes, as a member of the military, or as part of the James H. Groves Adult High School, tutoring programs, course credit awarded by agencies of the state other than public schools, and courses taught by a certified teacher.

is considered a local educational authority, it might be helpful to ensure clarity, to list them in section 9.1 as well.

Other changes in this rulemaking includes:

- This rulemaking adds a definition for “Adult Education”: that the term “means programs designed for adult learners providing for both basic skills education and the attainment of a secondary credential or high school diploma. Programs are provided through the James H. Groves High School, Adult Basic Education, or ABE, and Adult English Language Learners programs.”

The definition of “Adult Education” may create confusion because special education in adult correctional facilities is operated by the James H. Groves High School, but is a K-12 educational program. Further, the federal Workforce Innovation and Opportunities Act (WIOA, section 203) defines adult education as “academic instruction and education services below the postsecondary level that increase an individual’s ability to— (A) read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent; (B) transition to postsecondary education and training; and (C) obtain employment.” Councils may wish to recommend that DDOE instead use the WIOA definition. It is also unclear what DDOE intends “programs” to mean.

- The regulation makes a number of miscellaneous technical edits, and adds “data science” to the definition of mathematics, changes the definition of “veteran” to take out the specific list of service periods.

The same concern about physical education and waivers, noted in the discussion of Reg. 503, are applicable here as well.

**Recommendations: Council may wish to:**

1. *Note that for students with disabilities, online and social media safety should be addressed in the curriculum, as individuals with ill intent target individuals with disabilities in this way.*
2. *Recommend that James H. Groves special education services be added along with DSCYF at the beginning of the new subsection 9.1.*
3. *Suggest that the definition of “Adult Education” may create confusion because special education in adult correctional facilities is operated by the James H. Groves High School, but is a K-12 educational program, and recommend that the definition be modified accordingly. Councils may wish to recommend that DDOE instead use the WIOA definition. It is also unclear what DDOE intends “programs” to mean.*

➔ **Proposed DDOE Reg. 1527 on Student Support Personnel Permit, 29 DE Reg. 750 (3/01/26).**

Here, the Professional Standards Board (“Board”), and DDOE are proposing a new regulation, 14 DE Admin. Code 1527: Student Support Personnel Permit. The proposed regulation concerns the requirements for a Student Support Personnel Permit, outlining the qualification and training for the Student Support Personnel Permit, definitions, who is required to have a Student Support Personnel Permit, what the requirements are for the issuance of a Student Support Personnel Permit, the requirements for the reissuance of an expired Student Support Personnel Permit, the application requirements, the professional development requirements for the renewal of a Student Support Personnel Permit, the required activities for the renewal of a Student Support Personnel Permit, provisions around the validity of a Student Support Personnel Permit, disciplinary actions, and finally, applicants’ and permit holders’ provision of contact information to DDOE.

The regulation defines “student support personnel” as “a public-school employee or contracted employee who works in a student instructional support or behavior support role and is not otherwise licensed or permitted” under title 14.

Student support personnel must either

- 1) have a bachelor’s degree or higher from a regionally accredited college or university in certain listed practice areas like behavioral science, counseling or psychology; or
- 2) holds a bachelor’s degree or higher from a regionally accredited college or university in any area AND has 2 years of full-time work experience in a human services field. This can include experience as a behavior intervention paraeducator IF the applicant completed the 40 hour training for a paraeducator permit.

The regulation is intended to enable interns to provide services within school settings. The rest of this regulation was not reviewed in detail due to resource limitations.

***Recommendation:***

1. ***Council may wish to generally support the rulemaking, as it will help with addressing school staffing shortfalls and will be an additional opportunity for workforce development on the job.***
2. ***Council may wish to inquire as to what type of data collection or program assessment DDOE plans to do to measure the success of student support personnel professionals in supporting student success.***

**II. Legislation**

**→ Senate Bill 253**

Senate Bill 253 was introduced on March 9, 2026 and is sponsored by Senator Sturgeon and Representative Williams. The bill revises the parent notification requirements for school bullying policies by repealing the requirement that notification be made using a form generated by the Delaware Department of Justice (DOJ), which is DOJ’s current practices and procedures related to involvement with student behavior issues. It also makes technical corrections.

The original phrasing of the statute, 14 Del. C. § 4164, was not clear and an edit to the language was certainly in order. As it exists now, the language could be read to mean that the DOJ would send the parental notification, and not the school. The intent appears to have been instead that the DOJ would have a uniform form that the schools could use to notify parents. So generally speaking, a clarification of responsibilities is necessary and helpful.

However, in addition to making it clear that the schools, not the DOJ, is responsible for the parental notification, this bill goes two steps further. First, it removes the requirement to use a uniform form and second, it removes the minimum content requirements for such notifications, which currently includes contact information for the DOJ school Ombudsman program and their role. If DOJ no longer intends to serve this role, why not require the notification to provide other resources, such as the Student Advocacy Center (Public Education Ombudsman Program), Parent Information Center, DSBA lawyer referral service number and/or Community Legal Aid Society, Inc.?

We also note that the bill uses the following language “student is a target of bullying or a perpetrator of bullying.” In order for parents to be able to help their students with this process, they should be notified at the outset and thus such language, in order to avoid pre-determination, should include “alleged” for both the apparent victim and suspected perpetrator.

This brings us to the last comment – there is no temporal requirement as to when the notification must go out in terms of whether it goes out when the school initiates an investigation, or at the conclusion. For the same reasons as above it should be at the outset.

**Recommendations:**

1. *Because this bill has already passed the Senate, Council may wish to expedite any comments to the House about this bill.*
2. *Councils may wish to:*
  - a. *Recommend that the DOJ or DOE be responsible for developing a uniform form.*
  - b. *Support the change to make schools responsible for reporting.*
  - c. *Suggest the insertion of “alleged” in relation to the victim and perpetrator.*
  - d. *Recommend that minimum content requirements be included in the bill, including:*
    - i. *Information on resources for assistance like the Student Advocacy Center (Public Education Ombudsman Program), Parent Information Center, DSBA lawyer referral service number and/or Community Legal Aid Society, Inc.*
    - ii. *That the notices go out at the time of initiation of a bullying investigation.*

**→ Senate Bill 198**

Previously DRD reviewed SB 198 and provided public comment at the Senate committee hearing on behalf of councils; these comments are reprinted in italics, below. The bill has since passed the Senate and now moves to the House. The House sponsor is Representative Heffernan.

*Senate Bill 198, 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.*

*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.<sup>4</sup> 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:*

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<sup>4</sup> 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 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.”*
- *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.*

***Recommendation: Council may wish to provide public comment supporting SB 198 when it is brought to committee in the House.***

**➔ Senate Substitute 1 to Senate Bill 2**

Previously DRD reviewed SB 2 bill which was “the first leg” of constitutional amendments to specifically authorize early, in-person voting for the general election, a primary election, and a special election filling a vacancy in the General Assembly. The bill enables early, in-person voting 10 days before the general, primary or special election.

Early voting is an extremely useful tool to help to ensure the enfranchisement of voters with disabilities by providing more options. A recent nationwide study reports that 74% of voters with disabilities voted with a mail ballot or early in-person voting in 2020.<sup>5</sup> 1 There are over 200,000 adults with disabilities in Delaware.<sup>6</sup> These numbers are expected to increase with the aging of the population.<sup>7</sup> Restrictions on mail and early voting serve to increase the burden on persons with disabilities. See CAP Report at 3–4, 9, 12. Changes in the law to permit early voting and absentee voting appear to cause increased voter participation among persons with disabilities.<sup>8</sup>

SS1 to SB 2 differs from SB 2 by incorporating technical changes made to the Delaware Constitution by House Bill 10 of the 153<sup>rd</sup> General Assembly. early voting. HB 10 included changes such as gender silent techniques, modified references to the Division of Legislative Services, correcting headings, and other technical changes. SS1 to SB 2 passed the Senate and is out of committee in the House.

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<sup>5</sup> See Lisa Schur & Douglas Kruse, Disability and Voting Accessibility in the 2020 Elections: Final Report on Survey Results Submitted to the Election Assistance Commission, U.S. Election Assistance Commission 1 (Feb. 16, 2021) (“Schur and Kruse 2021 Report”), [https://www.eac.gov/sites/default/files/voters/Disability\\_and\\_voting\\_accessibility\\_in\\_the\\_2020\\_elections\\_final\\_report\\_on\\_survey\\_results.pdf](https://www.eac.gov/sites/default/files/voters/Disability_and_voting_accessibility_in_the_2020_elections_final_report_on_survey_results.pdf)

<sup>6</sup> *Disability Impacts Delaware*, CDC (May 12, 2023), <https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/delaware.html>

<sup>7</sup> See Danielle Root & Mia Ives-Ruble, Enhancing Accessibility in U.S. Elections, Center for American Progress 13 (July 2021) (“CAP Report”), <https://www.americanprogress.org/wpcontent/uploads/sites/2/2021/07/AccessibilityElections-report.pdf>

<sup>8</sup> See Lisa Schur et al., Disability and Voter Turnout in the 2022 Elections: Supplemental Analysis of Census Voter Turnout Data, U.S. Election Assistance Commission (2023) (“Schur 2022 Report Supplement”), [https://www.eac.gov/sites/default/files/2023-07/EAC\\_2023\\_Rutgers\\_Report\\_Supplement\\_FINAL.pdf](https://www.eac.gov/sites/default/files/2023-07/EAC_2023_Rutgers_Report_Supplement_FINAL.pdf)

***Recommendation: Council may wish to support SS1 to SB 2 as early voting is a beneficial tool for individuals with disabilities, and which promotes disability enfranchisement (ability to vote).***

**➔ House Bill 180, An Act Proposing an Amendment to Article V of the Delaware Constitution Relating to Voting**

House Bill 180 would expand voting rights by amending the state Constitution. Most significantly, the bill proposes to restore voting rights to individuals who have been convicted of a felony and completed the related incarceration. Under current law, thousands of Delawareans are prohibited from voting while on probation or parole, and others are permanently disenfranchised if convicted of certain crimes. Delaware is the only Northeastern state that permanently disenfranchises some convicted of a felony, and just one of ten states nationwide to do so for offenses that are not related to elections.

Additionally, House Bill 180 would bring Article V into compliance with the U.S. Constitution and federal law, lowering the voting age from 21 to 18, eliminating the use of a literacy test, and eliminating the one-year residency requirement.

Passage requires two-thirds of members from each house, after which the proposed amendment would be considered a second time after the next general election.

While not on its face not a disability rights issue, the practical reality is it is of relevance to the disability community. Nationally, and in Delaware, prisons house significant numbers of individuals with disabilities, and are perhaps the most significant form of institutionalization for non-elderly individuals with disabilities. For example, more than half of all incarcerated individuals have a substance use disorder, mental illness, or both. Similarly, research in the U.S. and internationally suggests that over 45% of people in correctional settings have a history of a traumatic brain injury. Thus it is not a great leap to conclude that incarcerated persons imprisoned due to felony convictions likely have a reasonable probability of having a disability, and thus felon enfranchisement (right to vote) is of significance to them.

***Recommendation: Council may wish to support House Bill 180. The incidence of disability is significantly higher for individuals incarcerated in state prisons, and those who have been disenfranchised most certainly include individuals with disabilities. Additionally, although a literacy test is not now in use, removal of this discriminatory practice from the Delaware Constitution benefits many communities, including individuals with disabilities whose disabilities impact reading.***

**➔ House Bill 313, AN ACT TO AMEND TITLES 14 AND 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES AND EDUCATIONAL SERVICES.**

This Act codifies the Education Unit in the Department of Services for Children, Youth and Their Families (DSCYF). The Education Unit is the division within DSCYF that provides educational services to children and youth residing in facilities operated by DSCYF. **This review is not a full analysis but a highlight of a few notable provisions of this bill.**

First, the bill provides that “the qualifications of employees for the DSCYF Education Unit, except secretaries, shall be the same as those 12 qualifications for public education employees pursuant to § 122(c) of this title.”

Second, the bill provides that employees who are onsite within an Division of Youth Rehabilitative Services facility shall “receive hazardous duty supplements as provided in the Merit System, under § 5916 of 21

Title 29.” While higher pay to incentivize educational staff to work within an institutional environment is likely a necessity to attract and retain staff, the “hazard pay” is not ideal language since we are talking about students, sometimes as young as early middle schoolers.

Third, the bill provides that served by the DSCYF Education Unit shall not be included in the calculation for unit count purposes, which may be a financial hardship on districts receiving those students back after the unit count cut off.

Fourth, the bill indicates that a new § 2407A will be added, which states that DSCYF will be a “limited local education agency,” and that it will only be considered an local educational agency (LEA) for the purposes of:

- (1) Any federal, state, or private loan forgiveness programs available to educators.
- (2) Any federal, state, or private competitive grant made available to, and awarded directly to, local education agencies, provided that any specific qualifying requirements are met.
- (3) Credits issued for youth who complete the requirements for credit-bearing courses provided through the DSCYF Education Unit and credits for youth returning from placement by the Department.

Councils may wish to inquire about whether DDOE interprets IDEA obligations to fall under (2), above, and that obligations under IDEA, 504 and the ADA will apply to DSCYF as an LEA to avoid future legal disputes.

***Recommendations:***

***1) Council may wish to recommend that:***

- a. The bill be revised to call the increased wages something other than hazard pay;***
- b. DSCYF and DDOE further explore and address the financial impact on districts of removing these students from the Unit Count; and***
- c. The bill be modified to make it clear in § 2407A that obligations under IDEA, 504 and the ADA will apply to DSCYF as an LEA, to avoid future legal disputes on this interpretation.***

***2) Council may wish to inquire:***

- a. about whether DDOE interprets IDEA obligations to fall under § 2407A.***
- b. which entity will serve as the IDEA LEA responsible for due process and compliance monitoring for students in DSCYF facilities?***
- c. what role will the Delaware Department of Education play in oversight of the Education Unit?***
- d. how will credits earned in DSCYF programs transfer to students' home school districts?***
- e. how will the state ensure continuity of services for students with disabilities when entering or exiting placement?***
- f. how will educational outcomes and compliance data for these students be reported to the state?***