



SPONSOR: Rep. Chukwuocha

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE BILL NO. 188

Amend House Bill No. 188 on line 1 by inserting “, Title 14” after “Chapter 41” as it appears therein.

FURTHER AMEND House Bill No. 188 on line 21 by striking “contracted annually” and inserting in lieu thereof “contracted for a period of 3 years”.

FURTHER AMEND House Bill No. 188 by deleting lines 24 through 37 and inserting in lieu thereof the following:

“(d) The Program staff shall be available to act as non-lawyer advocates for students and their families in any proceedings conducted by schools or local, State, or federal education agencies.

“(e)(1) The Program may, if it determines it to be appropriate and desirable, refer systemic matters to attorneys for further investigation and action. The Program may refer individual matters for legal services, if requested by the family, when any of the following conditions are met:

a. Reasonable efforts have been made to resolve the issue with the school, district, and/or Department of Education and such attempts have been unsuccessful.

b. The nature of ongoing harm to the student is such that immediate legal intervention is in the best interest of the student.

(2) Funds appropriated to the Program may be used to (i) procure general legal counsel regarding the scope of rights and protections under local, state, or federal education law or (ii) pay a lawyer for assistance with, attendance at, or representation in administrative proceedings and appeals, including appeals taken to State or federal courts. In no event may Program funds be used to pay for preparation of, commencement of, participation in, or advising upon litigation or other proceedings against the State or its agencies, employees, or officials except as permitted in the preceding sentence.”.

FURTHER AMEND House Bill No. 188 by inserting after line 50 and before line 51 the following:

“f. The amount spent on legal services or otherwise paid to a lawyer or a law firm.

23 g. The number of referrals made to a lawyer, law firm, or legal services agency, including the category of
24 the problem faced by the student, and whether the referral was made to a non-profit legal services agency or a
25 private attorney or law firm.”.

26 FURTHER AMEND House Bill No. 188 by striking lines 61 through 64 and inserting in lieu thereof the
27 following:

28 “(2) One member of the Delaware Hispanic Commission, nominated by the Delaware Hispanic Commission and
29 appointed by the Governor.

30 (3) Two parents of children who attend Title I schools, nominated by not-for-profit community organizations
31 engaged in education issues, and appointed by the Chair of the House Education Committee.”.

32 FURTHER AMEND House Bill No. 188 on line 65 by deleting “Two community representatives” and inserting in
33 lieu thereof “One community representative”.

34 FURTHER AMEND House Bill No. 188 on line 67 by deleting “Three” and inserting in lieu thereof “Two”.

35 FURTHER AMEND House Bill No. 188 by inserting after line 81 and before line 82 the following:

36 “(10) A member of the Delaware Association of School Administrators, nominated by the Delaware Association
37 of School Administrators and appointed by the Governor.

38 (11) A member of a school board appointed by the Chair of the Senate Education Committee.”.

39 FURTHER AMEND House Bill No. 188 by deleting line 94 in its entirety.

40 FURTHER AMEND House Bill No. 188 by inserting after line 96 and before line 97 the following and
41 redesignating accordingly:

42 “(c) The public members of the Council shall serve for terms of 3 years; provided, however, that the initial terms
43 may be of lengths of 1, 2, or 3 years in order to stagger the terms. A member appointed to the Council may continue to
44 serve until such time as the member’s replacement has been appointed or the member’s term renewed. A member may
45 serve no more than 2 consecutive terms, and then must be off of the Council for at least 3 years prior to being eligible for
46 reappointment.”.

SYNOPSIS

 This amendment revises the composition of the Education Equity Council and adds some rules relating to terms. It also revises portions of the Act to allow for referral and use of legal services in appropriate contexts and adds additional reporting requirements related to such uses. It changes the RPF process to a 3-year rather than an annual process. And it makes a technical correction.