



SPONSOR: Rep. K. Williams & Sen. Poore
Reps. Bennett, Bentz, Briggs King, Jaques, Kowalko,
Lynn, Matthews, Paradee, M. Smith, Spiegelman, Viola;
Sens. Henry, Townsend, Walsh

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 12

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC SCHOOLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 1703, Title 14 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 1703. Unit of pupils.

4 As used in this chapter:

5 (a) "Unit" or "unit of pupils" is defined according to this schedule of numbers of pupils enrolled in schools
6 beginning in kindergarten and through grade 12; and for children prior to entry into kindergarten who are eligible for
7 special education services as defined in Chapter 31 of this title:

8 Beginning July 1, 2011

9 Preschool — 12.8

10 K-3 — 16.2

11 4-12 Regular Education — 20

12 ~~4-12~~K-12 Basic Special Education (Basic) — 8.4

13 Pre K-12 Intensive Special Education (Intensive) — 6

14 Pre K-12 Complex Special Education (Complex) — 2.6.

15 (b) All such units must be authorized by the Department of Education under rules and regulations promulgated by
16 the Department. Partial unit funding is provided for all units based on the cash-in value of the unit. Only the last unit in any
17 category may be a major fraction.

18 (c) In the case of kindergarten, "unit" or "unit of pupils" is defined as 32.4 pupils for half-day kindergarten and
19 16.2 pupils for full-day kindergarten.

20 (d) For funding purposes, the following conditions shall prevail for the calculations of the number of units for
21 children with disabilities and all other children. The preschool unit shall be 1 unit for 12.8 students. The kindergarten
22 through third grade unit (K-3) shall be 1 unit for 16.2 students, except as noted in subsection (c) of this section above. The

23 regular education unit for grades 4 through 12 (4-12 regular education) shall be 1 unit for 20 students. The basic special
24 education (basic) unit for ~~grades 4 through 12~~ kindergarten through grade 12 shall be 1 unit for 8.4 students. The intensive
25 special education (intensive) unit for preschool through grade 12 shall be 1 unit for 6 students. The complex special
26 education (complex) unit for preschool through grade 12 shall be 1 unit for 2.6 students. Grade 12 is defined as enrollment
27 until receipt of a regular high school diploma or the end of the school year in which the student attains the age of 21,
28 whichever occurs first, as defined in Chapter 31 of this title.

29 (1) Preschool unit —

30 a. Student shall be counted in the preschool unit if the student is identified as eligible for special
31 education and related services and not counted in the intensive unit or complex unit described below and is:

- 32 1. Eligible for special education and related services from birth; or
- 33 2. At least 3 years of age; or
- 34 3. Eligible as described in the interagency agreement with the Department of Health and Social
35 Services; or
- 36 4. Not yet entered kindergarten.

37 b. The following provisions shall apply to the preschool unit:

- 38 1. Partial unit funding is provided for between 1 and 12.8 students based on the cash-in value of
39 the unit.
- 40 2. The cash-in value of the unit is tied to the teacher state salary schedule at the master's level
41 plus 10 years of experience as defined in § 1305(a) of this title.
- 42 3. The units include Divisions II and III.
- 43 4. Districts must use all funds generated by preschool unit to support services for the students
44 counted in the preschool unit. Districts are not limited to using the funds to employ teachers only. The
45 funds may be used to hire preschool special education teachers, paraprofessionals, and speech and
46 language pathologists, or other related services personnel as determined at the local level. The units may
47 also be used to secure contractual services per requirements for the contractual option described in
48 Chapter 13 of this title.
- 49 5. Districts may use tuition to pay for the local share and excess costs of special education and
50 related services.
- 51 6. The units are considered teacher/instructional units for purposes of other unit counts.

52 7. A student is not required to receive a minimum number of hours in special education
53 instruction to count in the preschool unit.

54 (2) K-3 unit —

55 a. A student shall be counted in the K-3 unit if the student is enrolled in kindergarten through grade 3
56 and not counted in the intensive unit or complex unit described later in this section.

57 b. The following provisions shall apply to the K-3 unit:

58 1. Partial unit funding is provided for between 1 and 16.2 students based on the cash-in value of
59 the unit.

60 2. The cash-in value of the unit is tied to the teacher state salary schedule at the master's level
61 plus 10 years of experience as defined in § 1305(a) of this title.

62 3. The units include Divisions II and III.

63 4. The units are covered under the 98% rule as defined in § 1704(4) of this title and returned to
64 the buildings that generate them.

65 5. At least 20% of teachers at the K-3 building level must be certified in the area of special
66 education. The units are considered teacher/instructional units for purposes of other unit counts.

67 (3) 4-12 regular education unit —

68 a. A student shall be counted in the grades 4-12 unit if the student is enrolled in grades 4 through 12
69 and not identified as eligible for special education and related services.

70 1. Partial unit funding is provided for between 1 and 20 students based on the cash-in value of
71 the unit.

72 2. The cash-in value of the unit is tied to the teacher state salary schedule at the master's level
73 plus 10 years of experience as defined in § 1305(a) of this title.

74 3. The units include Divisions II and III.

75 4. The units are covered under the 98% rule as defined in § 1704(4) of this title and returned to
76 the buildings that generate them.

77 5. The units are considered teacher/instructional units for purposes of other unit counts.

78 (4) ~~4-12~~ K-12 basic special education (basic) —

79 a. A student shall be counted in the basic unit if the student is enrolled in ~~grades 4 through~~
80 kindergarten through grade 12; and identified as eligible for special education and related services; and not
81 counted in the intensive unit or the complex unit described below.

82 b. The following provisions shall apply to the ~~4-12~~ K-12 basic special education ("basic") unit:

83 1. Partial unit funding is provided for between 1 and 8.4 students based on the cash-in value of
84 the unit.

85 2. The cash-in value of the unit is tied to the teacher state salary schedule at the master's level
86 plus 10 years of experience as defined in § 1305(a) of this title.

87 3. The units include Divisions II and III.

88 4. The units are covered under the 98% rule as defined in § 1704(4) of this title and returned to
89 the buildings that generate them.

90 5. A student is not required to receive a minimum number of hours of instruction to count as a
91 student in the basic unit.

92 6. The units are considered teacher/instructional units for purposes of other unit counts.

93 7. All units generated by special education students are to be used for professional staff to
94 support students with disabilities, to include special education teachers, school psychologists,
95 speech/language pathologists, reading specialists, educational diagnosticians, counselors, class aides and
96 social workers.

97 8. Districts are authorized to use up to 5% of the units for para-professionals or to cash them in
98 for related services.

99 Section 2. This Act shall take effect beginning with the fiscal year after its enactment.

SYNOPSIS

This bill provides State funding to kindergarten through third grade for basic special education. State funding already occurs for intensive and complex special education during these grades. Currently the basic special education funding runs from fourth through twelfth grade. This bill is an effort to promote earlier identification and assistance for basic special education needs which should then mitigate costs over the long term.