



SPONSOR: Rep. K. Williams & Sen. Sturgeon  
Reps. Baumbach, Bentz, Bush, Chukwuocha, Heffernan,  
Lambert, Longhurst, Lynn, S. Moore, Osienski; Sens.  
Lockman, S. McBride, Poore, Sokola, Walsh

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 144

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO FUNDING FOR  
PREKINDERGARTEN SPECIAL EDUCATION.

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 strike through and  
2 insertions as shown by underline as follows:

3           § 1703. Unit of pupils [Effective July 1, 2021 until June 30, 2022].

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          Preschool — 11.3

11          K-3 — 16.2

12          4-12 Regular Education — 20

13          4-12 Basic Special Education (Basic) — 8.4

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

15          Pre K-12 Complex Special Education (Complex) — 2.6

16          (b) All such units must be authorized by the Department of Education under rules and regulations promulgated by  
17 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  
18 category may be a major fraction.

19          (c) In the case of kindergarten, “unit” or “unit of pupils” is defined as 32.4 pupils for half-day kindergarten and  
20 16.2 pupils for full-day kindergarten.

21 (d) For funding purposes, the following conditions shall prevail for the calculations of the number of units for  
22 children with disabilities and all other children. The preschool unit shall be 1 unit for ~~12.8~~ 11.3 students. The kindergarten  
23 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  
24 regular education unit for grades 4 through 12 (4-12 regular education) shall be 1 unit for 20 students. The basic special  
25 education (basic) unit for grades 4 through 12 shall be 1 unit for 8.4 students. The intensive special education (intensive)  
26 unit for preschool through grade 12 shall be 1 unit for 6 students. The complex special education (complex) unit for  
27 preschool through grade 12 shall be 1 unit for 2.6 students. Grade 12 is defined as enrollment until receipt of a regular high  
28 school diploma or the end of the school year in which the student attains the age of 21, whichever occurs first, as defined in  
29 Chapter 31 of this title.

30 (1) *Preschool unit.* — a. Student shall be counted in the preschool unit if the student is identified as eligible  
31 for special education and related services and not counted in the intensive unit or complex unit described below and is  
32 any of the following:

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

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

- 39 1. Partial unit funding is provided for between 1 and ~~12.8~~ 11.3 students based on the cash-in value of  
40 the unit.
- 41 2. The cash-in value of the unit is tied to the teacher state salary schedule at the master's level plus  
42 10 years of experience as defined in § 1305(a) of this title.
- 43 3. The units include Divisions II and III.
- 44 4. Districts must use all funds generated by preschool unit to support services for the students  
45 counted in the preschool unit. Districts are not limited to using the funds to employ teachers only. The funds  
46 may be used to hire preschool special education teachers, paraprofessionals, and speech and language  
47 pathologists, or other related services personnel as determined at the local level. The units may also be used to  
48 secure contractual services per requirements for the contractual option described in 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 instruction to  
53 count in the preschool unit.

54 Section 2. Amend §1703, Title 14 of the Delaware Code by making deletions as shown by strike through and  
55 insertions as shown by underline as follows:

56 § 1703. Unit of pupils [Effective July 1, 2022 until June 30, 2023].

57 As used in this chapter:

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59 beginning in kindergarten and through grade 12; and for children prior to entry into kindergarten who are eligible for  
60 special education services as defined in Chapter 31 of this title:

61 ~~Beginning July 1, 2011~~

62 ~~Preschool—12.8~~

63 Preschool — 9.8

64 ~~K-3 — 16.2~~

65 ~~4-12 Regular Education — 20~~

66 ~~4-12 Basic Special Education (Basic) — 8.4~~

67 ~~Pre K-12 Intensive Special Education (Intensive) — 6~~

68 ~~Pre K-12 Complex Special Education (Complex) — 2.6~~

69 (b) All such units must be authorized by the Department of Education under rules and regulations promulgated by  
70 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  
71 category may be a major fraction.

72 (c) In the case of kindergarten, “unit” or “unit of pupils” is defined as 32.4 pupils for half-day kindergarten and  
73 16.2 pupils for full-day kindergarten.

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75 children with disabilities and all other children. The preschool unit shall be 1 unit for ~~12.8~~ 9.8 students. The kindergarten  
76 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  
77 regular education unit for grades 4 through 12 (4-12 regular education) shall be 1 unit for 20 students. The basic special  
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80 preschool through grade 12 shall be 1 unit for 2.6 students. Grade 12 is defined as enrollment until receipt of a regular high

81 school diploma or the end of the school year in which the student attains the age of 21, whichever occurs first, as defined in  
82 Chapter 31 of this title.

83 (1) *Preschool unit.* — a. Student shall be counted in the preschool unit if the student is identified as eligible  
84 for special education and related services and not counted in the intensive unit or complex unit described below and is  
85 any of the following:

- 86 1. Eligible for special education and related services from ~~birth; or birth.~~
- 87 2. At least 3 years of ~~age; or age.~~
- 88 3. Eligible as described in the interagency agreement with the Department of Health and Social  
89 ~~Services; or Services.~~
- 90 4. Not yet entered kindergarten.

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

- 92 1. Partial unit funding is provided for between 1 and ~~12.8~~ 9.8 students based on the cash-in value of  
93 the unit.
- 94 2. The cash-in value of the unit is tied to the teacher state salary schedule at the master's level plus  
95 10 years of experience as defined in § 1305(a) of this title.
- 96 3. The units include Divisions II and III.
- 97 4. Districts must use all funds generated by preschool unit to support services for the students  
98 counted in the preschool unit. Districts are not limited to using the funds to employ teachers only. The funds  
99 may be used to hire preschool special education teachers, paraprofessionals, and speech and language  
100 pathologists, or other related services personnel as determined at the local level. The units may also be used to  
101 secure contractual services per requirements for the contractual option described in Chapter 13 of this title.
- 102 5. Districts may use tuition to pay for the local share and excess costs of special education and  
103 related services.
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114 ~~Beginning July 1, 2011~~

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122 (b) All such units must be authorized by the Department of Education under rules and regulations promulgated by  
123 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  
124 category may be a major fraction.

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128 children with disabilities and all other children. The preschool unit shall be 1 unit for ~~12.8~~ 8.4 students. The kindergarten  
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130 regular education unit for grades 4 through 12 (4-12 regular education) shall be 1 unit for 20 students. The basic special  
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142 ~~Services; or Services.~~

143 4. Not yet entered kindergarten.

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

145 1. Partial unit funding is provided for between 1 and ~~12.8~~ 8.4 students based on the cash-in value of  
146 the unit.

147 2. The cash-in value of the unit is tied to the teacher state salary schedule at the master's level plus  
148 10 years of experience as defined in § 1305(a) of this title.

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153 pathologists, or other related services personnel as determined at the local level. The units may also be used to  
154 secure contractual services per requirements for the contractual option described in Chapter 13 of this title.

155 5. Districts may use tuition to pay for the local share and excess costs of special education and  
156 related services.

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

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

160 Section 4. Section 1 of this Act takes effect on July 1, 2021, Section 2 takes effect on July 1, 2022. Section 3 takes  
161 effect on July 1, 2023.

#### SYNOPSIS

This Act will result in increased funding for preschool children with disabilities who are not in either Intensive or Complex special education units by revising the current ratio of 12.8 students per unit to 8.4 students per unit consistent with the ratio of students per unit in Basic Special Education for students enrolled in grades 4-12. The reduction of students per unit will be phased in over three years; in the first year, the number of students per unit will be 11.3, in the second year, the number of students per unit will be 9.8, and in the third year the number of students per unit will be 8.4.

This Act also makes changes to existing law to make it consistent with the Legislative Drafting Manual.