

146TH GENERAL ASSEMBLY

FISCAL NOTE

BILL: HOUSE BILL NO. 365
SPONSOR: Representative Q. Johnson
DESCRIPTION: AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION AND EXCEPTIONAL CHILDREN.

ASSUMPTIONS:

1. Fiscally effective upon the signature of the Governor.
2. This Act permits parents and guardians who successfully challenge the denial of services to their children with special needs to recover the costs of expert witnesses that they needed to hire to advocate for their children.
3. Over the past 6 years, there have been an average of 3.5 due process hearings per year within the State that have been fully adjudicated.
4. As an example of the potential costs involved, the court case noted in the synopsis of the Act, the Arlington Central School District Board of Education v. Murphy, centered on the parents' claim for \$29,350 in fees pertaining to the services of an educational consultant.
5. Because the type of expert testimony (e.g. educational consultant, behavioral analyst, neurologist), the cost of the witnesses travel, meals and mileage and the length of the expert's involvement in the case (child observations, deposition and/or court proceedings) the fiscal impact cannot be estimated with any degree of accuracy.

Cost – Local School Districts:

Fiscal Year 2013	Indeterminable
Fiscal Year 2014	Indeterminable
Fiscal Year 2015	Indeterminable