

**EARL G. JAQUES, JR.**  
STATE REPRESENTATIVE  
Twenty-Seventh District



HOUSE OF REPRESENTATIVES  
STATE OF DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19901

COMMITTEES  
Education, Chair  
Veterans Affairs, Chair  
Health & Human Development  
Labor  
Transportation/Land Use and  
Infrastructure

**House Education Committee Meeting Minutes  
4.25.18**

Chair Jaques called the meeting to order at 2:49 p.m. Committee members present included Vice Chair K. Williams and Reps. Bentz, Heffernan, Matthews, Osinski, Potter, Briggs King, Dukes, Hensley, Kenton, Miro, and Postles. Secretary Susan Bunting of the Department of Education was also present. For a list of speakers present, please see the list below.

Vice Chair K. Williams introduced **HB363, AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION**. She explained that this bill changes the start times of school board elections from 10 a.m. to 7 a.m. in order to make them more accessible. She told the committee members she added an amendment to the bill this morning to make the start time consistent with other elections.

Chair Jaques stated his main concern with HB 363 was whether it would affect school safety. He introduced Superintendent Mervin Daugherty of the Red Clay Consolidated School District to respond to his concern.

Superintendent Daugherty explained that his district works closely with the Delaware Department of Elections to ensure all areas are safe when any election takes place at the schools.

Vice Chair K. Williams reiterated the purpose of the bill was to ensure people could vote before going to work by expanding the election times. She explained that elementary schools normally start around 9 a.m. and secondary schools around 7:25 a.m. She stated the amendment for the 7 a.m. start time attempts to make the bill consistent with other elections in the State.

Chair Jaques introduced Elaine Manlove, the State Election Commissioner, to answer any questions.

Commissioner Manlove explained that her concern with the bill is the difficulty with coordinating the arrival of students, buses, and voters at the same time. She mentioned that the State has primary elections on in-service days. She stated her final concern was having issues similar to the Red Clay lawsuit, where there were not enough parking for all of the activities at the schools.

Chair Jaques brought up his concern regarding the incomplete fiscal note for this bill.

Commissioner Manlove responded it would be around \$19,000 per year.

Secretary Bunting stated the Department of Education's support for the bill.

Chair Jaques opened the floor to public comment.

Kristin Dwyer of the Delaware State Education Association (DSEA) stated her organization's support of the bill. She explained that changing the time period would make voting easier for working families. She asked the Department of Elections to work with the school districts to ensure the earlier time did not disturb student arrival to schools.

Tammy Croce, Executive Director of the Delaware Association of School Administrators (DASA), expressed her organization's support of the bill and their confidence in the Department of Elections' ability to make the appropriate accommodations.

Daniel Walker of the Delaware Campaign for Achievement Now (DelawareCAN) supported the bill because, currently, voter turnout for school board elections is not very high, and this bill would remove a barrier to ensure working class families could vote.

John Marinucci, Executive Director of the Delaware School Boards Association (DSBA), stated his organization's support of the bill because it can improve access to interested voters.

Bill Doolittle, an advocate and active participant in parent-community engagement initiatives, explained he supported the bill because currently Delaware's voter turnout for school board elections is very low, and therefore, anything the State can do to allow more people to vote is necessary. He spoke of experiences with families that intended to vote, but could not due to hectic schedules.

Wendy Strauss, Executive Director of the Governor's Advisory Council for Exceptional Citizens (GACEC), expressed her organization's support of the bill due to its good intentions.

A motion was made by Rep. Potter and seconded by Rep. Dukes to release HB 363 from committee. Motion carried. Yes= 9 (Jaques, Williams, Bentz, Heffernan, Potter, Dukes, Hensley, Kenton, Miro); No= 0; Absent= 8 (Bolden, Lynn, Osienski, Smith, Briggs King, Hensley, Postles, Ramone). The bill was released from committee with an F=0, M=11, U=0 vote.

Rep. Heffernan introduced **HB 338, AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EXCEPTIONAL CHILDREN**. She explained currently if a student with a disability turns 21 in August, they are no longer eligible for free public education. However, if the student turns 22 in September, they can stay in school until the end of the year. This bill changes the age of eligibility from the end of the school year in which the child turns 21 to the end of the school year in which the child turns 22. She explained constituents contacted her wanting their children to be able to reach their full potential.

Chair Jaques asked the Controller General's Office representative, Art Jenkins, to address his main concern: the incomplete fiscal note. Chair Jaques asked if he knew the local share of the costs. He stated his concern was not with the state's portion of the cost, but the costs at the local level.

Mr. Jenkins responded that his office was still developing the fiscal note. He stated they do anticipate some costs, but he was not sure of the amount.

Rep. Heffernan stated the local share would depend on where the child is placed since many have out of school placements with either a residential or day program. She also emphasized a variety of other states have implemented this law including Arizona, California, Florida, Georgia, Michigan, and more.

Rep. Williams wondered if since federal law covers students until age 21, school districts would be able to use federal funds to pay for this change.

Secretary Bunting introduced Dale Matusevich, a Department of Education (DOE) Associate for Secondary and Transition Services to answer the question.

Mr. Matusevich stated federal law only covers a child through the year they turn 21. He explained if Delaware decides to extend the age, they would not get federal funding for those who start the year at age 22.

Rep. Heffernan explained if a student turns 21 before the school year, they cannot attend school for the upcoming year. However, if a student turns 21 a few days later when the school year has started, they can attend.

Chair Jaques directed the committee to look at line 7 of the bill. It mentions a “regular high school diploma.” However, Chair Jaques noted the legislature recently passed HS 1 for HB 287 to allow students with IEPs to receive a diploma of alternative achievement standards.

Rep. Heffernan offered to make an amendment.

The committee discussed that they may not need an amendment since HS 1 for HB 287 was signed into law. The code may just update it to reflect the change, but they asked for an attorney to clarify.

Natalie Woloshin, House Attorney, stated the word “regular” will not automatically come out and they would need an amendment.

Chair Jaques opened the floor to public comment.

Rep. Heffernan reminded everyone there were letters of support in the folder (see attached).

Kristin Dwyer of DSEA expressed her organization’s support of the rationale behind this bill, but she hoped the state could implement it responsibly.

Tammy Croce, Executive Director of DASA, stated her organization cannot support the bill at this time because they do not see any additional funding for this idea.

John Marinucci, Executive Director of DSBA, explained his organization supports assistance to students with special needs, but they are concerned regarding the lack of funding. He worried the funding would fall on school districts’ local funds, which would be a huge burden.

Bill Doolittle, an advocate, stated as an advocate for children with disabilities, he knows a child who was the victim of a crime and suffered trauma, and they would benefit from this bill. He explained that person can be fully supported by the state for the rest of their lives, which is millions of dollars, or with this bill, the child could learn life skills and reach their potential.

Wendy Strauss, Executive Director of GACEC, stated her organization’s support of this bill as it enhances the lives of individuals with disabilities by furthering their education.

Secretary Bunting stated DOE philosophically supports this bill, but questions the fiscal part of it.

Mr. Matusevich explained a number of questions the Department had including how the bill affects students placed into alternative placements through the Interagency Collaborative Team (ICT) process, what the objective of students staying an extra year is, and how the funding of potential teachers would be implemented.

Chair Jaques asked Mr. Jenkins when the fiscal note would be done.

Mr. Jenkins responded hopefully by the ninth of May.

Chair Jaques suggested tabling the bill until May 9<sup>th</sup>.

A motion was made by Rep. Dukes and seconded by Rep. Miro to table HB 338. Motion carried. Yes= 12 (Jaques, Williams, Bentz, Heffernan, Matthews, Osienski, Potter, Briggs King, Dukes, Kenton, Miro, Postles); No= 0; Absent= 5 (Bolden, Lynn, Smith, Hensley, Ramone).

Chair Jaques adjourned the meeting at 3:22 p.m.

Respectfully submitted,

Emma Odren, Legislative Fellow

#### Speaker List

1. Kristin Dwyer, Delaware State Education Association
2. Tammy Croce, Delaware Association of School Administrators
3. Daniel Walker, Delaware Campaign for Achievement Now
4. John Marinucci, Delaware School Board Association
5. Bill Doolittle, Advocate
6. Wendy Strauss, Governor's Advisory Council for Exceptional Citizens

For additional public comment, please see the attached supporting documents.