

Senate Education Committee Meeting

**Official Minutes
151st General Assembly
First Session**

**Committee Meeting
Wednesday, March 10, 2021
11:30 a.m.
Virtual Zoom Meeting**

Meeting Attendance

Committee Members:

Present:

Senator Laura Sturgeon	Laura.Sturgeon@delaware.gov	302-744-4135
Senator Elizabeth Lockman	Elizabeth.Lockman@delaware.gov	302-744-4168
Senator Colin Bonini	Colin.Bonini@delaware.gov	302-744-4169
Senator Ernesto Lopez	Ernesto.Lopez@delaware.gov	302-744-4136
Senator David Sokola	David.Sokola@delaware.gov	302-744-4139
Senator Bryan Townsend	Bryan.Townsend@delaware.gov	302-744-4165

Staff:

Anthony Bernadzikowski	Anthony.Bernadzikowski@delaware.gov	302-477-4629
Taylor Hawk	Taylor.Hawk@delaware.gov	
Rebecca Calvello	Rebecca.Calvello@delaware.gov	
Valerie McCartan	Valerie.McCartan@delaware.gov	

Attendees:

Organization:

Phone/Email:

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Meredith Seitz	DSCYF	Meredith.Seitz@delaware.gov
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Jeff Taschner	DSEA	Jeff.Taschner@dsea.org
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Mary Kate McLaughlin	Faegre Drinker	Marykate.McLaughlin@faegredrinker.com
Kim Klein	DOE	
MaryAnn Mieczkowski	DOE	

Senator Sturgeon introduced the Committee and brought the meeting to order at 11:32 a.m., thanking Secretary Susan Bunting for attending. A motion was carried to approve the minutes of the previous meeting.

Agenda:

SB 26 (Sokola) - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LIVESTREAMING BOARD MEETINGS OF THE UNIVERSITY OF DELAWARE, DELAWARE STATE UNIVERSITY, AND DELAWARE TECHNICAL AND COMMUNITY COLLEGE.

SYNOPSIS: This Act requires that meetings of the Board of Trustees for the University of Delaware, Delaware State University, and Delaware Technical and Community College must be livestreamed using technology that permits the public to hear all participants contemporaneously. This Act also requires that recordings of the livestreamed meetings must be maintained on a public website. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. This Act requires a greater than majority vote for passage because § 1 of Article IX of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend a charter issued to a corporation for educational purposes sustained in whole or part by the State, including the University of Delaware and Delaware State University.

Senator Sturgeon yielded to Senator Sokola to give an overview and synopsis of the legislation.

Senator Sokola said that the bill was in the interest of ensuring transparency for UD, DSU, and DTCC, all of which receive taxpayer dollars. He noted that UD's Executive Committee sent him a resolution explaining that they were planning on continuing to hold live-streamed meetings. He expressed concern that, while this was it was a necessary first step, this measure could be undone by Boards in the future, making it necessary to enshrine it as a change in law. He also mentioned that changes to the bill's language were potentially forthcoming.

Sen. Sturgeon asked Sen. Sokola if these meetings of the Boards of Trustees were public meetings. Sen. Sokola responded that these meetings are indeed considered to be public, and noted that Executive Committee meetings are still private.

Sen. Lockman asked if the public meetings of the Boards provided an opportunity for public comment. Sen. Sokola replied that they do and require participants to sign up ahead of time, although they have the ability to limit the amount of public comment.

Secretary Bunting said that the Department of Education would remain neutral on the bill.

For public comment, Sen. Sturgeon yielded to **Mr. Robert Overmiller** of the Governor's Advisory Council for Exceptional Citizens. He expressed support for the bill.

SB 26 was Reported out of the Committee – 2 Favorable; 4 on its Merits; 0 Unfavorable

SB 56 (Sturgeon) - AN ACT TO AMEND THE DELAWARE CODE RELATING TO EDUCATIONAL OPPORTUNITY FUNDING.

SYNOPSIS: This Act codifies the Opportunity Fund, an additional source of educational funding for Delaware public schools intended to support the increased needs of low income and English learner students, and establishes the parameters for how the funding is to be distributed to school districts and charter schools.

Sen. Sturgeon introduced the bill as the prime sponsor. She explained that the bill was a result of a collaboration between the DOE, the Governor's office, and a number of community advocates. She then asked for Secretary Bunting to speak to the bill.

Sec. Bunting said that she was enthusiastic about speaking in support of the bill, noting that the existing Opportunity Funding program has been successful and was looking forward to seeing its expansion.

Sen. Sturgeon said that the funding program allows for flexibility in how the money is spent in different school districts.

Sen. Lockman expressed her support for the bill as a co-sponsor. She asked if there would be any additional types of analysis on this program and its efficacy a la the existing Rand study.

Sec. Bunting responded that the Rand study would go on to complete its 3-year timeframe, and that the DOE will have goal-setting conferences with the state's superintendents. She also said that they also had an oversight committee headed by Darrell Greene to analyze the program.

Sen. Sokola expressed his strong support for the bill, and said he took issue with current evaluations of the program due to the unique nature of the pandemic.

Sec. Bunting acknowledged that assessments were a challenge, but that the Rand study made adjustments to accommodate that challenge.

Sen. Sturgeon then opened the floor to public comment.

Kendall Massett of the Delaware Charter Schools Network expressed support for the bill on her organization's behalf.

Dr. Tammy Croce of the Delaware Association of School Administrators expressed support for the bill on her organization's behalf.

Robert Overmiller expressed his opposition to the legislation.

Oribel McFann-Mora of the Governor's Advisory Council on English Learners and Delaware English Learners Teachers and Advocates expressed support for the bill on both of her organizations' behalf.

Charito Calvachi-Mateyko expressed support for the bill on behalf of the Delaware Hispanic Commission.

Dan Shelton of the Christina School District and the Christina School District expressed support for the bill on behalf of both organizations.

Jeff Taschner of the DSEA expressed support for the bill on behalf of the organization.

Aaron Bass expressed support for the bill as the CEO of Eastside Charter School in Wilmington.

Dr. John Marinucci expressed support for the bill on behalf of the Delaware School Boards Association.

Kim Stock of McKean High School and the 2021 Delaware Teacher of the Year expressed her support for the bill.

Although not present for the meeting, the following submitted written materials in support of SB 56: **Christine Gillean** on behalf of the Delaware chapter of the American Association of University Women; **Linda Barnett** of the League of Women Voters Delaware

SB 56 was reported out of the Committee – 3 Favorable; 3 on its Merits; 0 Unfavorable

**SB 19 (Wilson) - AN ACT TO AMEND TITLE 14
OF THE DELAWARE CODE RELATING TO EXCEPTIONAL CHILDREN IN HOMESCHOOLS.**

SYNOPSIS: This Act makes children with disabilities who attend homeschools eligible to receive speech language pathology and audiology services in the same manner as students who attend private schools. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Senator David Wilson explained that the bill came into being as a result of a concern from two of his constituents with a homeschool child who had a need for a speech pathologist, a service offered to public and private school students. He said that homeschool students and their families pay into the public school tax structure but do not reap the benefits. He said that the bill was in the same spirit of SB 56 in terms of providing equal opportunity.

Sen. Wilson asked **Debbie Gottschalk** to speak on the technicalities of the bill. She explained that extends the same speech pathology access for homeschool students as it does for public/private school students and did not create a new structure. She also noted that it exempts homeschool students from the child find requirements in existing law; it would come into action if the parent of a child approached the local LEA for assistance. She also said that experts from UD said that the existing structure did have the capacity to help homeschool children.

Senator Lockman said that she understood the intention of the bill. She asked Debbie if her point about capacity was meant specifically for public schools. Debbie clarified that it was not; that the people at UD meant that private providers would have to capacity to be able to provide the services.

Sen. Lockman expressed concern about the undetermined cost of the bill and that the cost would ultimately be coming from the local districts (per the Controller General).

Sen. Wilson said that the cost was undeterminable but would ultimately be minimal because of the low number of students that it would apply to.

Sen. Sokola noted that, per the bill's fiscal note, federal funds are likely ineligible for homeschool students given the funding's criteria. He asked why they would not be.

Debbie Gottschalk clarified that federal funding eligibility varied by state, and because the state law in DE did not meet federal requirements for that funding a complete change would be needed to how homeschools are regulated and licensed.

Before public comment, Sen. Sturgeon yielded to Sec. Bunting.

Sec. Bunting said that she had been working with Sen. Wilson for a solution on the bill, but that they had unanswered questions and could not support the bill in its current form. She deferred to MaryAnn Mieczkowski, a special education expert at the DOE.

Ms. Mieczkowski said she supported the intent of the bill but did not support it as written. She said that providing services for homeschool children was in direct conflict with the definition of public vs. private vs. homeschool in the Delaware Code. She said that IDEA – a federal law – required a child find process for home school students.

Senator Bonini said that it seemed that everyone involved wanted the right outcome. He said he would like to see a commitment with Sen. Wilson to work towards a solution.

Sec. Bunting said the DOE was fully willing to continue to work with Sen. Wilson on the legislation.

Sen. Sturgeon then opened the floor for public comment.

Lisa Lawson of the Delaware Association of Special Education Professionals expressed her opposition to the bill as written due to funding and legal issues.

Dr. John Marinucci of the DSBA expressed his opposition to the bill as written.

Dr. Tammy Croce of DASA expressed opposition to the bill as written.

Megan Wiley, a mother of three homeschool children with needs for speech pathology services, expressed her support for the bill and asked for the DOE to work further with Sen. Wilson on the legislation.

Verna Hensley spoke on behalf of Easterseals DE and MD Shore in favor of the bill and encouraged the DOE to work with Sen. Wilson on the bill.

Robert Overmiller of the GACEC expressed support for the bill as written.

SB 19 was not reported out of the Committee.

Senator Sturgeon entertained a motion to adjourn the meeting at 12:48 p.m.