

Senate Education Committee Meeting

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

**Committee Meeting
Tuesday, June 8, 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 David Sokola | David.Sokola@delaware.gov | 302-744-4139 |
| Senator Ernesto Lopez | Ernesto.Lopez@delaware.gov | 302-744-4136 |

Staff:

| | | |
|------------------------|--|--------------|
| Anthony Bernadzikowski | Anthony.Bernadzikowski@delaware.gov | 302-477-4629 |
| Taylor Hawk | Taylor.Hawk@delaware.gov | |
| Valerie McCartan | Valerie.McCartan@delaware.gov | |
| Rebecca Calvello | Rebecca.Calvello@delaware.gov | |
| Mary Grace Colonna | Marygrace.Colonna@delaware.gov | |

Attendees:

Email:

Organization:

| | | | |
|-----------|---------|--|-----------------------------|
| Kathie | Cherry | kathie.cherry@delaware.gov | GACEC |
| Nicole | Polite | nicole.polite@delaware.gov | Controller General's Office |
| CANDI | BILES | candibiles@gmail.com | |
| Ariel | Snowden | ariel.snowden@delaware.gov | CDW |
| Kristina | Horton | kristina.horton@delaware.gov | |
| Stephanie | Whalen | Stephanie.Whalen@delaware.gov | |

Meeting minutes prepared by Anthony Bernadzikowski

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|-----------------|-----------------|--|--|
| Meredith | Seitz | Meredith.Seitz@delaware.gov | Department of Services for Children, Youth & Their Families |
| Yvette | Sanchez-Fuentes | Yvette.Sanchezfuentes@doe.k12.de.us | DOE |
| Courtney | Harrigan | clharrigan@gmail.com | |
| Katie | Burris | katie.burris@delaware.gov | Child Development Watch |
| Katie | Burris | katie.burris@delaware.gov | |
| Nicole | Topper | nicole.topper@delaware.gov | CDW |
| Brenda | Wise | brenda.wise@delaware.gov | |
| Gail | Brogdon | gail.brogdon@delaware.gov | |
| Kristin | Romano | Kristin.romano@delaware.gov | |
| Michelle | Blankenship | mblankenship@esdel.org | Easterseals Delaware & Maryland's Eastern Shore |
| Edie | Harrison | edie.harrison@kencrest.org | KenCrest Services |
| Sarah | Stowens | Sstowens@rodelde.org | |
| Jodie | Cannon | jodie.cannon@delaware.gov | Birth to 3 Early Intervention |
| Susan | Buntin | susan.bunting@doe.k12.de.us | DOE |
| Diane | Frentzel | dcfrentzel@gmail.com | |
| Pam | Weir | pam.d.weir@delaware.gov | Governor's Advisory Council for Exceptional Citizens (GACEC) |
| Kim | Krzanowski | kimberly.krzanowski@doe.k12.de.us | |
| Patricia Dailey | Lewis | Patty@BeauBidenFoundation.org | Beau Biden Foundation for the Protection of Children |
| Robert | Overmiller | rdo1979@aol.com | |
| Jamie | Schneider | jamie@eecde.org | Delaware Association for the Education of Young Children |
| Betty Gail | Timm | Elizabeth.Timm@doe.k12.de.us | DOE |
| Rosanne | Griff-Cabelli | cabelli@comcast.net | |
| Cindy | Brown | cindy.brown@doe.k12.de.us | DOE |
| Barbara | Johnson | barbsjohnson711@gmail.com | Delaware Readiness Teams |
| Bruce | Orr | brucel.orr@gmail.com | Delaware |
| Carrie | Cole | carrie.cole@byrdgomes.com | |
| mary grace | colonna | marygrace.colonna@delaware.gov | |
| Jeri | Turner | Jeri.Turner@doe.k12.de.us | DDOE |

| | | | |
|-----------|-----------------|--|---|
| Sarah | Bucic | sarah.bucic@delawarepta.org | Delaware PTA, VP of Advocacy |
| Madeleine | Bayard | mbayard@rodelde.org | Rodel |
| Gaye | Council | gaye.council@delaware.gov | DHSS |
| Emily | Cunningham | emily.cunningham@doe.k12.de.us | Department of Education |
| Rebecca | Calvello | rebecca.calvello@delaware.gov | delaware state senate |
| Kelly | Sherretz | kscollon@udel.edu | IPA |
| Dr. | Croce | tjcroce@edasa.org | Delaware Association of School Administrators |
| Jessica | Heesh Butler | Jessica.heesh-butler@state.de.us | |
| Kathleen | Baker | kmbdoremi@aol.com | League of Women Voters of Delaware |
| Linda | Barnett | luvchocdog@hotmail.com | League of Women Voters of DE |
| Christine | Alois | christine.alois@doe.k12.de.us | DOE |
| Candi | Biles | candi.biles@delaware.gov | DPH |
| Steven | Davis | sdavis1951@aol.com | Newark NAACP |
| Sarah | Scribner | sarah.scribner82@gmail.com | |
| Nancy | Smith | nsmith.cecc@gmail.com | Comprehensive Early Care Consultation |
| Verna | Hensley | vhensley@esdel.org | Easterseals Delaware & MD Eastern Shore |
| Carolyn | Martin-Pettaway | carolyn.martin-pettaway@delaware.gov | Senate staff |
| Kiki | Evinger | kathryn.evinger@delaware.gov | |
| Dawn | Alexander | dawn.alexander@colonial.k12.de.us | Colonial School District |
| Alanna | Mozeik | alanna.mozeik@delaware.gov | |
| Ann | Woolfolk | ann.woolfolk@comcast.net | |
| Brenda | Villa | brenda.villa@delaware.gov | B23 |
| Nina | Kardos | nina.kardos@delaware.gov | B23/CDW |
| michael | harkins | mikeharkins1@aol.com | |
| Fiona | Vivar | fiona.vivar@doe.k12.de.us | Delaware Department of Education |
| Michelle | Mathew | michelle.mathew@delaware.gov | |
| Valerie | McCartan | valerie.mccartan@delaware.gov | |

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|--------------|------------|--|------------------------------------|
| Kyle | Gay | kyle.gay@delaware.gov | Delaware State Senate |
| Kyle | Gay | kyle.gay@delaware.gov | |
| Deborah | Gottschalk | deborah.gottschalk@delaware.gov | Division of Research |
| Lisa | Lawson | lisa.lawson1@bsd.k12.de.us | Brandywine School District |
| Jennifer | MacCormack | Jennifer.Maccormack@delaware.gov | Birth to 3 EI |
| Pamela | Reuther | preuther@esdel.org | Easterseals Delaware |
| Molly Cleary | Merrill | molly.merrill@delaware.gov | ICC |
| Mary Kate | McLaughlin | Mkmcl1@comcast.net | |
| Rita | Wright | ritawright7@msn.com | |
| Mark | Cutrona | mark.cutrona@delaware.gov | Division of Research |
| Dr. John | Marinucci | delawaresba@gmail.com | Delaware School Boards Association |
| Kelly | Conway | Kellyaconway1986@gmail.com | |

Agenda:

SB 136

SB 169

Senator Sturgeon convened the meeting at 11:49 a.m. as the meeting was delayed by 15 minutes to accommodate traffic delays.

The Committee approved the meeting minutes of May 18, 2021.

I. **SB 136 (Sturgeon) – AN ACT TO AMEND TITLE 14, TITLE 16, TITLE 29, AND TITLE 31 OF THE DELAWARE CODE RELATING TO EARLY INTERVENTION SERVICES.**

Synopsis: This Act transfers responsibility for early intervention services for children ages birth to age 3 from the Department of Health and Social Services to the Department of Education and revises the Code to be consistent with federal law. The Individuals with Disabilities Education Act (IDEA) requires states to provide a comprehensive, coordinated, interagency, interdisciplinary early intervention services system for eligible infants and toddlers and their families. This Act requires that early

intervention services be provided in compliance with all of the requirements of the IDEA, improves coordination between advisory bodies, and requires early intervention service providers to receive the same training on child abuse and the same background checks as school employees. Specifically, this Act does all of the following: Section 1. Creates a new Chapter 31A in Title 14 for the Infants and Toddlers Early Intervention Program. Section 2. Transfers responsibility for the Infants and Toddlers Early Intervention Program from the Department of Health and Social Services (DHSS) under Subchapter II, Chapter 2 of Title 16 to the Department of Education (DOE) under the new Chapter 31A of Title 14, and revises the Code as follows: 1. Aligns the Code with the requirements under the federal infants and toddlers program known as Part C of the IDEA. 2. Creates duplicate sections in Title 14 regarding the confidentiality of reports and prohibiting compulsory participation in the program consistent with existing sections in Title 16. 3. Adds standard organizational language for the Interagency Coordinating Council (ICC). 4. Requires the ICC to hold at least 1 joint meeting each calendar year with the Governor's Advisory Council for Exceptional Citizens (GACEC) because the ICC and the GACEC are the 2 Delaware agencies that advise the Department of Education on implementation of the IDEA. Section 3. Makes corresponding changes to Subchapter I, Chapter 2 of Title 16 to reflect the transfer of responsibility for the Infants and Toddlers Early Intervention Program to DOE. Section 4. Adds the chair of the ICC as a member of the Early Childhood Council (ECC) and makes corresponding changes to the membership of the ECC to reflect the transfer of responsibility for the Infants and Toddlers Early Intervention Program. Section 5. Requires the GACEC to hold at least 1 joint meeting each calendar year with the ICC because the ICC and the GACEC are the 2 Delaware agencies that advise the Department of Education on implementation of the IDEA. Section 6. Requires early intervention service providers to receive the same child abuse and child safety awareness, prevention, detection, and reporting training as school employees. Section 7. Makes corresponding changes to § 7904 of Title 29 reflecting the transfer of the authority to charge a fee for a service provided by Child Development Watch from DHSS to DOE. Section 8. Requires early intervention service providers to receive the same background checks as other child-serving entities and makes corresponding revisions to the procedures to obtain and review the information received from these background checks. Section 9. Delays the implementation of this Act until July 1, 2023 to provide time for the transfer of the program, including the promulgation of regulations. Section 10. Provides that this Act is known as the "Infants and Toddlers Early Intervention Act". 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 § 11(a) of Article VIII of the Delaware Constitution requires the affirmative vote of three-fifths of the members elected to each house of the General Assembly to impose a fee.

Senator Sturgeon introduced the bill as its prime sponsor and explained that she believed the transfer of IDEA Part C to the Department of Education was necessary. She

said that DHSS and DOE were both involved in the crafting of the legislation and that the bill would bring Delaware's administration of IDEA Part C in line with other states. She introduced Dawn Alexander as a witness to testify in favor of the bill.

Dawn Alexander explained that most states have moved over the past 20 years to consolidate early education governance. She said that in 2010, a report was commissioned that urged the transfer for Part C to the DOE to improve effectiveness, efficiency, and accountability. She also mentioned that Governor Carney hired someone to the Department of Education in 2020 to help oversee the transfer of these services.

Sen. Sturgeon then opened the floor for public comment.

Robert Overmiller expressed his opposition to the legislation.

Pam Weir of the GACEC expressed support for the legislation on behalf of her organization.

Ann Woolfolk of the Interagency Coordinating Council objected to the ICC not being included in the drafting of the legislation and requested that it be delayed for consideration.

Diane Frentzel of the Delaware Readiness Teams expressed support for the legislation on behalf of her organization.

Lisa Lawson of Brandywine School District expressed support for the legislation.

Sarah Bucic of the Delaware PTA expressed support for the legislation on behalf of her organization.

Kathleen Baker of the League of Women Voters Delaware expressed support for the bill on behalf of her organization.

Jamie Schneider of EECDE expressed support for the legislation as an early childcare provider.

Dawn Alexander was called on by Sen. Sturgeon for additional comment. She said that she had personal experience with this process during her time in the classroom.

Yvette Sanchez-Fuentes and **Cindy Brown** expressed support for the bill on behalf of DOE.

SB 136 was reported out of the Committee: 0 Favorable; 5 on its Merits; 0 Unfavorable

Meeting minutes prepared by Anthony Bernadzikowski

II. SB 169 (Gay) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DELAWARE CHILD CARE ACT.

Synopsis: In 2019, the Office of Child Care Licensing (“OCCL”) was transferred from the Department of Services for Children, Youth, and Their Families to the Department of Education. This Act makes changes to improve OCCL’s implementation and enforcement of the Child Care Act, Chapter 30A of Title 14 of the Delaware Code. Additionally, this Act does the following: (1) Updates and expands the definition of child care to include early education programs for children below the grade of kindergarten that are operated by public or private schools. (2) Increases penalties for violations of the Child Care Act. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Sen. Sturgeon deferred to Senator Kyle Gay to introduce the legislation.

Sen. Gay thanked Senator Sturgeon and read a synopsis of the bill. She said that the legislation was necessary to ensure child safety and address existing regulatory structures. She introduced Dawn Alexander as an expert witness.

Dawn Alexander said the legislation was necessary because children in public preschools were not typically included in the state’s unit count unless they had special needs, pointing out that such a system excluded low-income students. She said that SB 169’s change to title 14 of the Delaware Code would expand equity and access to early education. She also said that it would help align the goals of the advocates with those of local providers of early childhood education.

Lisa Lawson echoed Dawn’s statements about the importance of pursuing licensing based on her experience in school administration.

Sen. Gay explained that SB 169 was a “June bill” because of her willingness to work with the Department of Education and incorporate their feedback.

Emily Cunningham expressed support for the bill on behalf of the DOE. She noted that Yvette Sanchez-Fuentes was present to testify in favor of the bill.

Yvette Sanchez-Fuentes also expressed support for the bill on behalf of DOE and thanked the sponsor and stakeholders for their work on the bill.

Sen. Sturgeon then opened the floor to public comment.

Sarah Bucic expressed support for the bill on behalf of the Delaware PTA.

Patricia Dailey Lewis of the Beau Biden Foundation expressed support for the bill.

Jamie Schneider expressed support of the bill on behalf of DAEYC.

Robert Overmiller expressed opposition to the legislation.

Senator Bonini asked if there had been an analysis done of the impact of SB 169's requirements on small businesses. **Sen. Gay** said that the bill removes the exception for public and private schools who are currently exempted. **Sen. Bonini** asked if the bill would alter the market negatively. **Sen. Gay** said that the bill would be a positive asset for these institutions. **Sen. Bonini** said that he would further express his concerns in-person.

Sen. Sturgeon called on Jamie Schneider to answer Sen. Bonini's question. **Jamie Schneider** said that it would not restrict access, but rather expand access to childcare by expanding eligibility for purchase of care. She also noted that standalone childcare centers already followed the proposed regulations in SB 169. **Sen. Bonini** thanked her for her explanation. **Yvette Sanchez-Fuentes** agreed with Jamie's explanation.

SB 169 was reported out of the Committee: 0 Favorable; 5 on its Merits; 0 Unfavorable

Senator Bonini motioned to adjourn the meeting and **Senator Sokola** seconded the motion.

Senator Sturgeon adjourned the meeting at 12:49 p.m.