



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: March 11, 2013

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, Chairperson
DM-P/JS
State Council for Persons with Disabilities

RE: H.B. 23 [Digital Record of School Board Meetings]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 23 which requires that all public meetings of the boards of education of traditional public school districts, vo-tech school districts, and public meetings of charter schools' boards of directors be digitally recorded and made available to the public on the districts' and charter schools' websites within seven business days. As background, legislation (H.B. 26 as amended by H.A. 3) was enacted in 2011 requiring the State Board of Education to record all regular monthly Board meetings and make the recordings available to the public on the DOE's website within 7 business days. H.B. 23 is generally patterned on the original version of H.B. 26. SCPD recommends a few amendments to conform more closely to the engrossed version of H.B. 26. Please consider the following recommendations.

First, the State Board legislation only applies to "regular monthly public board meetings" and excludes "executive sessions, or ...other meetings of the Board, such as workshops, retreats, and committee meetings. Similarly, the attached Christina School District policy (cited in the synopsis) does not apply to "all their public meetings". Rather, the policy only applies to "all public meetings, where action is to be taken". Thus, it would not apply to retreats and workshops. SCPD recommends that the sponsors consider excluding executive sessions which typically involve personnel matters and attorney-client discussions. SCPD also recommends excluding workshops, retreats, and similar meetings in which no action is being taken.

Second, the State Board legislation includes the following provision ensuring equal access by individuals with hearing loss: "A written transcript of the regular monthly public board meetings that are digitally recorded pursuant to this paragraph, or other reasonable accommodation, will be provided by the Department of Education within seven (7) business days upon request of a

person with a hearing impairment.” SCPD recommends including a similar provision in H.B. 23.

Thank you for your consideration and please contact SCPD if you have any questions regarding our observations or recommendations on the proposed legislation.

cc: Mr. Brian Hartman, Esq.
Council on Deaf & Hard of Hearing Equality
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

hb 23 recording school board mtgs. 3-11-1