



**STATE OF DELAWARE**  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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The Honorable John Carney  
Governor

John A. McNeal  
Director

**MEMORANDUM**

DATE: February 24, 2020

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

FROM: Mr. J. Todd Webb, Chairperson  
State Council for Persons with Disabilities

RE: S.B. 203 (Speech Language Pathology and Audiology Services for Homeschooled  
Children with Disabilities)

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 203 which 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. The bill specifically amends § 3101 of Title 14 of the Delaware Code by including the following:

- “For a student in homeschool, under §2703A of this title, ‘free appropriate education’ means speech language pathology and audiology services required to assist a child with a disability to benefit from an education.”
- “(t)hat a child with a disability who attends a homeschool under § 2703A of this title, is eligible for speech language pathology and audiology services in the same manner as a student who attends a private school is eligible for equitable services.”

Title 14 of the Delaware Code considers homeschools to be nonpublic schools. Homeschools for children under 16 must be opened with the Delaware Department of Education (DDOE). Two main types exist: “multi-family homeschool” and “single-family homeschool.” Multi-family homeschool means “the education of children, primarily by the parents(s) or legal guardian(s) of such children mainly in one or several residences, or other facilities, when such children are not all related to each other as brother or sister” with one person serving as a liaison to the Department of Education for reporting enrollment and attendance information for all children involved. Single family homeschool means “the education of one’s own child(ren) primarily by the parent(s) or legal guardian(s) of such child(ren) mainly in their own residence.”

Agencies (LEA) to locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private schools located in the school district served by the LEA. While parentally placed private school children with disabilities do not have an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school, Delaware regulations provide a formula that determines the amount each LEA shall spend on providing special education and related services and whether a child with a disability in a private school is eligible for special education or related services.

SB 203 allows parents or guardians to request an LEA to evaluate homeschooled students with disabilities who are in need of special education and related services for speech language pathology and audiology services. Similar to a child in private school, a homeschooled child found eligible would receive related services for speech language pathology and audiology services, if the parent or guardian educating the child complies with the school district evaluation requirements and the services plan provided by the school district.

SCPD asks for clarification on why this expansion of availability of special education and related services to homeschooled children is limited to speech language pathology and audiology services. If the State Senate is prepared to offer these services to homeschooled services, SCPD is seeking an explanation as to why other services are not included. There may be other practical details that should be included in the bill, such as which LEA is responsible, how it such services will be funded, whether the homeschooled students will have IEPs, how will these needs be factored in and prioritized by the LEA in deciding what services will be allocated and provided to students (private school vs. homeschooled?).

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

cc: Ms. Laura Waterland, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

SB 203 – services for homeschooled children with disabilities 2-24-20