



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

MARGARET M. O'NEILL BUILDING
410 FEDERAL STREET, SUITE 1
DOVER, DE 19901

VOICE: (302) 739-3620
TTY/TDD: (302) 739-3699
FAX: (302) 739-6704

MEMORANDUM

DATE: May 28, 2010

TO: The Honorable Quinton Johnson
The Honorable David P. Sokola

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

RE: H.B. 386 [School Board Member Special Education Hearing Training]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 386 which requires all local school board members to receive training covering special education hearings consistent with standards to be promulgated by the Department of Education.

SCPD endorses the proposed legislation since it would result in more informed school board members in the context of special education hearings. However, Council wanted to share a potential "non-critical" amendment which would clarify the training timetable. The bill only recites that the training would be scheduled "during his/her term" (line 4). Obviously, it would be preferable for the training to occur early in a board member's term rather than at the end of a board member's term. You may want to consider the following options.

Option 1: The word and punctuation "timetable," could be inserted in line 6 between "criteria," and "material". The DOE would then be guided to establish the training timetable via regulation.

Option 2: If you wished to provide more guidance in the statute, the following clause could be added after the word "program" in line 6: "which shall include a timetable which encourages completion of training within twelve months of adoption of regulations or within twelve months of initial appointment as a board member, whichever is later." This would result in existing board members being trained within 12 months of adoption of regulations. New board members beginning terms after adoption of the regulations would similarly be expected to complete training within the first twelve months of their initial term.

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

cc: Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council