



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: April 30, 2013

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

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

RE: S.B. 20 [DOC Education Program]

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 20 which provides positions (FTEs) for the Prison Educational Program. SCPD has the following observations.

First, the text at lines 8-10 is grammatically infirm. It reads as follows:

Department of Correction's Educational Services shall be provided by utilizing FTEs of which up to 4.0 shall be authorized as teachers/ supervisors, authorized as teachers, minimum of 10.0 authorized teachers will be Career and Technical Education Teacher, 3.0 authorized as secretaries for the Department of Education.

SCPD suspects the intention is to replicate some variation on the following Section 302 from the Governor's proposed budget (H.B. 30):

Section 302. Section 1 of this Act appropriates 39.7 FTEs, of which up to 4.0 shall be authorized as teachers/supervisors, 31.7 authorized as teachers, 3.0 authorized as secretaries for the Department of Education and 1.0 Education Associate to operate the Prison Education Program...

Second, the text at lines 10-13 is likewise grammatically deficient. It reads as follows:

Prison Educational Program, 2.0 of these authorized secretaries will be located within a correctional facilities served. 2.0 authorized as Educational Diagnostic for all correctional facility locations and 1.0 Education Associate dedicated directly to operating the Prison Education Program.

Third, lines 22-30 merit revision. In line 22, delete the comma. In lines 23, 26, 28, and 30, correct the form of references to the Delaware Code. In line 25, substitute “qualifying” for “are qualified”. Compare Section 302 of H.B. No. 30, p. 200, lines 12-21.

Fourth, in line 33, substitute “with” for “within”. Compare Section 302 of H.B. No. 30, page 200, line 23.

Fifth, in line 36, correct the form of reference to the Delaware Code.

Sixth, the text in lines 38-39 is grammatically incorrect and redundant since it essentially repeats the text in lines 36-37. SCPD is confident that the intent was to include the following from Section 302 from H.B. 30 (subject to deletion of the incorrect comma after the word “event”):

In the event, the Director of the Office of Management and Budget proposes or implements a position attrition or complement reduction initiative, the Director shall clearly indicate to the Co-Chairs of the Joint Finance Committee when positions outlined in this section are included in said initiative(s).

Seventh, in line 51, substitute “to” for “for” and delete the redundant “of the”.

Eighth, in line 54, insert “and” between “data” and “information”.

Ninth, in line 61, substitute “be referred” for “move forward”.

Tenth, in line 68, delete the comma.

Eleventh, in line 69, delete “a”.

Twelfth, in line 70, capitalize “technical”.

Thirteenth, in line 71, substitute “provided” for “provide”.

Finally, given the aforementioned observations, the sponsors may wish to request a review by a Senate attorney.

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

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

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