MEMORANDUM

DATE: March 11, 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: 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