



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: March 23, 2015

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

FROM: Ms. Daniese McMullin-Powell, Chairperson  
*Dm-p/20*  
 State Council for Persons with Disabilities

RE: H.B. 30

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 30 which provides State funding to kindergarten through third grade for basic special education. SCPD endorses the proposed legislation subject to one amendment described below.

As background, there are currently some anomalies in the unit count system for students who qualify for special education. First, special education students of all ages (Pre-K to 12) with “deep-end” needs are funded through “Intensive” or “Complex” units (lines 12-13). In contrast, special education students with “basic” needs are funded through the following units: Preschool (pre-kindergarten) and Basic Special Education (grades 4-12). There is an obvious gap, i.e, there is no distinct special education unit for students with basic needs in grades K-3. The K-3 special education students with basic needs are merged into a K-3 unit with all other students (line 10).

Second, the result of the above system is reduced funding for K-3 special education students with basic needs. The aberration is illustrated in the following table:

“BASIC NEEDS” SPECIAL EDUCATION STUDENT FUNDING

GRADE	UNIT COUNT (number of students needed to generate a unit)
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Preschool (pre-K)	12.8
K-3	16.2
4-12	8.4

It is “odd” to have “richer” unit counts for very young (pre-K) students and students in higher (4-12) grades. Moreover, the difference in funding is dramatic. Identical K-3 students generate roughly half of the funding of the 4-12 students (16.2 versus 8.4).

The impact of the anomaly is difficult to measure. A district’s duty to identify students with disabilities and provide a free, appropriate public education is not statutorily diminished by lower funding for the K-3 special education population (14 Del.C. §§3101, 3120, and 3122). However, it is logical to assume that reduced funding may influence the availability of services and supports for this cadre of students.

SCPD endorses the proposed legislation subject to one amendment. Line 57 should be corrected as follows: “and not counted in the intensive unit or complex unit described later in this section identified as eligible for special education and related services.” This is the approach adopted for the comparable 4-12 regular education unit at line 70.

In their discretion, the sponsors may also wish to consider renaming the “K-3” unit as “K-3 Regular Education” (lines 10) for equivalence to the “4-12 Regular Education” unit (line 11). However, all subsequent references to the K-3 unit throughout Title 14 would then have to be changed as well, including references at lines 56 and 58. This could be addressed in subsequent legislation.

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

HB 30 special ed funding 3-23-15