

**TERESA L. SCHOOLEY**  
STATE REPRESENTATIVE  
Twenty - Third District



HOUSE OF REPRESENTATIVES  
STATE OF DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19901

COMMITTEES  
Education, Chair  
Capital Infrastructure  
Health & Human Development  
Veterans Affairs

**Education Committee**  
Meeting Minutes  
June 9, 2010

Vice Chair Scott called the meeting to order at 2:45 pm. Members present were Representatives Barbieri, Oberle, Kovach, Jaques, Schooley, Manolakos, Briggs-King, Kowalko, Q. Johnson, Blakey, and Miro. For a list of guests present, please see attached.

Vice Chair Scott began the meeting by asking Rep. Oberle to introduce his bill, **HOUSE JOINT RESOLUTION 10, CREATING A COMMITTEE TO DEVELOP CURRICULUM FOR INSTRUCTING STUDENTS IN THE HISTORY OF ORGANIZED LABOR AND THE COLLECTIVE BARGAINING PROCESS IN AMERICA**. Rep. Oberle stated that this joint resolution is a formal action and structure of what was passed last week, relating to the teaching of the collective bargaining process.

Rep. Kowalko then motioned to release the resolution from committee; Rep. Blakey seconded the motion. HJR 10 was released from committee on a 0-8-0 vote.

Vice Chair Scott then asked Rep. Oberle to talk on behalf of his next bill, **HOUSE BILL 441, AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DELAWARE UNIVERSAL BREAKFAST FUND**. Rep. Oberle commented that this bill was also discussed last week. He then noted the fiscal note that was attached to the bill, which makes the program subject to appropriations.

Vice Chair Scott commented that Rep. Oberle did a great job with this bill and that some schools are doing a great job by already having a school breakfast program. However, Vice Chair Scott believes it is important that more schools adopt such a program.

Rep. Kowalko then motioned to release the bill from committee; Rep. Scott seconded the motion. HB 441 was released from committee on a 0-9-0 vote.

Next, Vice Chair Scott called upon Chair Schooley to speak on behalf of **HOUSE BILL 436, AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO UNIT FUNDING**. Chair Schooley stated that this is a complicated bill, and the Department of Education has been working on this bill for years. She then called on Martha Toomey, from the Delaware DOE, to speak about the bill.

Ms. Toomey began by saying that in 1995, when DOE was looking for more funds for special education, Delaware was ranked third from the bottom in the nation for per capita special education funding. She stated that currently schools tie together special education classifications and not all students around the state receive the same level of education. She commented that DOE wanted to create a needs-based funding system for special education students.

She brought up how this program was piloted six years ago, and it was able to solve some problems, but DOE wanted to create a more equitable system for students that would be revenue neutral. She stated that this system brings resources to special education children in the most equitable way. She brought up that not all programs will stay the same but all will be resourced at high levels.

Chair Schooley then asked Mike Morton, Office of the Controller General, to talk about the funding. Mr. Morton stated that he assessed the numbers and determined that this is a revenue neutral program that does not require a fiscal note.

Ms. Toomey commented that the K-3 ratios are complex and intensive. She then brought up that IDEA has helped, but there needs to be more interventions for children K-3. Rep. Manolankos then asked Ms. Toomey to help clarify the categories of funding. Ms. Toomey stated that the categorical differences are funded in different units on the severity of the disability. Rep. Manolankos then followed up by asking if Ms. Toomey has seen any funding changes due to social events. Ms. Toomey then stated that she has not.

Rep. Oberle then commented that many special education students are being underserved, but some should not be served at the expense of others. Ms. Toomey then commented that they created this plan with current and no new funding sources.

Rep. Oberle then followed up by saying that he is concerned that some special education schools, which are working, would have their funds and programs possibly cut. Ms. Toomey then stated that some schools would receive less than they receive now. Chair Schooley then brought up the point that there is a lack of services, but some students are not being served at all.

Della Thomas, from the Delaware School for the Deaf, commented that there is an emphasis for some children around Delaware to receive “good enough” education, but not the best. Other schools group children together with other students with different disabilities.

Ms. Toomey commented that, through this program, children will still have specialized programs. Rep. Q. Johnson then thanked DOE for trying to help all children, but he does not support the cutting of some programs. Chair Schooley then commented that many people worked on this bill, not just DOE. Ms. Toomey then commented that many districts have helped with this bill, for the intent of helping children with disabilities. She

then brought up that the unit system was made for the intent to help children with disabilities and with fewer resources and was not made to diminish the current system.

Rep. Kowalko, Scott and Oberle then commented that they do support taking money from one underserved program to put it into another.

Mellissa Martin, of Lower Delaware Autism Foundation, then thanked DOE for all of their work but stated that she does not want to see money taken from programs that work. She commented that there needs to be flexibility in how they fund special-needs teachers and the threat of not having one. She then stated that there is some concern on how and where the data was collected for this bill. She brought up that special services have not been piloted, and there are still major concerns. She then asked the committee to support current programs.

A concerned parent then stood up and voiced her concerns about her child with autism. She stated that her child has many special needs, and if it weren't for the great job his school did, he would not be in the good situation he is in now. She concluded by saying that she would like to help children and wants to push for maintaining services.

Ms. Thomas then stated that not all children have the same disability or symptoms and should not be grouped together with children that have different disabilities. Rep. Jaques commented that treating children the same is not always equal and some will suffer because of this proposed bill. He concluded by saying that he will not support this bill unless the autism program is exempt.

Rep. Kowalko then voiced his concern about the revenue-neutral part of the bill and that this can be at the expense of children. He stated that this bill may be harmful in the long run. He commented that this bill may be good for budget cutting, but some services should not be cut. He brought up the fact that many children have seen success in the existing programs and he does not want to see these programs cut. He then commented that it is inappropriate to take specialists or programs away at this time.

Ms. Toomey brought up that districts need to contract out to providers for specialists if they cannot find one themselves. Mr. Morton then brought up how the cash option cannot pay for full-time specialists. Rep. Briggs-King and Rep. Miro then stated that they will not support this bill because there must be other ways to provide for children other than cutting remaining programs.

Rep. Oberle then stated that he commends Chair Schooley for sponsoring this bill. He brought up that sometimes chair people are called upon to sponsor certain unpopular bills and should not be looked at negatively for sponsoring these bills.

A concerned parent who has a child with autism voiced her concern with the pilot program. She stated that she has already seen negative affects from that program. She then concluded by saying that she would like the code to stay the same with no change in the program.

Rep. Oberle then commended Della Thomas and DOE for their efforts, but then stated that the pilot program needs to be re-evaluated. Rep. Q. Johnson then brought up how when a school or district buys a system or program that helps with a certain child disability, that item stays in the school, even if they do not have students with that disability attending. He stated that there are solutions to this problem, and those solutions need to be reviewed. He then concluded by saying that he supports helping all children throughout the state but does not want to help some at the cost of others.

Chair Schooley stated that she appreciated all the comments and thought that the meeting brought a lot of good discussion. She then asked for her bill to be tabled but stated that there needs to be more discussion on this topic. She brought up that the legislature need to act more quickly on certain topics and that there are a lot of children losing out in the state because there is not enough discussion about some complex bills and topics. She concluded by saying that this topic of needs-based and revenue-neutral funding needs to be a topic that will be discussed at a later date.

The meeting adjourned at 3:45 pm.

Respectfully submitted by,

Trevor Felix