Delaware’s Legislature is made up of the Senate and the House of Representatives. Both bodies are composed of elected officials, whose districts are determined based on population. In order to be a member of the Delaware Legislature, a person must be a US citizen, have been a Delaware resident for three years and have lived in their home district for a minimum of one year preceding the election. Additionally, there are minimum age requirements for serving in office: Senators must be at least 27 and Representatives must be at least 24. All of Delaware’s elected legislators serve on a part-time basis and most of Delaware’s elected legislators have other employment.

**The Delaware Senate** has 21 members who are elected to staggered 4-year terms.

**Delaware’s Kids Caucus**
The Delaware Legislative Kids Caucus enjoys bipartisan support with members from both the Senate and House of Representatives. The Kids Caucus believes that all children deserve:
- to be free from hunger and preventable disease and to receive regular health care,
- a safe and nurturing start in the first 3 years of life, including access to quality early child care,
- an education that prepares them to meet the future and inspires them to achieve their potential,
- to grow up free from abuse, violence and the devastation of alcohol and other drugs,
- a secure future and to grow up in an economically stable family and
- to live in a community that provides a clean, safe environment with economic opportunities for all.

**The Delaware House of Representatives** has 41 members who each must stand for election every 2 years.

**Legislative Sessions in Delaware...** After each general election concludes in Delaware, a new General Assembly is established for the following two years. Legislation introduced but not acted upon during the first year is carried over into the second year. Legislation introduced but not acted on by the end of the second year dies. In other words, it does not get carried over into the next General Assembly.

**How A Bill Becomes A Law**
- Introduction of a Bill
- First Reading of Bill
- Referral to Committee
- Report of the Committee
- May be placed on Ready List
- May be placed on Agenda
- Debate and Amendment
- Approval by both Chambers
- Process starts over in other Chamber
- Signed by Governor
- The Bill becomes Law

BPA Prohibition in Products for Young Children: protects the health of young children by prohibiting the chemical bisphenol-A (BPA) in certain children’s products such as bottles, cups and other containers used for food or beverages. BPA is a chemical used to help harden plastic and is found in many plastic food storage containers. BPA is a known hormone disrupter. Tests have shown that trace amounts leach out of the containers and into foods and liquids. BPA-free products exist.

Insurance for Children with Pre-Existing Conditions: amends Title 18 to prohibit the denial of coverage to children under the age of 19 due to pre-existing conditions.

Use of Artificial Trans Fats: prohibits public schools, including charter schools, and school districts from making available or serving food with more than 0.5 gram of artificial trans fatty acids to student in grades K through 12.

Sexual Assault Felons Barred from Medical Professions: prohibits medical professionals convicted of a felony sexual offense from working in their respective field and removes license of those who fail to report child abuse or neglect.

Medical Marijuana: permits the doctor-recommended medical use of marijuana by patients with serious medical conditions. A patient would only be protected from arrest of controlled substance laws if his or her physician certifies, in writing, that the patient has a specified debilitating medical condition and that the patient would receive therapeutic benefit from medical marijuana. Patients would be allowed to possess up to 6 ounces of marijuana for their medical use. The legislation would also allow for the state-regulated, non-profit distribution of medical marijuana. The Bill maintains common sense restrictions on the medical use of marijuana, including prohibitions on public use of marijuana and driving under the influence of marijuana.

Immunizations & Preventative Services: under the new Patient Protection and Affordable Care Act (PPACA), requires that private health plans cover evidence-based preventive services and immunization. The PPACA has recommended vaccinations, health screenings and children’s wellness visits, must be covered for all new health plans starting with years beginning on or after September 23, 2010.

CHIP buy-in programs: requires insurers administering CHIP buy-in programs in other states to offer similar buy-in programs in Delaware if they affiliate with Delaware insurance carriers.

Needs Based Unit Funding: amends Title 14 of the Delaware Code, in order to fully adopt the needs based system for all nineteen districts and all charter schools in the state.

Charter Schools: regulates multiple aspects of charter schools including- requires mandatory criminal background and child abuse registry checks for charter school board members; prohibits individuals who have felony convictions or convictions for a crime against a child from serving on a charter board; requires charter school
Selected Legislation Affecting Children Approved in FY 2011

board members to disclose any financial interest they may have in the charter school; requires an annual external audit of charter schools and adds charter schools to the Finance Recovery Team portion of the Delaware Code; moves up the deadline by which charter renewal decisions must be made so that, if a charter is not going to be renewed, that decision is made prior to the school choice deadline; creates a mechanism for permitting a high performing charter operator to open a school that would serve students at a charter school that is slated for closure; clarifies that a request to change a charter school’s authorizer or increase by more than 15% the number of student that may be served by a charter school is a major modification.

HB 205

Data Governance: allows the Delaware Department of Education to collect educational records, conduct audits and perform evaluations including studies for improving instruction or complying with government accountability measures.

HB 213

Student Athlete Protection: requires the Delaware Interscholastic Athletic Association (DIAA) to approve regulations regarding the recognition and management of student athletes displaying the symptoms of a concussion during practice, scrimmages and interscholastic contests. Also requires both student athletes and parents/guardians to sign an informational sheet.

SB 111 w/SA 1

Drug-Involved Offenses: alters existing criminal drug laws; among numerous other changes, modifies ‘protected park or recreation area’ definition to eliminate a protective zone around places of worship if the place of worship does not have a school or recreation area; modifies ‘protected school zone’ definition to a distance of 300 feet from a school. In this way, the drug-free zone will be better visible to dealers and serve as a deterrent to drug dealing near schools.

HB 19

Funding Athletic Trainers: allows the use of academic excellence units for funding of athletic trainers in schools that are members of the Delaware Interscholastic Athletic Association.

SB 69

Public Educators: creates a unit count each March which the Department of Education will conduct with existing resources as requested by the Senate’s Teacher Hiring Task Force. This allows districts to make offers of employment to new teachers in the late spring and early summer and promotes greater transparency.

SB 16

Child Welfare

Supplemental Nutrition Assistance Program: removes the prohibition against persons convicted of any drug felony from receiving federal food benefit assistance.

SB 12

Expungement of Juvenile Records: details situations where the Family Court must grant an expungement petition for a juvenile; gives Family Court discretion to grant expungement if the court finds that the continued existence and dissemination of information would create an injustice; provides that expunged records may be made available to law enforcement investigating criminal activity or where the individual later applies for a job in law enforcement; provides for notice to the federal government of any expungement granted.

HB 177 w/HA 1, HA 312
The 2012 Operating Budget allocated $22 million for Delaware’s Early Care and Education System. The majority of the funds ($13 million) are dedicated to increasing reimbursement rates, grants and technical assistance for child care providers that participate in the Delaware Stars for Early Success quality rating program. The remaining $9 million will boost Purchase of Care (POC) rates to 65% of market rate under the same program. Child care providers rated at 3, 4 or 5 stars will receive POC reimbursement ranging from 80% to 100% of market rate; all participating providers will receive assistance and grants targeted toward specific needs of the individual provider.

Additionally, many child-serving non-profit programs had funding amount increases for fiscal year 2012 in the Grant in Aid process, due to increased state revenue.

**Economic Well-Being**

*Personal Income Tax Rate:* reduces from 6.95% to 6.75% the personal income tax rate on the taxable income in excess of $60,000 and maintains the 2014 sunset, which returns the top rate to 5.95%.  

*Unemployment Compensation:* establishes a three year “look back” for the total unemployment rate (TUR) trigger for extended benefits (EB) retroactive to December 18, 2010. Under the previous two year look back TUR trigger, the state would have most likely triggered off EB in April of CY 2011 and long-term unemployed individuals would no longer be eligible for these 100% federally funded benefits.

**Misc.**

*Civil Unions:* creates the recognized legal relationship of civil union in Delaware for eligible persons; further recognizes civil unions entered by persons in jurisdictions outside of Delaware that provide that such union. Ensures parties who enter a lawful civil union in Delaware, or whose legal union is recognized as a civil union under Delaware law, will have all of the same rights, benefits, protections and responsibilities as married persons under Delaware law.

**People-First Language:** alters legislative language to describe any individual places the person first and the description of the person second in recognition of a national movement to promote dignity and inclusion for people with disabilities. For example, “the disabled” becomes “people with disabilities.” This is required in any new state law or publication.

**Funding Delaware’s Children**

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