



KIDS COUNT in Delaware Legislative Wrap-up

Special Edition: Governing Delaware in the Time of COVID-19

In Delaware, COVID-19 forced the shutdown of many early care and education settings, K-12 schools, extracurricular activities, higher education institutions, houses of worship and non-essential businesses. Pediatric wellness visits were delayed, social-emotional learning was hindered and numerous families struggled with loss of access to services during remote instruction. Children were impacted economically when caregivers suffered pandemic-related job loss. Disproportionate illness and death among persons of color underscored equity issues across our communities and several high profile stories led to a concurrent racial justice movement. Policy and governance decisions within the state were made by both Delaware’s legislative and executive branches of government; this publication highlights those actions.

This annual legislative wrap-up historically highlights legislation passed in the previous session which affect children and their families. In response to the COVID-19 pandemic, the content of this publication has been expanded to include:

- Policy and governance decisions affecting children and their families within Delaware made by both Delaware’s legislature and the **executive branch** of government (and)
- Legislation passed related to the state’s **governance and basic operations** due to the virus’ impact on the very structures on which our children and families rely.

COVID-19 IN DELAWARE TIMELINE



STATE OF EMERGENCY ISSUED

Gatherings limited to fifty; Legislature, schools & non-essential businesses close; emergency site designation for early care programs; beaches partially close; moratorium in effect on eviction, foreclosure and insurance policy cancellation; presidential primary extended, absentee ballot offered



FURTHER RESTRICTION

Gatherings limited to ten; further restriction of non-essential business; guidance and support to long-term facilities; rent protections; allowance made for out-of-state health care workers; face mask requirement in public settings where social distancing difficult to maintain



PHASE 1 REOPENING

Election deadlines extended; beaches, boardwalks, swimming facilities and certain on-premises businesses reopen subject to public health precautions; expanded ability of houses of worship to conduct in-person services, expansion of restaurant outdoor capacity, Legislature reconvenes



PHASE 2 REOPENING

Additional business operations permitted; early care settings reopen to all children; K-12 task force is charged with creating recommendations for fall school reopening; testing and contact tracing ramps up statewide; restrictions reinstated in areas of increased positive tests



GOALS

Set and enforce data-driven policies to save lives and protect well-being; utilize creative approaches to strengthen communities; employ compassion to support those hurting the most; model courage to drive a recovery plan that puts people first

March 2020

April 2020

May 2020

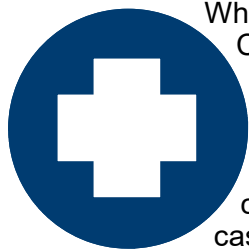
June 2020

Next

Select Executive Branch Actions Taken FY2020

In November 2019, a novel coronavirus was first identified in China's Hubei province. The disease it causes can have symptoms ranging from mild (or none) to severe illness. On January 20, 2020 the first American case was diagnosed in Washington State. The illness rapidly spread across the nation and around the globe. On February 11, 2020 the World Health Organization named the virus Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) and the disease it causes Coronavirus Disease 2019 (COVID-19). The first U.S. COVID-19 death occurred on February 29, 2020. Delaware issued a state of emergency effective March 13, 2020. In the months since, data and research have informed guidance and decisions made within the first state.

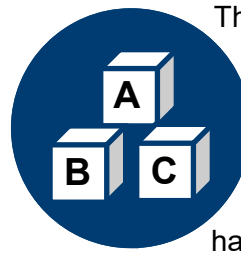
CHILD HEALTH



While experts are still learning about COVID-19, currently available evidence suggests that children are not at higher risk for contracting the illness than adults. For children who have contracted COVID-19, in most cases the virus seems to cause a milder infection than in adults. Multisystem inflammatory syndrome (MIS-C) is a complication recently observed in children associated with COVID-19. Further research of this more severe and dangerous complication is underway. A more commonplace risk for child health due to coronavirus relates to preventive care. Specifically, childhood vaccinations may have been delayed or missed during the recent state of emergency. Healthcare providers can work with families to keep or bring children up to date with vaccinations in order to protect from preventable disease. Other impacts to child health beyond contracting the disease relate to social determinants of health, service accessibility and social emotional health. Efforts to contain viral spread within the state couple COVID-19 testing (of which children can participate) with a contact tracing program to gather, track and share data.

Delaware's executive branch is headed by the Governor of Delaware. Cabinet secretaries—leaders who oversee the state departments—are appointed by the governor and confirmed by the Senate.

EARLY CARE & EDUCATION



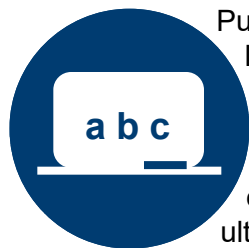
The COVID-19 pandemic underscored that early care and education helps keep Delaware's economic engine running. When properly working, the early care and education system ensures that employers have a robust, stable workforce from which to draw talent; allows parents the opportunity to earn an income to support their families while knowing their children are safe and cared for; and provides children an opportunity to reap benefits from positive nurturing relationships with stable early care and education providers.

In response to a recommendation from the Division of Public Health, the Governor modified Delaware's state of emergency to allow early care programs to become designated as *Emergency Child Care Sites* to assist essential personnel not able to work from home. Programs agreed to follow additional health and safety requirements set forth by the state. In June, any early care and education setting able to meet heightened health and safety requirements was able to reopen without special designation to serve all Delaware families.

In April, Delaware enhanced payments to help shore up the state's early care system's ability to survive closings due to the pandemic. Emergency child care sites continued to receive state subsidies (Purchase of Care and tiered reimbursement) based on February enrollment. They were able to continue to collect private payments and received "enhanced reimbursement" for vacant slots based on a county-specific average payment for each child care type. Facilities that closed but continued to pay staff continued to receive full purchase of care and tiered reimbursement for slots filled at the time of closing and a weekly reimbursement for slots filled at the time of closing and a weekly reimbursement of 70 percent of the average payment for vacant slots at time of closing. Facilities that closed and did not pay staff received 20 percent of the Purchase of Care and tiered reimbursement payments for filled slots at the time of closing as well as 20 percent of the vacant slot reimbursement that closed child cares continue to pay staff received.

Select Executive Branch Actions Taken FY2020

K-12 EDUCATION



Public and charter schools in Delaware were closed temporarily in mid-March in response to the first cases of COVID-19 in the state. This closure was extended and then ultimately made permanent

through the end of the school year amidst growing concerns related to the coronavirus. While school buildings were empty, learning did not stop. Districts and charters each looked different in how remote learning was implemented, with some making a shift to online learning seamlessly due to heavy use of at home and in school technology already part of the culture. Others had more challenges to institute a remote learning plan, highlighting long standing statewide systemic disparities. Barriers included funding for technology as well as internet connectivity issues and were concentrated in schools and districts with a higher proportion of low-income students and English learner students. Beyond access to appropriate technology, challenges to remote learning also include student support, ranging from the ability for parents to be involved with student learning to service accessibility for students with special needs. Additionally, schools grappled with how to recognize graduating seniors in a meaningful way. In June, the Governor created a task force with three working groups (health and wellness, academics and equity & operations and services) to provide recommendations for a safe and effective reopening of schools in the event of multiple virus spread scenarios. This guidance was released by the Department of Education in mid-July.

Delaware COVID-19 Resources

Information about how the legislative and executive branches of Delaware government are responding to COVID-19 can be found at:

- <https://legis.delaware.gov>

Information and updates from the State of Delaware on COVID-19 can be found at:

- <https://coronavirus.delaware.gov>

FOOD SECURITY



Pre-pandemic data indicated one in six Delaware children lived in food insecure households, defined as not always having access to enough food for an active, healthy life. Nutrition in childhood impacts child health.

To bolster food security during school closures, in March the Delaware Department of Education received a waiver from the federal government allowing school nutrition programs to continue providing meals during school closures. School districts and other organizations across the state organized meal pick-up sites, meal distribution along bus routes and other innovative approaches to ensure children were fed.

Delaware also expanded SNAP benefits by operating *Pandemic EBT*, a supplemental food purchasing benefit to offset the cost of meals that would have otherwise been consumed at school. According to the USDA, Delaware had approximately 86,000 children (58% of children in participating schools) eligible for free and reduced-priced lunch during the 2019-2020 school year.

Additionally, the WIC program allowed specific substitutions due to vendors' inability to maintain inventory of certain WIC-eligible products.

ECONOMIC SECURITY



Growing up in poverty is one of the greatest threats to healthy child development. The risks posed by economic hardship are greatest among children who experience poverty when they are young and among those who experience persistent and deep

poverty. Too many children and families were struggling to survive economically before this pandemic and now many more face devastating hardship and instability.

Delaware closed businesses deemed non-essential – many in the service and hospitality industry – to curb the spread of the coronavirus. In three months (March through May 2020), the state has seen more

Select Executive Branch Actions Taken FY2020

than 100,000 unemployment claims, which is triple the total number of claims from 2019. Delaware's unemployment rate has increased steadily since restrictions were put in place. According to data from the Delaware Department of Labor and U.S. Bureau of Labor Statistics, unemployment was: 3.9 percent in February; 5.1 percent in March; 14.3 percent in April; and 15.8 percent in May. During the pandemic, Delaware has expanded its unemployment eligibility requirement for those who lost work due to COVID-19. Delaware dropped its requirement that people search for jobs while unemployed; those eligible for unemployment benefits received a federal \$600 additional per week thru the end of July; and some people who were not eligible for unemployment benefits such as self-employed and gig economy workers were able to access the federal weekly \$600 and participate in other assistance programs.

In the months before the coronavirus pandemic, there were more women than men on employer payrolls. However, this is no longer the case as the bulk of job losses fell on women. This is in contrast to past recessions, which have hit male-dominated industries like manufacturing and construction relatively hard. The service and hospitality sectors being affected have high female employment. Compounding this was closure of schools, child care centers and after-school programs. Even in families with both parents working full-time, women are far more likely than men to manage schedules and activities and to take care of children who become sick. Additionally, women are more likely than men to be single parents, adding to the challenge of managing responsibilities during the pandemic.

CHILD WELFARE



Similar to poverty and unemployment, rates of child abuse and neglect, parental mental health problems and substance abuse tend to rise during disasters. The coronavirus pandemic has disrupted routines, reduced physical connections and fundamentally changed family support systems. Children may not receive critical supports when schools are closed and they have less direct contact with adults. This can cause a reduction in reports of abuse or neglect even as violence in homes intensifies due to added stress and uncertainty. In response to COVID-19, the Department of Services for Children, Youth and their Families is supporting family resiliency and raising awareness of how to prevent, recognize and report child abuse and neglect. Connections are made via home visits with added precautions and technology is being utilized for virtual check-ins with system involved families. Protective factors like staying connected, staying active and engaged as a family as well as managing stress and anxiety can buffer children from harm and increase the chance they adapt positively despite adversity like the COVID-19 pandemic.

Delaware data related to COVID-19 can be found on My Healthy Community at:

- <https://myhealthycommunity.dhss.delaware.gov>

KIDS COUNT is a national and state-by-state effort of the Annie E. Casey Foundation to track the well-being of children in the United States. KIDS COUNT in Delaware, a project of the University of Delaware Center for Community Research & Service, is a collaborative effort of over forty organizations to enrich local and state discussion concerning ways to secure better lives for all children by providing policy makers and citizens with benchmarks of child well-being.

This research was supported by the Annie E. Casey Foundation, the State of Delaware, and the University of Delaware. We thank them for their support but acknowledge that the findings and conclusions presented in this report are those of the author(s) alone, and do not necessarily reflect the opinions of these organizations.

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Select Legislation Approved FY2020

PRE-COVID-19 LEGISLATION

This annual legislative wrap-up historically highlights legislation passed in the previous session which affect children and their families. FY2020 was year two of the 150th General Assembly. Legislation introduced by not acted upon during the first year was carried over into the second year. Some legislation was passed prior to the mid-March close of Legislative Hall due to COVID-19. Highlights of those bills which affect children and their families are listed.

Reducing Health Care Costs: Supports the ongoing work of the Primary Care Reform Collaborative to achieve better health for Delawareans at a lower cost by facilitating the sharing of de-identified health expenditure information and fostering transparency that is critical to the effective delivery of primary care in Delaware.

SB 200 w/ SA 1

Medical Marijuana Card: Requires that a registry identification card state the type of card that is issued to clearly identified qualifying adult patients, qualifying pediatric patients, designated caregivers and CBD-Rich patients.

SB 170

Public School Curriculum: Requires the Department of Education to establish and implement a curriculum on the Holocaust and genocide for students in grades 6 through 12.

HB 318 w/ HA 1

Bus Rider Safety: Creates a pilot program for the Red Clay School District to utilize external camera systems on their school buses to catch motorists that illegally pass school buses and to punish these motorists by issuing them a civil penalty.

HB 202 w. HA 1

Truancy: Provides for the Justice of the Peace Court and Family Court to have concurrent jurisdiction over truancy matters; mandates that school principals attempt to confer with a truant child's parents/guardians in an effort to address the child's lack of attendance prior to filing a complaint with a court; returns Family Court the consideration of criminal contempt of students in truancy proceedings; clarifies that children adjudicated truant within the Justice of the Peace Court would have the right to appeal the finding to the Family Court; removes the requirement of a bond for an appeal; identifies the criteria for determining

whether a complaint will remain in the Justice of the Peace Court or be transferred to Family Court.

HB 250

DELAWARE COVID-19 RELATED LEGISLATION

*In addition to legislation passed in the previous session which affect children and their families, this year's wrap-up also includes legislation passed related to the state's **governance and operations** because COVID-19 has impacted the very structures on which our children rely including parents' ability to work to support their families. Ensuring stability within the state's infrastructure will mitigate negative impact on those who already face the most challenges including our children.*

COVID-19 AND STATE GOVERNANCE & OPERATIONS

Virtual General Assembly: Adopts rules of procedure for conducting virtual meetings of the General Assembly and its legislative committees during an emergency.

HCR 85

Virtual Public Meetings: Amends the Freedom of Information Act (FOIA) to allow a public body to hold a meeting electronically if specific notice and public access requirements are met.

SS 1 for SB 243

Deadline Extensions: Extends several legislative task forces and committees who need additional time to complete the necessary work to prepare a report due to COVID-19.

HB 345

Procurement: Allows time extension pertaining to procurement of goods and services by state agencies, permits electronic means of operations and dispenses in-person requirements for bids and RFP responses.

HB 347

Public Protections: Multiple acts put into place to protect public from issues related to COVID-19 such as price gouging, access to marriage licenses and access to notarizations.

SB 253, SB 251, SB 247

Select Legislation Approved FY2020

Vote by Mail: Provides for voting by mail for the 2020 primary and general elections and special elections due to the emergency caused by COVID-19. Voting by mail is an alternative to, and not a replacement for, in-person voting, which remains an available option to those electors not voting by absentee or mail ballot.

HB 346 w/ HA 5

COVID-19 AND HEALTH

Telemedicine: Specifies categories of out-of-state health care practitioners who will be authorized to practice telemedicine in Delaware during the state of emergency occasioned by COVID-19; adds regulation requirements and standards of practice, defines technology access and requires same insurance coverages as under existing law, with a sunset of July 1, 2021.

HS 1 for HB 348 w/ HA 1

COVID-19 AND EMPLOYMENT/ ECONOMY

Unemployment Insurance Program Flexibility: Authorizes Secretary of Labor to issue emergency rules amending state Unemployment Insurance Code to enhance flexibility in the program to meet the burden of temporary layoffs, isolation and quarantine suffered by Delaware employees as a result of the COVID-19 pandemic.

HB 352

Employer Responsibilities Related to Unemployment Compensation: Ensures that employers are not charged for the benefit wages of employees who they had to terminate, furlough, or lay off due to the economic shutdown needed to respond to the COVID-19 public health crisis; Department of Labor intends to use other sources of federal funds to repay the Unemployment Insurance Trust Fund for the COVID-19 related benefits paid to these claimants.

HB 353

Unemployment Insurance Appeals: Authorizes the expansion of the Unemployment Insurance Appeals Board and authorizes it to hold more hearings if and when necessary to hear unemployment insurance appeals and will sunset on June 30, 2021; defers extended benefits under state law until after the payment of pandemic emergency unemployment compensation, as is required by the Federal Coronavirus Aid, Relief and Economic Security (CARES) Act.

HB 351

Economic Supports for Restaurant Industry: Allows an entity that has a valid on-premises license to sell alcohol to continue to sell alcoholic beverages as part of transactions for take out, curbside or drive-through food services to long as certain conditions are met; allows a licensee to continue to use outdoor seating for serving food and drinks so long as the licensee satisfies certain conditions; allows the Commissioner to temporarily suspend a license only if the Commissioner has reasonable grounds to believe that public's safety is at risk and there has been a violation of the law; allows the Commissioner to hold hearings by electronic, telephone or remote means.

HB 349 w/ HA 1

COVID-19 AND THE RACIAL JUSTICE MOVEMENT

Disproportionate COVID-19 illness and death among persons of color underscored equity issues across our communities and several high profile national news stories led to a concurrent racial justice movement. Systemic change that eliminates barriers to success based on race and ethnicity is one step toward reducing child outcome disparities. Legislation passed related to dismantling systemic racism is listed.

Discrimination Protections: First leg of a constitutional amendment to add race, color and national origin to the Delaware Constitution to explicitly declare that protection against discrimination based on race, color and national origin is one of Delaware's fundamental rights.

SB 191

Removal of Question on Race: Removes the requirement that applicants for a marriage license state their race as part of the application process.

SB 194

Choke Hold Regulation: Creates the crime of Aggravated Strangulation defines as a law-enforcement officer, while acting with the person's official capacity, knowingly or intentionally uses a chokehold on another person; further define choke hold justification only when the officer reasonably believes deadly force is warranted in order to protect the life of a civilian or law-enforcement officer.

HB 350

Crafting Effective Policy

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 U.S. 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.

Find more information on Delaware's legislative process at:

- <https://legis.delaware.gov>

DELAWARE'S LEGISLATIVE KIDS CAUCUS

The Delaware Legislative Kids Caucus enjoys bipartisan support with members from both the Senate and House of Representatives. The Kids Caucus believe 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 three 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 opportunity for all.

COUNCILS, COMMITTEES & TASK FORCES

Intensive work goes into crafting effective policy solutions for Delaware's children. An important component in this process is the creation and use of a structured body to analyze and recommend potential actions. To this effect:

- SB 260 included the creation of a Law Enforcement Accountability Task Force;
- HCR 77 was passed to create the Gun Violence Prevention Task Force (and)
- HB 355 was passed to create the Behavioral Health Planning and Advisory Council to the Division of Substance Abuse and Mental Health.

LEGISLATION

All legislation introduced during the two-year session of General Assembly 150 can be found at:

- <http://legis.delaware.gov/AllLegislation>

FY2021 STATE BUDGET

The full text of the FY2021 State Budget bill, Bond bill and Grants-in-aid bill can be found at:

- <http://legis.delaware.gov/Offices/ControllerGeneral/AppropriationBills>

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