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UNIVERSITY OF DELAWARE
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POLICY & ADMINISTRATION

KIDS COUNT in Delaware Legislative Wrap-up Governing Delaware Through and Beyond COVID-19

In Delaware, the 151st General Assembly began their session year virtually due to COVID-19. Floor debates and committee meetings were shared virtually throughout the session. In an effort to resume in-person legislative session safely:

- In April 2021, legislators were able to return to their offices in legislative hall for a hybrid meeting format. Only legislators and staff were permitted in the building.
- In June 2021, Legislative Hall opened to the public in a limited way, with individuals able to sign up daily for one of twenty five seats in the gallery on a first come, first served basis.

Find more information on Delaware's legislative process at <https://legis.delaware.gov>

*This annual legislative wrap-up historically highlights legislation passed in the previous session which **impact children and their families**. In response to the continuing COVID-19 pandemic and recovery efforts, the content of this publication has been expanded to include legislation passed related to the **state's governance and operations** due to the virus' impact on the very structures on which our children and families 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.*

*Disproportionate COVID-19 illness and death among persons of color underscored equity issues across our communities and several high profile events 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 as a step toward **ensuring equity** are also listed.*

Select Legislation Approved in FY2021

This annual legislative wrap-up historically highlights legislation passed in the previous General Assembly session which affect **children and their families**. Legislation are grouped by domain: health, education, child welfare/safety, and economic well-being.



Newborn Screening: reduces the time frame to obtain a blood specimen from newborn infants to 24-48 hours after birth for screening, requires blood specimens be destroyed once screening and testing is complete, and provides that the Division of Public Health provide abnormal results only to the physician of record. Also requires all fees collected from newborn screening to be used to defray operating expenses associated with the Newborn Screening Program and for programs to ensure optimal health and development across the lifespan of the maternal and child health population.

HB 184

Early Childhood Screening: requires all licensed child care facilities to provide developmental screenings.

HB 202

Early Intervention: transfers responsibility for early intervention services for children ages birth to three to the Department of Education to ensure that early childhood intervention programs are all administered under a single Department.

HB 136 w/ HA 1

Lead Poisoning Prevention: requires the Department of Health and Social Services to provide staff support for the Childhood Lead Poisoning Advisory Committee.

HB 63

Lead Screening & Testing: defines “screening” and “testing” for clarity, mandates screening, defined as a capillary blood test, at or around 12 and 24 months of age, clarifies insurance coverage for the costs of compliance with the Act, and directs the Division of Public Health to develop regulations and to annually report elevated blood lead levels to the General Assembly.

HB 222 w/ HA 1

Mental Health Services: establishes a mental health services unit for Delaware elementary schools, defines “mental health services” as prevention, response, and coordination services delivered to students in elementary schools.

HB 100 w/ HA 2

Access to Feminine Hygiene Products: requires all public and charter schools which have students in grades 6-12 to provide free feminine hygiene products in 50% of the bathrooms used by students who can have a menstrual cycle, to publish on its website and post in its common areas the locations of the bathrooms where the hygiene products are provided, and to consult with its school nurse regarding the products to be provided.

HB 20 w/ HA 1

Epinephrine Access: creates emergency access to epinephrine to combat anaphylaxis within higher education institutions where an employee or agent has completed a training program.

SB 55

Safe Drinking Water: mandates the Department of Natural Resources and Environmental Control and the Division of Public Health establish maximum contaminant levels for specific contaminants found in drinking water in Delaware.

HB 8 w/ HA 2 + SA 1

Access to Medical Services: repeals provisions which treat abortion differently than other medical procedures, and provisions which criminalize women and the sale of medical devices and medicines.

HB 31

Access to Primary Care: continues recent efforts to strengthen the primary care system in this State using a variety of mechanisms including delivery models and payment methods.

SS 1 for SB 120

Access to Primary Care: establishes a Health Care Provider Loan Repayment Program for new primary care providers.

HB 48 w/ HA 1

Select Legislation Approved in FY2021

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EDUCATION

Early Childhood Education: expands the definition of child care and ensures health and safety regulations are implemented to protect all children regardless of child care setting.

SB 169

Early Childhood Education: transfers responsibility for the Parents Right to Know Act to the Department of Education to ensure that early childhood programs and policies are all administered under a single Department.

HB 196 w/ HA 1

Early Childhood Education Workforce: looks to improve compensation for the early childhood education workforce by directing the Department of Education and the Delaware Early Childhood Council to create a state compensation scale.

SCR 36

Kindergarten Registration: creates a common registration system for public school to simplify the process for families and students, while enabling schools to plan in advance of the school year, and integrate data systems.

SS 1 for SB 82 w/ SA 1

COVID-19 & Special Education: permits the extension of special education and related services to those students with a disability who turned 21 during the 2020–2021 school year to address unfinished learning as a result of the pandemic.

HB 128 w/ HA 1

Special Education: provides increased funding for kindergarten through third grade students identified as eligible for basic special education services.

HB 86

Special Education: makes students who attend homeschools eligible for the same services for children with disabilities as students who attend private schools in a manner that allows federal funds to pay for the services.

SB 106

Attendance: requires schools to excuse a student's absence for observance of a religious holiday, requires districts and charters to have a policy discouraging teachers from scheduling tests, presentations or similar on days where some students may be absent for a religious holiday, and allows a student who does miss a grading event access to recover credit.

HB 163 w/ HA 1

Attendance: allows one excused absence per school year for students grades 6 through 12 to attend civic engagements.

HB 175 w/ HA 2

Literacy: incorporates the science of reading into Delaware schools by adopting requirements for teacher preparation programs.

SB 133

K-12 Curriculum: requires each school district and charter school to establish and implement a curriculum on Black History for students in grades K through 12.

HB 198 w/ HA 1

School Funding: codifies the Opportunity Fund, an additional source of educational funding for Delaware public schools intended to support the increased needs of low income and English learner students, and establishes the parameters for how the funding is to be distributed to school districts and charter schools.

SB 56

School Funding: revises the tax rate for the Sussex County Vocational-Technical High School District and clarifies the acceptable use for the tax revenue and revises the number of students who may be enrolled in the District.

SS 1 for SB 52

School Funding: creates the Disabled Veterans Property Tax Relief and Education Fund.

HB 214 w/ HA 1

Purple Star School Designation: allows schools and school districts to submit an application to the Department of Education to have a school designated as a Purple Star School, recognizing the school's commitment to military connected students and families.

SB 117 w/ SA 1

Select Legislation Approved in FY2021

Students in Military Families: allows the parent or guardian of a student to preliminarily enroll the student by remote registration in a school district where the parent or guardian is in the active military of the United States or in full-time status during active service with a force of the Delaware National Guard, if the parent or guardian is being transferred to Delaware under military orders and is transferred to or is pending transfer to a military installation within Delaware.

HB 173 w/ HA 1

Students in Military Families: provides that the spouse and any child of a member of the active military service of the United States, who has been assigned to duty elsewhere immediately following assignment to duty in Delaware, shall be deemed to be an in-state resident for the purposes of determining the tuition, fees, and other charges at Delaware public universities, colleges, or community colleges as long as the spouse or child remains enrolled at such institution.

SB 125

Higher Education Supports: supports children who spent part or all of their teen years in the state's foster care system to access higher education by providing a tuition waiver program to cover the cost of tuition, fees, and (where offered) room and board at a public Delaware college or university.

HB 123

Higher Education Supports: provides Delaware students with strong academic credentials and a demonstrated commitment to volunteer public service scholarship monies sufficient to cover the full cost of tuition at Delaware State University.

SB 95

Higher Education Supports: opens up The Delaware Student Excellence Equals Degree Act (SEED Act) to adult Delaware residents, who are not recent high school graduates.

SB 12 w/ SA 1

COVID-19 & Educator Evaluation: suspends the educator evaluation system during the 2020-2021 school year and replaces it with an observation and feedback cycle that provides educators with coaching and support related to hybrid and remote learning practices.

SB 42

Educator Evaluation: changes the evaluation system for all teachers to a new Delaware Teacher Growth and Support System.

HB 133

Educator Licensure: updates requirements for educator licensure and performance assessments.

HB 207

Educator Recruitment and Retention: codifies Delaware's year-long teacher residency program and establishes guidelines for how and when the funds will be awarded and what they may be used for.

HB 178 w/ HA 1

Educator Recruitment and Retention: allows a critical need reimbursement to be distributed directly to an institute of higher education or Secretary of Education approved Alternative Routes to Teacher Licensure and Certification program for an eligible teacher who is taking noncredit-earning seminars or workshops or credit-bearing coursework in order to attain a Standard Certification in a state-approved critical need area.

HB 89

School Board Membership: enhances the qualifications for an individual to serve as a member of a school board or the State Board of Education.

SS 2 for SB 78 w/ SA 1

School Board Terms: reduces the term of a member elected to a school board from 5 years to 4 years for members elected after December 31, 2021.

HS 1 for HB 92



Safe Haven: adds police stations to the designated safe havens where an individual may surrender a baby.

SB 161 w/ HA 1

Juvenile Civil Citation: permits an officer to refer a juvenile in possession of alcohol or marijuana to the Juvenile Civil Citation Program rather than issue an assessment for a monetary civil penalty.

HB 241

Select Legislation Approved in FY2021

Juvenile Prosecution: prohibits prosecution of children under age 12 and bars transfer of juvenile prosecution to the Superior Court unless child is age 16 or older with exception made for murder in the first degree, murder in the second degree, rape in the first and rape in the second degree or accused of using, displaying, or discharging a firearm during the commission of a violent felony.

HB 115

Juvenile Prosecution: requires the Department of Services for Children, Youth and Their Families to have exclusive jurisdiction over all aspects of a child's care, custody and control when a child is convicted of a Superior Court offense.

HB 26 w/ HA 1

Juvenile Adjudication: adds "adjudication" to the criminal code to enable juvenile defendants to petition the court for their adjudications of delinquency to be vacated and their juvenile criminal record to be expunged in regard to crimes committed as a direct result of being victims of human trafficking.

HB 9 w/ HA 1

Mandatory Expungement: known as the "Clean Slate Act" this creates a monthly automatic expungement process for adult and juvenile charges that are eligible for mandatory expungement.

SB 111

Mandatory Expungement: expands eligibility for mandatory expungement to align in adult and juvenile cases; does not make any offenses that are currently ineligible for mandatory expungement eligible for mandatory expungement.

SB 112 w/ SA 1

Probation Before Judgement: clarifies that Probation Before Judgment may be entered for multiple charges arising from a single arrest and allows persons who have been adjudicated delinquent of a crime as a juvenile to be eligible for Probation Before Judgment.

SB 39

Reducing Juvenile Recidivism: creates a fund to allow the Department of Services for Children, Youth, and their Families to target services proven effective in helping juveniles avoid contact with the criminal justice system.

HB 162

Recorded Interrogations: mandates electronic recording of the custodial interrogation process by law enforcement when the interrogation relates to a crime allegedly committed by an adult or a delinquent act allegedly committed by a child with certain exceptions, details rules related to recordings for court proceedings, and provides civil immunity for both law enforcement officers and law enforcement agencies.

HB 215 w/ HA 1 + SA 1

Juvenile Confidentiality: prohibits law-enforcement agencies from releasing or publishing the name of any juvenile or any image depicting a juvenile unless the juvenile is charged with a violent felony, and release or publication of the photograph is necessary to protect the public's safety.

HB 243 w/ HA 1

Legal Notice Publication: allows Family Court the flexibility to permit litigants to publish through a legal notices website established by the Court.

SB 91

Public Guardian Payment: allows the Public Guardian to collect fees for services in accordance with standards to be established by the Guardianship Commission and approved by the Court of Chancery.

SB 85

Termination of Parental Rights: conforms and updates the termination of parental rights statute with current practices and procedure.

SB 141

Child Abuse as Domestic Violence: adds child abuse in the third degree to the list of enumerated criminal offenses for which, if convicted, one is by definition considered a "perpetrator of domestic violence" for purposes of this Child Protection From Domestic Violence Act.

HB 227

Domestic Violence Diversion: updates the domestic violence first offender diversion program to allow the following offenses to be eligible for the program: assault third, terroristic threatening, and criminal contempt of a domestic violence protective order or lethal violence protective order and makes these same offenses ineligible for probation before judgement in the Court of Common Pleas and Family Court.

HB 190 w/ HA 1

Select Legislation Approved in FY2021

Gun Control: prohibits purchase or possession of a firearm by anyone who knows they are the subject of a Protection from Abuse Order, prohibits the subject of an outstanding arrest warrant, active indictment or information related to a felony or misdemeanor crime of domestic violence from purchasing a firearm.

HB 124 w/ HA 1

Ghost Guns: makes it a felony to possess or manufacture an untraceable, undetectable, or covert firearm.

HB 125 w/ HA 1

Gun Shop Project: establishes the Delaware Gun Shop Project to develop, create, and provide suicide prevention education materials and training, to be made available for dealers and consumers of licensed deadly weapons in Delaware.

HB 55 w/ HA 1

Workforce Development: establishes the Elevate Delaware program, which will provide payments for tuition and auxiliary expenses, for individuals to attend an approved non-credit certificate program.

HS 1 for HB 166

COVID-19 & Workforce Development: establishes the Focus on Alternative Skills Training Program - with a 2 year sunset - to provide tuition assistance to Delaware residents who have a high school diploma or GED and have enrolled in an approved non-degree credit certificate program.

SS 1 for SB 65 w/ SA 1

Training and Youth Minimum Wage: removes the training minimum wage and youth minimum wage.

HB 88

Disability Minimum Wage: called the "Jamie Wolfe Employment Act" this requires that authorization to pay individuals with disabilities less than the minimum wage will be phased out by July 1, 2023.

HB 122 w/ HA 2

Minimum Wage: provides for gradual increases in the Delaware minimum wage to \$15 over a period of several years.

SB 15 w/ SA 1

All legislation introduced during the two-year session of General Assembly 150 can be found at <http://legis.delaware.gov/AllLegislation>

The FY22 State Budget bill, Bond bill and Grants-in-aid bill can be found at <http://legis.delaware.gov/Offices/ControllerGeneral/AppropriationBills>

KIDS COUNT in Delaware would like to thank the many Delawareans involved in our state's political process. From advocates and lobbyists to staff members and legislators—it takes everybody working together to make positive change for Delaware's kids!

ECONOMIC WELL-BEING

Earned Income Tax Credit: modifies Delaware's Earned Income Tax Credit (EITC) to allow recipients to choose the most beneficial credit to be applied against their Delaware Personal Income Taxes: recipients can choose between a non-refundable credit of up to 20% of the value of the corresponding federal EITC or a refundable EITC credit of up to 4.5% of the value of the corresponding federal EITC.

HB 16

Student Emergency Housing Assistance: creates the "Korey Thompson Student Emergency Housing Assistance Fund" for the benefit of housing financially insecure undergraduate students at any college or university in Delaware.

HB 240

COVID-19 & Unemployment: provides COVID-19 related relief to both claimants receiving unemployment benefits and employers who are assessed unemployment taxes, and extends the end date of the Secretary of Labor's COVID-19 related rulemaking authority.

HB 65

Governing Through and Beyond COVID-19

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.

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 as a step toward **ensuring equity** are listed within the respective category—health, education, child welfare/safety, or economic well-being—when the impact on children and families is forefront. Additional legislation related to ensuring equity more broadly are listed below.

STATE GOVERNANCE

COVID-19 & Virtual Meetings: adopts rules of procedure for conducting virtual meetings of the 151st General Assembly and its legislative committees including providing protections to ensure the integrity of the legislative process and public access and transparency for meetings held virtually.

HCR 1

Virtual Meetings: changes procedures for voting at a virtual meeting by requiring roll call votes only in a legislative committee.

HR 7

Virtual Meetings: makes permanent changes to the Freedom of Information Act that allow any public body to hold a virtual meeting if there is a physical anchor location where the public can attend the meeting in person and other notice and access requirements are met.

SB 94 w/ SA 1

Candidate Child Care: permits a candidate committee established by a candidate for public office to pay reasonable and necessary expenses for the care of a candidate's child or children when care is necessary in connection with the candidate's campaign activities.

HB 90

Voter Registration: creates an automatic voter registration system at the Delaware Division of Motor Vehicles (DMV) and grants the State Election Commissioner the authority to implement automatic voter registration at other state agencies that already offer voter registration services under existing law.

SB 5

ENSURING EQUITY

Definitions: makes the definitions of sexual orientation, gender identity, and disability consistent throughout the Delaware Code and with federal law.

HB 224

Discrimination Protections: clarifies that discrimination against any person because of religion is illegal.

SB 72

Discrimination Protections: second leg of a constitutional amendment to add race, color, and national origin to the Delaware Constitution.

SB 31

Natural Hair: makes clear that race also includes traits historically associated with race, including hair texture and a protective hairstyle, which includes braids, locks, and twists.

SB 32

Juneteenth Holiday: establishes Juneteenth as a State holiday, commemorating the emancipation of the last enslaved African Americans in the United States and reduces the number of floating holidays from 2 to 1.

HB 119 w/ HA 1

Deadly Use of Force Review: expands the Division of Civil Rights and Public Trust's responsibility to review deadly use of force incidents by law enforcement, requires that public reports by the Division must include the race of the law enforcement officer who used force, the race of the individual on whom force was used, and whether race was a relevant or motivating factor.

SB 148

Crafting Effective Policy Solutions for Children

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:

- HR 17 was passed to establish the Behavioral Health Crisis Care Task Force,
- SCR 50 calls for the creation of an annual report on home visiting programs,
- HCR 24 requires the Department of Education to report information to help illuminate systemic inequities in the current education funding system to inform future legislative proposals, (and)
- SCR 55 w/HA 1 directs the Department of Education to establish consistent regulations across the State's early child care providers and programs, (and)
- HB 245 w/HA1, HA4 & HCR 32 & SB 171 detail timing, process and guidelines for reapportionment and redistricting for the state of Delaware based on Census 2020 data.

DELAWARE'S LEGISLATIVE KIDS CAUCUS

The Delaware Legislative Kids Caucus enjoys bi-partisan 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.

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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.

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