



KIDS COUNT in Delaware Legislative Wrap-Up



Highlights of the 148th Delaware General Assembly

July 2016

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.

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

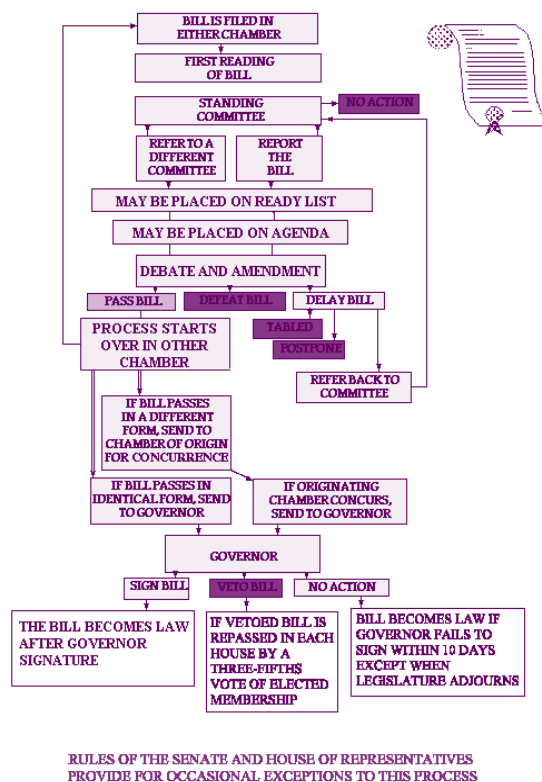
Legislative Sessions in Delaware... After each general election concludes in Delaware, a new General Assembly is established for the following two years. Legislation introduced but not acted upon during the first year is carried over into the second year. Legislation introduced but not acted on by the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

Delaware's Kids Caucus

The Delaware Legislative Kids Caucus enjoys bi-partisan 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.

How A Bill Becomes A Law



Source: State of Delaware website. http://legis.delaware.gov/LEGISLATURE.NSF/Lookup/Bill_Process?open&nav=leginfo



Selected Legislation Affecting Children Approved in FY 2016

Health

School Based Health Centers: Requires all public secondary schools, including vocational-technical schools, but not including charter schools, to have a school-based health center.

HB 234 w/HA 1

Health Impacts of Heavy Backpacks: Recommends that schools be educated on the health impacts of heavy backpacks and work on innovative strategies to reduce that impact.

SCR 76

Meningitis Prevention Education: Recognizes the valuable role Meningitis vaccinations for all serotypes play in preventing a devastating illness and the importance of sharing the latest information with individuals most commonly impacted.

SCR 88

Meningitis Prevention: Updates Delaware's goal of preventing meningococcal disease by requiring that students who wish to enroll in a post-secondary educational institution with campus housing receive vaccination against meningococcal disease. Also authorizes students to request exemption from the vaccination requirement, and authorizes each post-secondary educational institution to develop its own policies and procedures regarding the determinations of such requests.

SB 223 w/SA 1

Dextromethorphan Sale Ban to Minors: Bans the sale of dextromethorphan (DXM) to those under 18 years of age without a prescription in order to maintain access to effective OTC cough medicine for Delawareans who use it to treat cough symptoms associated with colds and the flu while limiting access to the adolescents who might abuse it.

HB 329

Medical Marijuana: Expands upon SB 90 of this General Assembly, known as "Rylie's Law," by classifying pain, anxiety, or depression, if related to a terminal illness, as a qualifying condition in the Delaware Medical Marijuana Act for patients under the age 18, who will still be restricted to using CBD and oil products.

HB 400 w/HA 1 + SA 1

Medical Marijuana Oil: Allows designated caregivers to possess and administer, and minor qualifying patients to use, medical marijuana oil for minor qualifying patients on school busses and on the grounds of the preschool, primary, or secondary school in which the minor qualifying patient is enrolled.

SB 181 w/SA 1

Control of Health Care Supplies: Expands and enhances the ability of the Division of Public Health to respond to public health emergencies requiring the distribution of medications, by expanding the personnel that can deliver medications through the use of unlicensed persons.

SB 192

Sexual Assault Reporting: Requires employees of institutions of higher education to offer to victims to report incidents of sexual assault perpetrated by or against a student to the law enforcement authorities or public safety officials serving the institution and for informing victims of their rights and available confidential medical, counseling and advocacy services.

HS 1 for HB 1 w/HA 1

Lyme Disease: Creates the Lyme Disease Education Oversight Board.

HB 291 w/HA 1, HA 2 + SA 2

Mental Health: Codifies the Delaware Suicide Prevention Coalition.

SB 281 w/SA 1



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Behavioral and Mental Health Commission: Establishes a Behavioral and Mental Health Commission to provide oversight and monitoring of the provision of behavioral and mental healthcare in this State.

SB 245 w/SA 1

Maternal Mental Health: Requires the Department of Health and Social Services to make available current information to health care providers regarding the signs and symptoms of maternal depression, screening tools, and available community resources.

SB 197 w/SA 1

Midwifery: Changes and clarifies midwifery licensure & regulations including those related to pharmacology education and prescriptive authority.

HB 315 w/HA 1

In Vitro Insurance Coverage: Requires that health insurance offered in this state provide coverage for in vitro fertilization for persons who, along with their partner, are genetic carriers for spinal muscular atrophy (SMA).

HS 1 for HB 219

Health Insurance: Provides for network disclosure and transparency for insured individuals who may be provided non-emergency health care services from an out-of-network provider.

HS 1 for HB 439 w/HA 1

Pre-authorization: Requires greater transparency, efficiency, and fairness in pre-authorization programs.

HB 381 w/HA 1

Delaware Health Information Network: Establishes a Delaware Health Care Claims Database to be administered and operated within the existing framework of the Delaware Health Information Network. And will help transform the

State's health care system from a fee-for-service system to a value-based system that rewards health care providers for quality and efficiency of care.

SB 238 w/SA 1

Distribution or Delivery of a Controlled Substance Causing Death: Creates the crime of drug dealing resulting in death to address the recent spike in deaths resulting from substances such as heroin and fentanyl.

HB 239 w/HA 1

Sterile Needle and Syringe Exchange Program: Lifts the geographic restriction on the program which is currently limited to the City of Wilmington, and expands the membership of the Oversight Committee to include statewide representation.

SB 259

Drug Overdose Fatalities: Creates a Drug Overdose Fatality Review Commission, similar to commissions that the state has in place to review child deaths and the deaths of domestic violence victims.

SB 174 w/SA 2

Education

School Breakfasts: Requires that no later than school year 2017-2018, all public school sites, excluding charter school sites that participate in the National School Lunch Program, offer breakfast through an alternative service model(s). And requires that every public school site, excluding charter school sites, which reach a Free Claiming Percentage Rate of 70% or higher, shall be required to offer a breakfast at no cost to every student in the school.

HB 408 w/HA 2



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State Assessment Opt-Out Procedures: Requires the Delaware Secretary of Education to propose options for the General Assembly to consider for adoption as Delaware law as it pertains to the decision by parents to opt their children out of statewide assessments.

HR 22

Educational Interests of a Child with a Disability: Provides procedures to ensure that each child with a disability who has reached age 18 has an identified educational decision-maker to exercise rights under this chapter.

SB 180

Reorganization of School Districts: Clarifies that a vote by the General Assembly in support of redistricting serves to authorize the State Board of Education to proceed with the redistricting, but does not constitute approval of any particular revenue or spending measure proposed in the plan of the Wilmington Education Improvement Commission. This bill also provides a supplemental appropriation to establish the Wilmington Redistricting Transition Fund, which shall be used to assess the fiscal impact of proposed redistricting and establishes a working group to review the assessment of those fiscal impacts.

SB 300 w/HA 1

School Bullying: Adds a requirement to the 2014 law that instances of “reported and recorded” bullying must be substantiated to ensure the integrity of the law by limiting its exploitation by persons who wish to change schools for unrelated reasons, but preserving the exception for children truly in need of special consideration due to school bullying.

HB 250

School Bullying: Improves the state’s response to incidents of school bullying by better informing parents of the availability of intervention by DOJ’s School Ombudsperson. Also gives school and victims’ families discretion whether to report misdemeanor assault incidents between juveniles to law enforcement agencies, rather than mandating the involvement of the criminal justice system in all such incidents.

SB 207 w/HA 1

Child Sexual Abuse Awareness & Prevention: Requires the Child Protection Accountability Commission and the Division of Family Services, with the support of the Department of Education, to develop and maintain a curriculum to be used by all of Delaware’s public schools to educate public school employees who are employed at schools with any of the grades pre-K through 6, students in grades pre-K through 6, and parents of a child in grades pre-K through 6 about personal body safety and child sexual abuse.

SB 213 w/SA 1

Child Abuse and Neglect in Schools: Requires schools to post the toll-free telephone report line number for child abuse and neglect in a conspicuous location, where it may be viewed by students.

HB 292

Charter Schools: Allows charter schools to contract for an audit, unless the State Auditor has to perform the audit to do specified circumstances.

HB 435

School Safety: Amends the Omnibus School Safety Program reporting deadlines to align with the school calendar year.

SB 246

Educator Evaluations: Makes changes to the educator evaluation system based on



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recommendations made by the DPAS II Advisory Committee.

HB 399 w/HA 1 + SA 1, SA 2

Fees for Educator Licensures: Provides a waiver of the one-time fee of no more than \$100 for an educator's first license in Delaware for graduates of Delaware high schools and graduates of teacher preparatory programs located in Delaware.

HB 307 w/HA 1

Educator Licensure and Certification: Creates a four-tiered licensure structure for Delaware educators.

SB 199

Student Transportation: Excludes buses operated by DOE, all public districts or any charter school from the requirements for minimum insurance coverage.

SB 202 w/SA 1

youth's eighteenth birthday for the purpose of reviewing the youth's independent living services.

SB 216

Juvenile Expungements: Streamlines the process of mandatory expungements by easing some of the cumbersome requirements currently in place. And will enable a greater number of deserving youth the ability to move beyond their past and recognize that most youth mature out of offending behavior.

SB 198 w/SA 1 + HA 3, HA 4

Juvenile Offender Civil Citation Program: Seeks to prevent first-time juvenile offenders charged with certain minor misdemeanors from entering into the system by providing law enforcement with a civil citation procedure as an alternative to arrest.

HB 405 w/HA 1

Child Welfare

Child Support: Updates language in code to Division of Child Support Services.

HB 331

Children in DSCYF Custody: Aims to support normalcy for children in foster care by requiring states to implement a "reasonable and prudent parent standard" that allows foster parents to make more day-to-day decisions for youth in their care.

SS 1 for SB 247

Child Placement Review: Reflects changes in the child placement review act as identified by the Foster Care Task Force.

SB 241 w/Sa 1

Extended Jurisdiction: Provides for a petition for extended jurisdiction to be filed by the youth who will be or was in foster care at age 18 or by the youth's representative, requesting that Family Court be authorized to hold proceedings past the

Office of Defense Services: Guarantees that all children facing criminal charges and allegations of delinquency have the right to an attorney

HB 382

Shackling: Limits the use of shackles and other physical restraints on children appearing in juvenile delinquency proceedings except in situations where the court determines that the use of restraints is necessary.

HB 211 w/HA 1

Family Court: Permits the transfer of misdemeanor criminal jurisdiction in cases involving former spouses, persons cohabitating with or without a child in common, and persons living apart with a child in common from the Court of Common Pleas to Family Court.

HB 373 w/HA 2

Background Checks for Child-Serving Entities: Consolidates into one chapter and section of the code the background checks that must be



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completed for individuals who seek to work or volunteer for a child-serving entity.

SB 144 w/SA 2, SA 3

Background Checks for Child-Serving Entities: Makes technical changes to the Joseph R. “Beau” Biden, III Child Protection Act. Clarifies definitions and sets time limitations.

SB 178 w/SA 2

Sentencing: Restores ‘Continuous Sexual Abuse of a Child’ to the list of offenses for which a defendant shall receive an enhanced sentence when the victim is less than 14 years of age or the defendant has previously been convicted or adjudicated delinquent of a Class A or B felony sex offense.

HB 388

Domestic Violence Coordinating Council: Amends the Domestic Violence Coordinating Council’s statute to elect a Chairperson and Vice Chairperson every other year for a two year term rather than annually, and changes the annual report deadline from September to October.

SB 220 w/SA 1

Family Court of the State of Delaware and Domestic Violence: Clarifies that treatment required for participants in the domestic violence first offenders program must be domestic violence treatment with a Domestic Violence Coordinating Council certified treatment provider.

SB 209

Child Protection Systems: Moves the role of Investigation Coordinator in the child welfare system out of the Department of Services for Children, Youth and Their Families and into the Office of the Child Advocate.

HB 248 w/HA 1

Office of the Child Advocate: Transfers the Court Appointed Special Advocate Program to the

Office of the Child Advocate creating one office that provides legal representation to children.

SB 188 w/SA 1 + HA 1

Public Guardian: Starts a Public Guardian’s term of office from the date of swearing in instead of the current date of appointment.

HB 303

Economic Well-Being

Delaware Tax Credits: Intends to advance the number of work opportunities made available to Delawareans with disabilities beyond those offered through State Use Law by presenting employers incentives to employ this under-represented workforce.

SB 221

Licensure Exemption: Creates a licensure exemption in cosmetology & barbering for individuals engaged in low risk activity which does not require regulation. Also gives authority to establish training standards for advanced practice techniques.

HB 346 w/HA 1

Salary Disclosure: Makes it an unlawful employment practice for an employer to require an employee to not disclose his or her wages.

HB 314 w/HA 1

Employment Discrimination Based on Reproductive Health Decisions: Prohibits discrimination in employment based upon an individual’s reproductive health decisions.

HB 316 w/HA 1

Employment Discrimination Based on Family Responsibilities: Prohibits discrimination in employment based on an individual’s caregiving responsibilities. Workers should be judged on the merits of their performance at work, not their responsibilities at home.

HB 317 w/HA 1



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Employment Discrimination: Increases amount of time provided to a person seeking to file a charge of employment discrimination from 120 days to 300 days, making Delaware’s statute of limitation consistent with the statute of limitations under federal discrimination law.

SB 214

Homeless Persons: Establishes a “Homeless Individual’s Bill of Rights” that provides rights to protections for individuals experiencing homelessness, including protections from discrimination while in public and while seeking access to housing, employment, and temporary shelter.

SS 1 for SB 134

Fair Housing: Prohibits housing discrimination based on source of income by adding “source of income” as a protected class under the Delaware Fair Housing Act and the Landlord Tenant Code.

SB 179 w/SA 3 + HA 1

Emergency Housing Shelters: Updates definition of emergency housing shelter to correlate time frames and program terminology with those accepted by the US HUD, the DSHA, and current best practices.

SS 1 for SB 240

Rent Justification: Establishes a formula for rent increase based on capital improvements and clarifies that community owners may recoup certain capital costs as increased rent without increasing base rent in perpetuity.

SS 1 for SB 123

Manufactured Housing: Requires a prospective tenant seeking to rent a lot in a manufactured housing community to provide to the landlord a copy of the manufactured home’s title and written confirmation of the manufactured home owner’s intent to rent & that this documentation be disclosed with a rental agreement.

HB 403 w/HA 2

Misc.

Firearm Criminal History Background Checks: Extends the background check delay time from 3 days to 30 days for allowance of guns to be given to a potential purchaser.

HB 325 w/HA 4 + SA 5

Weapons: Permits properly licensed importers, manufacturers and dealers to possess and store destructive weapons and engage in activities associated with the sale and delivery of such weapons to or from qualified purchasers.

HB 357 w/HA 1

Electronic Communication Devices and Penalties: Increases the penalties for the improper use of electronic communication devices while driving.

HB 302 w/HA 2, HA 3

Distracted Driving Driver Education: Encourages Delaware agencies to continue their vital public education and community outreach, including working with partners in the private sector, to remind those driving on Delaware’s roads not to use their smartphones and other electronic communication devices while driving.

HR 38

Constitutional Convention: Rescinds all previous requests by the Delaware General Assembly for a federal constitutional convention.

HCR 60

Elections: Eliminates the financial bar to voter registration and makes technical changes to bring the chapter into conformity with § 2, article V of the Constitution of this State, which no longer requires a 5 year waiting period before a person convicted of a non-disqualifying felony may register to vote.

SB 242



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Equal Protection: Provides equal protection regardless of race, sex, age, religion, creed, color, familial status, disability, sexual orientation, gender identity, or national origin.

SB 190

Probation Before Judgement: Adds violations of a county or municipal code to the list of offenses that are eligible for probation before judgment.

HB 255

Probation Before Judgement: Adds misdemeanor possession and paraphernalia marijuana offenses to the list of violations and offenses for which a person may be eligible for probation before judgment if the person otherwise qualifies for probation before judgment.

HB 332

Habitual Offenders: Eliminates mandatory minimum sentencing of life imprisonment and provides a mechanism, for those convicted under existing law to petition the court for a sentence modification.

SS 1 for SB 163

Acknowledgement and Apology for Delaware's Role in Slavery: Promotes reconciliation and healing, avert the repetition of past wrongs, and propagate the American and Delawarean ideals of life, liberty, justice, and happiness.

HJR 10

Crafting Effective Policy

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/recommend potential actions. To this effect, resolutions were passed which establish new Task Forces or encouraging continued work from previous Task Forces focused on kids in the areas of:

- ★ Financial Literacy (HJR 4 w/HA 1, HA 2, HA 3)
- ★ Firearm Suicide (HCR 85 w/HA 1)
- ★ Afterschool Learning (HR 39)
- ★ Behavioral and Mental Health (SCR 48)
- ★ School safety (SCR83)
- ★ Wilmington Education Improvement Commission [WEIC] planning (SJR 17)
- ★ Education Funding (SCR 56)

Additionally, Delaware made new investments in the budget for fiscal year 2017 to sustain changes in early childhood education. Delaware now has \$9.4 million in new, recurring state funding for early learning. These funds will allow thousands of low-income children to have access to high-quality early learning programs and teachers, as well as developmental screenings and mental health supports.

***Children are 26% of our population
But 100% of our future.***

KIDS COUNT in Delaware is housed in the University of Delaware's Center for Community Research and Service and led by a board of child and family advocates. ***KIDS COUNT in Delaware*** thanks the Annie E. Casey Foundation, the University of Delaware and the State of Delaware for ongoing support.

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 a positive change for Delaware's kids!