



KIDS COUNT in Delaware Legislative Wrap-Up



Highlights of the 145th Delaware General Assembly

July 2009

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.

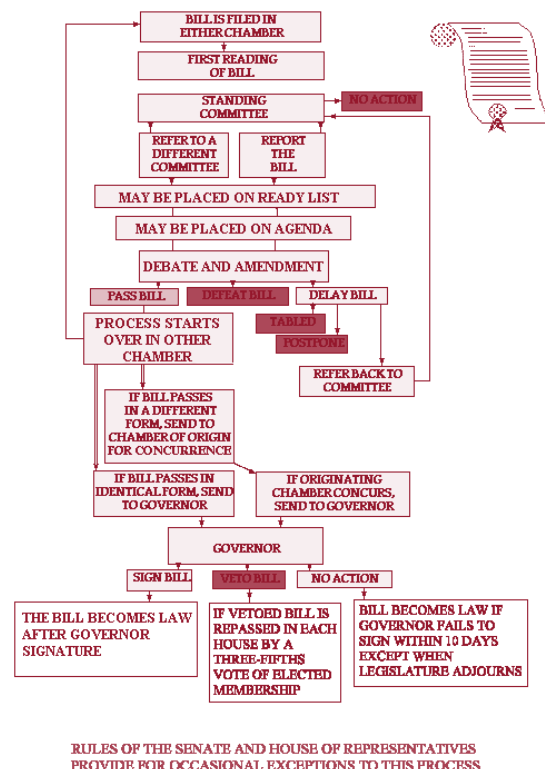
Legislative Sessions in Delaware... after each general election concludes in Delaware, a new General Assembly is established for the following two years. Legislation introduced but not acted upon during the first year is carried over into the second year. Legislation introduced but not acted on by the 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 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, sage environment with economic opportunities for all.

How A Bill Becomes A Law



RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES PROVIDE FOR OCCASIONAL EXCEPTIONS TO THIS PROCESS

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



Selected Legislation Affecting Children Approved in FY 2009

Health

Delaware's Children's Health Insurance Program (CHIP): Extends CHIP to include reduced-cost health insurance coverage for children of families with personal incomes above 200% of the Federal Poverty Level. However, a cost-sharing program is to be implemented under CHIP whereby payments, as determined by DHSS, must be paid on behalf of the child for such care; notwithstanding the above, the cost-sharing provision of the bill is designed to have the new program impose no cost whatsoever on the State unless funds are specifically appropriated for it.

Developmental Screening of Infants and Toddlers: Requires that private health insurers in Delaware cover the developmental screenings for infants and toddlers that are recommended by the American Academy of Pediatrics and the Delaware Early Childhood Council. Such screenings are already covered for children in the state's Medicaid program. The estimated cost to policyholders of covering these screenings is three cents per member per month.

Dental Insurance and Children with Severe Disabilities: Parents of children with severe disabilities experience difficulty in identifying practitioners willing and able to provide effective dental care. Strict application of "in-network" insurance restrictions exacerbates the parents dilemma since there may be no nearby in-network dentist willing and able to treat their child. When parents with secondary child Medicaid insurance are unable to effectively access private dental insurance, the result is an increase in Medicaid claims. This bill only applies to insurers which include dental services in their benefits package. It allows parents with such private dental insurance

to secure dental care for a child with a severe disability irrespective of "in-network" restrictions. Finally, it promotes the availability of in-network practitioners willing and able to treat such children.

Education

Teach for America: The mission of Teach for America and teacher residency programs is to enlist our nation's most promising future leaders in the movement to eliminate educational inequity. This bill would enable the implementation of the Teach for America program and teacher residency programs on a state-wide basis.

Zero Tolerance: Amendment to the "zero tolerance" provision in the Delaware Code which gives discretion to school boards to modify the terms of expulsions when a school board determines that it is appropriate to do so.

Public Education Financial Decisions: Permits local districts substantially more discretion with respect to expenditure of state education funds than they have under existing law. However, the bill also establishes a number of safeguards to ensure that those funds are spent in a responsible manner that enhances student achievement, including state approval of local district budgets, a requirement of full transparency for local district expenditures and the establishment of citizen financial oversight committees for each district.

Student Assessment: Eliminates the DSTP and requires its replacement beginning in the 2010/11 school year with a test administered at a minimum in each grade level 2 through 10 at the beginning of the school year and at least one more time later in the year, to assess student progress over the course of the year as well as providing a



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benchmark for student, school and district achievement.

Child Welfare

Child Abandonment: Until now, abandonment of a child less than 16 years of age was a misdemeanor and abandonment of a child 16 years of age and older was not a crime. This amendment makes all cases of child abandonment a felony.

Domestic Violence: This legislation qualifies that the child can be a witness to an act of domestic violence by sound as well as sight, acknowledging that a child may have only heard the violent act from another room, but nonetheless be a witness who is emotionally impacted by it.

Sexual Offenses: Increases the criminal penalties against a person who has previously been convicted of a sex offense against a child under the age of twelve years.

Economic Well-Being

Affordable Housing: Legislation related to manufactured housing was enacted which requires that any rental payments or rental increases shall be paid in equal, pro rata, amounts extended equally over a calendar year. Any requirement of a lump sum payment for rent shall be forbidden, unless the tenant requests such payment and the owner/landlord agrees to such lump sum payment.

Protection from Predatory Lending: Limits compensation that may be received by mortgage loan brokers and licensed lenders who engage in mortgage loan modification services for homeowners.

Protection from Predatory Lending: Provides protection for consumers of short-term loan

products (i.e., payday loans and title loans). The Act requires conspicuous disclosure of significant terms of such loans, provides a right of rescission for such loans and limits the duration of an extension of a loan that a consumer can receive, thereby ensuring that consumers do not mistakenly attempt to use these loans for long-term borrowing. The Act also requires that a lender offer a workout agreement to a consumer, limits the duration and amount of interest that can be charged when a loan is in default and mandates compliance with certain federal and state consumer protection acts. The lender's recourse on a title loan is limited to the proceeds from the sale of the motor vehicle and the lender is required in all cases to provide the borrower with a written explanation of the proceeds from the sale. Also adds a license fee surcharge of \$1,500 for each licensed office for making title loans or payday loans. Fees shall be used to fund the creation of the Financial Literacy Education Fund to be used to fund financial literacy education programs for consumers and in our schools.

Misc.

Graffiti: Increases the minimum fine for the first offense of Graffiti from \$500 to \$1,000 and increases the hours of community service from 200 to 250. The bill also increases the minimum fine for the second or subsequent offense of graffiti to \$2,000 and increases the hours of community service to 500 hours.

Tax Check-off for Kids: Establishes a procedure to allow taxpayers to designate a contribution to a newly established Delaware Children's fund. Money deposited to the Fund will periodically be turned over to the 21st Century Fund for Delaware's Children, Inc.



Crafting Effective Policy

Intensive work goes into crafting effective policy solutions for Delaware's children. An important component in this process is for individuals to take action, expressing input into which areas our elected officials should prioritize. Another is for a more structured body to be formed to analyze and recommend potential actions. To this effect, two resolutions were passed this year which establish new Task Forces focused on kids:

- ★ A Task Force has been created to study Delaware's laws and regulations and school district policies relating to school discipline and violations of school codes of conduct.
- ★ A Task Force has been created to evaluate and make recommendations on policies for Teen Dating Violence Awareness Education in Delaware.

**Children are 26% of our population,
but 100% of our future**

*One of fifty-three similar projects throughout the US and its territories funded by the Annie E. Casey Foundation, **KIDS COUNT in Delaware** is housed in the Center for Community Research and Service at the University of Delaware and led by a board of committed and concerned child and family advocates from the public and private sectors. **KIDS COUNT in Delaware** is especially indebted to the support of the University of Delaware and the State of Delaware.*



KIDS COUNT in Delaware would like to offer our Thanks to the many Delawareans involved in the 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!



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