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KIDS COUNT in Delaware Legislative Wrap-up 2024

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In Delaware, year one of the 152nd General Assembly operated in a fashion similar to pre-COVID-19 pandemic operating restrictions, with many activities conducted in-person. Access to the FY24 legislative sessions, committee hearings, and other General Assembly related meetings were enhanced beyond pre-pandemic operations via electronic access to proceedings such as floor debates and committee meetings. This electronic portion of a hybrid model of operation was originally a public health response measure. Begun during the pandemic, electronic access to legislative proceedings continued to be offered in FY24, providing citizens an alternate way access to proceedings beyond in-person attendance.

*This annual legislative wrap-up historically highlights legislation passed in the previous session which **impact children and their families**. These legislative highlights are grouped into the categories: health, education, child welfare/safety, and economic well-being.*

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!

FOR MORE INFORMATION
on Delaware's legislative process:

<https://legis.delaware.gov>

All legislation introduced during the first year of the General Assembly 152nd session can be found at:

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

The FY24 State Budget bill, Bond bill and Grant-in-aid bill can be found at:

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

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Select Legislation Approved in FY2024

This annual legislative wrap-up 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.



Lead screening results: requires the Division of Public Health to provide the results of lead screenings to school nurses.

HB 401

Vision screening: requires that public school students receive a vision screening, including a test for color blindness, in kindergarten.

HB 382

Speech therapy: adds five additional speech-language diagnosis to the two diagnoses listed in HB 273 and references that all severe speech-language diagnoses are classified in the International Classification of Diseases (ICD-10) for billing purposes; broadens the definition of “child” from 1 year to first grade to include all children from birth to age 18.

HS 2 for HB 273 w/SA 1

School based behavioral health services: charges the Department of Health & Social Services to apply to the Centers for Medicare and Medicaid Services for a State Plan Amendment that would allow for reimbursement of medically necessary behavioral health services without IEP or IFSP documentation.

HS 1 for HB 5 w/HA 1

Medicaid: require a state plan for medical assistance to provide assurances satisfactory to the Secretary that the state has state laws in place that bar responsible third-party payers (other than Medicare plans) from refusing payment for an item or service solely on the basis that such item or service did not receive prior authorization under the third-party payer’s rules.

SB 220

Fertility treatment: provides the same legal protections afforded providers of contraceptive and abortion services to providers of fertility treatment.

HB 374

Doula services: requires Medicaid coverage for additional postpartum visits with a doula upon recommendation of a licensed practitioner or clinician.

HB 345

Doula services: requires coverage of doula services under private health insurance plans.

HB 362

Doula services: ensures pregnant women in Department of Corrections custody are able to meet with a doula or midwife to create a birth plan surrounding the birth of their child with related annual report on use of such services.

HB 426

Midwifery education programs: urges all higher education institutions in the State of Delaware with nursing programs to pursue and establish accredited pathways for becoming Certified Nurse-Midwives and Certified Midwives.

HCR 157

Parent education: requests medical professionals who engage in the provision of prenatal or postnatal care, delivery, or infant care services provide parents and caregivers resources on infant and child CPR basic first aid training.

HCR 148

Insurance coverage of allergens: requires all health insurance plans subject to requirements under Delaware law, including Medicaid, provide coverage, at no cost when prescribed to infants, of at least 1 early peanut allergen introduction dietary supplement, and at least 1 early egg allergen introduction dietary supplement.

HB 274

Termination of pregnancy: requires all health benefit plans delivered or issued for Medicaid to cover services related to the termination of pregnancy not subject to any deductive, co-insurance, copayment, or any other cost-sharing requirement and must cover the full scope of services permissible under the law; includes limited exclusion for religious employers.

HS 2 for HB 110

Select Legislation Approved in FY2024

Termination of pregnancy: requires public universities in this state to provide access to medication for the termination of pregnancy and emergency contraception.

SS 1 for SB 301

Contraceptives: expands the contraceptive coverage laws to include over-the-counter non-emergency contraceptive pills.

SB 232

Crisis pregnancy centers: requires crisis pregnancy centers in this state to provide notice if the center is not licensed by this state as a medical facility and does not have a licensed medical provider who provides or directly supervises, in person, the provision of services.

SB 300

Maternal and mental health: modernizes and expands the concept of maternal mental health by replacing the definition of maternal depression with the more encompassing definition of perinatal mood and anxiety disorder.

SS 1 for SB 106

Family and Medical Leave: clarifies who qualifies as an 'employee' and an 'employer' for the purposes of the Family and Medical Leave Insurance Program.

SS 1 or SB 248

Marijuana: multiple legislative actions occurred this session related to marijuana including allowing health-care providers to make the determination of whether a patient has a diagnosed medical condition for which the use of medical marijuana would provide therapeutic or palliative benefit; providing legal protections for financial institutions to cannabis-related businesses licensed or registered under Delaware law; creating a temporary conversion license for existing medical marijuana compassion centers to operate for recreational marijuana purposes, with requirements to obtain and operate under a conversion license; and moving the Office of Medical Marijuana to the Office of the Marijuana Commissioner within the Department of Safety and Homeland Security.

HB 285

HB 333 w/ HA 1

HB 355

HB 408 w/HA 1, HA 2

HB 425



Early learning infrastructure: sunsets the Provider Advisory Board.

HB 367

Early learning infrastructure: adds a third center-based early care and education provider to the Delaware Early Childhood Council.

HB 368

Early learning infrastructure: streamlines and modernizes the State Early Childhood Education Program, also referred to as State-funded early care and education, as follows: (1) adds definitions (2) provides the Department of Education with a general grant of authority to provide early childhood educational services (3) subject to available appropriations, requires the Department to provide free, full-day early childhood educational services for preschool-age children who satisfy eligibility requirements (4) allows for common standards and processes across programs (5) requires the early childhood educational services to align with quality standards in the categories of learning environment and curriculum, qualifications and professional development, family and community partnerships, and management and administration (6) aligns the length of contracts with the Head Start program, while clarifying that contract under this section must comply with state procurement standards (7) updates code to reflect that the department uses a quality improvement system instead of Delaware Stars for Early Success.

SB 305 w/ SA 1

Wilmington public school students: supports the Redding Commission for Educational Equity's recommendations to move immediately to support Christina School District's City of Wilmington students and to plan for the eventual withdrawal of the Christina School District from the City of Wilmington.

HCR 146

School-based mental health services: establishes a mental health services unit for Delaware high schools.

HB 200 w/ HA 1

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Military-connected students: gives the dependent children of active military members, full-time Delaware National Guard members, and active duty members of a reserve component of the US military priority in choice and charter enrollment.

HB 354 w/HA 1

Advanced placement: requires public institutions of higher learning to grant credit for advanced placement examination scores of 3 or higher. An institution may require a score higher than 3 if the credit is to be used for meeting a course requirement for a particular major or program, provided that the student can receive course credit for that examination in an area outside of the student's major or program area.

HB 116

Disclosure of school records: updates the statute on disclosure of pupil records to ensure compliance with the Family Educational Rights and Privacy Act, and improve information sharing between educational institutions and programs and local education agencies, and the Department of Education.

SB 292 w/HA 2

Diversity and inclusivity in education: acknowledges the importance of diversity and inclusivity in education by requiring the Department of Education to update content standards and regulations using a non-exhaustive list of racial, ethnic, and cultural groups.

SB 297

School board member training: requires that a school board president inform each new member of the board of the financial responsibility training obligation and the obligation for a training to understand educational and legal issues about due process and special education; requires a school board president to send a letter by January 15 of every year to any school board member who has not fulfilled the training obligation by January 1 following that member's election or appointment; makes the special education due process training requirement explicit in the Code for members of a charter school board of directors as well as members of a traditional or vocational technical district school board.

HB 312

Teacher academies: codifies the teacher academy pathways program that prepares students for careers in elementary and secondary education; requires DOE to update and revise statewide standards and guidelines for teacher academies and provide technical assistance to local education agencies to meet those standards and guidelines; requires teacher academies to offer (1) value-added credits to students who have completed the credits required by the initial program of study; and (2) work-based immersion options; requires DOE to publish an annual report summarizing each teacher academy program in the State.

HB 332

Educator trainings: makes changes to nonacademic training requirements for school district and charter school personnel to help ensure that mandatory trainings are relevant to student needs and based on best practices .

SS 1 for SB 304

Educator degrees: ensures that educators hired after the effective date of this Act, who earned graduate degrees prior to becoming educators, receive credit on the salary schedule for those degrees regardless of the specific subject area of those degrees. Once an individual is employed as an educator, in order to receive credit for any graduate degrees earned after that time, such degree must be in the subject area in which the educator is employed.

SB 187

Educator tenure: grants graduates of the Delaware Institute of Higher Education teacher-residency program 1 year of experience credit in addition to any other experience granted in order to incentivize a new graduate who has completed the year-long Delaware residency program to stay and teach in Delaware by elevating their starting pay grade level by giving them 1 year of experience credit.

HS 2 for HB 252

Teacher mobility: enacts the Interstate Teacher Mobility Compact to create reciprocity among participant states and reduce barriers to license portability and employment.

SB 188

Select Legislation Approved in FY2024

Educator preparation on “science of reading”: requires DOE to perform audits of educator preparation programs to assess compliance with the evidence-based reading instruction requirements, known as the “science of reading;” requires the Department use these audits to identify how teacher preparation in reading instruction can be improved and that the audit finding be included in the reports the Department already publishes about educator preparation programs.

SS1 for SB 252

Charter school administration: defines the licensure and certification requirements more clearly and provides the ability for charter schools to hire the administrators they deem beneficial to the success of the school’s education program and the needs of students and staff.

SB 311 w/ HA 1

School bus only license: directs the Division of Motor Vehicles to opt into the FMCSA’s federal exemption that allows for first time CDL applicants seeking a school bus only endorsement on their driver’s license.

SJR 4 w/HA 2

Delaware Interscholastic Athletic Association (DIAA) infrastructure: updates and modernizes the DIAA Board of Director’ composition.

SB 259

Delaware Interscholastic Athletic Association (DIAA) infrastructure: updates the DIAA’s Executive Director from an education associate level position in the Department of Education to a director level position in the Department.

SB 280

Delaware Interscholastic Athletic Association (DIAA) infrastructure: allows the Executive Director to make the final decision on a waiver, subject to an appeal of a 3-member panel comprised of Board members and defines an appeals process with related deadlines and required documentation; organizes the process into the following categories: immediate eligibility, periods of ineligibility, exceptions to periods of ineligibility, and the waiver process.

SB 281

Delaware Interscholastic Athletic Association (DIAA) infrastructure: removes the requirements that the Secretary of the Department propose DIAA-related regulations and the State Board of Education approve the proposed regulations; removes the requirement that DIAA and Department collaborate to develop regulations; grants directly to the DIAA the authority to promulgate regulations.

SB 260

Safe School Zone: adds post-secondary colleges and universities to the Safe School Zone criminal offense so that any person who knowingly possesses a firearm while in or on a college or university facility or campus may be charged with this additional offense.

HB 311 w/HA 1, HA 2 + SA 1

Safe Recreation Zone: reinstates references in the “Safe Recreation Zone” statute to weapons other than firearms; adds qualified retired law-enforcement office who is employed or contracted by a school or district to assist with security or investigations to the list of persons exempt from the prohibition on the knowing possession of a firearm in or on a Safe School Zone.

HB 276

Education Spotlight:

Working Against Institutional Racism

SCR 166 marks May 17, 2024 as the 70th anniversary of the U.S. Supreme Court’s landmark decision in the Brown v. Board of Education of Topeka case and honors the courage and fortitude of all who sparked the action leading to the Bulah v. Gebhart and Belton v. Gebhart cases in Delaware. It also recognizes that the work against institutional racism must be continued by all Delawareans.

Select Legislation Approved in FY2024



CHILD WELFARE/SAFETY

Weapons: multiple legislative actions occurred this session related to violence prevention including: adopting a definition for “firearm” and creating a definition for “projectile weapon;” creating a voluntary do-not-sell registry; creating an application process to obtain a handgun qualified purchaser permit; and providing an exception related to competitive shooting to the general prohibition against semiautomatic pistols that have the ability to accept detachable ammunition magazines that attach at some location other than the pistol grip.

HB 357 w/ SA1
HS 1 for HB 342
SS 1 for SB 2 w/HA 2, HA 6, HA 10, HA 11
SS1 for SB 228

Child physical safety: calls for parents, childcare centers, and preschools to take precautions when allowing kids to play with water bead toys in light of the significant health concerns they present.

HCR 122

School safety: adds that ballistic resistant film may be used in addition to ballistic resistant glass as a safety feature when new school is constructed or a major renovation is undertaken; removes “or other ballistic resistant materials” because it was being interpreted to require ballistic resistant desks and other features that may not improve safety outcomes; changes the review process for existing schools undergoing a major renovation; requires the school district and the Department of Safety and Homeland Security engage in the review before a certificate of necessity is submitted.

SB 279

Sexual assault policies: mandates that employees of institutions of higher education and students receive training in sexual assault prevention.

HB 308 w/HA 1

Family Justice Centers: authorizes the creation of Family Justice Centers within Delaware to provide victims of crime with a single source to obtain resources and support services.

HB 340

Youth in foster care: requires the Department of Services for Children, Youth, and Their Families to provide new luggage to children in foster care to use for the transportation of their personal belongings when entering custody, moving from one placement to another, or exiting custody, and makes clear that disposable bags and trash bags may not be used for these purposes.

HB 419

Youth in foster care: removes the sunset provision to assist individuals who are in or have experienced foster care in Delaware with driver education, driver licensing, and motor vehicle insurance and associated barriers and costs.

SB 231

Youth in foster care: makes amendments to the administration of the Ivyane Davis Memorial Scholarship Fund by removing disbursement requirements to allow more flexibility to scholarship recipients. Specifically, clarifies scholarship funds may be used for direct or indirect educational expenses and may not be used to reduce the amount of a waiver under the Delaware Fostering Independence Through Education (DFITE) Waiver Program; removes the 1 year residency requirement preceding application for the scholarship, makes amendments to the administration of the DFITE program by codifying responsibility for administering the program with the Office of the Child Advocate, and clarifies the responsibilities of the Office and those of the institutions of higher education; clarifies that the waiver applies to both full-time and part-time students and summer and winter classes; lowers the maximum age of eligibility from 26 to 25 to bring this program into alignment with the requirements of the Chafee Educational and Training Voucher program; mandates that Ivyane Davis Scholarships and Chafee Education and Training Vouchers may not be applied to reduce the amount of the waiver and that students eligible for waivers may not apply for or take out loans to reduce the amount of the waiver; amends the Office of the Child Advocate’s duties to include administration of the Fostering Independence Through Education Tuition Waiver Program.

HB 23

Select Legislation Approved in FY2024

Child abuse, exploitation, and trafficking: directs licensees to the Child Protection Accountability Commission as a resource for continuing education programming relating to child abuse, exploitation, and trafficking.

HA 2 to HB 223

Child protection accountability: codifies that the Child Protection Accountability Commission, in conjunction with the Department of Services for Children, Youth, and Their Families, is responsible for developing, maintaining, and conducting child abuse mandatory reporting, multidisciplinary response, and related trainings.

SB 121

Information sharing about child victims: authorizes the Office of the Child Advocate and Office of the Investigation Coordinator to provide child victim data and information to the Office of Investigative Services during presentence investigations of defendants convicted of felony child abuse, endangering the welfare of a child or death of a child.

SB 122

Juvenile civil citation program: removes the requirement that a juvenile can only be referred to the Juvenile Offender Civil Citation Program a second or subsequent time if the juvenile's prior referral was for a different offense than the second referral, allowing a juvenile to be referred for the same offense if the juvenile is otherwise qualified.

HB 405

Crimes by military-connected juveniles: provides the statutory authority for the State to accept concurrent jurisdiction with the federal government over crimes or delinquent acts involving juveniles on military installations located in the State.

HS 1 for HB 356

Manufactured housing: creates a clearer and workable system for ensuring that manufactured home communities with health and safety violations and conditions that threaten the health and safety of people in the community cannot continue to raise rents on residents without fixing the conditions and providing a safe community for its residents.

SS 1 for SB 247



ECONOMIC WELL-BEING

Child support: prohibits Family Court from imposing a sentence of incarceration or ordering the suspension of a person's license for failure to pay court-ordered child support unless it finds that the failure to pay is willful and not due to an inability of the person to pay the support.

HB 267 w/ HA 1

Free school meals: requires all public schools to offer only students who qualify for a reduced-price meal, under the federal School Breakfast Program and National School Lunch Program, a free breakfast and lunch every school day.

HS 2 for HB 125

Student meal debt restrictions: prohibits local education agencies and charter schools from prohibiting a student from participating in a school sponsored extracurricular activity on the basis the student has an outstanding debt for unpaid school meals.

HB 263 w/ HA 1

Delaware Grocery Initiative: creates a healthy foods initiative that seeks to provide financial assistance to eligible food resources; defines terms related to food resources and eligibility requirements for the initiative; authorizes the Division of Small Business to implement the grant and financial support system; creates a food access strategy to address food insecurity and requires submission of a report to the General Assembly and the Governor by June 1, 2025.

SS 1 for SB 254

Fair housing: revises both the Delaware Fair Housing Act and Residential Landlord-Tenant Code to repeal the exemption to discrimination based on source of income that allows a landlord to discriminate against tenants who participate in government-sponsored rental assistance programs because this exemption contributes to a lack of affordable housing in this state.

SS 1 for SB 293 w/HA 1

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:

- HCR 109 reaffirms the State of Delaware's commitment to fostering an inclusive and participatory democracy where the voices of young people are valued, respected, and heard.
- HCR 153 directs the DOE and DHSS Services to jointly produce a report outlining the creation of a student injury monitoring system.
- SR 25 directs DHSS to prepare reports on the Purchase of Care Program and directs DOE to prepare reports on child care capacity.
- HB 333 w/HA 1 + SA 1 creates the Delaware Artificial Intelligence ("AI") Commission.
- SCR 201 establishes the Public Education Funding Commission to continue the comprehensive review of public education funding for all students and populations served by district and charter schools, develop a roadmap of recommendations to implement improvements to the public education funding system, and serve as an ongoing body to review the funding annually and recommend updates and changes.
- SCR 119 establishes the Student Behavior and School Climate Task Force.
- SCR 200 requests a report from the DOE to follow up on the recommendations contained in the Delaware Drug Prevention Curriculum Task Force Report.
- SCR 193 directs the DIAA to analyze data regarding the disparity in public and private team championship sanctioned events.
- SR 24 directs DPH to perform a comprehensive landscape analysis of urgent care centers and submit recommendations on how best to educate the public on choosing the appropriate healthcare setting and the consideration of the development of an Advanced Urgent Care model.
- HB 422 creates the Affordable Housing Production Task Force to investigate and make findings and recommendations to the Governor and General

Assembly on how the State and local governments can increase the production of affordable rental units and homes in Delaware.

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.

This report was produced by KIDS COUNT in Delaware, a project of the University of Delaware's Center for Community Research and Service and 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.