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.

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, safe environment with economic opportunities for all.

The Delaware House of Representatives has 41 members who each must stand for election every 2 years.
Selected Legislation Affecting Children Approved in FY 2015

Health

**E-Cigarettes:** Adds electronic smoking devices to the Clean Indoor Act & prohibits use of electronic smoking devices in all public places where smoking is prohibited under current law.

HB 5 w/HA 4

**Midwifery:** Creates two types of licensure for the newly created Midwifery Advisory Council; clarifies Panel composition; requires safeguards similar to other professionals when minors are treated; sets revocation & disqualification of license upon conviction of felony sexual offense.

HB 70 w/HA 1 + SA 1

**Newborn Infant Screenings:** Codifies the Newborn Screening Program, which screens infants for a number of metabolic, hematologic, endocrinologic, immunologic and certain structural disorders.

SB 58 w/ SA 1 + HA 1

**Immunizations:** Amends the “Affidavit of Religious Belief” so parents/guardians are directly made aware of the possibility of the child’s temporary exclusion from school in the event of an epidemic of a vaccine preventable disease.

HB 91

**Child Death or Near Death Review:** Transfers review responsibility for cases arising from abuse and neglect from the Child Death Review Commission to the Child Protection Accountability Commission, who have statutory responsibility to monitor the health, safety and welfare of DE’s abused & neglected children.

HB 136 w/ HA 1

**Naloxone in Schools:** Endorses an expansion of naloxone access in Delaware’s schools.

SCR 11

**Suicide Prevention:** Requires all public school employees to receive 90 minutes of training each year on suicide prevention, public schools to establish a suicide prevention committee & LEAs to create a suicide prevention policy.

HB 90 w/HA 1

**Off-Highway Vehicles:** Defines “ATV” & requires children under 18 to wear a helmet when operating or riding as a passenger on an ATV.

SB 69 w/SA 1, SA 2

**Unlawful Sexual Conduct:** Creates a felony level offense for a person that is a health professional and in the course of providing professional health services to the victim, intentionally has sexual contact with the victim.

HB 130

**Lay Administration of Medications:** Defines the level of medication administration permitted by unlicensed personnel & settings in which they can administer medications.

HB 111 w/HA 1, HA 2 + SA 1

**Freestanding Emergency Departments:** Defines scope of services offered in outpatient settings.

HB 157 w/ HA 1

**Telemedicine:** Insures that Delaware is well-positioned to embrace efforts that will encourage health insurers & health care providers to support use of telemedicine & encourage all state agencies to evaluate/amend policies & rules to foster and promote telemedicine services.

HB 69 w/HA 1 + SA 1

**Professional Service Corporations:** Provides for prudent flexibility in ownership of professional corporations, in particular as it relates to certain medical professionals; is intended to promote synergies in delivery of healthcare statewide.

HB 139 w/HA 1

Education

**Child Care Licensing:** Enables Office of Child Care Licensing to issue civil penalties for those who operate an unlicensed child care facility.

SB 110
Selected Legislation Affecting Children Approved in FY 2015

**Fees for Educator Licensure:** Establishes $100 fee for new educator licenses.  
**HB 146**

**Educator Licensure and Certification:** Enables continuation of the Teach for America (TFA) program recruitment & training for individuals to teach in DE.  
**SB 31 w/SA 1 + HA 4**

**Rules of the Road:** Clarifies school buses must stop at railroad crossings protected by crossing gates or flashing lights.  
**SB 61**

**Transportation of Pupils:** Updates minimum insurance coverage requirements for school transportation to reflect current industry standards.  
**SB 62**

**Driver’s Licenses:** Establishes mechanism for persons receiving special education services until the age of 21 to receive a driver’s license.  
**HB 184**

**Individualized Educational Program:** requires charter schools to designate responsible person to receive training from DOE regarding legal responsibilities of charter schools with respect to preparation of IEPs for students with disabilities and resources available to assist in preparation of such programs.  
**SB 33 w/SA 3**

**Charter Schools:** Provides a moratorium on all new charter schools in DE until June 30, 2018 or until the State Board of Education develops a strategic plan for the number of charter, district and vocational-technical schools in the State.  
**HB 56 w/HA 1**

**Enrollment Unit Counts:** Changes non-public schools date to submit their Sept 30 enrollment data from Oct 31 to Oct 5 to allow for better coordination with the unit count for public schools and analysis of enrollment trends in the State.  
**SB 21**

**Charter Schools:** Adds charter schools to list of entities for audits through Auditor of Accounts.  
**HB 186**

**Education Rules:** Gives Secretary and DOE authority to promulgate/adopt rules & regulations for administration and supervision of DE public education system, including authority to determine collective bargaining rights in certain situations.  
**HB 82 w/HA 1**

**Education Rule Implementation:** Allows local school district board to delay new/changed rules, regulations or administrative procedures from becoming effective during a school year once the school year has started.  
**HB 34 w/HA 2**

**Wilmington Education Improvement Commission (WEIC):** Creates the WEIC to serve as an advisory committee for administration of planning, recommending & implementing changes to improve quality and availability of education for children Pre-K-12 in Wilmington; advise state on improvements for all schools in DE with high concentrations of children living in poverty.  
**HB 148 w/HA 1 + SA 1**

**School District Boundaries:** Gives State Board of Education authority to change school district boundaries in New Castle County consistent with the final report of the Wilmington Education Advisory Group after public hearings and authority to approve a transition, resource & implementation plan. Redistricting proposal and transition plan must be passed by General Assembly & Joint Resolution signed by Governor.  
**SB 122**

**Education Assessment:** Creates the right for parent/guardian of a child to opt out of annual assessment, currently the Smarter Balanced Assessment.  
**HB 50 w/HA 1 + SA 1, SA 2 + HA 2**
## Selected Legislation Affecting Children Approved in FY 2015

### Education Profile Reports: Adds information pertaining to role & contact info of Title IX Coordinator into annual Education Profile report with intention to make districts, parents & students aware of this resource to ensure certain protections are provided to students, parents, teachers & districts in applicable situations.

**HB 81**

### Military Connected Identifier: Requires DOE to develop regulation for identification of “military-connected youth” which shall not be used for purposes of determining school achievement, growth or performance, but to ensure necessary individuals at school level are aware of any military connected youth for services & supports.

**SB 94**

### Educational Data Governance: Prohibits education technology service providers, online or cloud computing services, mobile service and applications used for K-12 school purposes from selling student data, using student data to engage in targeted advertising, amassing a profile on students for non-educational purposes or disclosing student data except as permitted by law. Requires education technology service providers have reasonable procedures/practices for ensuring security of student data collected & maintained, protect student data from unauthorized access, destruction, use, modification or disclosure & delete student data if appropriately requested to do so by school or district.

**SS 1 for SB 79**

### Re-Entry Education: Makes DSCYF Education Unit a LEA for limited purposes such as allowing teachers to apply for federal, state or private loan forgiveness programs, allowing Unit to apply for federal, state, or private grants & allowing the Unit to issue credits to youth who finish classes while in DSCYF care & educated by Unit.

**HB 116**

### Sex Offenders Registration: Establishes authority of Board of Parole to exercise discretion in reviewing Risk Assessment Tier designation of an offender who was convicted of a registering offense prior to enactment of Megan’s Law.

**SS 1 for SB 13 w/SA 1**

### Classification of Offenses: Makes changes to state’s list of statutory violent felonies—including addition of felony Promoting Sexual Solicitation of a Child.

**HB 59 w/HA 1**

### DSCYF Custody: Sets forth the rights of abused, neglected & dependent youth in DSCYF custody.

**HB 46**

### Evaluations: Establishes authority for DSCYF to file a petition with Family Court to compel an uncooperative parent/guardian to complete a drug/alcohol or mental health evaluation for themselves or get a developmental screen for their child, if the child protection investigation reveals substance abuse, mental health or developmental delays may be placing child at risk.

**SB 56 w/SA 1 + HA 1**

### Interstate Family Support Act: Improves enforcement of U.S. child support orders abroad & ensures children living in U.S. receive financial support due from parents wherever those parents may reside.

**SB 85 w/SA 1 + HA 1**

### Juvenile Expungement: Modifies discretionary expungement provisions to allow more individuals the ability to petition Court for an expungement.

**HB 75 w/HA 1**

### Delaware Online Privacy & Protection Act: Expands legal protections available under DE law to individuals, in particular children, relating to online & digital activities.

**SS 1 for SB 68 w/SA 1, SA 2, SA 3**
Selected Legislation Affecting Children Approved in FY 2015

**Protection from Abuse Orders:** Clarifies that regardless of whether parental rights have been terminated, a petition for protection from abuse may be filed on behalf of a child against a former parent whose conduct constitutes abuse.

**Domestic Violence:** Clarifies procedures related to temporary relinquishment of firearms in possession of a respondent.

**Public Safety:** Establishes the Wilmington Public Safety Strategies Commission to conduct a rapid, intensive & comprehensive examination of public safety strategies in the City of Wilmington.

**Economic Well-Being**

**Savings Accounts for Individuals With Disabilities:** Creates Achieving a Better Life Experience (“ABLE”) Program in DE, to enable creation of savings accounts with tax advantages similar to 529 accounts, designed to be used by persons with disabilities to save for qualifying disability & education related expenses.

**Stand By Me:** Codifies a State Office of Financial Empowerment, housed within DHSS, to ensure sustainability of the Stand By Me program and other financial empowerment programs.

**Employment Discrimination:** Expressly prohibits employment discrimination based on surviving sexual assault, domestic violence or stalking. Requires employers to provide reasonable accommodations, which may include re-purposing accrued leave designated for different purpose.

**Neighborhood Conservation and Land Banks:** Allows any DE jurisdiction with a long-term residential vacancy rate above 3%, including a county, to form a land bank, where determined that a land bank would help address the problem of vacant/abandoned property within jurisdiction.

**Home Construction:** Requires builders of new, one- or two- family residential dwellings 3 stories or less to provide purchaser a cost estimate from builder for an automatic sprinkler system and info from Fire Marshal about benefits of such systems.

**Manufactured Housing:** Removes Council on Manufactured Housing & Delaware Manufactured Housing Alternative Dispute Resolution Act from DE Code.

**Renter Utility Costs:** Clarifies separate metering does not apply to utility service charges which are not assessed based on consumption; permits actual charge for such utility services to be passed on to tenant as part of rental agreement, subject to other protections for tenants– such as right to inspect billings– set forth in Landlord Tenant Code.

**Common Interest Ownership:** Requires utilities to maintain a third party notification system that allows customer to designate a third party to receive notices prior to termination of service.

**Breastfeeding Women:** Requires breastfeeding women be excused from jury service in DE courts.

**Sexual Assault Training:** Requires on-going sexual assault training for police officers and Deputy Attorney Generals in the Criminal and Family Divisions.
Selected Legislation Affecting Children Approved in FY 2015

Decriminalizing Marijuana: Decriminalizes possession or private use of marijuana.  
HB 39 w/HA 3

Rylie’s Law: Adds intractable epilepsy to list of debilitating medical conditions for which a physician may supply certification for medical marijuana; allows under 18 registry identification cards for medical marijuana oil.  
SB 90 w/SA 2

Marijuana: Clarifies appointment process for internal operations of Medical Marijuana Act Oversight Committee.  
SB 7 w/SA 1, SA 2

Marijuana Research: Allows for rigorous scientific study to assess safety, effects & efficacy of cannabis/cannabis compounds for treating medical conditions to be conducted in DE in a facility which meets FDA-accepted security and operational standards.  
SB 138

Terroristic Threatening: Increases penalty for committing terrorist threatening that causes evacuation of building, place of assembly or facility of public transit from class G to E felony.  
SB 6

Firearms: Establishes that county governments may pass ordinances regulating possession of firearms, ammunition, components of firearms and explosives in county buildings & police stations subject to specific requirements; allows counties to establish penalties for violation.  
HB 201

Temporary Instruction Permits & Driver’s Licenses: Creates means for undocumented immigrants to obtain driving privileges in DE.  
SB 59 w/SA 1, SA 2

Transportation Trust Fund: Increases several revenue sources for Transportation Trust Fund.  
HB 140 w/HA 1

Crafting Effective Policy

Intensive work goes into crafting effective policy solutions for Delaware’s children. An important component in this process is the creation of a structured body to analyze/recommend potential actions. To this effect, resolutions were passed which establish new Task Forces focused on kids in the areas of:

- Blind and Visually Impaired. (SCR 2 w/SA 1)
- Deaf, Hard of Hearing & Deaf-Blind (HR 5)
- Mental Health (SCR 29)
- Educational Technology (SCR 22)
- Student Data Privacy (SS 1 for SB 79)
- Student Assessment Testing (SJR 2 w/SA 1)
- School Retention & Social Promotion (HR 6)
- Public Education Funding (SJR 4)
- Work-a-Day Earn-a-Day Public Work (SR 10)

Unfortunately, a loss of 5% in “pass-thru” funds—which support essential functions such as family violence prevention, after school programming and mentoring—was incorporated in the FY16 budget.

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!