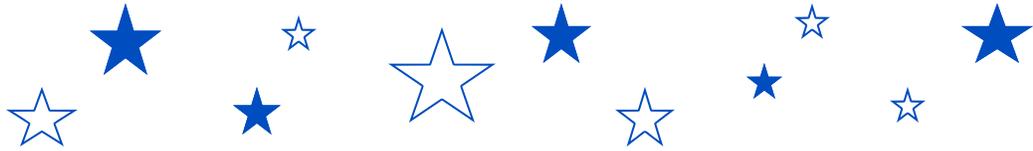




KIDS COUNT in Delaware Legislative Wrap-Up



Highlights of the 146th Delaware General Assembly July 2012

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.

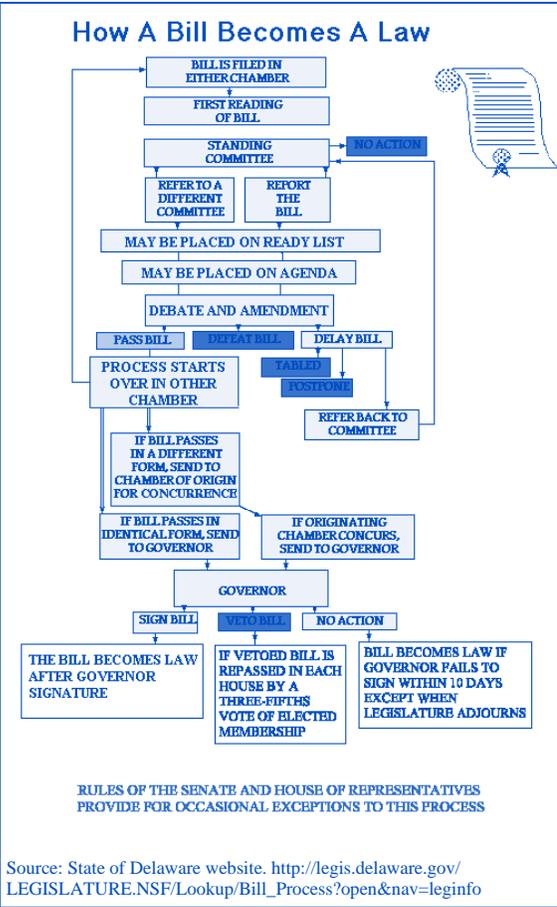
The Delaware House of Representatives has 41 members who each must stand for election every 2 years.

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, safe environment with economic opportunities for all.





Selected Legislation Affecting Children Approved in FY 2012

Health

Emergency Medical Services System: creates the Emergency Medical Services for Children Program to address the pediatric specific needs of children in the Emergency Medical System.

HB 315 w/HA 1

Universal Hearing Screening, Tracking & Intervention: creates the Early Hearing Detection and Intervention Advisory Board and requires the Universal Newborn and Infant Hearing Screen Act to track the results.

HB 384 w/HA 1

Assistance with Medications: expands the ability of persons to assist in the administration of medications to students in grades K-12 during approved school activities occurring outside of school day and at activities held off-campus.

SB 257

School Based Health Centers: establishes a framework for billing private insurers before Medicaid for health care services provided to students in School Based Health Centers throughout Delaware.

HB 303

Education

Kindergarten Readiness Assessment: mandates creation of a statewide tool which will evaluate a child's readiness to learn upon kindergarten entry.

HB 317 w/HA 1

Mandatory Reporting: simplifies requirements for schools, ensuring that the most serious offenses shall be reported to law enforcement while giving schools discretion to handle minor offenses without mandatory reporting.

HB 243 w/HA 1, HA 2 & SA 1

Bullying: requires all reported incidents of school bullying regardless of whether the incidents could be substantiated to be reported.

HB 268 w/HA 1

Cyber-bullying: provides for the development of a statewide, fact-based cyber-bullying policy to be adopted by local school districts and charter schools.

SB 193

Social Media: makes it unlawful for academic institutions to require a student/applicant to log on to their social networking account or to disclose their password and account information granting the academic institution access to the student's/applicant's social networking profile or account.

HB 309 w/HA 1 & SA 2 & HA 2

Comprehensive School Safety Plans: under the Omnibus School Safety Act, the Department of Safety and Homeland Security will work with schools, districts and first responders to develop a comprehensive school safety plan for all public schools.

SB 233

Educator Licensure and Certification: continues to authorize the Teach for America program as a path to teacher licensure and certification.

HB 239 w/HA 1

Teen Dating Violence and Sexual Assault: requires school districts & charter schools to establish a policy on responding to teen dating violence and sexual assault, including guidelines on mandatory reporting and confidentiality, a protocol for responding to incidents and training.

SB 206 w/SA 2 & HA 1

Driver's Education: students with individualized education plans (IEPs) have until the age of 21 to complete their driver education certification.

HB 264 w/HA 1

Exceptional Children: allows parents and guardians who successfully challenge the denial of services to their children with special needs to recover the costs of expert witnesses that they needed to hire to advocate for their children.

HB 365



Selected Legislation Affecting Children Approved in FY 2012

Exceptional Children: implements requirements under the Individuals With Disabilities Education Act regarding the duty of school districts to locate, identify and evaluate all children in need of special education and related services.

SB 207 w/SA 1

Runaway and Homeless Youth: creates an assessment and reporting requirement to identify and define youth who are runaway or homeless and analyze the existing and needed resources and services necessary to better serve this population.

HB 389

Child Welfare

Offenses Against Children: establishes the offense of Child Abuse; redefines physical injury and serious physical injury to reflect medical realities of pain/impairment suffered by children; provides special protection to infants, toddlers and children who have disabilities; expands the state of mind necessary for certain offenses against children allowing for more effective prosecution of parents who subject children to abuse by others & fail to protect children.

SB 234 w/SA 2

Child Competency Evaluation: creates a procedure for the evaluation of the competency of a child for Family Court proceedings.

HS 1 for HB 253 w/HA 1

Investigation of Child Abuse & Neglect: requires the Department of Services for Children, Youth and Their Families to track every case of child abuse and neglect reported in a case management system.

HS 1 for HB 371

Disposition of Children Pending Adjudication: removes the two-year sunset provision of Title 10, Section 1007 of the Delaware Code, which expanded the list of possible acts for which a child could be detained in a secure facility and provided safeguards against the abuse of discretion on these grounds with the goal of reducing the unwarranted detention of juveniles and providing meaningful alternatives to detention.

HB 252

Child Endangerment: amends Title 11 of the Delaware Code so a person can be charged with the crime of endangering the welfare of a child when that person does not report a missing child and the child is neglected as a result from their failure to report.

HB 256

Expungement: eliminates the requirement for expungement orders to be sent by the Family Court to the federal Department of Justice (because this information is already being communicated by the State Police).

HB 285

Identity Protection for Children Under State's Care: authorizes and requires that the Department of Services for Children, Youth and Their Families run a credit report for each child in its care within 30 days of the child's 16th and 17th birthdays and review the report for any possible identity theft.

HB 269 w/HA 1

Economic Well-Being

Predatory Lending: limits the number of short-term consumer loans (sometimes called payday loans) that any one borrower may obtain in a twelve month period.

HB 289 w/HA 1, HA 2

Residential Mortgage Foreclosure Mediation Program: clarifies that the Superior Court can allow for non-profit legal service providers to perform the function of the HUD-certified housing counselors in the mediation process.

HB 231



Selected Legislation Affecting Children Approved in FY 2012

State Lottery: authorizes internet gaming under the control and operation of the Delaware Lottery.

HB 333 w/HA 2, HA 1 to HA 2

Child Support: broaden the definition of “income” to include lump sum payments received by support obligors and allows the Division of Child Support Enforcement to issue an income withholding order against the lump sum payment to pay arrears or retroactive support.

SB 273

Child Support: requires that operators of video lottery facilities must use data provided by the Division of Child Support Enforcement to identify large video lottery prize winners having outstanding child support debts. Once identified, such prizes would be used to pay child support debts.

SS 1 for SB 151 w/HA1

Misc.

Freedom of Information: Requires school districts and other public bodies to be included under the Freedom of Information Act (FOIA), in which all public records will be open to inspection and copying by any citizen

SB 231 w/SA 1



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

*One of fifty-three similar projects throughout the U.S. and land 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!

Crafting Effective Policy

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

- ★ A Task Force has been created to study the transitional needs of children and youth with disabilities and special health care needs, to develop strategies to ensure successful transition from child/adolescent services into adult services. (SCR 34 w/HA 1)
- ★ A Task Force has been created to review open Family Court proceedings (SCR 2 w/SA 2)
- ★ A Task Force has been created to examine programs for gifted/talented students (HCR 57)
- ★ A Task Force has been created to develop appropriate grade level curriculum about the history of organized labor and the collective bargaining process to be taught in Delaware public schools. (SCR 43)

Additionally, a resolution was passed which requests the Department of Services for Children, Youth and Their Families in collaboration with state agencies, advocacy groups, community organizations and current and former foster care youth to submit analysis and recommendations for creating a foster care program in Delaware that extends to the age of 21. (HJR 18)