

*Governor's Advisory Council for Exceptional Citizens  
(GACEC)*



# ANNUAL REPORT

FY 2017

*Submitted By: Wendy Strauss, Executive Director & Dafne Carnright, Chair*

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## MISSION STATEMENT

*The Council's mission is to provide leadership through advice and advocacy for the unmet needs of citizens of all ages who are exceptional\*, in order to improve their lives.*

- \* The term "exceptional citizens" refers to persons of all ages who have special needs. It should be noted that the GACEC state mandate for exceptional citizens includes children with special gifts and talents.

### *What is the Governor's Advisory Council for Exceptional Citizens?*

#### **Statutory Responsibilities**

In accordance with the Code of Federal Regulations (CFR) 300.650, the Council serves as the State Advisory Panel for the Individuals with Disabilities Education Improvement Act (IDEA) and its amendments.

1. Delaware Code: Title 14, Chapter 31, Sub. Sec. 3111
2. Federal Statute: Individuals with Disabilities Education Improvement Act (IDEA) and its amendments  
The State Advisory Panel will:
  - (1) "...advise(s) the state educational agency of unmet needs within the state in the education of children with disabilities;
  - (2) comment(s) publicly on any rules or regulations proposed for issuance by the state regarding the education of children with disabilities and the procedures for distribution of funds under this part; and
  - (3) assist(s) the state in developing and reporting such data and evaluations as may assist the Secretary under Section 618..."
3. Delaware Code: Title 14, Chapter 24, subsection 2408



## GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS (GACEC)

The legal authority of this Council shall be Title 14, Chapter 31, Exceptional Persons, Sub. Sec. 3111: "The Governor shall appoint an advisory council to act in an advisory capacity to the State Board of Education and other State agencies on the needs of exceptional citizens." The General Assembly shall provide for the maintenance of the Council. The Council shall also serve in the capacity of the Advisory Panel as required by the Individuals with Disabilities Education Improvement Act (IDEA).

(a) *General.* The membership of the State advisory panel must consist of members appointed by the Governor, or any other official authorized under State law to make these appointments, that is representative of the State population and that is composed of individuals involved in, or concerned with the education of children with disabilities including:

1. Parents of children with disabilities (ages birth through 26);
2. Individuals with disabilities;
3. Teachers;
4. Representatives of institutions of higher education that prepare special education and related services personnel;
5. State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.);
6. Administrators of programs for children with disabilities;
7. Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
8. Representatives of private schools and public charter schools;
9. Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
10. A Representative from the State child welfare agency responsible for foster care; and
11. Representatives from the State juvenile and adult corrections agencies.

(b) *Special Rule.* A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (age's birth through 26).

*GACEC plants the seeds to ensure equal justice for  
Delawareans with disabilities and their families*



## A Word from the Executive Director

Once again this year has proven to be an exciting one as we move forward to expand opportunities for individuals receiving special education services as well as those with disabilities living in the community. We are grateful for so many wonderful passionate parents, advocates, legislators, organizations and agencies that have a vision like we do here at GACEC; we want to ensure all individuals with disabilities have the same opportunities in life as their typical peers.

We have worked closely with the Department of Education and the IDEA Data Center (IDC) on the Significant Disproportionality Stakeholder Group. This group will make recommendations to the state and federal government on the revision of their policies, procedures and practices for Significant Disproportionality. The Federal Regulations became final on January 18, 2017 and the State of Delaware has to be in compliance by July 1, 2018. There will be 98 different categories that districts can be flagged as having significant disproportionality. The GACEC Children and Youth Committee reviewed information and submitted feedback on the proposed regulations.

We partnered with Delaware's Special Education Strategic Planning group which included legislators, Department of Education staff, district special education directors, statewide program directors, parents of children with disabilities and advocates. The group presented the plan to the SPED Strategic Plan Advisory Council in April. This group will continue to meet to review the comments received during the public comment period. The group will also continue to receive feedback to determine how we can enhance the plan, implement the suggestions and continue to collaborate with our partners.

We were honored to work with Representative Kim Williams on the School Resource Officer (SRO) bill. She brought parents, advocates, Department of Homeland Security and the Department of Education together in order to work closely with us on this bill which will improve guidelines for trainings by Districts or Charters for SROs. After many meetings and drafts, the bill was given a number. House Bill 142 will be signed by Governor Carney on September 29, 2017.

We are very grateful for our volunteer Council members, our public officials as well as our sister agencies and organizations that work so tirelessly on improving the lives of individuals with disabilities and their families.

Wendy Strauss

Executive Director



## Message from the Chair

Dear Friends of the GACEC:

As we wrap up another busy year, I again find myself honored to work with such an amazing and dedicated group of people. Council members volunteer their time throughout the year to review and monitor legislation, regulations, and other works that have an impact on persons with disabilities and exceptionalities in our state. The GACEC staff is fully committed to improving the lives of Delaware's citizens with exceptionalities and collaborating with other state partners, and they work so very hard every single day towards this goal. Because our Delaware legislators, the Department of Education, and others look to the Council as one of the important voices that lend feedback, you will see in the following report many bills where the Council had an impact. This year, Council has also continued some important community awareness projects like the Disability History and Awareness Month initiative and the Delaware Disability Hub website (which you should definitely explore if you have not already!). <https://www.deldhub.com>

This year we said goodbye to several of our members. Jane Donovan, Keith Morton and Kirsten Wolfington resigned this year and Brian Hartman Esq., retired after more than 30 years with the Council. We thank all of them for their service to Delawareans with disabilities and wish them the best in their futures.

I look forward to seeing what will be accomplished through the hard work of the Council members and staff in the coming year! I know, for example, that we will continue to do our part to ensure that the work of the State Transition Task Force for Emerging Adults with Special Health Care Needs and the Special Education Strategic Plan both move forward. There is always work to do and the Governor's Advisory Council for Exceptional Citizens is always ready to roll up its sleeves and jump in. We could not do it without each and every Council member and staff who have demonstrated their passion and commitment to do this work. We must continue to put our heads together and take a stand for people with exceptionalities in our state.

Respectfully,

Dafne Carnright  
Chairperson







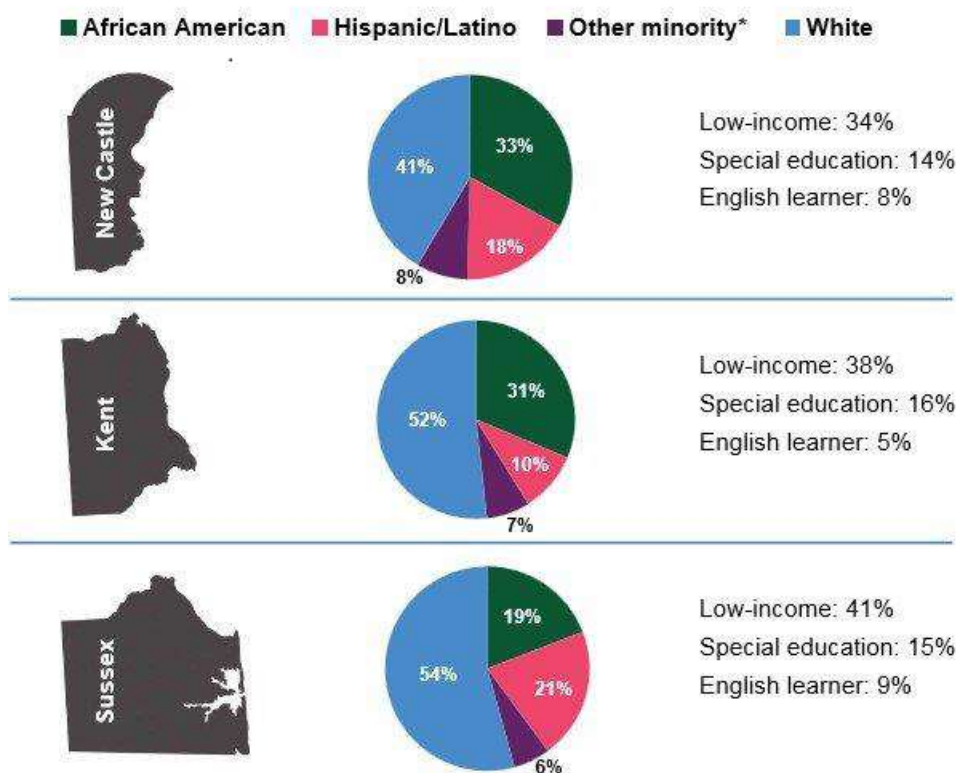
*With our deepest appreciation we want to thank Brian J. Hartman for his 32 years of membership with the Governor's Advisory Council for Exceptional Citizens. His devotion and dedication to protecting the rights of individuals with disabilities is unmatched and his tireless work on their behalf is commendable. Brian has touched so many lives and his legacy of advocacy will be remembered many years after his retirement. We are very grateful for the time, expertise and professionalism that he has shown all of us in the disability field. We will miss so many things about Brian, too numerous to mention. Enjoy this new chapter of your life Brian! May you live long and prosper and boldly go where no man has gone before. ~ 2017*



## Significant Disproportionality

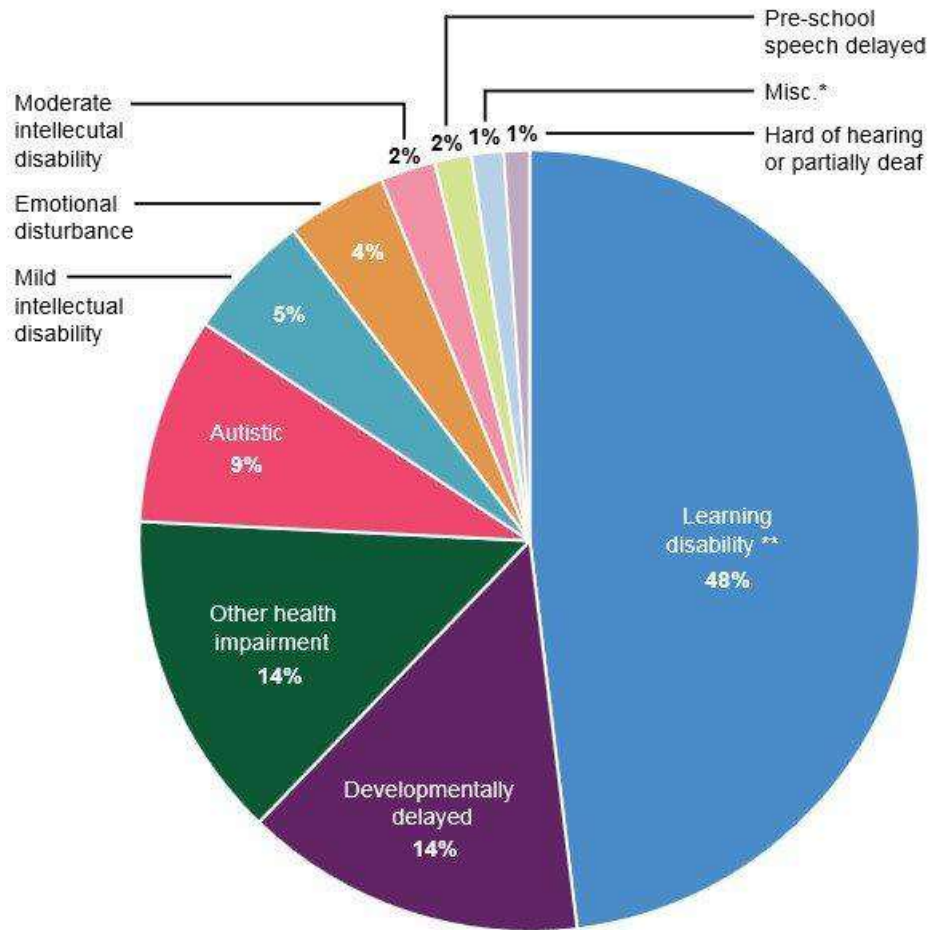
In FY 2017 Executive Director Wendy Strauss participated in the Department of Education and the IDEA Data Center (IDC) stakeholder group on the Significant Disproportionality. This group made recommendations to the state on the revision of their policies, procedures and practices for Significant Disproportionality. The Federal Regulations (<https://www.federalregister.gov/documents/2016/12/19/2016-30190/assistance-to-states-for-the-education-of-children-with-disabilities-preschool-grants-for-children>) became final on January 18, 2017 and the State of Delaware has to be in compliance by July 1, 2018. There will be 98 different categories that districts can be flagged as having significant disproportionality. The GACEC Children and Youth Committee worked to submit feedback on the proposed regulations. Some recent demographics for Delaware are provided below for your reference:

### STUDENT DEMOGRAPHICS BY COUNTY



\*Other minority category includes Asian, Hawaiian, American Indian and multi-racial. Low income status is determined by student participation in the Department of Health and Social Services assistance programs such as Temporary Assistance for Needy Families and the Supplemental Nutrition Program. Percentage may not total 100 due to rounding.

## STUDENT ENROLLMENT BY DISABILITY TYPE



\*Miscellaneous includes disabilities that make up less than one percent of the total special education population, such as: partially sighted, blind, traumatic brain injury, and severely mentally handicapped.

\*\*Learning disability includes: condition such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

Source: Delaware Department of Education. (2016). Online School and District Profiles: State Enrollment History for public schools.

## **GACEC COUNCIL GOALS FOR 2016-2017**

**GOAL 1: Outcomes for students with exceptionalities will be improved by monitoring and supporting the implementation of the Annual Performance Report (APR), State Systemic Improvement Plan (SSIP), State Professional Development Grant (SPDG), Every Student Succeeds Act, and review of the Department of Education (DOE) Special Education Regulations.**

**Activities for this year include:**

1. Ensure compliance of IDEA by monitoring and reporting on results of:
  - Annual Performance Report
  - State Systemic Improvement Plan for Part B and Part C
  - State Professional Development Grant
  - Significant Disproportionality
  - DOE Special Education Regulations
  - DOE Focused Monitoring reports for all districts and charter schools, including Needs Based
  - Funding Verification
  - Every Student Succeeds Act (ESSA)
  - Americans with Disabilities Act (ADA) 504 Plans
  - Overall DOE enforcement and district compliance of State and Federal requirements.
  - Alternate Assessments
2. Advocate for professional development for teachers, paraprofessionals, specialists and building administrators in area of students with exceptionalities.
3. Advocate for improved accessibility of information on the Department of Education website.
4. Oversee recommendations on Part B and Part C of the SSIP.
5. Review impact of ESSA and prepare for IDEA reauthorization.
6. Continue to monitor the implementation of the Speech Language Pathology Program (SLP).

**GOAL 2: Programs and services for students with exceptionalities will be improved by monitoring and advocating for the delivery of evidence-based special education and related services in the least restrictive and natural environments.**

**Activities for this year could include:**

1. Review and comment on Medicaid funding, including programs and system for processing requests for all individuals with special needs. Comments will be sent to DMMA and Medicaid Representatives.

## **Council Goals cont.**

2. Review and comment on proposed Department of Education regulatory changes. Comments will be sent to DOE, State Board of Education and Professional Standards Board for discussion at the State Board of Education meetings.
3. Advocate in order to ensure that educational services and materials, particularly accessible instructional materials (AIM), will be available in all settings.
4. Foster collaboration among agencies that address special education in the State of Delaware.
5. Review and comment on proposed charter school regulations and the development of the charter school framework.
6. Review educational programs in the Department of Services for Children, Youth and their Families (DSCY&F) for compliance with FAPE (Free Appropriate Public Education).
7. Research and advocate for appropriate physical education services for students with exceptionalities.
8. Provide commentary on school discipline regulations and collaborate with the Department of Education on improving Annual Performance Report Indicators relating to discipline.
9. Monitor and support the reconstitution of the IEP Implementation Taskforce.
10. Monitor implementation, training and the use of seclusion and restraints in any agency receiving public funds.
11. Advocate for injury prevention and return to play protection of juveniles participating in DIAA and non-DIAA sponsored activities.
12. Review and monitor implementation of recommendations from the Autism Educational Taskforce as outlined in Senate Bill 93 and continue to advocate for the passage of legislation similar to former Senate Bill 92.
13. Advocate for development of Special Education Councils as required by Senate Bill 33 to improve family engagement, parent education and parent advocacy.

**GOAL 3: Programs and services for citizens with exceptionalities will be improved by reviewing and advocating for funding, policies and procedures that positively impact and empower citizens with exceptionalities.**

## **Activities for this year could include:**

1. Identify, review and provide comments on memoranda of understanding, inter-agency agreements, legislation and regulations. Send comments to the lead agency in the memoranda with copies to the other agencies involved.
2. Promote implementation and compliance with Americans with Disabilities Act (ADA).

## **Council Goals cont.**

3. Advocate for increased and appropriate transition services statewide in accordance with the recommendations of the State Transition Task Force for Emerging Adults with Disabilities and Special Health Care Needs developed by Senate Concurrent Resolution (SCR) 34.
4. Advocate for programs that enable individuals with exceptionalities to live independently and become active citizens in their community.
5. Foster partnerships with other agencies and councils to promote rights and quality of life for individuals with exceptionalities.
6. Assist with the development of legislation to support the inclusion of students with disabilities in the Delaware Stars rating system.
7. Monitor process and services provided for young children transitioning from Part C to Part B.
8. Monitor and support inclusion policies in early childhood programs proposed at the federal and state level.
9. Identify which LEAs have implemented Gifted and Talented programs in accordance with IDEA.
10. Support maintenance and updating of transition website (DeIDHub) to ensure its relevance to transitioning youth with disabilities and/or special healthcare needs and their families.
11. Make recommendations on implementation and compliance of behavioral and mental health services.
12. Monitor implementation and recommendations within the Age of Majority legislation.
13. Promote the implementation of the ABLE Act.
14. Monitor and provide input as appropriate on all legislation impacting individuals with exceptionalities directly or as preventatives.
15. Advocate to provide training and promotion of assistive technology across the lifespan of individuals with disabilities.
16. Monitor and support the implementation of the Supported Decision Making Legislation as outlined in Senate Bill 180 and advocate for training and awareness for stakeholders.

**GOAL 4: The GACEC will impact legislators, agencies, councils and other entities through more effective communication strategies.**

### **Activities for this year could include:**

1. Continue current modes of communication (letters, outside committee involvement, etc.).
2. Provide training for GACEC members on how to discuss issues with state policymakers and on the GACEC Code of Ethics.



## **Council Goals cont.**

3. Increase partnerships with other agencies and councils that are involved in promoting rights and quality of life for individuals with disabilities.
4. Encourage diversity of participants in GACEC meetings, membership and activities.
5. Encourage collaborative efforts among committees, particularly in working with the Policy and Law Committee, on issues of overlapping interest to individual committees.
6. Encourage Council members to contact their legislators each year to introduce themselves and the GACEC and report back to the Council.
7. Encourage GACEC committees to invite legislative representatives from relevant legislative committees, such as the Education Committee, Health and Social Services Committee, etc. to discuss their priorities for the fiscal year.

**GOAL 5: Delaware Department of Education standards-based reform and accountability efforts will be reviewed in order to provide advice and advocacy for the inclusion of students with exceptionalities in all programs and initiatives.**

### **Activities for this year could include:**

1. Review and comment on any changes to statewide services and the educational accountability system in relation to the needs of children with exceptionalities.
2. Participate on Department of Education committees and workgroups in order to provide input on issues impacting students with exceptionalities.

## Highlights and Collaborations

The GACEC held its Annual Fall Retreat on September 30 through October 1, 2016, at the Atlantic Sands Hotel and Conference Center in Rehoboth Beach, DE as part of the Council's planning activities for FY 2017. Retreat participants included Council members, as well as Nancy O'Hara and Mary Watson from the IDEA Data Center of the University of Kentucky Human Development Institute and Mary Ann Mieczkowski and Tracy Neugebauer from the Delaware Department of Education (DOE).

*The following is a list of some of GACEC's collaborative efforts with other organizations and agencies to promote education and awareness:*

- The GACEC **wrote more than 2450 letters** to the Governor, Legislators, the Department of Education and other agencies advocating on behalf of individuals with disabilities and their families.
- **LIFE Conference Design Team-** The annual LIFE Conference seeks to ensure that persons with disabilities in Delaware have full access to supportive Legislation, Independence, Family support services and Education. GACEC Executive Director Wendy Strauss is a member of the LIFE Conference Design Team. The team is also comprised of representatives from DDC, SCPD, Delaware Health and Social Services (DHSS), Delaware Public Health (DPH), Easter Seals, the Division of Medicaid and Medicare Assistance (DMMA), DOE and the Delaware Coalition for the Americans with Disabilities Act (DCADA). The 2017 LIFE conference was attended by over 700 people.
- GACEC Executive Director Wendy Strauss is a member of the **SCPD Policy and Law Committee**. This committee reviewed and/or provided commentary on **more than 89** proposed or final regulations, State bills, Federal bills and many other policies which impact persons with disabilities.
- **SCPD Brain Injury Committee (BIC)** - GACEC Executive Director Wendy Strauss and Administrative Coordinator Sybil Brown are members of the SCPD Brain Injury Committee (BIC). BIC's mission is to improve the lives of Delawareans with brain injury by providing the following: 1) a forum for the sharing and analysis of information; 2) a network to identify and facilitate acquisition of enhanced resources; 3) a technical assistance provider to educate public and private policymakers; and 4) an advocacy agency to promote a consumer oriented, effective injury and prevention service delivery system.
- **DOE Special Education Leadership Work Group**-GACEC staff attend these statewide meetings to monitor what is happening with special education in Delaware, as well as to provide input.
- **Dover Air Force Base Exceptional Family Member Program**-GACEC staff has attended numerous information fairs held on Dover Air Force Base by their Exceptional Family Member Program (EFMP). Information about the GACEC and our mission was shared with members of the Exceptional Family Member Program and families at Dover Air Force Base.
- **Inter-Agency Coordinating Council (ICC)**-The ICC focuses on early childhood issues. Wendy Strauss and other members of Council are members and attend meetings to provide information and keep up to date on new information regarding early childhood issues.
- **Access to General Education Curriculum (AGEC) Work Group**- This group focuses on inclusive education and assessment issues for students in special education. GACEC Office Manager Kathie Cherry attends these meetings to provide input from her perspective as a parent of a special education student, as well as a representative of the Council.

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## Highlights and Collaborations cont.

- **Family Leadership Advisory Council (FLAC)** - This Council was established by Delaware Family Voices to address the unmet service needs of persons with disabilities and to provide guidance and resources to their families or caregivers. GACEC Executive Director Wendy Strauss regularly shares information.
- **Heart 2 Heart Hugs-** This initiative of the GACEC began in the fall of 2011 as the Sleeping Bag Campaign. Soon the endeavor expanded with the goal of collecting new, warm, cuddly items for children who are homeless or in foster care in Delaware. At a reception held at Massey Station on February 14, 2017, the GACEC was proud to distribute thousands of “practical, portable, positive hugs” in the form of coats, blankets, scarves, cuddly animals, handmade quilts, afghans, pajamas, slippers and more to the assembled Hug Ambassadors. These Hug Ambassadors included social workers, school nurses, foster care coordinators and representatives from the Division of Services for Children, Youth and their Families (DSCYF). The honorable Robin Christiansen, Mayor of Dover, provided the welcoming remarks. Over 1300 items were disseminated at the distribution event.
- **Disability History and Awareness Month Activities-** 2016 marked the seventh year for the GACEC’s Disability History and Awareness Month efforts and activities.
  - **Disability History and Awareness Month Resource Manuals-** GACEC produces and distributes a resource manual for use at every school and charter school in Delaware. The manuals include information on the Individuals with Disabilities Education Improvement Act (IDEA) of 2004, the Help America Vote Act of 2002 and the Americans with Disabilities Act (ADA) of 1990. The manual also contains information regarding disability etiquette, examples of People First Language, activities to help promote disability awareness and inclusion in the classroom and a sample letter to notify parents of upcoming Disability History and Awareness activities. In an effort to conserve resources, a PDF file of the resource manual is available on the GACEC website.
  - **Disability History and Awareness Month Poster Contest-** GACEC was pleased to coordinate their seventh annual Disability History and Awareness Month Poster Contest. A request was sent out to all school districts to have their students create posters about Disability Awareness. Entries poured in from throughout the State, culminating in three winners from each category: Elementary School, Middle School, High School, Adapted Art and Computer Generated Art.
  - **Disability History and Awareness Month Poster Contest Awards Luncheon-** On December 1, 2016, the winners of the GACEC’s Disability History and Awareness Month Poster Contest were honored at the annual Awards Luncheon, which was held at The Duncan Center in Dover. The winning students were joined by their families, as well as other honored guests. The students, their teachers, principals and parents were treated to lunch with the Delaware dignitaries. Each student was also given an award certificate and a prize was awarded for each category.
- **Center for Disabilities Studies (CDS) Community Advisory Council (CAC)** - The Center for Disabilities Studies is supported with its work through the contribution of their Community Advisory Council (CAC). The CAC is composed of individuals with developmental and related disabilities; family members of individuals with developmental disabilities; representatives from disability-related training, service and advocacy organizations; representatives from state agencies; and other disability advocates. Meetings of the CAC are held a four times a year. GACEC Executive Director Wendy Strauss is a CAC member.

## Highlights and Collaborations cont.

**Significant Disproportionality Workgroup** - Proposed regulations were released by the federal government to specifically address the documented and detrimental over-identification of certain students for special education services, with particular concern that over-identification results in children being placed in more restrictive environments and not taught to challenging academic standards. The new regulations are meant to determine whether significant disproportionality based on race/ethnicity is occurring with respect to the identification of children as children with disabilities; placement of children in particular educational settings; and the incidence, duration, and type of disciplinary actions, including suspensions and expulsions. The Delaware Department of Education has developed stakeholder groups to determine how this issue will be monitored and addressed in Delaware.



## **Infant and Early Childhood Committee 2016-2017**

We began the fiscal year with Jennifer Pulcinella as the chair and Ann Fisher as the vice chair. In November the committee met with Cindy Brown from the Department of Education. Cindy replaced Verna Thompson as the Part B/619 Coordinator. We discussed our concerns with the transitions of three year olds into early learning programs from Child Development Watch. The meeting was very productive. Ms. Brown understands that three year olds enter the school system throughout the year but are only counted on September 30th. This leaves the children being identified and entering later with significant disadvantages.

In January, the committee provided the following comments on the upcoming Every Student Succeeds Act (ESSA)

**FEEDBACK ON DDOE STRATEGY:** “Create a resource toolkit to support LEAs that have an identified need to create or expand high-quality early learning programs or create a partnership with existing community-based programs.”

1. The state should commit to one birth to K assessment, such as Teaching Strategies GOLD, so that information about each child can follow that child wherever they go. It should be statewide across all settings so anyone working with the child has access to the information. This would also work for children with special education needs.
2. The state should commit to a statewide screening tool as well. If the state, through Stars, is promoting the use of Ages and Stages developmental screenings in the community then district Child Find offices should be required to accept the results and not require another screening be administered. The state could also require districts to administer Ages and Stages instead of using another screening tool. Commitment to single screening and assessment tools would allow for greater inter-rater reliability.
3. The district should have a family resource/outreach person available to work with the Child Find office to connect families to the supports they need even if the child does not qualify for special education services.
4. The committee supports use of an evidence-based, comprehensive self-regulation program that meets the new Head Start standards such as Conscious Discipline for early childhood, as PBS is for elementary.

**FEEDBACK ON DDOE STRATEGY:** “Create shared professional learning opportunities for teachers, principals, other school leaders, paraprofessionals, early childhood education program directors, and other early childhood education providers to prepare the LEA to meet the needs of all young children.”

1. Administrators and paraprofessionals, not just teachers and specialists, need to be educated on what is developmentally appropriate for early childhood as well as “best practice.”
2. The state should require districts to first consider providing special education services itinerantly to children already enrolled in a state licensed childcare setting as that is the child’s federally mandated “least restrictive environment.” This helps to build a relationship between the district and the childcare providers as well as encouraging inclusive classroom environments.
3. Increase the involvement of and funding for Readiness Teams to provide early childhood related trainings to both district employees and the community they serve.

**FEEDBACK ON DDOE STRATEGY:** “Strengthen curriculum and assessment alignment between early learning programs and elementary schools through specific actions verified by feedback from community conversations:

1. Creating a statewide single assessment would help with the sharing of information from early learning programs through at least Kindergarten. A statewide database should definitely be established for the sharing of information for children with special needs. This would help prepare school districts with program planning and developing an appropriate Individualized Education Program. This would offer school districts the opportunity of reaching out to families during the transition period in order to get to know the family, the child and their needs. This would also allow the school district time to develop an



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## **Infant & Early Childhood cont.**

appropriate Individualized Education Program (IEP) and to ensure adequate resources were in place in order to support the child's needs as addressed in the IEP.

We look forward to the final draft of the ESSA as well as its implementation.

In February, the committee met with Pam Weir, Assistant Part C Coordinator to get an update on the Joint Statement on Collaboration and Coordination of the Maternal, Infant, and Early Childhood Home Visiting Program (MIECHV) and IDEA Part C Programs: Creating a high-quality system of services and supports for infants and toddlers with disabilities and their families.

The purpose of this joint statement from the U.S. Departments of Education and Health and Human Services is to set a vision for stronger partnerships, collaboration, and coordination between awardees of (MIECHV) and the Individuals with Disabilities Education Act, Part C Program (IDEA Part C Program). Specifically, this joint statement provides recommendations to states, territories, and tribal entities to identify and enhance opportunities for collaboration and coordination between MIECHV and the IDEA Part C Program.

The final report should be out later this year.

In March we welcomed Jazmone Taylor, the new Executive Director of the Parent Information Center (PIC). The committee informed her of our specific areas of interest and offered assistance as needed.

In April, the committee met with Cindy Brown from the Department of Education and Kim Krzanowski, the new Director of the Office of Early Learning at the Department. We learned more about Kim's background and the committee discussed the Delaware Stars program and their belief that inclusion should be added to the star rating system. Currently, centers are able to acquire five star status without the inclusion of children with disabilities.

In May, Mary Moor of the Department of Services for Children, Youth and their Families presented information about mental health resources for early childhood. Mary discussed Project Launch and other resources for districts to access child mental health. Mary also shared information on community resources that parents can access as well as resources for child care centers. The hope is by having information on available resources there will be a decrease in the number of children being removed from centers.

Additionally, Council Chair Dafne Cartwright informed us that the EIEIO (Expanding Inclusive Early Intervention Opportunities) group has talked about a possible merger with GACEC. "Early childhood inclusion embodies the values, policies, and practices that support the right of every infant and young child and his or her family, regardless of ability, to participate in a broad range of activities and contexts as full members of families, communities, and society..." Additional information regarding the plan will be forthcoming.



## **CHILDREN AND YOUTH COMMITTEE REPORT 2016-2017**

The Children and Youth committee had many speakers throughout the year. In November 2016 Barbara Mazza from the Department of Education informed the committee about the results from the Parent Engagement Survey. The survey response rate for the fall of 2015 was 7% with the spring of 2016 garnering a 9% response rate. The results from the summer of 2016 was at 6%. This was a decrease from the previous year's approximate response rate which was 12%. The committee along with Barbara discussed ways to improve the participation rate. It was highlighted that in Hawaii they get a higher number of parents who participate in the survey however, having said that it is the school districts in Hawaii that facilitate the completion of the survey.

In January 2017 Brian Hartman, Esquire, GACEC policy and law committee member gave an overview on the Age of Majority and Supported Decision Making legislation that passed in 2016. There is now a form that schools are required to use and information to review when students reach the age of 17 due to the Age of Majority legislation. If there are questions about a student's capacity to make decisions, the decisions will be left up to the IEP team. This form is only for educational decisions. You can find out more information if you go to the following DOE website: <https://www.doe.k12.de.us/Page/2335>.

Under the Supported Decision-making legislation, individuals will be able to have a support person to assist them with making decisions, while allowing them to maintain control of their decisions, unlike a guardianship. It is also very different from a power of attorney. Please see the bill for more information about the legislation and how it impacts individuals with disabilities. As of now there is not a form but one is being drafted and will be available shortly along with educational materials.

In February the Children and Youth committee met with Eliza Hirst, Esquire, from the Office of the Child Advocate Center to discuss the compassionate schools learning collaborative, trauma and the impact trauma has on children's ability to learn. Eliza shared that she has been working with many of the schools throughout the state and providing training and ongoing professional development. Many of the schools are excited about this initiative. Ms. Hirst shared that this not only helps the students but the professionals in the schools as well. The example she gave was that when Stanton middle school participated in the model they experienced a decline in their discipline issues.

In April 2017 the committee met with Tracy Neugebauer from DOE. They discussed several topics including the indicator four results which include, the special education development grant, the Delaware positive behavioral support project and the special development and coaching support available to schools. The group discussed the multi-tiered system on behavioral support. The group also discussed the significant disproportionality stakeholder's group meeting that has been taking place. The committee felt that the GACEC should have an ad hoc committee in order to formalize and provide comments to the Department of Education by the deadline for comments. The ad hoc committee met and comments were sent to the DOE on 27 May, 2017.

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## **Children & Youth cont.**

In May, Katie Howe and Jennifer Garcias from DDDS spoke to the committee about the Pathways to Employment program. This program is designed to help teens and young adults with disabilities get connected to work with support services tailored to their individual needs. Currently, there are 362 enrollees and 58 of those students are currently working through the program. Also at this meeting, the group went over the recommendations from the significant disproportionality ad hoc committee. The group finalized suggested cell size and N numbers.

In June the committee heard from Dale Matusevich of DOE and Sandy Miller of DVR who provided an update on the Workforce Innovation & Opportunity Act (WIOA) as well as Carolyn Lazar from DOE who presented information on the Delaware Communication Portfolio Summary.



## **GACEC Adult Transition Services Committee 2016-2017**

The Adult Transition Services committee continued to monitor services for young adults with disabilities transitioning into adult services as well as continued services for all adults:

- The committee goals were the following: Monitor and report on Annual Performance Review (APR) data on transition and post school outcomes. Monitor Medicaid funding programs and the family support waiver. Monitor how information is disseminated and monitor Free Appropriate Public Education (FAPE) for students. Monitor and advocate for the implementation of the transition task force as well as make recommendations on implementation and compliance of behavioral and mental health services. Monitor implementation of Age of Majority legislation and advocate to provide training and promotion of assistive technology across the lifespan of individuals with disabilities. We will continue to enhance communication within the Council, continue to collaborate with others throughout the state and increase partnerships with other state agencies.
- Rick and Kayla Kosmalski spoke to the committee about the ABLE (Achieving a Better Life Experience) Act. Rick is a board member of the National Down Syndrome Association and the president of the 321 Foundation. Kayla, his daughter, has worked with her parents to advocate for legislation at the national level. The bill became law in February 2015. 85% of Congress supported the bill which amends the federal tax code for Section 529A. Now individuals with disabilities can utilize an account to have assets greater than \$2000.00 and continue to keep Social Security benefits. Currently, twenty states have set up accounts that are similar to retirement accounts. Participants do not necessarily have to be residents within a state to establish an account, but rules do vary among the states. There is usually a general fee to open one and then funds are chosen. The money grows tax free and can be used for education, housing, transportation, employment training and other expenses. Delaware does not currently offer ABLE accounts to its residents. However, Delaware has passed the Delaware ABLE Act (see Delaware Law Chapter 96A), which establishes Delaware's ability to establish ABLE Accounts. Until Delaware offers its own ABLE accounts, Delaware residents can open an ABLE account in another state.
- The Adult Transition Services committee joined with the Children and Youth committee for a presentation from Brian Hartman, Esq., Director of the Disabilities Law Program. Mr. Hartman spoke about the recent Delaware laws in regard to Age of Majority and Supported Decision Making. The Age of Majority process allows for an educational representative for a student who has reached the age of majority (18 in Delaware) who has an IEP. If the IEP team decides the student is not capable of making educational decisions or a student who is capable makes a request, an educational representative can be appointed. Supported decision making legislation provides an alternate way to make informed decisions. A person with a disability may choose someone to help them understand or communicate a decision. The person with a disability is free to make their own decision but has assistance from a support person. Brian provided a PowerPoint, a copy of the regulations, as well as the forms that need to be completed for both Age of Majority and Supported Decision Making.
- The Adult Transition committee also joined with the Children and Youth committee for a presentation from Eliza Hirst Esq., Office of the Child Advocate about the Compassionate Schools Learning Collaborative, Trauma and Impact on Learning. Dale Matusevich of DOE had been scheduled to talk with the Adult Transition committee about APR indicators 1, 2, 13 and 14; however, Dale was rescheduled to report to the whole Council at a later date.

## Adult Transition cont.

- Dr. Julie Leusner, Deputy Director of Prevention and Behavioral Health (PBH) and Michael Barbieri, Director of the Division of Substance Abuse and Mental Health (DSAMH) met with the committee to talk about available mental health services for children and adults as well as areas of need. One area discussed was transitioning youth to adult services. There are currently no mental health transitional program in Delaware for 16 to 25 year olds. PBH currently begins mental health transition planning at 17.6 years of age. PBH has also implemented a grant for the Community Outreach Referral and Early Intervention (CORE) program which targets a very specific mental health need. The program has two more years of grant funding. DSAMH has recently implemented the PROMISE program (Promoting Optimal Mental Health for Individuals through Supports and Empowerment) which begins at 18 years old. Other states have club houses and drop-in centers which help to keep individuals engaged and connected. Another issue that was discussed is that there is a shortage of mental health providers for individuals with intellectual and developmental disabilities. From the meeting, GACEC has developed an ad-hoc committee to address 1) more mental health services for individuals with Intellectual/Developmental Disabilities and 2) transition programming for ages 16-25.
- Maureen Whelan, DOE Director of the Adult and Prison Education Resource Workgroup reported to the committee about education in the prisons. Maureen reported that teachers were back in place at James T. Vaughn Correctional Facility in April with limited services after the events of the hostage situation involving inmates and Department of Correction employees. All prisons implemented additional safety precautions such as two teachers working together as well as staying in designated areas. In the case of Vaughn and missed education services, special education is working to help modify IEPs and hours of missed time are being logged. Identification of individuals needing services is continuing, but at a slower pace.

More students are returning to their home school from detention facilities. Teachers are meeting with DOE Exceptional Children Workgroup for trauma training to become more informed. Additional training is also being provided to teachers in the area. There is a liaison to meet with school districts. Although many students are likely to go to adult education, schools must let students return to their home district if the individuals do not have restrictions, such as not being allowed near other children. For out-of-state students, temporary IEPs are being created. Once a student is assessed, special education is being provided immediately.

There is an MOU between DOE and the Department of Correction (DOC) that summarizes each agency's responsibilities in the operation of the Prison Education Program. It was signed on 7/21/16 by the DOC Commissioner and on 7/13/16 by the Secretary of Education. The last paragraph of the MOU states that the agreement commences on 8/1/16 through 7/31/17 and will automatically renew each year. The agreement is subject to review sixty days prior to the renewal date with any modification made thirty days prior to renewal.

There is also a Joint Operating Procedures document signed by the Bureau Chief and the Associate Secretary of Adult and School Supports. This document outlines processes the agencies use. This also started on 8/1/16 and automatically renews each year subsequent to annual review.



## Adult Transition cont.

- Marie Nonnenmacher, Deputy Director of the Division of Developmental Services (DDDS) spoke to the committee via phone about the Lifespan Waiver as well as other changes that are occurring in DDDS. The Lifespan Waiver will be implemented July 1, 2017. Changes will be made to the Medicaid claims. All waivers will be in Medicaid.

The Columbus Organization has been approved to oversee targeted case management. The organization has provided such services in other states. Current Family Support Specialists will now be known as Targeted Case Managers. A waiver coordinator has been hired who is currently working on a plan to transition to the new system. There will be a self-directed option for respite and personal care. The new waiver will have a minimal age of 12 years for residential. Initially, concentration will be on older clients. Priority will be given to those in need of housing as well as individuals 18-21 who are leaving school.

Due to proposed budget cuts, DDDS has renegotiated the Fox Run lease and there will be fleet changes to purchase cars that get better gas mileage. This should not have a direct impact on clients.



## **Policy and Law Committee 2016-2017**

The Policy and Law committee reviewed 24 proposed pieces of legislation. They also reviewed 30 proposed regulations. Please see the attached appendices for a full listing of the responses and outcomes of the proposed legislation and regulations commented on by the GACEC. Also, GACEC members and staff are part of outside committees that review legislation and regulations that are commented on and impact the lives of individuals with disabilities. A few of the bills that the GACEC commented on this year are highlighted below.

**House Bill 23 - *Student withdrawal from school***-this act requires that any student over the age of 16 who wishes to leave school prior to graduation must obtain the written consent of the parent or guardian and attend an exit interview where information is supplied regarding the likelihood of diminished earning potential and the increased likelihood of unemployment associate it with dropping out. This bill was signed by the Governor on May 18, 2017.

**House Substitute 1 for House Bill 12 -*Basic special education unit***- This bill will provide state funding to kindergarten through third grade for basic special education. State funding already exists for intensive and complex special education during these grades. Currently, the basic special education funding runs from four through 12th grade. This bill is an effort to promote earlier identification and assistance for basic special education needs which will mitigate cost over the long term. The bill was assigned to the House Appropriations Committee. This bill has a fiscal note attached and given the current fiscal situation will have to be reviewed thoroughly in the upcoming session.

**House Bill 21 - *Organ Transplant Discrimination***- This act takes steps to ensure that individuals with disabilities are not denied access to organ transplant procedures based solely on their disability. Historically, individuals with disabilities have sometimes been denied access to life-saving organ transplants based on assumptions that people with disabilities are less worthy of care, lack support services and/or the ability to follow post-transplant treatment plans. This bill prohibits denying a person with a disability a referral, evaluation and recommendation for transplantation solely on the basis of non-medically significant disability and notes that a person who has the necessary support system to comply with post-transplant medical requirements should not have the inability to independently comply with those requirements held against them. This bill passed both the House and Senate and awaits further action.

**House Bill 55 - *Compulsory School Attendance***-this Act will increase the age requirement for compulsory school attendance in Delaware from 16 to 18 years of age. The Act further provides that a child may be exempt from the age requirement for compulsory school attendance if the child has received a high school diploma or certificate of performance or obtains permission to withdraw from school from the superintendent of the district in which the child is enrolled or from the president of the board of the charter school in which the child is enrolled. This bill was assigned to the House Appropriations Committee in May.

## Policy and Law cont.

**House Bill 100 – *Substance Abuse Treatment***-this Act seeks to ensure that persons with private and public insurance coverage have the ability to insist that they receive the substance abuse coverage to which they are entitled by law and by their insurance plans. It does so by (1) allowing the Department of Justice to provide legal assistance, where appropriate, to person seeking benefits from the state Medicaid program, traditional health plans, or from employer-funded benefit plans and (which are exempt from state regulation); (2) requiring the state's Medicaid program and private insurance carriers to provide notice to persons who are denied substance abuse treatment of the possibility of legal assistance and challenging those claims; and (3) permitting the Department of Justice to use funds in its Consumer Protection Fund to offset the cost of providing medical and legal expertise to the Department of Justice and the Department of Insurance for the purpose of assisting persons with controlled substance addictions who are seeking treatment. This Act contains a sunset provision so that the General assembly can assess the impact of its provisions on private and public health care cost and effective treatment of thousands for a year before making the provisions permanent. The bill was signed by the Governor in May 2017.

**House Substitute 1 for House Bill 85 - *Charter School Enrollment***-this bill eliminates the use of an enrollment preference for students living within a five mile radius of a charter school. This change was supported by a majority vote of the Enrollment Preferences Task Force established by House Bill 90 of the 147th General Assembly. The Act will take effect immediately. For any charter school using the five mile preference at the time of enactment, the school is required to eliminate the preference through notification to the authorizer prior to the 2018-2019 school year. The bill allows a new preference for students located in the portion of the regular school district that is geographically contiguous with the location of the charter school. This legislation was passed by both the House and Senate but vetoed by the Governor July 20, 2017.

**House Bill 120 - *Health Insurance Cancer Treatment***-this Act requires health insurance policies to cover any medically appropriate drug approved by the FDA for the treatment of stage four metastasized cancer without requiring a patient to first prove that the patient failed to respond to a different drug or drugs. This bill passed both the House and Senate and awaits further action.

**House Bill 145 - *ABLE Act Revisions***-this bill clarifies the treatment of funds in an ABLE account upon the death of a designated beneficiary. Specifically, it prohibits State agencies or instrumentalities from clawing back from the ABLE account any funds it has expended on behalf of a designated beneficiary. This bill was signed by the Governor on July 28, 2017.

**Senate Bill 85 - *Student Discipline***-this Act requires schools that suspend at a higher rate or that show significant suspension disparities to take meaningful corrective action by implementing plans to reduce the numbers and by replacing out of school suspensions with more effective and restorative discipline interventions. This bill was introduced and assigned to the Senate Education Committee in May 2017

# ANNUAL REPORT

## Policy and Law cont.

**Senate Bill 87 - *School Stability for Children in Foster Care***-this bill was proposed by the Child Protection Accountability Commission (CPAC) which GACEC staff is a part of. In accordance with the new federal law, Every Student Succeeds Act (ESSA), for the purpose of school stability, this bill separates children in foster care from other homeless children. This bill creates a new section 202A in title 14 mirroring the new federal law which requires children in foster care to remain in their school of origin unless it is in their best interest to move to the feeder school of their foster care placement. This bill was signed by the Governor on July 21, 2017.

**Senate Bill 86** - This Act authorizes the Family Court to appoint an educational decision maker for abused, dependent, neglected, and delinquent children and children in the custody of the Department of Services for Children, Youth, and Their Families under Chapter 25 of Title 13. The educational decision maker will assist with education stability, discipline, and other education issues when a parent or guardian is unavailable, unable to make such decisions or consents to the appointment. This Act does not supplant the educational surrogate parent program under § 3132 of Title 14. This bill was signed by the Governor on July 21, 2017.

**House Bill 90 - *Early Voting*** - This bill establishes in-person early voting for the State of Delaware. Registered voters will be allowed to vote in-person for at least 10 days prior to an election, up to and including the Saturday and Sunday immediately prior to the election at locations determined by the Commissioner. The Commissioner is also charged with determining whether such voting should occur by voting machine or paper ballot.

**House Bill 142 - *Limitations on the use of Seclusion and Restraints*** - This Act will improve guidelines for training by school districts and charters as it pertains to School Resource Officers (SRO), their duties and training when interacting with students with disabilities. The limitations and prohibitions described in this section are in addition to, and not in derogation of, any other constitutional, statutory, or regulatory rights otherwise conferred by federal or state law or regulation. The bill will be signed by the Governor on September 29, 2017.



**GACEC members and staff are involved on a recurrent basis with the following organizations and committees. These groups assist the Council with interagency collaboration and coalition building.**

- 321 Foundation
- Adoption Committee
- Alliance for Full Participation Committee
- American Association of University Women
- American Counseling Association
- ARC of Delaware
- Art Therapy Express
- Association for Supervision & Curriculum Development
- Autism Delaware
- Behavioral Health Collaborative
- Brain Injury Committee (BIC)
- Community Advisory Council on Disability Studies (CAC)
- Camden-Wyoming Challenger Little League
- Camp Lenape/Camp Manito (United Cerebral Palsy)
- Children & Adults w/Attention Deficit Disorder (CHADD)
- Collaborative Efforts to Reinforce Transition Success (CERTS)
- Correctional Education Association
- CPAC- Child Protection Accountability Commission
- Delaware and National Council for Exceptional Children (CEC)
- Delaware Coalition for Americans with Disabilities Act
- Delaware State Teachers Association
- Delaware Asperger's Support and Advocacy Group
- Delaware Association of School Administrators
- Delaware Care Plan Trust Board
- Delaware Counseling Association
- Delaware Early Childhood Council
- Delaware Families for Hands and Voices
- Delaware Family Support Coordinating Council
- Delaware Healthy Mothers & Infant Consortium (DHMIC)
- Delaware Oral Health Coalition
- Delaware Parent Teacher Association (PTA)
- Delaware State Network of Educators
- Department of Education (DOE), Exceptional Resources Special Education Group
- Department of Education Significant Disproportionality Workgroup
- Department of Labor Vocational Rehabilitation Advisory Committee
- Developmental Disabilities Council (DDC)
- Delaware Department of Health and Social Services (DHSS) Mortality Review Board
- Disability History Committee
- DOE IEP Work Group
- DOE Transition Council
- Domestic Violence Coordinating Council (DVCC)



## **Organizations contd.**

- Dover Air Force Base Exceptional Families Resources Program
- Down Syndrome Association
- Division of Service to Aging and Adults with Physical Disabilities (DSAAPD)
- DVRC For Visually Impaired Council
- DVRTF (Delaware Victims' Rights Taskforce) Disability Committee
- Educational Technology Taskforce
- Employment First Initiative Oversight Commission
- Endless Possibilities in the Community (EPIC)
- Expanding Inclusive Early Intervention Opportunities (EIEIO)
- Family SHADE
- Fetal Alcohol Spectrum Disorder (FASD) Task Force
- Governor's Advisory Council for Aging and Disabled Persons (GACADP)
- Governor's Commission on Building Access to Community-Based Services (GCBACS)
- Governor's Commission on Employment of People w/Disabilities
- Health Care Commission Disability Health Equity Subcommittee
- Hearing Loss Association of Delaware
- Interagency Coordinating Council (ICC) for Part C of IDEA
- Kent Inter-Agency Council
- LIFE Conference Design Team
- Mental Health Group – School Age
- Military Community Partners (MCP)
- National and Delaware Chapter of Hands and Voices
- National Association for the Education of Young Children
- Parent Information Center of Delaware (PIC)
- Persons with Access, Functional and Medical Needs
- Protection & Advocacy of Individual Rights (PAIR)
- Respite Care Committee
- School District Consolidation Taskforce (HCR 39)
- State Council for Persons with Disabilities (SCPD)
- SCPD Brain Injury Committee (BIC)
- SCPD Policy and Law Committee
- SCPD Traumatic Brain Injury (TBI) Committee
- Sexual Assault Network of Delaware (SAND)
- Special Education Strategic Planning Committee
- State Systemic Improvement Plan (SSIP)
- SSIP Early Childhood Part C Collaboration Implementation Team
- State Transition Task Force for Emerging Adults with Disabilities and Special Health Care Needs and associated Work and Discussion Groups (see bullets, below)
  - Education Work Group
  - Employment Work Group
  - Health Work Group
  - Housing/Transportation Work Group
  - Transition IEP Discussion Group
- Sussex Early Childhood Council

## **Organizations contd.**

- Sussex Inter-Agency Council
- Tobacco Advisory Committee
- Trauma Informed Care Interest Group
- Universal Design Coalition
- University of Delaware Center for Disabilities Studies (CDS) Community Advisory Council (CAC)
- Workforce Investment Act Advisory Board
- Youth Advisory Committee



Thank You!

## **2016-2017 Presenters & Speakers**

- **Mary Ann Mieczkowski** of the Delaware Department of Education (DOE), presentations on disproportionality, Annual Performance Report (APR) monitoring and general supervision, DOE initiatives and assessments.
- **Barbara Mazza** of the DOE, presenting on DOE initiatives and assessments.
- **Maria Locuniak** of the DOE, presenting on DOE initiative and assessments.
- **Tracy Neugebauer** of the DOE presenting on Indicator 4.
- **Dale Matusevich** of the DOE, presenting a transition update to the Council.
- **Cindy Brown** of the DOE, presenting on 619, early childhood initiatives.
- **Rick and Kayla Kosmalski** of the 321 Foundation, presenting information on the ABLE and ENABLE Acts.
- **Brian Hartman Esq.**, of the Disabilities Law Program presenting information on Age of Majority and Supported Decision Making legislation.
- **Matt Korobkin** of the DOE presenting on the Special Education Strategic Plan (via phone).
- **Eliza Hirst Esq.**, from the Office of the Child Advocate presenting on Compassionate Schools Learning Collaborative and the impact of trauma on learning.
- **Pam Weir** of the Department of Health and Social Services Part C presenting an update on the Collaboration Plan.
- **Carolyn Lazar** of the DOE with information on the Delaware Communication Portfolio Summary.
- **Jill Rogers** of DDDS presenting updates on the Lifespan Waiver.
- **Mike Barbieri** of the Division of Substance Abuse and Mental Health (DSAMH) discussing youth transitioning into adult mental health services.
- **Julie Leusner**, Deputy Director of the Division for the Prevention of Behavioral Health Services of the Division of Substance Abuse and Mental Health (DSAMH) discussing youth transitioning into adult mental health services.
- **Jill Scannell** of the DOE presenting an update on Indicators 3&5.
- **Sandy Miller** of the Division of Vocational Rehabilitation (DVR) presenting on the Workforce Investment Opportunity Act (WIOA).
- **Mary Moore** of the Division of Services for Children Youth and their Families (DSCYF) presenting updates from the Division of Prevention of Behavioral Health Services (DPBHS).
- **Maureen Whalen** of DOE presenting Prison Education updates.
- **Kim Krzanowski** from the Office of Early Learning (OEL) presenting updates from OEL.

## GACEC MEMBERSHIP LIST 2016-2017

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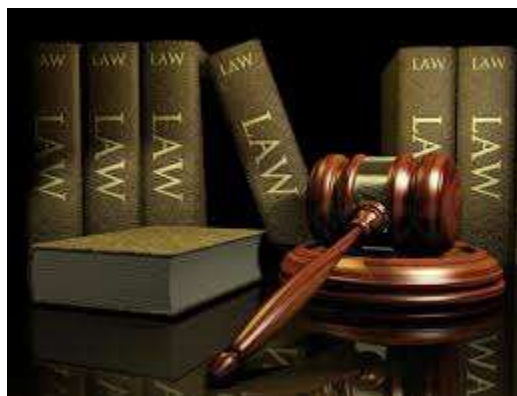
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*Sybil J. Brown*

Administrative Coordinator



# *Legislative Activity FY 2017*





# ANNUAL REPORT

Bill Number	Synopsis	Letter Sent	Current Status
<b>House Substitute 1 for House Bill 12 Basic Special Education Unit</b>	This bill provides State funding to kindergarten through third grade for basic special education. State funding already occurs for intensive and complex special education during these grades. Currently the basic special education funding runs from fourth through twelfth grade. This bill is an effort to promote earlier identification and assistance for basic special education needs which should then mitigate costs over the long term.	2-17	Assigned to House Appropriations Committee
<b>House Bill 23 Student Withdrawal From School</b>	This Act requires that any student over the age of 16 who wishes to leave school prior to graduation must obtain the written consent of the parent or guardian and attend an exit interview where information is supplied regarding the likelihood of diminished earning potential and the increased likelihood of unemployment associated with dropping out.	2-17	Signed by the Governor 5-18-17
<b>House Bill 21 Organ Transplant Discrimination</b>	This Act takes steps to ensure that individuals with disabilities are not denied access to organ transplant procedures based solely on their disability. Historically, individuals with disabilities have sometimes been denied access to life-saving organ transplants based on assumptions that people with disabilities are less worthy of care, or assumptions that they lack support services and/or the ability to follow post-transplant treatment plans. This bill prohibits denying a person with a disability a referral, evaluation and recommendation for transplantation solely on the basis of a non-medically significant disability and notes that persons who have the necessary support system to comply with post-transplant medical requirements should not have the inability to independently comply with those requirements held against them.	2-17	Passed by the Senate 6 -17
<b>House Bill 14 Motorcycle Helmet Use</b>	This Act requires that every person, regardless of age, who operates or rides a motorcycle wear a helmet while doing so. Nineteen states and the District of Columbia currently require all motorcyclists to wear a helmet. Of the 49 motorcycle fatalities in Delaware since 2014, just over half of the motorcyclists, 28, were wearing helmets at the time of the crash.	2-17	Tabled in Committee 3-17
<b>House Bill 39 Mental Health Commitment Court Jurisdiction</b>	This Act extends Family Court's jurisdiction under Chapter 50, Title 16, over a youth who has a mental condition and requires services or treatment but is not amenable to or compliant with such services. This Act applies only to youths who are under the custody of the Department of Children, Youth and Their Families when they turn 18 years old and, prior to turning 18 years old, were identified as having or diagnosed with a mental condition as defined in § 5001 of Title 16. Jurisdiction under this Act does not require DSCYF to provide foster care board extension payments or stipends to a youth. This Act has no effect on a youth reaching the age of majority at 18 years or on DSCYF's custody over a youth terminating by operation of law when the youth turns 18 years old.	2-17	Passed by House and Senate, awaiting action 5-17
<b>House Bill 55 Compulsory School Attendance</b>	This Act increases the age requirement for compulsory school attendance in Delaware from 16 to 18 years of age. The Act further provides that a child may be exempt from the age requirement for compulsory school attendance if the child has received a high school diploma or a certificate of performance or obtains permission to withdraw from school from the superintendent of the district in which the child is enrolled or from the president of the board of the charter school in which the child is enrolled.	3-17	Assigned to House Appropriations Committee 5-17

# ANNUAL REPORT

Bill Number	Synopsis	Letter Sent	Current Status
<b>House Bill 50 School Nurse Funding</b>	This Act seeks to ensure that every public school in the State has a school nurse. This Act provides a mechanism to allow a district or a charter school that currently does not have a school nurse to receive state funds. This Act also permits a district to levy a tax under § 1902(b), Title 14, known as a “match tax”, to assist those districts that hire a school nurse as a result of this Act to pay for the local share of that school nurse.	3-17	Assigned to House Appropriations Committee 3-17
<b>House Bill 49 School Safety and Construction</b>	This bill requires all new school construction or major renovation to include the following features: an intruder alarm, bulletproof glass in entrance areas and interior doors and windows and doors lockable with keys on both sides. Further, the bill would require all new school construction plans to be submitted to the Office of Management and Budget’s Facilities Management Section for compliance with these requirements	3-17	Reported out of House Education Committee 3-17
<b>House Bill 24 School Attendance</b>	This bill requires a conference with the parent or guardian of a student who has been absent without excuse for five days from school. A needs assessment will be performed to determine what supports or services will help the student and family improve school attendance.	3-17	Introduced and Assigned to House Education Committee 1-17
<b>House Bill 11 Removal of Ban on TANF Eligibility Based on Drug Conviction</b>	This Act removes the prohibition against receipt of Temporary Assistance for Needy Families (“TANF” also referred to by the name Aid for Families with Dependent Children or “AFDC”) funds by persons convicted of a drug felony, so long as that person is otherwise eligible for TANF assistance.	3-17	Passed by House and Senate 5-17
<b>House Bill 83 DelDOT Right –of-Way maintenance</b>	This bill clarifies county government authority to enact and enforce an ordinance affecting an area within a right of way and consistent with state code. Specifically, it enables a county government to enact an ordinance that concerns the maintenance of sidewalks in residential subdivisions.	3-17	Tabled in Committee 5-17
<b>House Bill 63 Absentee Voting</b>	This amendment to the Delaware Constitution provides that the General Assembly shall enact general laws providing the circumstances, rules, and procedures for absentee voting.	4-17	Reported Out of House Administration Committee 3-17
<b>House Bill 70 Cursive Writing</b>	Under current educational standards, students are no longer required to be taught cursive writing and many schools have abandoned teaching cursive writing to students. As cursive writing is still an imperative skill in many professions, this bill makes teaching cursive writing a requirement for all public schools in Delaware.	4-17	Passed 6-17 Sent to the Governor for action

## ANNUAL REPORT

Bill Number	Synopsis	Letter Sent	Current Status
<b>House Bill 90 Early Voting</b>	This bill establishes in-person early voting for the State of Delaware. Registered voters will be allowed to vote in-person for at least 10 days prior to an election, up to and including the Saturday and Sunday immediately prior to the election at locations determined by the Commissioner. The Commissioner is also charged with determining whether such voting should occur by voting machine or paper ballot.	4-17	Reported out of Committee 5-17
<b>House Bill 142 Limitations on the use of Seclusion and Restraints</b>	This Act will improve guidelines for training by school districts and charters as it pertains to School Resource Officers (SRO), their duties and training when interacting with students with disabilities. The limitations and prohibitions described in this section are in addition to, and not in derogation of, any other constitutional, statutory, or regulatory rights otherwise conferred by federal or state law or regulation	GACEC staff worked closely with Rep. Williams on its crafting and passage	Will be signed by the Governor 9-29-17
<b>House Bill 100 Substance Abuse Treatment</b>	This Act seeks to ensure that persons with private and public insurance coverage have the ability to insist that they receive the substance abuse coverage to which they are entitled by law and by their insurance plans. It does so by (1) allowing the Department of Justice to provide legal assistance where appropriate to persons seeking benefits from the state's Medicaid program, traditional health plans, or from employer-funded health benefit plans (which are exempt from state regulation), (2) requiring the state's Medicaid program and private insurance carriers to provide notice to persons who are denied substance abuse treatment of the possibility of legal assistance in challenging those claim denials, and (3) permitting the Department of Justice to use funds in its Consumer Protection Fund to offset the cost of providing medical and legal expertise to DOJ and the Department of Insurance for the purpose of assisting persons with controlled substance addictions who are seeking treatment. This Act contains a sunset provision so that the General Assembly can assess the impact of its provisions on private and public health care costs and effective treatment of substance abuse before making its provisions permanent.	4-17	Signed by the Governor 5-17
<b>House Substitute 1 for House Bill 85 Charter School Enrollment</b>	This bill eliminates the use of an enrollment preference for students living within a 5-mile radius of a charter school. This change was supported by a majority vote of the Enrollment Preferences Task Force established by House Bill No. 90 of the 147th General Assembly. The Act will take effect immediately. For any charter school using the 5-mile preference at the time of enactment, the school is required to eliminate the preference through notification to the authorizer prior to the 2018-2019 school year. The bill allows a new preference for students located in the portion of the regular school district that is geographically contiguous with the location of the charter school.	4-17	Passed 6-17 and vetoed by the Governor 6-17
<b>House Bill 79 Motor Voter Program</b>	Section 1 of this Act updates Delaware's existing Motor Voter Program to adopt an automatic voter registration process. Currently, when Delawareans apply for, renew, or replace a driver's license or identification card, they must choose to register to vote, update an existing registration, or decline registration. This bill would require eligible voters to instead "opt out" of having their information automatically shared with the Delaware Department of Elections for registration.	5-17	Assigned to House Administration Committee

## ANNUAL REPORT

Bill Number	Synopsis	Letter Sent	Current Status
<b>House Bill 120 Health Insurance Cancer Treatment</b>	This Act requires health insurance policies to cover any medically appropriate drug approved by the FDA for the treatment of stage 4 metastatic cancer without requiring a patient to first prove that the patient failed to respond to a different drug or drugs.	5-17	Passed 6-17
<b>House Bill 140 Infants with Prenatal Substance Exposure</b>	This non-punitive, public-health oriented bill seeks to codify certain sections of the federal law known as the Child Abuse Prevention and Treatment Act (CAPTA), as amended by the Comprehensive Addiction and Recovery Act (CARA), that requires states to have policies and procedures in place to address the needs of infants born with and identified as being affected by substance abuse, withdrawal symptoms, or Fetal Alcohol Spectrum Disorder, including a requirement that healthcare providers involved in the delivery or care of such infant notify the child protection services system. This bill formalizes a uniform, collaborative response protocol for the development of a Plan of Safe Care for infants with prenatal substance exposure and their affected family or caregivers	5-17	HA1 introduced and placed with the bill 6-17
<b>House Bill 145 ABLE Act Revisions</b>	This bill clarifies the treatment of funds in an ABLE account upon the death of a designated beneficiary. Specifically it prohibits State agencies or instrumentalities from clawing back from the ABLE account any funds it has expended on behalf of a designated beneficiary.	5-17	Reported out of House Health and Human Development Committee 5-17
<b>Senate Bill 38 Realty Tax Exemptions for Individuals with Disabilities</b>	This Act requires a county government to provide exemptions to real property taxes for individuals with a disability that are at least as generous as the exemptions currently provided by the county government. In addition, if a county government provides an additional exemption to real property taxes for individuals with a disability who became disabled as a result of service in and while in the service of any branch of the United States armed services, the county government must provide exemptions that are at least as generous as the exemptions currently provided by the county government.	5-17	HA1 introduced and placed with the bill. 6-17
<b>Senate Bill 85 Student Discipline</b>	This Act requires schools that suspend at a high rate or that show significant suspension disparities to take meaningful corrective action by implementing plans to reduce these numbers and by replacing out-of-school suspensions with more effective and restorative discipline interventions. The schools in need of intervention are defined schools with high rates of suspension in the following categories: (1) All students. (2) Students belonging to 1 or more subgroups, such as students of specified racial subgroups or with disabilities. (3) Schools with a significant disparity in suspension rates between racial subgroups or between students with and without disabilities.	6-17	Introduced and assigned to Senate Education Committee 5-17

## ANNUAL REPORT

Bill Number	Synopsis	Letter Sent	Current Status
<b>Senate Bill 49 Homeless Bill of Rights</b>	This bill 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. This bill vests important investigatory and enforcement authority with the State's Division of Human Relations and the State Human Relations Commission, similar to their roles with Delaware's Equal Accommodations Law and Delaware's Fair Housing Act.	6-17	Awaiting action from the Senate Judicial and Community Affairs Committee 6-17
<b>House Bill 171 Speech-Language Audiology</b>	This Bill amends the Board composition to provide that a slot may be filled by an audiologist or by a hearing aid dispenser which shall address the challenge in locating a hearing aid dispenser to serve on the Board. Further, this Bill adds a definition for the "practice of hearing aid dispensing" to set forth the appropriate scope of practice for hearing aid dispensers, based on their training and qualifications, in the interest of public protection. This Bill also strikes references to audiology and speech pathology aides because the Board does not license or regulate these professions. The requirements for licensure and license renewal, for speech/language pathologists and audiologists, have been amended in the interests of clarity. Upon application, a speech/language pathologist must submit proof of current certification from the American Speech and Hearing Association ("ASHA") and audiologists must submit proof of either current ASHA certification or board certification from the American Board of Audiology. Reciprocity applicants for speech/language pathology and audiology must meet this same requirement. Also, at the time of the first renewal only, speech/language pathologists and audiologists must show the appropriate current certification.	6-17	Reported out of House Administration Committee 5-17
<b>House Bill 162 Financial Exploitation and the Protection of Vulnerable Adults</b>	This bill mandates reporting to the Director of Investor Protection by a broker-dealer or investment adviser that has a reasonable belief that financial exploitation of an eligible adult has occurred or been attempted. It also enables broker-dealers and investment advisers to delay disbursement from an account of an eligible adult where financial exploitation is suspected.	6-17	Introduced and assigned to House Judiciary Committee 5-17
<b>House Bill 5 Equal Protection</b>	This Act is the first leg of an amendment to the Delaware Constitution to provide for equal rights. This amendment would advance human dignity and equality for all under the Delaware Constitution, and would correct a constitutional shortcoming. It subjects unequal treatment arising from historical bias to strict scrutiny, and enables courts in Delaware to establish jurisprudence concerning equal rights violations under State law reflecting Delaware values.	6-17	Defeated by the House of Representatives 6-17
<b>House Bill 160 End of Life Options</b>	The Delaware End of Life Options Act provides an additional option which terminally ill adults nearing their death can decide to select, to lessen their pain and suffering. The bill clarifies the procedures necessary for making the request, including 1) the presentation of all end of life options which include comfort care, hospice care, and pain control, 2) a physician's evaluation, 3) medical confirmation by a second physician, 4) psychiatric/psychological counseling when indicated, 5) the passage of two waiting periods, and 6) the completion of a formally witnessed request for prescribed medication. The bill provides many safeguards to ensure the patient is making an informed decision, the right to rescind any request for medication, and immunity for persons participating in good faith compliance with the procedures.	6-17	Out of Committee 6-17

# ANNUAL REPORT

Regulation	Summary/Action	Letter Sent
20 DE Reg. 9/14 DE Admin. Code 255 [DOE Proposed Public, Private and Nonpublic School Definitions Regulation (July 1, 2016)]	The proposed regulation modifies the definition of types of schools	7-16
20 DE Reg. 11 DMMA Proposed Autism Disorder Services Regulation (July 1, 2016)	The proposed regulation establishes coverage and reimbursement for treatment services for Medicaid recipients who have a diagnosis of Autism Spectrum Disorder	7-16
20 DE Reg. 223/14 DE Admin. Code 612 DOE Proposed Possession, Use or Distribution of Drugs and Alcohol Regulation (October 1, 2016)	The proposed regulation adopts a set of amendments to its regulation covering possession, use and distribution of drugs and alcohol	10-16
20 DE Reg. 227/14 DE Admin. Code 804 DOE Proposed Immunization Regulation (October 1, 2016)]	The proposed regulation adopts some revisions to its immunization standards in order to align with statutory law [14 Del.C. §131]	10-16
20 DE Reg. 231/14 DE Admin. Code 817 DOE Proposed Medications and Treatments Regulation (October 1, 2016)	The proposed regulation amends regulations to conform to the enactment of Senate Bill No. 181. Senate Bill No. 181 authorizes a designated caregiver to administer medical marijuana oil to a minor in a preschool, school or school bus	10-16
20 DE Reg. 270 DFS Proposed Rules for Family Child Care Homes Regulation (October 1, 2016)]	The proposed regulation would amend the DELACARE: Rules for Family Child Care Homes and DELACARE: Rules for Large Child Care Homes, the Division is repealing separate standards for family homes and large family homes in favor of a single set of standards covering both	10-16
20 DE Reg. 233/14 DE Admin. Code 925 DOE Proposed "Age of Majority" Regulation (October 1, 2016)	The proposed regulation adopts two regulations implementing Senate Bill No. 180. Senate Bill No. 180 implements a federal regulation (34 C.F.R. 300.) which addresses educational decision-making once a student reaches the age of 18	10-16
20 DE Reg. 234/14 DE Admin. Code 926 DOE Proposed "Age of Majority" Regulation (October 1, 2016)	The proposed regulation adopts two regulations implementing Senate Bill No. 180. Senate Bill No. 180 implements a federal regulation (34 C.F.R. 300.) which addresses educational decision-making once a student reaches the age of 18	10-16
20 DE Reg. 247 DMMA Proposed Targeted Case Management Regulation (October 1, 2016)	The proposed amendment adopts a Medicaid State Plan amendment affecting Division of Developmental Disabilities Services (DDDS) clients	10-16
20 DE Reg. 271 DFS Proposed Child Placing Agencies Regulation (October 1, 2016)	The proposed amendment completely revises the standards covering child placing agencies. Input on pre-publication drafts was obtained through public meetings in July, 2016 followed by review by a task force.	10-16
20 DE Reg. 338/14 DE Admin. Code 122b DOE Proposed Public, Private and Nonpublic School Definitions Regulation (November 1, 2016)	The Governor's Advisory Council for Exceptional Citizens (GACEC) reviewed the Department of Education (DOE) proposed regulation 20 DE Reg. 9 in July of 2016. Council submitted comments with two observations: 1) the definition of charter school should include a reference to operation in an approved physical plant to prevent a "cyber" school from qualifying as a charter school; and 2) the definition of school district was ambiguous since it recited that a Vo-Tech district "may" meet the definition. The current revised regulation being proposed by the DOE addresses and resolves both concerns noted in our earlier letter; therefore, Council endorses the revised proposed regulation.	11-16



## ANNUAL REPORT

Regulation	Summary/Action	Letter Sent
20 DE Reg. 340 DMMA Proposed DDDS Waiver Participant Patient Pay Regulation (November 1, 2016)]	The proposed regulation amends the Delaware Social Services Manual (DSSM) regarding Patient Pay Calculations, specifically, to change the entity responsible for the collection of the patient pay amount for Division of Developmental Disabilities Services (DDDS) waiver recipients	11-16
20 DE Reg. 342 DMMA Proposed Pharmaceutical Services – Reimbursement of Covered Out-Patient Drugs Regulation (November 1, 2016)	The proposed regulation amends the Medicaid State Plan in the context of reimbursement for outpatient drugs	11-16
20 DE Reg. 379 DMMA Proposed Lifespan Waiver Regulation (December 1, 2016)	The proposed legislation amends the Home and Community Based Services (HCBS) to create the Lifespan Waiver	12-16
20 DE Reg. 412 DMMA Proposed Purchase of Care Licensed Exempt Providers regulation ( December 1, 2016)	The proposed regulation would change the DSSM to revise the definition of licensed exempt child care providers receiving Purchase of Care (POC) funding	12-16
20 DE Reg. 416 DMMA Proposed CHIP Premiums Regulation (December 1, 2016)	The proposed regulation would amend the Title XXI Delaware Healthy Children Program State Plan and the Division of Social Services Manual (DSSM) regarding Cost Sharing and Payment, specifically, Premium Requirements for CHIP (Children’s Health Insurance Program)	12-16
20 DE Reg. 528 DPH Proposed School Based Health Centers Regulation (January 1, 2017)	The proposed regulation would amend school-based health center regulations “to make technical corrections to bring the regulations in line with recently revised statutes.”	1-17
20 DE Reg. 612 DMMA Proposed Elderly and Disabled Waiver Provider Policy Manual Regulation (February 1, 2017)	The proposed regulation would make major revisions to DMMA’s Elderly and Disabled Waiver Provider Manual	2-17
20 DE Reg. 610 DMMA Proposed Delaware Healthy Children Program-Vision Coverage Regulation (February 1, 2017)	The proposed regulation would expand vision services available to a subset of Delaware Healthy Children Program (DHCP) beneficiaries	2-17
20 DE Reg. 614 DSS Proposed Purchase of Care Licensed Exempt Providers Regulation (February 1, 2017)	The proposed regulation is being reissued because it was inadvertently published as a DMMA initiative	2-17
20 DE Reg. 685 DOE Proposed Scholarship Incentive Program Regulation (March 1, 2017)	The proposed regulation would adopt regulations implementing the State Scholarship Incentive Program established by Title 14 <u>Del.C. §§3411-3413</u>	3-17
20 DE Reg. 693 DLTCRP Proposed Certified Nursing Assistants Regulation (March 1, 2017)	The proposed regulation would do a full revision of the existing regulation covering certified nursing assistants	3-17
20 DE Reg. 694 DMMA Proposed Medicaid Coverage for Out of State Former Foster Youth regulation (March 1, 2017)	The proposed regulation would provide Medicaid coverage to former foster care youth who have aged out of the foster care system of states besides Delaware	3-17
20 DE Reg. 752 DOE Proposed Instructional Program Requirements Regulation (April 1, 2017)	The proposed regulation would adopt amendments to its instructional program standards. The amendments are being proposed in order to clarify instructional program requirements and demonstrate alignment to adopted standards in each content area	4-17

## ANNUAL REPORT

Regulation	Summary/Action	Letter Sent
20 DE Reg. 762 DOE Proposed DIAA High School Interscholastic Athletics Regulation (April 1, 2017)	The proposed regulation would amend several regulations covering student participation in high school sports in consultation and cooperation with the Delaware Interscholastic Athletic Association (DIAA)	4-17
20 DE Reg. 766 DLTCRP Proposed Neighborhood Homes for Persons with Developmental Disabilities Regulation (April 1, 2017)	The proposed regulation would do a full revision of the existing standards regulating neighborhood homes for individuals with intellectual and/or developmental disabilities	4-17
20 DE Reg. 770 DPH Proposed DMOST Regulation (April 1, 2017)	The proposed regulation would adopt a brief amendment to the regulation covering Delaware Medical Orders for Scope of Treatment (DMOST)	4-17
20 DE Reg. 775 DFS Proposed Family and Large Family Child Care Homes Regulation (April 1, 2017)	The proposed regulation would revise section 22 which addresses fire extinguishers in its standards covering family and large family child care homes	4-17
20 DE Reg. 867 DOE Proposed Processing of Attorney General's Report Regulation (May 1, 2017)	The proposed regulation would establish a uniform procedure for processing Attorney General's reports as authorized by Title 14 Del.C. §122(b)(26)	5-17
20 DE Reg. 953 DPR Proposed Medical Licensure and Discipline Board Telemedicine Regulation (June 1, 2017)	The proposed regulation would clarify language in the Medical Practice Act pertaining to telemedicine and telehealth.	6-17

