

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



*"It does not matter how slowly you go, as long as
you don't stop" - Confucius*

ANNUAL REPORT

FY 2018

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 (ages birth through 26).

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



A Word from the Executive Director

The Governor's Advisory Council for Exceptional Citizens (GACEC) supports individuals with disabilities and their families. We strive to ensure inclusive development in all settings including the community. We work to assist individuals with disabilities to achieve equal rights and opportunities from birth into adulthood and aging.

All that the GACEC has accomplished this year has been achieved through collaborative efforts between GACEC staff, the GACEC executive board, GACEC members, legislators and other policy/decision makers. We appreciate our collaborations with our sister agencies as we all continue to work each year toward enhancing the lives of individuals with disabilities and their families. We owe a debt of gratitude to many individuals and those mentioned earlier for their assistance in our endeavors.

Our advocacy has been and will continue to be supportive of systems change through legislative policy and government programs that protect and promote the rights of persons with disabilities. We will continue to encourage the voices, visibility and diversity of individuals with disabilities and work towards strengthening inclusion. The Council and Staff worked closely this year with the Department of Education (DOE) on several initiatives, one of those was the review of 14 Del. Code §925. Members and staff attended workgroup meetings where stakeholder feedback was accepted. Many suggestions were offered by Council and Staff and we look forward to reviewing the final draft once it is released for public comment prior to publication in the register of regulations.

I would like to share just a few of the numerous pieces of legislation impacting individuals with disabilities that were proposed and passed this year.

The GACEC worked on the Delaware Advance Scholarship Program (House Bill 326) legislation for four years with the assistance of Senator Nicole Poore and Representative Kim Williams. This legislation passed and was signed by the Governor on July 11, 2018.

House Bill 326 encourages Delaware students with intellectual disabilities to pursue a comprehensive certificate or degree at a Delaware institution of higher education (currently only available at the University of Delaware) in order to promote economic self-sufficiency. This will result in an economic benefit to the State in the form of a more diverse, well-prepared workforce that is less reliant on government support. This Act follows the Higher Education Opportunities Act of 2008, which authorizes comprehensive transition and post-secondary programs as a pathway to higher education for students with intellectual disabilities.

House Substitute 1 for House Bill 287 with House Amendment 1 replaces the term "Certificate of Performance" with "State of Delaware High School Diploma of Alternate Achievement Standards". This change allows students who meet the requirements of their Individualized Education Plans (IEP) to receive a high school diploma recognizing the attainment of a level of performance that is modified from the State graduation requirements but aligned with their established goals and performance outcomes. This high school diploma will be awarded on the

same criteria for which some students with special needs are currently issued a Certificate of Performance.

Once again the GACEC, along with our community partners, spearheaded the Heart to Heart Hugs campaign. We were highlighted in the national Project Warm newsletter for our efforts. Through the Heart to Heart Hugs campaign we were able to provide many warm clothing items to children who are in foster care, homeless or inadequately housed in Delaware.

I would like to thank the GACEC staff and membership for their advocacy, time and dedication to the Council and to citizens with disabilities and their families.

Wendy Strauss

Executive Director

"Do what you can, where you are, with what you have." - Theodore Roosevelt



No one embodied the spirit of this quote more than our very own Jamie Wolfe. Jamie was sadly taken from us far too soon on August 22, 2018. Jamie was a wonderful friend and a fierce advocate who sat on Council for many years in addition to many other Councils and committees. Jamie was a community advocate for well over 30 years, and did it with passion and tenacity. Jamie's belief that all persons should have the opportunity to live within the community to the best of their ability was modeled daily whether she was working at the University of Delaware, where she helped start the university's minor in disability studies, which is now the most popular minor on campus or advocating at Legislative Hall or just riding around the streets of Dover in her powerchair, always living her life with joy and fiercely protecting her independence. I will miss Jamie terribly, both a friend and a colleague. ❤️

Wendy Strauss

Message from the Chair

Dear Friends of the GACEC,

In last year's GACEC end of the year report, I commented that I was looking forward to seeing what the Council would accomplish over the next year. That year has now passed and it is amazing to look back and see all the work that the Council has done! The pages of this report share some details of that work, so please be sure to read through. Here are some highlights: The GACEC participated in the Special Education Strategic Plan Committee, received reports from the Department of Education on the status of indicators and other data and progress, commented on numerous pieces of legislation and regulation changes, and participated on stakeholder committees through the Department of Education to review sections of Title 14, 900 to recommend updates and revisions, just to name a few. Once again, members of the Council gave freely of their time and shared their passion for advising on issues pertaining to those in our state with exceptionalities. GACEC staff were also once again very involved in the disability community around our state and assisted the Council in accomplishing its goals and taking action on its decisions.

The Governor's Advisory Council for Exceptional Citizens serves as the State Advisory Panel for the Individuals with Disabilities Education Act (IDEA) and its amendments, and also covers the human services needs of exceptional citizens of all ages. The Council frequently comments on proposed regulations and legislation by sending letters to Agency Secretaries or other interested parties.

As this fiscal year comes to a close, I am very thankful to have been part of this Council. As things are changing and growing in my own life, it's time for me to step down as chairperson. As our new chairperson takes over, I know we are in good hands and I again cannot wait to see the ways the members and staff of the Governor's Advisory Council for Exceptional Citizens work to advocate with respect to the needs of individuals with exceptionalities in Delaware!

Sincerely,

Dafne Carnright

~Supreme Court Rules in Favor of a Higher Standard of Education for Children with Disabilities

In a stunning 8-0 decision in the case of *Endrew F. v. Douglas County School District*, the U.S. Supreme Court ruled in favor of a higher standard of education for children with disabilities. Advocates and parents say the case dramatically expands the rights of special education students in the United States, creates a nationwide standard for special education, and empowers parents as they advocate for their children in schools. But critics say the decision will not have any impact on schools, arguing that the vast majority already provide a good education for those kids.

The case revolved around a central question: Must schools provide a meaningful education in which children show significant progress and are given substantially equal opportunities as typical children, or can they provide an education that results in just some improvement?

Chief Justice John G. Roberts Jr. stated in the court opinion that a child's "educational program must be appropriately ambitious in light of his circumstances" and that "every child should have the chance to meet challenging objectives."

"When all is said and done, a student offered an educational program providing 'merely more than de Minimis' progress from year to year can hardly be said to have been offered an education at all," Roberts wrote. "For children with disabilities, receiving instruction that aims so low would be tantamount to 'sitting idly . . . awaiting the time when they were old enough to 'drop out.'"



McKenna, L. (2017, March 24). How a New Supreme Court Ruling Could Affect Special Education. Retrieved June 18, 2018, from <https://www.theatlantic.com/education/archive/2017/03/how-a-new-supreme-court-ruling-could-affect-special-education/520662/>

Well Deserved Honors

At the 2018 LIFE Conference our own Executive Director, Wendy Strauss, received the prestigious State Service Award presented by the State Council for Persons with Disabilities. The annual award recognizes commitment to enhance the lives of Delaware's citizens with disabilities and their families. Wendy was in good company as that same day retired GACEC member Brian Harman Esq. received the Life Time achievement award and Representative Kim Williams received an award recognizing her dedication as a legislator to enhancing the lives of Delawareans with disabilities and their families. It was an honor to be in the presence of three inspiring, committed advocates as they received their recognition.



Representative Kim Williams, GACEC Executive Director Wendy Strauss and Brian Hartman Esq. receiving their awards at the 2018 LIFE Conference in Dover

Heart 2 Heart Hugs

For the 9th year GACEC collected and donated warm items for children who are homeless or in foster care in Delaware. With the help of many community partners in 2018 we were able to distribute over 1500 items to those in need.



GACEC COUNCIL GOALS FOR 2017-2018

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.

1. **Activities for this year include:**
2. Ensure compliance of IDEA by reviewing reports, monitoring and reporting on results of:
 - a. Annual Performance Report
 - b. State Systemic Improvement Plan for Part B and Part C
 - c. State Professional Development Grant
 - d. Significant Disproportionality
 - e. DOE Special Education Regulations
 - f. DOE Focused Monitoring reports for all districts and charter schools, including Needs Based Funding Verification
 - g. Every Student Succeeds Act (ESSA)
 - h. Americans with Disabilities Act (ADA) 504 Plans
 - i. Overall DOE enforcement and district compliance of State and Federal requirements.
 - j. Alternate Assessments
3. Advocate for professional development for teachers, paraprofessionals, specialists and building administrators in area of students with exceptionalities.
4. Review progress and provide recommendation for the new SSIP grant programs.
5. Monitor the impact of ESSA and prepare for IDEA reauthorization.
6. Continue to monitor the implementation of the Speech Language Pathology Program (SLP).
7. Request graduation data from the UD SLP program.

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.
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 as well as proposed changes to 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 including school bullying.
9. Monitor and support the continuation of the IEP Implementation Taskforce work.
10. Monitor and report on, training and use of seclusion and restraints in any agency receiving public funds.
11. Continue to advocate for legislation that positively impacts individuals with low incidence disabilities.
12. Advocate for injury prevention and return to play protection of juveniles participating in DIAA and non- DIAA sponsored activities.
13. Monitor district readiness teams, and PACs including Special Education Councils as required by SB 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).
3. Advocate for programs that enable individuals with exceptionalities to live independently and become active citizens in their community.
4. Foster partnerships with other agencies and councils to promote rights and quality of life for individuals with exceptionalities.
5. Advocate for equitable and appropriate funding for students in grades k-3 who are identified in the basic support category.
6. Monitor process and services provided for young children transitioning from Part C to Part B.
7. Monitor and support inclusion policies in early childhood programs proposed at the federal and state level.
8. Identify which LEA's have implemented Gifted and Talented programs in accordance with

IDEA.

9. 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.
10. Continue the GACEC Mental Health Ad Hoc Committee and make recommendations on the implementation and compliance of behavioral and mental health services.
11. Monitor and provide input as appropriate on all legislation impacting individuals with exceptionalities directly or as preventatives.
12. Advocate to provide training and promotion of assistive technology across the lifespan of individuals with disabilities.
13. 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.
14. Review and advocate for equitable and appropriate funding for students in Pre-K programs.

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.
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. Continue to advocate for dedicated GACEC representation on all legislative and department created task forces, councils, workgroups and other entities that include stakeholder that have a potential to impact individuals with exceptionalities.

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 October 6 & 7, 2017 at Dover Downs Hotel and Conference Center in Dover, DE as part of the Council's planning activities for FY 2018. Retreat participants included Council members, as well as Carolyn Lazar and Theresa Bennett from the Delaware Department of Education (DOE) and Esley Newton from the Center for Disability Studies. Michelle Marinucci and Bill Doolittle presented the Delaware Special Education Strategic Plan.

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

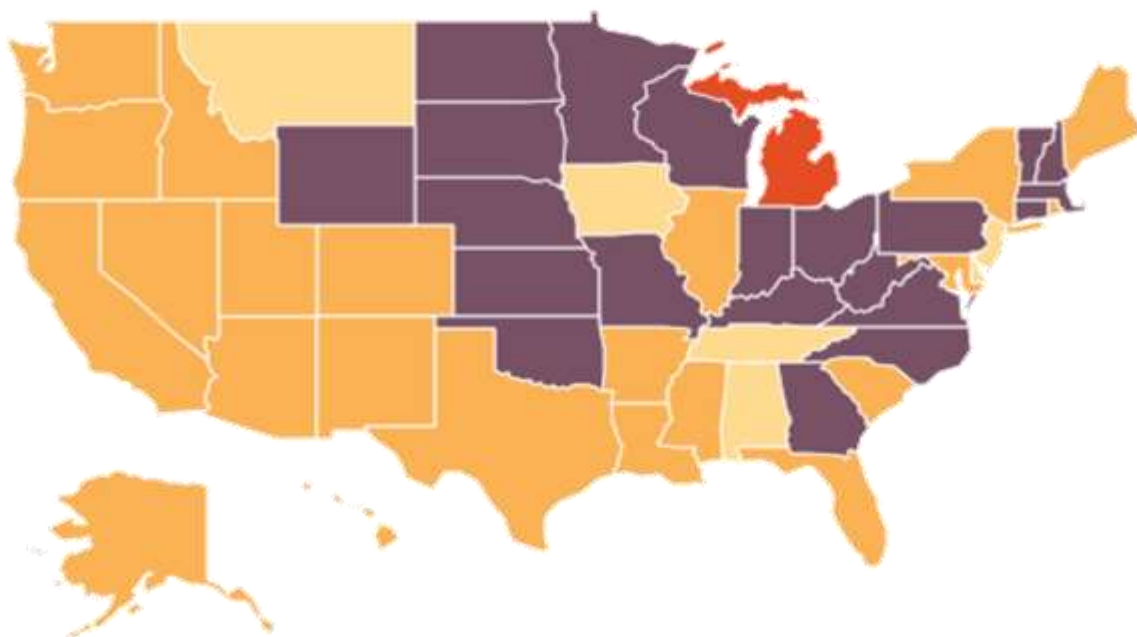
- The GACEC **wrote more than 2450 letters** to the Governor, Legislators, the Department of Education and other agencies advocating on behalf of individuals with disabilities and their families.
- **LIFE Conference Design Team-** The annual LIFE Conference seeks to assure that persons with disabilities 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 Developmental Disabilities Council (DDC), State Council for Persons with Disabilities (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 Executive Committee and the Policy and Law Committee**. This committee reviewed and/or provided commentary on **more than 80** 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 Baker 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 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.
- **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 attends FLAC meetings to share and obtain information.
- **Heart 2 Heart Hugs-** This initiative of the GACEC began in the fall of 2010 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. Statistically nearly 2/3 At a reception held at Massey Station on February 14, 2018, 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). Dover Mayor, the honorable Robin Christiansen and Tanner Polce representing Lt. Governor Bethany Hall-Long’s office provided the welcoming remarks. Over 1500 items were disseminated at the distribution event.
- **Disability History and Awareness Month Activities-** 2017 marked the eighth 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 4, 2017, 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.

State Special Education Compliance

In July 2018, the U.S. Department of Education released its latest assessments of how well states are meeting the requirements of the Individuals with Disabilities Education Act. These assessments, called “determinations,” are based on data collected in the 2016-17 school year for students ages 6-21. The District of Columbia, not shown on the map, was in the "needs intervention" category. No state fell into the lowest category, "needs substantial intervention."



Supporting Individuals with Intellectual Disabilities As They Strive For a Better Future

Delaware students with intellectual disabilities will have better access to higher education thanks to the passage of a new law, House Bill 326 the Delaware Advance Scholarship Program. The goal of this Act is to encourage Delaware students with intellectual disabilities to pursue studies for a comprehensive certificate or degree at a Delaware institution of higher education in order to promote economic self-sufficiency. This will result in an economic benefit to the State in the form of a more diverse, well-prepared workforce that is less reliant on government support. This Act follows the Higher Education Opportunities Act of 2008, which authorizes comprehensive transition and post-secondary programs as a pathway to higher education for students with intellectual disabilities.

This scholarship, which was sponsored primarily by State Rep. Kim Williams, provides additional financial support to help close the \$3,000-\$5,000 gap that the aid from Division of Developmental Disabilities Services, the Division of Vocational Rehabilitation and federal Pell grants did not fully cover, said Wendy Strauss, executive director of the Governor's Advisory Council for Exceptional Citizens, which advocated for the bill for four years.

Brian Freedman, the program's Director, hopes to see the scholarship not only bring more students through UD's Career and Life Studies Certificate (CLSC) program, but also lead to the creation of other similar programs throughout the state.

"The way it was written, the scholarship is eligible to any students going to any comprehensive program in Delaware. Currently, we're the only program," he said. "We feel strongly that it's important that these students have multiple options, so we're hoping that in the future, we can see even more options among other institutions of higher education in Delaware."



GACEC Executive Director Wendy Strauss with Representative Kim Williams and UD's Brian Freedman pose with self-advocates at the signing of HB 326

Infant and Early Childhood Committee 2017-2018

We began the fiscal year with Ann Fisher as the chair and Jennifer Pulcinella as the vice chair. The committee met with a few speakers this year to discuss various aspects of Early Childhood services in our state.

The committee requested a copy of the current Child Development Watch (CDW) policy manual in January in order to begin reviewing CDW policies. Ann and Jennifer did an extensive review of the Part C Birth to Three Early Intervention System Annual State Application. This look led to two requests: an updated copy of the CDW manual and an updated version of the Standards for Early Intervention Service Delivery System as provided by CDW. The version the committee currently had available to them was dated 2004. After review of the state application and other services, the committee requested a letter be sent to Part C with comments relevant to the IDEA Part C Grant application that was submitted by the Department of Health and Social Services (DHSS).

Another area of discussion for the committee was early childhood inclusion and providing services in the least restrictive environment as well as providing a full continuum of alternative placements. The committee met with Cindy Brown, Kim Krzanowski, and Kim Brancato to discuss the need for inclusion of children with special needs in typical early childhood settings. The committee discussed how we can support these children and their families in finding appropriate and excellent childcare and how we can support the childcare providers in order to prevent the expulsion of these children. The committee is planning to look at the recommendations from the Early Childhood Task Force to see how Council can assist in moving these initiatives forward. Discussion was also had about having the Stars program include a category to have training on and provide inclusion in order to receive top star ratings instead of the current system in which it is optional.

Finally, the committee after reviewing all of the data, found that Delaware has many individual committees, councils, and even agencies working individually to provide services for early childhood. These different entities do not always communicate or work together even if they share a common goal or idea. Therefore, the committee requested that Council send a letter to Governor Carney regarding the current state of Part C services as they are within DHSS and recommend the creation of a seamless, unified delivery of services from birth to age 21 by relocating Part C services to the Department of Education. At this time, Council has met with Part C and will partner with them to assist with rectifying the issues prior to moving forward with a letter to the Governor.



CHILDREN AND YOUTH COMMITTEE REPORT 2017-2018

The Children and Youth committee had several speakers throughout the year. In November 2017 Barbara Mazza from the Department of Education informed the committee about the results from the Parent Engagement Survey. The committee continues to make suggestions to increase participation.

The committee worked on items from Council goals 1-4 this year. In May 2018 committee chair Bill Doolittle visited the UD Speech Language Pathology program with Executive Director Wendy Strauss and other council members. While the committee feels there is work needed to increase the number of graduates that move into working with our public school students, the program is making very good progress for such a new program. The committee will continue to monitor the program for fidelity.

The committee is working with the Special Education Strategic Plan Council (SESPAC) to reinvigorate the IEP task force. The committee will continue to monitor the SESPAC's activity on the issue and is willing to move forward as the lead should the need arise.

The move to include state funding for K-3 Basic special education was followed closely by the committee, in addition to other legislation that positively impacts students with disabilities. Legislation like HB 292 which implements the recommendations of the March 2015 Autism Educational Task Force report regarding §1332 of Title 14, the Program for Children with Autism and its Special Staff was on the committees priority list. Happily it will be signed by the Governor in August 2018. The committee will continue to advocate for the K-3 funding beyond the 2.85 million allotted in epilogue language of the FY 19 budget.

The committee agreed to support the Infant and Early Childhood Committee with its collaboration with Part C to improve outcomes for Early Childhood students in Delaware. In addition, there were significant discussion on the issue of providing early childhood services in the least restrictive environment.

The committee continued to monitor implementation of the new disproportionality measures and make recommendations for final adjustments to both the metrics and the process.

With support and passage of HB 292 the Alex Eldreth Autism Education law, which was signed into law on August 29, 2018, the committee continued to advocate for legislation that positively impacts individuals with low incidence disabilities.

The Children and Youth committee met regularly throughout the year with the Department of Education to receive updates on many initiative and compliance indicators. As always the group gave thoughtful feedback to the Department in hopes of making a positive impact on the lives of students with disabilities.



Adult Transition Services Committee 2017-2018

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 Report (APR) data on transition and post school outcomes. Monitor Medicaid funding programs and the lifespan waiver. Monitor how information is disseminated and monitor Free Appropriate Public Education (FAPE) for students. Monitor and advocate for improved behavioral and mental health services. Monitor implementation of Workforce Innovation and Opportunity Act (WIOA) section 511 as it pertains to decreasing individuals working for subminimum wages and being integrated into competitive employment. Monitor paratransit services and housing options for individuals with disabilities. Continue to enhance communication within the Council and throughout the state and increase partnerships with other state agencies.
- Margaret Webb, Director of Paratransit reported that there are 100-200 applications per month for Paratransit services. The certification process has been modified in an effort to simplify it. Persons wishing to utilize Paratransit will still have to present information about their condition; however, depending upon the condition they may not be required to do the interview. Margaret shared that Paratransit does 2500 trips per day in New Castle County and 800-900 per day in Kent and Sussex counties. Sussex County also offers a flex bus, which is a fixed route where individuals can call in at least an hour prior if they are within one mile of the fixed stop and they will be picked up at their door. Margaret stated that this is working very well and they are considering it for Middletown. The current fees are \$4 per trip if the person falls within the ADA limit and \$6 per trip if the person falls outside of the ADA limit. A Lewes hub will also be developed in the future. Overall performance for Paratransit is 81-87 percent, with greater satisfaction in southern Delaware. New Castle County is experiencing a shortage of bus drivers. Paratransit is working on a grant to improve performance.
- Dale Matusевич, DOE Transition Coordinator reported to the committee about transition indicators 1, 2, 13 and 14. The report was the same that Dale shared with the full Council the following month. The committee viewed the PowerPoint provided by Dale and gave feedback. He presented the revised PowerPoint to the full Council.
- The Adult Transition Services Committee heard from Lottie Lee, Division of Services for Aging and Adults with Physical Disabilities (DSAAPD) and learned about ways to finance housing for individuals with disabilities. The group learned about SRAP (state rental assistance program) which is used to help people with disabilities obtain housing. The current priority is housing for individuals coming out of residential placement or institutions. Funding is limited and therefore cannot support many individuals. Also discussed was HUD 811, which is federal funding and is open to more individuals. They have 150 apartment units available. There is a short waiting list for those funds. The group also discussed various funding streams to assist with home modifications and repairs. DSAAPD can provide up to \$15,000 for lifetime to adults 18 and older for private home modifications if certain criteria is met.
- Maureen Whelan, DOE Director of Adult Education reported to the committee about education in the prisons. She reviewed the prison system as it relates to special education and recapped the most important parts. Maureen shared some of the challenges being faced including staffing, security and moving technology into the facilities. The committee is planning a site visit for July or August (a doodle poll is going to go out to

select a date). The committee recommended that Council explore House Bill 344 and its impact on prison education.

- Stacy Watkins, Delaware Developmental Disabilities Services (DDDS) provided information about the Lifespan Waiver. There are 3700 people supported under the Lifespan unit, which includes those living at home, receiving services through Diamond Health State Plus and those in residential settings. Individuals must meet the financial criteria for Medicaid in order to receive services through the waiver. The maximum allowed salary is \$1858.00 and assets less than \$2000.00. Services are voluntary and allow individuals to make choices. For instance, for supported living, an individual can choose an agency, determine the number of hours needed and what services are needed to access the community.
- Sue Brewster, Division of Vocational Rehabilitation (DVR) and Sandi Miller, Division for the Visually Impaired (DVI) explained WIOA Section 511 that helps individuals 25 years and older in sub-minimal employment to explore employment in the community and to receive career counseling. Individuals can choose to stay in the sheltered workshop setting but every year DVR must verify the setting is still desired. For those 24 years old and younger, DVR helps to develop a plan for employment which includes supported employment. For that age group, DVR must provide documentation that indicates pre-employment transition services or transition services under IDEA were implemented as well as the attempts for employment over a 2-year period. Employment can be defined as little as two hours per week. Overall, since Early Start to Employment was implemented, fewer students have gone into sheltered workshops or day programs. The largest barrier to employment is lack of providers who work with individuals who have significant disabilities, especially personal care attendants. This is a national problem. There are currently only two sub-minimal pay vendors in Delaware: Chimes and Elwyn. Of the 131 individuals 25 years and older at Chimes, 35 did not want services from DVR, 96 indicated a desire to open a DVR case and 29 are currently receiving services. At Elwyn, the total is 125, with 37 saying no to services, 88 expressing a desire for services and 22 in the process. The total for individuals less than 25 years old is 25 with 18 working with DVR and 7 that need to be opened. Sue stated that employers are open to having employees with significant disabilities. Sue is working with providers to help them improve service delivery.



Policy and Law Committee 2017-2018

This year the Policy and Law committee reviewed over 27 proposed pieces of legislation. They also reviewed over 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 Staff and members are part of outside committees that review legislation and regulations that are commented on and impact the lives of individuals with disabilities. Below we will highlight a few of the bills that the GACEC commented on.

House Substitute 1 for House Bill 287 with House Amendment 1- *Diploma of Alternate Achievement Standard* - H.S. 1 for H.B. 287 changes the name of the credential earned by high school students who complete the requirements of their Individualized Education Programs (IEP) from “Certificate of Performance” to “Diploma of Alternate Achievement Standards.” The Act takes effect in the academic year after enactment. - Signed by the Governor 4-2018

House bill 326 *Delaware Advance Scholarship Program* - This Act creates the Delaware Advance Scholarship Program the goal of this Act is to encourage Delaware students with intellectual disabilities to pursue studies for a comprehensive certificate or degree at a Delaware institution of higher education in order to promote economic self-sufficiency. This will result in an economic benefit to the State in the form of a more diverse, well-prepared workforce that is less reliant on government support. This Act follows the Higher Education Opportunities Act of 2008, which authorizes comprehensive transition and post-secondary programs as a pathway to higher education for students with intellectual disabilities.

House Bill 292 –*the Alex Eldrith Autism Education Law*- This Act implements the recommendations of the March 2015 Autism Educational Task Force report regarding §1332 of Title 14, the Program for Children with Autism and its Special Staff. This Act establishes the qualifications and duties of the Statewide Director and enhances the current mandatory committee structure to include a Parent Advisory Committee, in addition to the Peer Review Committee and Statewide Monitoring Review Board, to increase family input, monitoring, and protections. This Act creates a three year pilot program that revises the concept of the Delaware Autism Program (DAP) toward a system in which the statewide Director will work in collaboration with a team of experts to provide technical assistance and training to districts and educational entities. It allows for and provides adequate resources for all students with ASD in Delaware by eliminating the distinction between DAP-approved programs and other in-district options and by providing in-state experts at a lower cost than out-of-state residential treatment and consultants. The pilot program created under this Act makes changes that recognize and support the need for specialized technical assistance and training staff to be available to build capacity for teachers in all districts and other programs educating students with ASD. The pilot program created under this Act establishes a technical assistance team of educational autism specialists numbering a ratio of 1 for every 100 students (currently estimated at 15 positions). The legislation was signed by the Governor on August 29, 2018.

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House Bill 305, House Bill 306, House Bill 307, House Bill 308 and Senate Bill 146 –*Juvenile Justice Legislation* - These Bills advance a more nuanced approach to juvenile justice in Delaware that will lead to better long term outcomes for our young people. All of these bills are an effort to have the criminal code allow judges more discretion in producing appropriate sentences for juvenile offenders. The philosophy behind the proposed changes is the recognition that juveniles should not be viewed as, and treated like, adults in the criminal justice system. – Signed by the Governor 5-2018

House Bill 402 – *Expulsion and Driver's license* - This act eliminates the ability for the Department of Motor Vehicles (DMV) to suspend a student's driver's license who has been expelled from a public school.



Prime Sponsors Representative Kim Williams and Senator Nicole Poore join the Governor and advocates including GACEC Staff at the signing of the House Bill 142 creating disability awareness training for School Resource Officers.

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.

- American Counseling Association
- ARC of Delaware
- Art Therapy Express
- Autism Delaware
- Behavioral Health Collaborative
- Brain Injury Committee (BIC)
- Community Advisory Council on Disability Studies (CAC)
- 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, Exceptional Resources Special Education Group
- Department of Labor Vocational Rehabilitation Advisory Committee
- Developmental Disabilities Council (DDC)
- Disability History Committee
- DOE Transition Council
- Domestic Violence Coordinating Council (DVCC)
- 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 Sub Committee
- 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
- 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
- Sussex Early Childhood Council
- 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!

2017-2018 Presenters & Speakers

- **Mary Ann Mieczkowski**, of the Delaware Department of Education (DOE), discussing 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 initiatives and assessments.
- **Tracy Neugebauer**, of the DOE presenting on Indicator 4.
- **Linda Smith**, of the DOE presenting on Indicator 4 and PBS updates.
- **Dale Matusevich**, of DOE, presenting a transition update to the Council.
- **Cindy Brown**, of DOE, presenting on 619, early childhood initiatives and early childhood mental health.
- **Lottie Lee**, of Division of Services for Aging and Adults with Physical Disabilities (DSAAPD) presenting on the State Rental Assistance Program and housing vouchers/home modifications.
- **Maureen Whelen**, of DOE presenting an update on prison education programs.
- **Susan Veneema**, of DOE presenting an update on Indicators 3&5.
- **Susan Brewster**, of Division of Vocational Rehabilitation (DVR) presenting an update on sheltered workshops.



GACEC MEMBERSHIP LIST 2017-2018

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Cathy Cowin
Bill Doolittle
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Terri A. Hancharick
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The price of success is hard
work, dedication to the job
at hand, and the
determination that whether
we win or lose, we have
applied the best of ourselves
to the task at hand.

– Vince Lombardi

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Legislative Activity FY 2018



Bill Number	Synopsis	Current Status
House Bill 142 An act to amend Title 14 of the Delaware Code relating to limitations on the use of seclusion and restraint.	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.	Signed by the Governor 9-2017
House Substitute 1 for House Bill 287 An act to amend Title 14 of the Delaware Code relating to state high school diploma requirements	This Substitute Bill makes the following changes to House Bill No. 287: 1. It changes the name of the new diploma to a "Diploma of Alternate Achievement Standards" instead of a "Diploma of Modified Performance Standards." 2. It adds a requirement that a student must be eligible to take a statewide alternate assessment to receive the new diploma. 3. The Act takes effect in the academic year after enactment.	Signed by the Governor 4-2018
House Bill 292 An act to amend Title 14 of the Delaware Code relating to services for children with Autism Spectrum Disorder	This Act implements the recommendations of the March 2105 Autism Educational Task Force report regarding § 1332 of Title 14, the Program for Children with Autism and its Special Staff. Enacted nearly three decades ago, this law established a network of educational programs initially within a separate school structure known as The Delaware Autism Program (DAP). This Act establishes the qualifications and duties of the Statewide Director and enhances the current mandatory committee structure to include a Parent Advisory Committee, in addition to the Peer Review Committee and Statewide Monitoring Review Board, to increase family input, monitoring, and protections. This Act creates a 3 year pilot program that revises the concept of DAP toward a system in which the statewide Director will work in collaboration with a team of experts to provide technical assistance and training to districts and educational entities. It allows for and provides adequate resources for all students with ASD in Delaware by eliminating the distinction between DAP-approved programs and other in-district options and by providing in-state experts at a lower cost than out-of-state residential treatment and consultants. The pilot program created under this Act makes changes that recognize and support the need for specialized technical assistance and training staff to be available to build capacity for teachers in all districts and other programs educating students with ASD. These changes expand available supports so that excellent, evidence-based training and technical assistance can be made available to all Delaware schools and the students who attend them.	Signed by the Governor 8-2018
House Bill No. 294 An act to amend Title 21 of the Delaware Code relating to driving under the influence	Section 1 of this Act transfers from the Department of Safety and Homeland Security to the Department of Health and Social Services the responsibility for establishing, administering, adopting rules and regulations, and setting fees for courses of instruction and programs of rehabilitation for those whose licenses have been revoked for driving a vehicle under the influence of alcohol or any drug, or both.	Signed by the Governor 7-2018
House Bill No. 305 An act to amend Title 16 of the Delaware Code relating to controlled substances.	Pursuant to this provision, some defendants convicted of certain drug crimes who have one prior adult drug conviction and one prior juvenile adjudication within the past 10 years face a drastic increase in sentence as follows: A defendant convicted of “drug dealing – aggravated possession”, a class D felony, will be sentenced as if he had committed a class B felony. The sentence for a class D felony is up to 8 years imprisonment. For a class B felony the sentence can be up to 25 years, and 2 years is the minimum mandatory. A defendant convicted of aggravated possession – class E will be sentenced as if she had committed a class B felony. The penalty is elevated from a	Placed on the ready list 1-2018

	maximum of 5 years' incarceration to, again, a maximum of 25 with a 2 year minimum mandatory. A defendant convicted of aggravated possession – class F will be sentenced as though he committed a class C felony. Class C felonies are punishable by up to 15 years, rather than the maximum of 3 years for a class F. There is no other part of the criminal code that uses a juvenile adjudication as a statutory sentence enhancement in an adult conviction.	
House Bill No. 306, An act to amend Title 16 of the Delaware Code relating to controlled substances	This bill permits judges to utilize their discretion in determining whether a juvenile charged with possession of a firearm during commission of a felony should be transferred back to Family Court or remain in Superior Court.	Signed by the Governor 5-2018
House Bill No. 307 An act to amend Title 10 and 11 of the Delaware Code relating to juveniles	This proposed legislation would repeal and remove all minimum-mandatory sentencing schemes for juveniles adjudicated delinquent in Family Court because children are different than adults. Family Court judges and commissioners would still be able to impose a commitment to a DSCYF secure placement, but would now have the ability to exercise their judicial discretion to fashion an appropriate sentence for an individual juvenile.	Signed by the Governor 5-2018
House Bill No. 308 An act to amend chapter 412 Vol. 80 of the Laws of Delaware relating to the juvenile offender civil citation program	This Act removes the sunset provision contained in Volume 80, Chapter 412 of the Laws of Delaware (formerly House Bill No. 405, as amended, of the 148th General Assembly) that is set to expire the law on September 8, 2018. The purpose of Volume 80, Chapter 412 of the Laws of Delaware is to prevent first-time juvenile offenders charged with certain minor misdemeanors from entering into the juvenile criminal justice system by providing law enforcement with a civil citation procedure as an alternative to arrest.	Signed by the Governor 5-2018
Senate Bill No. 146 An act to amend Title 10 of the Delaware Code relating to juvenile expungements.	This Act streamlines Delaware's juvenile expungement code by providing the Delaware Family Court the option to immediately order an expungement in the event that a felony case was terminated in favor of the juvenile (i.e. a juvenile was found not guilty, or the charges were dropped). Delaware law currently allows the Court to do this for misdemeanor and violation cases.	Awaiting action by the Governor 5-2018
House Bill No. 326 An act to amend Title 14 of the Delaware Code relating to the Delaware Advance Scholarship Program.	This Act creates the Delaware Advance Scholarship Program ("Program"). The goal of this Act is to encourage Delaware students with intellectual disabilities to pursue studies for a comprehensive certificate or degree at a Delaware institution of higher education in order to promote economic self-sufficiency. This will result in an economic benefit to the State in the form of a more diverse, well-prepared workforce that is less reliant on government support. This Act follows the Higher Education Opportunities Act of 2008, which authorizes comprehensive transition and post-secondary programs as a pathway to higher education for students with intellectual disabilities.	Signed by the Governor 7-2018
House Bill No. 332 An act to amend Titles 6 and 31 of the Delaware Code relating to financial exploitation	This bill mandates reporting by certain employees of broker-dealer or investment adviser firms who have a reasonable belief that financial exploitation of an eligible adult has occurred, been attempted, or will be attempted. Reporting will be to both the Investor Protection Director and the Department of Health and Social Services. It also enables broker-dealers and investment advisers to delay disbursement from an account of an eligible adult where financial exploitation is suspected. This also includes definitions of "eligible adult," "financial exploitation" and "qualified individual" to be inserted into the Securities Act.	Awaiting action by the Governor 6-2018
House Bill No. 338 An act to amend Title 14 of the Delaware Code relating to Exceptional Children (Extension of Eligibility for FAPE)	This Act increases the eligibility for a child with a disability to be eligible for free appropriate public education from the end of the school year in which the child attains the age of 21 to the end of the school year in which the child attains the age of 22. This Act also makes a technical correction to conform existing law to the standards of the Delaware Legislative Drafting Manual.	Tabled in Committee (House Education) 4-2018

House Bill No. 344 An act to amend Title 11 of the Delaware Code relating to classification and employment	The language set forth in this statute would remove barriers for inmates who are students with disabilities and who have an Individualized Education Program (IEP) under state and federal law, when being considered for parole or a sentence modification. This amendment to the law allows an inmate the opportunity to earn a State of Delaware Diploma of Alternate Achievement Standards upon successful completion of the inmate's IEP.	Placed on the ready list 5-2018
House Bill No. 354 An act to amend Title 6 of the Delaware Code relating to equal accommodations. (Amendments to Equal Accommodations Statute)	This Act makes the Delaware Equal Accommodation law internally consistent, correctly organized, and aligned with the Americans with Disabilities Act (ADA). This Act corrects the potential for confusion in Chapter 45 of Title 6 in the following ways: 1. The current law states that the purpose of Chapter 45 is to prohibit discrimination based upon physical disability but Chapter 45 actually prohibits discrimination against individuals with physical or mental disabilities. This Act corrects the purpose language in §4501 of Title 6 by changing the term "physical disability" to "disability" so that it accurately states the scope of the protection provided by Chapter 45. 2. The current law uses the term "support animal" while the ADA and other states use the term "service animal." This Act replaces the term "support animal" with "service animal" to use the same term as the ADA. 3. The current law defines "support animal" as assisting only individuals with physical disabilities and does not address service animals that assist individuals with nonphysical disabilities, even though Chapter 45 prohibits discrimination against individuals with physical or mental impairments. This Act uses the ADA definition of service animal, which requires that the dog be trained to do work or perform tasks for an individual with a disability. 4. The current law places the prohibition against discriminating against an individual with a support animal in the definition section rather than in the prohibited practices section. This Act moves the requirement that a service animal be permitted to accompany an individual with a disability in public places from the definition of disability to the statute that lists unlawful practices. With these corrections, this Act restructures and corrects the language in Chapter 45 of Title 6 so that it is consistent with the ADA and clear that an individual with any disability, including an individual with Post-Traumatic Stress Disorder or other psychiatric, intellectual, or mental disability, may be accompanied by a service animal in a public place.	Awaiting action by the Governor 6-2018
House Bill No. 363 An act to amend Title 14 of the Delaware Code relating to education	This bill changes the time of school board and school referendum elections from 10:00 a.m. to 8:00 p.m. to 8:00 a.m. to 8:00 p.m. to allow those who work greater flexibility to vote in school board and referendum elections.	Signed by the Governor 7-2018
House Substitute 1 for House Bill No. 49 An act to amend Titles 14 and 29 of the Delaware Code relating to school safety	This Act requires all new school construction and schools undergoing major renovations to incorporate the following safety features: a secured vestibule to be used as the primary entrance to screen visitors, installation of ballistic resistant glass or other ballistic resistant materials in all areas used to screen visitors, installation of a panic button or intruder alert system, and classroom doors that can be locked on the outside with a key or magnetic card locking system. Further, the Act provides that the Office of Management and Budget Facilities Management Section shall coordinate a review of construction plans with the Department of Safety and Homeland Security to verify compliance with this Act and evaluate the security and safety of new schools and schools planning major renovations.	Signed by the Governor 6-2018
Senate Substitute 1 for Senate Bill No. 85 An act to amend Title 14 of the Delaware Code relating to the lawful authority of teachers over pupils	This Act draws attention to the types of discipline used in schools by capturing data about out-of-school suspensions and publishing that data, in an effort to help schools identify areas where the data regarding out-of-school suspensions indicates there is room to reduce such suspensions. This	Signed by the Governor 7-2018

	Act is meant to increase transparency, improve overall school climate, resulting in improved student outcomes. The collection and publication of this data will also help the Department of Education and community partners identify opportunities to provide greater supports to schools, students, and their families.	
House Bill No. 352 An act to amend Title 24 of the Delaware Code relating to nursing	This Act permits licensed child care providers, who successfully complete a State-approved medication training, to administer medication to children in their care, including by non-intravenous injection, if a child has a medical need during child care hours that requires it. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.	Signed by the Governor 7-2018
House Bill No. 374 with House Amendment 1 An act to amend Title 16 of the Delaware Code relating to the Medical Marijuana Act	This bill adds glaucoma, chronic debilitating migraines, pediatric autism spectrum disorder, and pediatric sensory processing disorder to the list of debilitating medical conditions which may qualify a person, upon certification by a physician, to be eligible for the use of medical marijuana in accordance with the terms of the Delaware Medical Marijuana Act.	Awaiting action by the Governor 7-2018
House Bill No. 400 Election Day Voter Registration An act to amend Title 15 of the Delaware Code relating to elections	This bill provides for election day registration for presidential primary, primary, special, and general elections whereas currently the deadline is the fourth Saturday prior to the date of the election. Moreover, same day registration at polling places will be permitted with submission of valid government issued identification or other generally accepted proof of identification.	Awaiting consideration in Committee 6-2018
House Bill No. 401 An act to amend Title 16 of the Delaware Code relating to the Controlled Substance Act	This bill would exempt federally lawful FDA approved marijuana containing products from Schedule I of the state's Controlled Substances Act until they are rescheduled under Delaware law. This would allow patient access to new therapies without an administrative delay, and allow FDA approved marijuana containing medicines to be prescribed, dispensed and regulated like other FDA approved pharmaceutical products. Illegal possession or sale of these drugs would be prosecuted as any other violation of the Controlled Substance Act.	Awaiting action by the Governor.
House Bill No. 406 An act to amend Title 18 of the Delaware Code relating to small employer health insurance	This bill allows for small employers who have more than five employees to obtain a "stop loss" policy for health insurance. This will provide more options for small employers in the health insurance market. Additionally these changes bring the section into compliance with the Delaware Legislative Drafting manual.	Awaiting action by the Governor 6-2018
House Substitute 1 for House Bill No. 344 An act to amend Title 11 of the Delaware Code relating to classification and employment. (Education for Offenders with Learning Disabilities)	The language set forth in this statute would remove barriers for inmates who are students with disabilities and who have an Individualized Education Program (IEP) under state and federal law, when being considered for parole or a sentence modification. This amendment to the law allows an inmate the opportunity to earn a State of Delaware Diploma of Alternate Achievement Standards upon successful completion of the inmate's IEP.	Placed on the ready list 5-2018
Senate Bill No. 172 with Senate Amendment 1 An act to amend Title 14 of the Delaware Code relating to school funding transparency. (School Funding Transparency)	This bill will increase the public transparency of education funding information by directing the Department of Education to: 1. Establish, in collaboration with stakeholders, a statewide approach for districts and charter schools for reporting expenditures at the school level and the school's share of central office expenditures so that per-pupil expenditure data is consistent and comparable across the State. 2. Report per-pupil expenditure data with key information that provide context on differences in funding such as school type, student demographics, and student outcomes. 3. Provide optional trainings to increase understanding of the data. As a result, this bill is intended to	Awaiting action by the Governor 6-2018

	enable all taxpayers, parents, and schools to understand their school spending and resources in order to make data-driven decisions for students.	
House Bill No. 402 An act to amend Title 14 and 21 of the Delaware Code relating to expulsion of students	Previously, a school superintendent was required to notify the DMV any time a student was expelled from a public school, at which time the DMV was permitted to suspend or refuse to issue or renew the expelled student a driver's license. This bill eliminates the ability for the DMV to suspend a student's driver's license who has been expelled from a public school	Awaiting action by the Governor 6-2018
House Bill No. 433 An act to amend Title 14 of the Delaware Code relating to educator licensure, certification, evaluation, professional development and preparation programs	This Act expands the pathways to entering an alternative routes for teacher licensure and certification program (ARTC) casting a wider net in order to attract a diverse pool of qualified candidates into the field of education as the need for teachers, particularly in critical needs areas, has increased. It also clarifies district and charter school responsibilities and ARTC program provider responsibilities, to assure proper supports are in place. Under this Act, attainment of final licensure and certification is contingent on meeting all ARTC program requirements, demonstrating effective teaching based on a state-approved evaluation system, and attaining passing scores on applicable and available approved content readiness exams and a performance assessment. These exit requirements hold ARTC participants to the same high standards for final licensure and certification as those entering the field from a typical teacher pre-service program.	Signed by the Governor 6-2018
House Bill No. 438 An act to amend Title 14 of the Delaware Code related to truancy	This Act eliminates the ability of a court to suspend a student's driving privileges or hunting license for truancy.	Awaiting action by the Governor 6-2018
Senate Bill No. 262 An act to amend Title 24 of the Delaware Code relating to nursing	This Act, named the Share the Care Act, permits a responsible caregiver to give permission to an individual employed by a home care agency selected by the responsible caregiver to administer medications to an adult individual who lacks decision-making capacity in the individual's residence. Under this Act, the responsible caregiver must prepackage the medication by date and time and provide written instructions regarding the administration procedure. And, the responsible caregiver and the person employing the unlicensed assistive personnel must sign an agreement governing the administration or medication.	Awaiting consideration in Committee 6-2018

Regulation	Summary	Letter Sent
21DE Reg. 156 DMMA DSHP-DDDS Lifespan Waiver Amendment 8-29-17	The Department of Insurance proposes to amend its regulations covering the internal review and utilization review processes which enable covered persons to contest adverse insurer decisions.	August, 2018
21DE Reg. 127 DMMA Drug Payment-Assistance-Program 8-29-17	The Division of Medicaid and Medicare Assistance (DMMA) proposes to amend the regulations establishing the Delaware Prescription Drug Payment Assistance Program (DPAP), which will eliminate the DPAP	August, 2018
21DE Reg. 133 DFS-OCCL Early-Care Education School Age Center 8-30-17	The Division of Family Services Office of Child Care Licensing (OCCL) proposes to amend its regulations covering early care, education and school-age centers.	August, 2018
21 DE Reg. 185 DMMA Proposed Reasonable Limits on Care Expenses 9-1- 2017	The Division of Medicaid & Medical Assistance proposes to amend the Medicaid State Plan to revise a countable income deduction.	September, 2018
21 DE Reg. 187 DMMA Proposed Inpatient Psychiatric Hospital Services For Individuals under Age 9-1-2017	The Division of Medicaid and Medicare Assistance (DMMA) proposes to amend its reimbursement methodology for inpatient psychiatric residential treatment facilities ("PRTFs").	September, 2018
21 DE Reg. 192 Department of Insurance Health Insurance Claim Review 9-1-2017	The Department of Insurance proposes to amend its regulations covering the internal review and utilization review processes which enable covered persons to contest adverse insurer decisions.	September, 2018
21 DE Reg. 197 Department of Insurance Health Insurance Arbitration 9-1-2017	The Department of Insurance proposes to amend its regulations covering the arbitration process which enables covered persons to contest adverse insurer decisions.	September, 2017
21 DE Reg. 363 DOE Proposed Accountability 11-1-2017	The Department of Education (DOE) proposes to revise its public school accountability regulations to align with its approved ESSA Plan.	November, 2017
21 DE Reg. 364 DOE Proposed Prohibition of Discrimination 11-1-2017	The Department of Education (DOE) proposes to repeal its current Prohibition of Discrimination regulation in its entirety and substitute a more detailed version.	November, 2017
21 DE Reg. 372 DOE Proposed Visual Impairment Eligibility 11-1-2017	The Delaware Department of Education proposes to amend its IDEA eligibility standards for visual impairment.	November, 2017
21 DE Reg. 374 DMMA Proposed Child Care Redetermination 11-1-2017	The Division of Medicaid & Medical Assistance is proposing to amend its regulations to conform to federal regulations published at 81 Fed Reg. 67438 (September 30, 2016).	November, 2017
21 DE Reg. 376 DMMA Proposed Relative Child Care 11-1-2017	The Division proposes to restrict relative child care to conform to its view of the original intent, i.e., to provide a child care option for parents who work during "non-traditional" hours (e.g. shift work; weekends). Moreover, although relative caregivers may be exempt from licensing, the State is required to implement health and safety standards for all providers. This has prompted DMMA to propose new training and capacity standards.	November, 2017

21 DE Reg. 379 DMMA Proposed Targeted Case Management for Children and Youth with Serious Emotional Disturbance 11-1-2017	The Division of Medicaid & Medical Assistance (DMMA) proposes to amend the Medicaid State Plan to add “targeted case management” as a covered service for DPBHS clients with qualifying mental health or substance abuse profiles.	November, 2017
21 DE Reg. 387 DMMA Proposed Special Needs Trust 11-1-2017	The Division of Medicaid & Medical Assistance proposes to amend the special needs trusts sections of the Delaware Social Services Manual (DSSM).	November, 2017
21 DE Reg. 389 DMMA Proposed Medicaid Managed Care 11-1-2017	The Division of Medicaid & Medical Assistance (DMMA) proposes to amend the Delaware Social Services Manual (DSSM) to conform to CMS Medicaid managed care regulations published on May 6, 2016	November, 2017
21 DE Reg. 392 DMMA Proposed Medicaid Excluded Income 11-1-2017	The Division of Medicaid & Medical Assistance (DMMA) proposes to adopt a discrete amendment to the Delaware Social Services Manual (DSSM).	November, 2017
21 DE Reg. 400 Department of Insurance Health Insurance Claim Review 11-1-2017	The Department of Insurance revised proposal to amend its regulations covering the internal review and utilization review processes which enable covered persons to contest adverse insurer decisions. Revised proposal incorporated some amendments prompted by the commentary from the Council on an earlier regulation.	November, 2017
21 DE Reg. 406 Department of Insurance Health Insurance Arbitration 11-1-2017	The Department of Insurance revised proposal to amend its regulations covering the arbitration process which enables covered persons to contest adverse insurer decisions. Revised proposal incorporated some amendments prompted by the commentary from the Council on an earlier regulation.	November, 2017
21 DE Reg. 463 DHIN Proposed Health Care Claims Database Data Access 12-1-2017	The Delaware Health Information Network (DHIN) proposes to adopt standards defining “the allowable purposes for access to claims data, the process by which a request for access to claims data will be reviewed and evaluated, and factors that will be considered in granting or denying such requests.” It also delineates the structure and duties of the Health Care Claims Database Committee.	December, 2017
21 DE Reg. 468 DOE Proposed State Content Standards 12-1-2017	The Department of Education (DOE) proposes to adopt revisions to its content standards regulation to include Financial Literacy and Computer Science standards.	December, 2017
21 DE Reg. 475 DMMA Proposed Medicaid LTC Prior Medical Costs Submission Limitation 12-1-2017	Delaware Health and Social Services/Division of Medicaid and Medicare Assistance (DMMA) proposes to adopt a new long-term care Medicaid regulation which will limit the time period for submission of proof of medical costs to “within one (1) year of the date(s) of coverage”.	December, 2017
21 DE Reg. 477 DSS Proposed Drug Conviction Bar on TANF Eligibility 12-1-2017	The Delaware Health and Social Services/Division of Social Services (DSS) proposes to amend the Division of Social Services Manual in regard to removing the restriction against Temporary Assistance for Needy Families (TANF) program eligibility for persons convicted of a drug felony.	December, 2017

21 DE Reg. 542 DSS Proposed Child Care Assistance 1-1-2018	The Delaware Health and Social Services/Division of Social Services (DSS) proposes to amend the Delaware Social Services Manual (DSSM) regarding child care assistance, specifically, to clarify policy in reference to determination of eligibility.	January, 2018
21 DE Reg. 546 Repeal of 18 DE. Admin. Code 906 regarding Use of Credit 1-1-2018	The Department of Insurance proposes to repeal Regulation 906, which concerns the use of credit information by insurance companies. The repeal is due to the enactment of HS1 For HB 80 (18 Del. Code §8301 et seq.). The regulation would be repealed on May 1, 2018, the effective date of the new statute.	January, 2018
21 DE Reg. 606 DMMA Proposed Managed Care Hearings 2-1-2018	The Delaware Health and Social Services/Division of Medicaid and Medicare Assistance (DMMA) proposes to amend the Delaware Social Services Manual (DSSM) 5304.3. The amendment is being done in order to align the DMMA Medicaid Managed Care policy with the new federal requirements on appealing MCO decisions found in the Centers for Medicare and Medicaid Services (CMS) Medicaid Managed Care Final Rule.	February, 2018
21 DE Reg. 608 DMMA Proposed Title 21 CHIP Compliance with MHPAEA 2-1-2018	The Delaware Health and Social Services/Division of Medicaid and Medicare Assistance (DMMA) proposes to amend its Title XXI CHIP Plan regarding the Mental Health Parity and Addiction Equity Act (MHPAEA). These amendments are being proposed in order to align the Delaware CHIP Plan with new Federal requirements. The changes seek to ensure that coverage for mental health and substance abuse disorders is no more restrictive than coverage for medical/surgical conditions.	February, 2018
21 DE Reg. 860 DHSS/DMMA Proposed Long Term Care Medicaid Application Methods 5-1-2018	The Delaware Health and Social Services (DHSS)/Division of Medicaid and Medicare Assistance (DMMA) proposes to add additional application methods to the Medicaid application process.	May, 2018
21 DE Reg. 917 DMMA Proposed DSHP Section 1115 Demonstration Waiver Amendment and Extension Application Request 5-1-2018	The Division of Medicaid and Medicare Assistance (DMMA) proposal to immediately amend Section 1115 of the Delaware Diamond State Health Plan (DSHP) Demonstration Waiver to address Medicaid coverage of substance use disorder (SUD) treatment services when provided in a setting that qualifies as an institution for mental diseases (IMD) and the DMMA request for a five year extension of the DSHP.	May, 2018



It is our duty today to mold the advocates of tomorrow. Teaching children to advocate for themselves and others whether or not they have a disability, is important. Raising a strong independent voice today will ensure that we continue to strive for equality for everyone tomorrow.

