

Governor's Advisory Council for Exceptional Citizens (GACEC)



ANNUAL REPORT FISCAL YEAR 2023

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Melinda Zhao, of Louis L. Redding Middle School, submitted the artwork above for GACEC's Annual Disability History and Awareness Month Poster Contest.

Table of Contents

| | |
|--|------------------|
| <i>Acronyms</i> | <i>3</i> |
| <i>What is the Governor’s Advisory Council for Exceptional Citizens?.....</i> | <i>4</i> |
| <i>A Message from the Executive Director.....</i> | <i>6</i> |
| <i>A Message from the Chairperson</i> | <i>8</i> |
| <i>Council Goals 2022-2023.....</i> | <i>9</i> |
| <i>Committee Reports.....</i> | <i>10</i> |
| <i>Infant and Early Childhood Committee Report</i> | <i>10</i> |
| <i>Children and Youth Committee Report</i> | <i>12</i> |
| <i>Adult and Transition Services (ATS) Committee Report.....</i> | <i>14</i> |
| <i>Policy and Law Committee Report</i> | <i>15</i> |
| <i>Membership Committee Report</i> | <i>16</i> |
| <i>Highlights and Collaborations.....</i> | <i>18</i> |
| <i>Annual Retreat.....</i> | <i>18</i> |
| <i>Disability History and Awareness Month Poster Contest</i> | <i>18</i> |
| <i>GACEC’s Collaborative Efforts with other Organizations and Agencies to Promote Education and Awareness</i> | <i>18</i> |
| <i>Thank you to our 2022-2023 Presenters and Speakers.....</i> | <i>21</i> |
| <i>GACEC Staff.....</i> | <i>21</i> |
| <i>GACEC Membership List 2022-2023.....</i> | <i>22</i> |
| <i>Legislative Tracking.....</i> | <i>23</i> |
| <i>Regulatory Tracking</i> | <i>27</i> |

Acronyms

To assist readers, we include below a list of acronyms that are used in this report. For an extensive list of commonly used acronyms in the disability and exceptionality communities in Delaware, please visit:

[ACRONYM LIST \(delaware.gov\)](https://delaware.gov/ACRONYM%20LIST)

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| <p>ADA - Americans with Disabilities Act</p> <p>AGEC - Access to General Education Curriculum</p> <p>APR - Annual Performance Report</p> <p>ASQ - Ages and Stages Questionnaire</p> <p>BIC - Brain Injury Committee</p> <p>CAC - Community Advisory Council</p> <p>CASA - Court Appointed Special Advocates</p> <p>CDS - Center for Disabilities Studies</p> <p>CEC - Council for Exceptional Children</p> <p>CFR - Code of Federal Regulations</p> <p>DCADA - Delaware Coalition for the Americans with Disabilities Act</p> <p>DDC - Developmental Disabilities Council</p> <p>DDDS - Division of Developmental Disabilities Services</p> <p>DDOE - Delaware Department of Education</p> <p>DE AFN - Delaware Access and Functional Needs</p> <p>DECC - Delaware Early Childhood Center</p> <p>DeIDHub - Delaware Disability Hub</p> <p>DFS - Division of Family Services</p> <p>DHSS - Department of Health & Social Services</p> <p>DMMA - Division of Medicaid and Medicare Assistance</p> <p>DMS - Differentiated Monitoring and Support</p> <p>DMV - Department of Motor Vehicle</p> <p>DOL - Department of Labor</p> <p>DSAAPD - Division of Service to Aging and Adults with Physical Disabilities</p> <p>DSCYF - Department of Service for Children, Youth, and their Families</p> <p>DVR - Division of Vocational Rehabilitation</p> <p>ECIC - Early Childhood Inclusion Committee</p> <p>EFMP - Exceptional Family Member Program</p> <p>EPIC - Endless Possibilities in the Community</p> <p>ESSA - Every Student Succeeds Act</p> <p>FY - Fiscal Year</p> <p>GACADP - Governor's Advisory Council for Aging and Disabled Persons</p> | <p>GACEC - Governor's Advisory Council for Exceptional Citizens</p> <p>GCBACS - Governor's Commission on Building Access to Community-Based Services</p> <p>Hlade - Hearing Loss Association of Delaware</p> <p>ICC - Interagency Coordinating Council</p> <p>IDEA - Individuals with Disabilities Education Act</p> <p>IEP - Individualized Education Plan</p> <p>IFSP - Individualized Family Service Plan</p> <p>LEA - Local Education Agency</p> <p>LIFE - Legislation, Independence, Family Support Services and Education</p> <p>LRE - Least Restrictive Environment</p> <p>MDE - Multi-Disciplinary Evaluation</p> <p>MTSS - Multi-tiered Systems of Support</p> <p>DPH - Delaware Public Health</p> <p>OEL - Office of Early Learning</p> <p>OCCL - Office of Childcare Licensing</p> <p>OSEP - Office of Special Education Programs</p> <p>PAIR - Protection & Advocacy of Individual Rights</p> <p>Part B - section under IDEA which authorizes assistance for the education of all children with disabilities or free appropriate public education (FAPE)</p> <p>Part C - section under IDEA which authorizes Early Intervention Programs for Infants and Toddlers with Disabilities</p> <p>PBS - Positive Behavioral Supports</p> <p>PIC - Parent Information Center</p> <p>QIS - Quality Improvement System</p> <p>SAP - State Advisory Panel</p> <p>SCPD - State Council for Persons with Disabilities</p> <p>SEA - State Education Agency</p> <p>SEED - Student Excellence Equals Degree</p> <p>SESPAC - Special Education Strategic Planning Council</p> <p>SLP - Speech Language Pathology</p> <p>SSIP - State Systemic Improvement Plan</p> |
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What is the Governor's Advisory Council for Exceptional Citizens?

Mission

The mission of the Governor's Advisory Council for Exceptional Citizens (GACEC) is to serve as the review board for policies, procedures and practices related to the delivery of services for all residents with exceptionalities or disabilities in Delaware from birth to death. The GACEC also serves as the state advisory panel for agencies providing educational services and programs to children (birth through age 26) in Delaware through the Individuals with Disabilities Education Act (IDEA).

Statutory Responsibilities

The GACEC is authorized by dual mandates that include both State and Federal responsibilities.

At the State level, the Council is mandated by the following:

[Delaware Code: Title 14, Chapter 31, § 3111](#)

The Governor shall appoint an advisory council to act in an advisory capacity to the Department of Education, 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 Individuals with Disabilities Education Act (IDEA).

And-

[Delaware Code: Title 14, Chapter 24, § 2408](#)

The Governor's Advisory Council for Exceptional Citizens (GACEC), in its advisory capacity as authorized by § 3111 of this title shall meet annually with Department of Education and Department of Correction designated representatives to discuss the operation of the joint agency prison education program. No more frequently than every other year, the GACEC may conduct a site visit, which may include interviews and access to public records pursuant to its advisory authority under § 3111 of this title. Prior to commencing the review, the GACEC, Department of Correction and Department of Education shall agree upon the scope and purpose of the review. Any site visit, interviews, and public record reviews shall be coordinated by a representative(s) of the joint agency prison education program and shall be conducted in a manner consistent with any common law privileges, applicable federal and state laws, and security procedures and considerations. The GACEC will include findings related to site visits and program review and assessment in its annual report.

At the federal level, the Council serves as the State Advisory Panel (SAP) in accordance with the Code of Federal Regulations (CFR) § 300.1- 300.818 for the [Individuals with Disabilities Education Act \(IDEA\)](#) and its amendments.

The [State Advisory Panel](#) § 300.167-169:

§ 300.167 - State advisory panel.

The State must establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

(Approved by the Office of Management and Budget under control number 1820-0030) (Authority: [20 U.S.C. 1412](#)(a)(21)(A))

§ 300.168 - Membership.

(a) *General.* The advisory panel must consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population and be 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).

(Approved by the Office of Management and Budget under control number 1820-0030) (Authority: [20 U.S.C. 1412](#)(a)(21)(B) and (C))

§ 300.169 - Duties.

The advisory panel must –

- (a) Advise the SEA of unmet needs within the State in the education of children with disabilities;
- (b) Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
- (c) Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act;
- (d) Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and
- (e) Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.

(Approved by the Office of Management and Budget under control number 1820-0030) (Authority: [20 U.S.C. 1412](#)(a)(21)(D))

A Message from the Executive Director

Dear Friends of the Governor's Advisory Council for Exceptional Citizens,

This year has been another busy one full of growth and learning. Our community has experienced great change over the past several years and the GACEC continues to grow and adapt to meet the needs of community members. I am grateful for this incredible role and look forward to the road ahead.

Council and staff have completed a tremendous amount of work this year. The following notes are just a few of the highlights.

Agency Administration-

As noted in last year's report, the building that houses the GACEC, Massey Station, continues to receive needed maintenance. We are very grateful for the attention and guidance of the Office of Management and Budget (OMB), the Division of Facilities Management (DFM), the Delaware Department of Technology and Information (DTI) and Advantech Security Systems. The unique support and partnership of these agencies provides the environment the GACEC needs to meet our constituents where they are, and we are grateful for their investment in persons with disabilities and exceptionalities.

We have hired a new casual/seasonal staffer and are actively working to train and support her. This vital addition to staff will help us support Delaware's most vulnerable populations.

Staff have continued working on updating and drafting internal agency policies, processes and guidance and are working collaboratively to draft new ones. This work has already proved useful in completing daily, monthly, and annual activities and training our new staffer. We will continue to build on this progress to ensure staff and Council members have the written guidance needed to make the decisions necessary to fulfill Council goals.

Meeting and Maintaining Council Responsibilities-

The GACEC reviewed and provided feedback on several pieces of legislation designed to improve services and supports for persons with disabilities and exceptionalities. I am very proud to be a part of this work and look forward to working with our stakeholders and legislators to continue this work in the upcoming legislative session. For a more detailed report on this year's legislative engagement, please see the GACEC Committee reports, Legislative Activity and Regulatory Activity tracking charts included in this report.

The By-laws Revision Ad hoc Committee drafted and presented updated By-laws to Council in the Fall of last year. Council members actively participated in the review and approval of new Council By-laws and are currently working through the Leadership Committee to draft and adopt processes and guidance to assist in implementation.

GACEC staff have continued working with Council members to review and revise policies, processes, and guiding Council documents to ensure language reflects current culture and practice. This can be a tedious and time-consuming process and both staff and Council are committed to working diligently to complete this work.

For the first time since 2020, the GACEC celebrated Disability History and Awareness Month by organizing a poster contest. As in the past, the contest included five categories and requested Delaware's students submit entries for the theme of "Better Together". We received many entries, and it was extremely difficult narrowing down the winners. We were all very pleased to meet with students, families and school staff that attended the afternoon Cookie Reception to highlight the many winners. One of the submissions is included on the cover of this year's report and we cannot wait to see this year's submissions!



Pam Weir pictured with Senator Erik Buckson and poster contest winner, Zoe Ritter, and her supporters, at the 2023 Disability History and Awareness Month Poster Contest Celebration.

GACEC Bids a Fond Farewell to Laura Waterland

Laura has served as a Council member on the GACEC from September 2017 through June 2023, in addition to her work with the Disabilities Law Program of the Community Legal Aid Society Inc. Her detailed work with the GACEC Policy and Law committee is deeply appreciated. Her dedication to persons with disabilities and exceptionalities in Delaware, along with her countless volunteer hours have made an immeasurable impact across the lifespan of persons with disabilities, from birth through the adult years. This farewell note brings with it many thanks for her service to the Council and best wishes in all her future endeavors.

Looking Ahead-

In the coming year, I will continue to focus on building Council's infrastructure by working with our committees to update the Membership Handbook, create professional development materials for GACEC Council members, and work within the community to support the Membership Committee in identifying new member appointments. Council staff will continue to build on the information and technology members need to support persons with disabilities and exceptionalities. And I will continue to build relationships that help impact and support legislation that provides positive outcomes.

The year ahead is already full of in-person opportunities to meet with stakeholders and community members. GACEC staff are scheduled to participate and present at several outreach events including those highlighting *Disability History and Awareness Month* in October. We look forward to seeing many of you in-person and highlighting these information sharing events on our social media platforms.

While the worldwide pandemic may seem to be a thing of the past, many resources, services and supports for persons with disabilities and exceptionalities have been forever impacted. But, with change comes opportunity and I am always humbled by the passion shared by the new faces that join our community. Again, I note that this is a community of dedicated, passionate people and there is nothing we cannot do if we work together!

Lastly, I will never stop thanking my amazing colleagues for their support, patience, generosity, and guidance- Kathie Cherry, Lacie Spence and (newly hired) Theresa Moore, you ROCK!

Yours in gratitude and hope,

Pam Weir

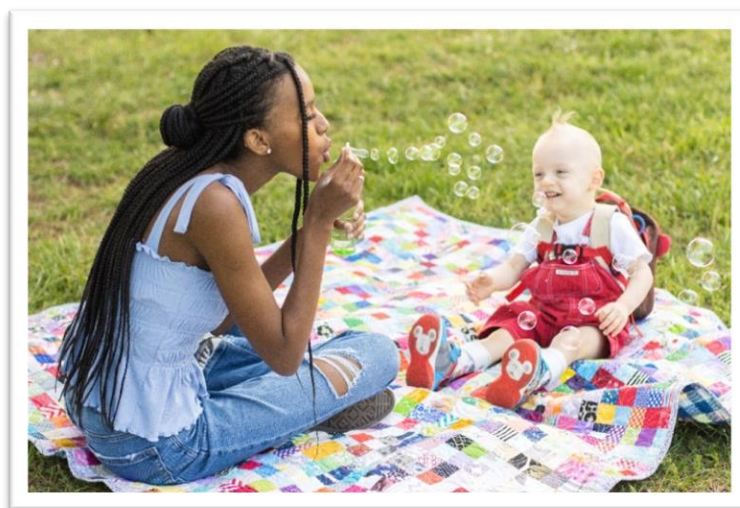
A Message from the Chairperson

As I reflect on the past year, it was a very busy one for Council as we strive to continue to grow and evolve to ensure that we fulfill our mission. We updated our Bylaws, which was a major undertaking. A special thank you goes out to the Bylaws Ad Hoc Committee, as well as everyone else who contributed. We were able to procure funding and hire a much-needed part time staff member. I am so proud of how our Council gives every participant an opportunity to have their voice heard. We have the ability to choose committees that match our passions and expertise, and the opportunity to comment on and propose changes to current and future legislation. And while it can make for some lively Council meetings, the passion and commitment of each one of our GACEC members is undeniable. Our members do not stop working when the meeting is over. We continue working collaboratively through Microsoft Teams and many members participate in other councils and committees throughout Delaware, as well.

The GACEC's members continued vigilance on behalf of Delawareans with exceptionalities is commendable. I continue to be amazed and proud to witness everyone's enduring passion and commitment to Council. Words cannot fully express my gratitude for your hard work and dedication.

In closing, as a Council, we have reviewed, commented on, and advocated for legislation and regulatory changes that will positively impact the lives of Delaware citizens with exceptionalities across their lifespans. The continuing uncertainty of the times has only made us more vigilant in our efforts to ensure that our citizens are not forgotten or marginalized. I look forward to continuing this important work with all of you as well as the dedicated staff of the GACEC.

Yours in service,
Ann C. Fisher



Council Goals 2022-2023

Goal 1: To improve the academic, social-emotional, and health outcomes of students with exceptionalities.

a: To improve the delivery of special education, related services, and other whole child services supported by evidence-based practices.

b: To increase the degree to which these services are delivered in the least restrictive and most natural environments.

Goal 2: To improve the quality of life of persons with exceptionalities.

a: To establish, promote, and enhance sound policies and adequate funding that permits access to inclusive childcare, health, independence, community living, housing, transportation, employment, and recreation by persons with exceptionalities.

b: To establish, promote, and enhance programs that provide access to inclusive childcare, health, independence, community living, housing, transportation, employment, and recreation by persons with exceptionalities.

c: To improve legislation and corresponding regulations for persons with exceptionalities.

d: To effectively communicate and collaborate with legislators, professional organizations, and other agencies, councils, stakeholders, and relevant entities.

Goal 3: To increase and enhance the voice of persons with disabilities in relevant decision making of state governmental agencies.

a: To establish mechanisms ensuring that the voices of students with exceptionalities and their families are included and meaningfully considered in decision making of school districts and the Delaware Department of Education.

b: To establish mechanisms ensuring that the voices of persons with exceptionalities are included and meaningfully considered in relevant decision making of other state governmental agencies.

Goal 4: To mitigate the negative impact of the COVID-19 pandemic on students, their parents, educators, and administrators.

a: To establish, promote, and enhance programs that assist in re-establishing the knowledge and competencies of students with exceptionalities that decreased as a result of the COVID-19 pandemic.

b: To establish, promote, and enhance services that support the social-emotional well-being of students, their parents, educators, and administrators that diminished as a result of the COVID-19 pandemic.

Committee Reports

Infant and Early Childhood Committee Report

Chairperson: Jennifer Pulcinella

Vice Chairperson: Molly Merrill

Committee Members: Ann Fisher, Kristina Horton

FY 2023 Committee Goals & Progress

GOAL 1: To review Birth to Three data to continue collaborative efforts within Early Intervention and to support the transition process for children from Part C/Early Intervention programming (birth to three years old) to Part B/Early Education programming (three to five years old).

GOAL 2: Review 619 indicator data (for children ages 3-5) and advise on discrepancies and unmet needs identified, data outcomes, the data collection process across educational environments statewide and the process for educational classification and determination for unit funding.

GOAL 3: Review and advise the QIS program to advocate for inclusion and appropriate accommodations for children with exceptionalities.

GOAL 4: To communicate, collaborate and participate with outside committees/councils who are currently addressing issues effecting children, ages birth to five with exceptionalities, for the purpose of reviewing, advocating, and advising partners within these systems of care.

The Infant and Early Childhood Committee had a fiscal year that was filled with collaboration and progress. Our meetings were well attended and had several visitors from our companion Council, the Interagency Coordinating Council (ICC), which is the primary advisory council for Birth to Three (B23). Our focus is birth to five advising of the Department of Education (DOE). Coordinating our efforts and maintaining transparency is vital to our efforts.

In November of 2022, we were still discussing the ongoing transition of B23 to DOE. There had been quite a few discussions on the timing and feasibility of housing everything under DOE when B23 due to concerns about the medical aspects of early intervention programming. ICC voted to cancel the move and we wanted to give the council a heads up that a letter would be coming out from ICC. We were going to be calling for a letter of support if desired. At this time, it was becoming evident that the transition was not going to happen by the summer of 2023, but promises had been made by previous administrations. Our own Kristina Horton is the Transition Coordinator, and she has kept us informed of the progress.

In January we discussed the ICC letter opposing the transition of Part C to DOE. There had been progress by DOE in the B23 area and we wanted to be fully aware of the situation before deciding on supporting the letter. In addition, the Preschool Development Grant has many new opportunities that will be progressing the collaboration. In addition to not moving B23 under DOE, there have been other options presented such as pushing the start date back 3-5 years or just strengthening the connection

between DHSS and DOE. With Caitlin Gleeson as the new Associate Secretary for DOE and the Early Childhood Support, as well as John Fisher-Klein as the Director of Early Learning for DOE, the STARS rating system has been pivoted to a Quality Improvement System.

By February, things were starting to become clearer concerning the move of B23 to DOE from DHSS. In addition to this move, the Office of Child Care Licensing had also moved under DOE and the STARS



program was providing opportunities to increase the expertise of the childcare staff. A rating system won't be necessary because licensing requires that centers maintain the level of expertise and staffing that is equivalent to that of a Head Start Program. With quality Pre-K and more Early Childhood Educators, the kids of Delaware are off to a good start. Part of the creation of this new system involves 7 Quality Indicators: Creating Conditions for Quality; Highly Qualified Staff; Ongoing Opportunities for Professional Growth; Appropriate and Research-Based Curricula, Screening and Assessment; Positive Climate and High-Quality Interactions; Enhanced Health and

Safety Practices; and Family Involvement and Community Services. Public and Stakeholder engagement is going to be crucial, and Kristina Horton is instrumental in doing just that.

In March we were discussing the Epilogue language to SB136 written by Bill Doolittle that was shared with the Council earlier. It's been seen by Caitlin Gleason but is still in a rough draft form. The Infant and Early Childhood Committee feels that B23 is their territory, and we would like to respect their mandate and wait for their take. We had a lively discussion about the process and how we want to do things in the proper order. Full inclusion is always the goal and hopefully, the new Early Childhood Education System will bring B23 and DOE together seamlessly for the sake of children's lives.

By April, the discussion concerned the recent letter written by the ICC to Senator Sturgeon and Representative Williams concerning the composition of the proposed Transition Workgroup. In March, we received the rough draft of the Transition epilogue the same day as the meeting. It was not our intent for it to appear as if we were to be the first to see it, comment and review it then pass it on to the ICC. We would like the ICC to understand that we know they are the Primary and Official Advisory Panel for B23, and we are here as stakeholders to share our input for the sake of children with exceptionalities. We recognize the ICC's expertise and importance in the transition process and are anxious to follow their lead. With that being said, we also would like to see representation from all three counties, members of the Delaware Early Childhood Council (DECC) and Part B and Part C Technical Assistance for support and consultation.

In May, we looked at the DOE Transition Informational meetings that Kristina Horton has been holding. They have been very collaborative and brought people together from all ranges of a child's early education. People have been open to the new ideas. Additionally, Kristina is working on focus groups for families who are currently in the program or have recently left to make sure their voice is heard. The service delivery model is the first consideration with the best practices considered in the exploration phase. No concrete decisions are being made until input has been made by all. The use of Padlet as a

locked and confidential way to gather thoughts has been the best for the most honest collection of information.

Finally, we wrapped up the fiscal year with an overview of how the transition process is going, how our collaboration with ICC is going and how we need to assure that the child with exceptionalities B-5 is afforded all the support they and their family are entitled to under IDEA and the State of Delaware.

Children and Youth Committee Report

Chairperson: Tika Hartsock

Vice Chairperson: Cory Gilden

Committee Members: Al Cavalier, Matt Denn, Bill Doolittle, Karen Eller, Maria Olivere, Trenee Parker

FY 2023 Committee Goals & Progress

Goal 1: Monitor for additional equitable funding and appropriate funding for students in K-3 to the 8.4 to 1 unit ratio who are identified in the basic category.

This year the Committee continued to push for intermediate increases prior to the new Governor's recommended budget. Committee members worked with Rep. Kim Williams, Chair of the Education Committee to advocate for equitable IDEA units. The committee discussed supporting funding from the epilogue from the 2021 Budget into the unit funding formula.

Goal 2: Monitor progress towards improving availability of school Speech-Language Pathologists (SLPs) in Delaware.

This year the Committee discussed the need to get more students enrolled in the program and retain them in Delaware for employment. A recommendation was made to provide in State tuition. As a high-needs category, SLPs can be reimbursed but the barrier for candidates is the upfront cost. The committee researched potential options to minimize or eliminate this barrier. It was shared that the University of Delaware provides reduced rates for those in the Special Institute master's program and are practicing teachers. Committee members continued to engage the University of Delaware's Director of Clinical Education for data regarding the enrollment and retention and strategies to improve the situation. Additionally, Committee members advocated for a state standard caseload cap for SLPs following best practices of other states. Committee members sought to engage the National Association of Special Education Directors to obtain data about the current state of SLPs. The committee sought to identify measures for input and outcomes.



Goal 3: Monitor federal implementation of new disproportionality measures and encourage establishment of data tracking and reporting.

This year the Committee discussed the previous data request to the Delaware Department of Education (DDOE) and recommendations that were not accepted. While disproportionality measures are in place, the Committee sought to monitor them to determine efficacy and make best practice recommendations. To this end, the Committee moved to collaborate with the GACEC's Data Informed Organizational Development (DIOD) Training Workgroup to obtain relevant data. The Committee discussed what happens if a school does not comply with the standards, but district-wide it's in compliance. The committee has concerns in terms of compliance, therefore, sought to identify the details of procedures.

Goal 4: Monitor inclusive practices. Request data and analyze regular education classrooms for appropriate special education student/typical student's ratios to qualify as a regular education classroom.

This year the Committee reviewed past progress to monitor inclusive practices. A data request was sent to DOE previously, however, not all relevant data has been received. Based on past Committee research, there was some evidence of classrooms being filled with a disproportionate number of students receiving special education services without adequate support. The Committee collaborated with GACEC's DIOD workgroup to streamline the data request process and review the requested data to make recommendations that ensure compliance.

Goal 5: Advocate for more transparency about the current model and method by which new schools (special schools) are proposed and approved, with regard to commentary by GACEC and ensure they align with current inclusive practices.

This year the Committee began reviewing the existing model to make recommendations and determined currently there is not a process for review. The Committee identified a need for more transparency in the process. The Committee discussed whether this was consistent with federal law and reached out to the Policy and Law Committee to determine if there were any cross-committee collaboration opportunities to revise the wording of State statute. A recommendation was made by the Committee to the full Council to draft a letter requesting DOE outline their policies and procedures that ensure inclusive practices.

Goal 6: Monitor healthy school environments, including prioritizing remediation of lead in the water issues across the state and nursing shortage.

This year the Committee discussed the extent to which Special Education schools are greatly affected by this issue. During the discussions it was noted that special education students are more vulnerable to issues related to lead (poor detoxing) and lead exposure leads to increased/new intellectual disabilities issues. In January, the Committee invited Sarah Bucic, MSN, RN and Amy Roe, Ph.D. of Lead-Free Delaware to present on this issue. After receiving Lead-Free Delaware's presentation, the Committee recommended and arranged for them to present at the next GACEC general body meeting. Committee

members joined advocacy efforts for Senate Bill No. 9 sponsored by Senator McBride to address the removal of lead paint from homes and filtration systems throughout the State. 3.8 million dollars will be available to schools to replace their filtration systems on July 1st. Senate Bill 9 was signed into law on July 17, 2023.

Decisions Requiring Committee votes:

- Recommendation to full Council to resend the letter requesting data regarding classroom ratio sizes to DOE.

Adult and Transition Services (ATS) Committee Report

Chair: Erik Warner

Vice Chair: Meedra Surratte

Committee Members: Nancy Cordrey, Thomas Keeton

FY 2023 Committee Goals & Progress

Goal 1: Focus on prison education.

Goal 2: Present at the Delaware Adult Transition Cadre Meeting.

Goal 3: Work with the Delaware Department of Education (DDOE) and Division of Developmental Disabilities Services (DDDS) to have an Adult Services prompt on PowerSchool IEP, a software program that school districts use for Individual Education Program services.

Highlights from the year include Pam Weir's presentation at the Delaware Adult Transition Cadre meeting to educate participants about the GACEC, the Adult Transition Services Committee and the resources offered through the GACEC website and the DelDHub website. The ATS Committee members



met with Kathie Stephan, the new DDOE Transition Coordinator. An ATS goal discussed was finding ways to have a Transition Services prompt on Power School IEP for transition aged students. In April, Thomas Keeton shared the Prison Adult Education annual report, members had an insightful conversation regarding the report and challenges within the reform. The committee made a recommendation to the general council to allow Thomas Keeton to give members a tour of the Howard R Young facility to better understand how the prison education and

reform system is conducted. The motion passed unanimously within the committee and will be a goal for the upcoming year. In May, the Committee attended a presentation from LaTysse McKinzie-Mack, who is the Court Appointed Special Advocate (CASA) Program Coordinator at the office of the Child Advocate. CASA Delaware is looking for an additional 200 volunteers to help advocate for abused and neglected children. The Committee would like LaTysse to come back next year and present to full

Council, as her information pertains to children ages birth through 18, and sometimes, up to the age of 21.

Policy and Law Committee Report

Chair: Beth Mineo

Vice Chair: Erika Powell

Committee Members: Genesis Johnson, Jessica Mensack, Brenne Shepperson, Laura Waterland/Stefanie Ramirez

FY 2023 Committee Goals

Goal 1: Review and comment on proposed laws and regulations relative to education/special education in Delaware. Send comments to the legislature, DOE, State Board of Education, Professional Standards Board, etc.

Goal 2: Review and comment on proposed laws and regulations, as well as practices, relative to full accessibility, inclusivity and responsiveness of childcare, healthcare and wellness, community living, employment and recreational opportunities in Delaware. Send comments to the legislature, state agencies, professional organizations, and other public and private entities.

Goal 3: Enhance collaborative efforts among and between committees, particularly as it pertains to collaboration with the Policy and Law Committee on issues of particular interest to individual committees.

Goal 4: Monitor regulatory and policy actions and educational practices arising from the pandemic to address the health, safety, academic and behavioral supports, and related services provided to students.

This year the Policy and Law Committee was able to analyze and review legislation proposed at Legislative Hall as the General Assembly met remotely and in person during legislative session GA 152. Policy and Law Committee members reviewed and discussed the impact of 22 bills and 31 regulations on individuals with exceptionalities in Delaware. The full list of those bills and regulations, along with responses and outcomes may be found in the appendices at the end of this annual report. A few of the bills that the GACEC provided commentary on that have been signed by the Governor to date will be highlighted here.

House Substitute 1 for House Bill No. 33 Funding for Pre-Kindergarten Special Education. The GACEC wrote a letter supporting this legislation that will increase funding for preschool children with disabilities who are not counted in “intensive” or “complex” by revising student ratios. The Act also consolidates the K-3 Basic Special Education Unit with the 4-12 Basic Special Education Unit, as the ratio is the same for each group. The bill differs from the original House Bill No. 33 in that it omits the Preschool 2 Basic Special Education Unit. **HS1 for HB 33** was signed by the Governor on June 22, 2023.

House Bill No. 83 Kindergarten Oral Health Screening- Council supported this proposal to modify Chapter 41, Title 14 of the Delaware Code. This modification will require an oral health screening for every kindergarten student “who did not indicate during enrollment that they were seen by a dentist by the last student attendance day of each school year.” §4123 (b). **HS1 for HB 83** was signed by the Governor on August 3, 2023

House Bill No. 114 Certification of Recovery Houses. Council supported the concept of this proposal to require certification for Recovery Houses in Delaware that wish to receive referrals from state agencies and who receive state funds. Council supported the concept of regulating recovery houses but asked that the sponsors of the legislation address protection of all residents in these settings. Council also requested information on why Oxford Houses are exempt from the proposed certification requirement. Council's questioned were addressed in **HS 1 for HB 114 w/SA 1**, which was signed by the Governor on August 1, 2023



Pictured from left to right: Representative Kim Williams, GACEC Executive Director, Pam Weir, and Senator Laura Sturgeon

Senate Bill No. 32 with Senate Amendment 1

Eligibility for 12 Month School Year. Council wrote a letter endorsing the proposed bill which adds “visual impairments including blindness” to the list of disabilities that qualify children for a 12-month school year and recommended an amendment to make the statutory language listing eligible students consistent with federal law and state practice. The amendment also limits the number of teacher workdays for teachers with the Division for the Visually Impaired to not more than 226 days. **SB32 with SA1** was signed by the Governor on August 3, 2023.

Membership Committee Report

Chair: Al Cavalier

Committee Members: Jessica Mensack, Jennifer Pulcinella

New GACEC Members appointed by the Governor in FY 22-23:
Stephanie Ramirez

The major activities of the Membership Committee (MC) during FY22-23 are described below.

- a. MC Officers & Members - The MC elected Jessica Mensack Vice-Chair of the committee for FY23-24 and Tika Hartsock will be joining the MC for FY23-24.
- b. Membership Application Process - In FY21-22, the MC with Staff support created 3 documents to support the membership application process: (i) *Membership Application Guidelines* (that include criteria for evaluating applications), (ii) an *Applicant Questionnaire*, and (iii) an *Applicant Interview Protocol*. These three documents were approved by the Council. In FY22-23, after the Office of Boards and Commissions (B&C) informed the GACEC that they will not share new member applications with the Council, the MC decided to revise the questionnaire and the interview protocol to compensate for lack of access to information on the B&C applications. The revised interview protocol is now complete; the revised questionnaire is near complete. The MC also formulated a revised 7-step application review process to be followed when receiving the name of a new membership application from B&C.

- c. SAP Membership Category Compliance - In the 4th quarter, the MC reviewed the current GACEC membership in terms of compliance with IDEA requirements for member representation in certain categories. Based on this analysis, we believe the Council needs 5 new members (in different categories) to achieve compliance. Our review elicited questions about whether 2 members still qualify for the categories in which they have been assigned. We have asked Council Staff to schedule a meeting with the OSEP liaison to SAPs or the TA liaison to SAPs to obtain guidance on these types of "member assignment" questions.
- d. Prioritization of Membership Application Reviews - The MC attempted to prioritize the names of the applicants for membership that B&C has sent to us according to the Council's IDEA category vacancies. We realized, however, that we were unable to accomplish this task because of limited and inconsistent "bullets" of information that B&C had sent to us instead of the actual completed application forms. We have asked Council Staff to schedule a meeting with B&C: (i) to discuss the overall application-review process with an eye towards possibly improving it on both sides, (ii) to explain the importance of receiving all the requested "bullets" of information for achieving IDEA compliance of the Council in a timely fashion, and (iii) to obtain clarity on some specific issues.
- e. Clarification of Procedural and Ethical Issues - The MC has identified a few issues that could arise in the review of membership applications on which we should have clear guidance in addressing. We have asked Council staff to schedule a meeting with the Deputy Attorney General or any other appropriate resource to obtain this guidance.
- f. Applicant Interest - To know who on the list of applicants is still interested in membership on the Council (since some appear to have moved out of state), we have asked Council Staff to contact the applicants via email and/or phone to provide an explanation for the Council's delay in processing and to ask if they still are interested in having their membership application reviewed.
- g. Member Biographical Sketches - In FY22-23, the Council approved the requesting and posting of Biographical Sketches of GACEC volunteer and staff members on the GACEC website to familiarize the public with the areas of interest and expertise represented on the GACEC. In FY23-24, the MC sent a request to the full Council and follow-up requests to various individual members to submit drafts of their Bio Sketches. The MC eventually received drafts from 23 of the 26 Council volunteer and staff members, some of which they edited to make the set more uniform in length and style. The MC also developed a new tool – a template – to assist new members in writing their Bio Sketches for the GACEC website.
- h. Member Photographs - The MC with Staff support solicited photos from Council volunteer members who had not yet submitted them. Thus far, the MC has received photos from 15 of the 26 Council volunteer and staff members.

Highlights and Collaborations

Annual Retreat

The GACEC held its Annual Fall Planning Retreat on October 8, 2022, in a hybrid format, as part of the Council's planning activities for the upcoming year. Retreat participants included Council members, as



Retired GACEC member, Terri Hancharick, at the 2022 Annual Planning Retreat.

well as Dale Matusevich, Director of Exceptional Children Resources (DDOE). In addition, the Council heard from DDOE's Barbara Mazza and Susan Veenema. During the retreat, George Tilson, career and workforce development consultant from George Washington University worked with the Council to further enhance the collaborative efforts between GACEC and DDOE.

Disability History and Awareness Month Poster Contest

In October, the GACEC held its annual Disability History and Awareness Month Poster Contest with a theme of "Better Together." The contest was a huge success with over 100 entries. An awards ceremony and cookie reception were held at Massey Station to celebrate the first, second and third place winners from each of the five categories, along with their families and school staff. Also in attendance were Senator Eric Buckson and Tiphani Cade, on behalf of Representative Sharae'a Moore. Several other senators and representatives sent certificates and congratulatory notes to the winners from their districts.

GACEC's Collaborative Efforts with other Organizations and Agencies to Promote Education and Awareness

- The GACEC **wrote more than 1350 letters** to the Governor, Legislators, the DDOE, and other agencies to advise and advocate on behalf of individuals with disabilities and their families.
- **LIFE Conference Design Team** - The annual statewide LIFE Conference seeks to assure that persons with disabilities in Delaware have full access to supportive Legislation, Independence, Family support services and Education. Executive Director, Pam Weir and Office Manager Kathie Cherry are members of the LIFE Conference Design Team. The team is also comprised of representatives from the Developmental Disabilities Council (DDC), SCPD, DHSS, Delaware Public Health (DPH), Easter Seals, DMMA, DDOE and DCADA. The 2023 LIFE conference was attended virtually by **267** people over two days, January 18 & 19, 2023.
- Office Manager Kathie Cherry is a member of the **SCPD Policy and Law Committee**. This committee reviewed and/or provided commentary on **more than 120** proposed or final regulations, state legislations, Federal bills, and many other policies, which impact persons with disabilities.

- **SCPD Brain Injury Committee (BIC)** - Executive Director Pam Weir and Administrative Coordinator Lacie Spence are members of the SCPD Brain Injury Committee (BIC). Committee members worked on activities designed 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 Workgroup** - The workgroup is comprised of Special Education Directors and Coordinators and meets to discuss trends and issues in the field. GACEC staff attended the statewide meetings of this workgroup to monitor what is happening with special education in Delaware, as well as to provide input.
- **Interagency Coordinating Council (ICC)** - The ICC focuses on early childhood issues. This year Pam Weir and other members of Council attended meetings to provide information and keep up to date on new information regarding early childhood issues. The GACEC and ICC held their first joint meeting in April of this year. The GACEC and ICC will be working together, along with other stakeholders as the Part C program is transferred from the Division of Public Health to the DDOE.
- **Access to General Education Curriculum (AGEC) Workgroup** - This group focuses on assessment and inclusion issues for students in special education. Office Manager Kathie Cherry attends the meetings of this workgroup to provide input from her perspective as a parent, as well as a representative of the Council.
- **Center for Disabilities Studies (CDS) Community Advisory Council (CAC)** - The CDS is supported in its work through the contribution of its 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 four times a year. Executive Director, Pam Weir, is a CAC member.
- **Special Education Strategic Planning Council (SESPAC)** – Pam Weir and Lacie Spence are currently members. Meetings are attended regularly to facilitate collaboration with this work group on issues relevant to students with disabilities. In addition, Council member Bill Doolittle is the current Co-chair of the SESPAC. Council members Tika Hartsock, Jennifer Pulcinella and Erika Powell are also members.
- **Every Student Succeeds Act (ESSA) Advisory Panel** –The panel meets quarterly to discuss implementation of ESSA in Delaware. The panel is hosted by the DDOE and is attended by district personnel, DDOE staff, as well as Representative Kim Williams.
- **U.S. Office of Special Education Programs (OSEP)**- Pam Weir is a member of the national OSEP-supported SAP/SICC workgroup designed to supports states' implementation of IDEA.

Additionally, the following are some of the organizations and committees that GACEC members and staff are involved with on a recurring basis. These groups assist the Council with interagency collaboration and coalition building.

- American Association of University Women
- American Counseling Association
- Art Therapy Express
- Autism Delaware
- Behavioral Health Collaborative
- Brain Injury Committee (BIC)
- Correctional Education Association
- CPAC- Child Protection Accountability Commission
- Delaware and National Council for Exceptional Children (CEC)
- Delaware State Teachers Association
- Delaware Association of School Administrators
- 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 Parent Teacher Association (PTA)
- Delaware State Network of Educators
- Department of Education, Exceptional Resources Special Education Group
- Department of Education, Every Student Succeeds Act workgroup
- Department of Labor Vocational Rehabilitation Advisory Committee
- Developmental Disabilities Council (DDC)
- DOE Transition Council
- Dover Air Force Base Exceptional Families Resources Program
- Division of Service to Aging and Adults with Physical Disabilities (DSAAPD)
- DVRC For Visually Impaired Council
- DVRTF (Delaware Victims' Rights Taskforce) Disability Committee
- Employment First Initiative Oversight Commission
- Endless Possibilities in the Community (EPIC)
- Early Childhood Inclusion Committee (ECIC)
- Family SHADE
- Governor's Advisory Council for Aging and Disabled Persons (GACADP)
- State Health Operations Center Functional Information and Support Center (SHOCFISC)
- Delaware Access and Functional Needs (DE AFN)
- 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 (HLADE)
- Interagency Coordinating Council (ICC) for Part C of IDEA

- LIFE Conference Design Team
- Mobility in Motion
- 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 Policy and Law Committee
- 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
- Trauma Informed Care Interest Group
- University of Delaware Center for Disabilities Studies (CDS) Community Advisory Council (CAC)



Kathie Cherry's granddaughter, Tianna, volunteering alongside her at the Lewes African American Heritage Commission's Juneteenth Freedom Day.

Thank you to our 2022-2023 Presenters and Speakers

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|---|---|
| Dale Matusevich, DDOE | Amy Rowe, Lead-Free Delaware |
| Barbara Mazza, DDOE | Sarah Bucic, Lead-Free Delaware |
| Susan Veenema, DDOE | LaTysse McKinzie-Mack, Office of Child Advocate |
| Kathleen Stephan, DDOE | Pam Reuther, ICC |
| Kristina Horton, DDOE | Ann Woolfolk, ICC |
| George Tilson, George Washington University | |

GACEC Staff

Pam Weir, Executive Director
 Kathie Cherry, Office Manager
 Lacie Spence, Administrative Coordinator



Pictured from left to right: Lacie Spence, Pam Weir, Kathie Cherry

GACEC Membership List 2022-2023

| | |
|-----------------------|---------------------|
| Al Cavalier | Molly Merrill |
| Nancy Cordrey | Beth Mineo |
| Matt Denn | Maria Olivere |
| Bill Doolittle | Trenee Parker |
| Karen Eller | Erika Powell |
| Ann Fisher | Jennifer Pulcinella |
| Cory Gilden | Stefanie Ramirez |
| Tika Hartsock | Brenne' Shepperson |
| Jessica Heesh-Mensack | Meedra Surratte |
| Kristina Horton | Erik Warner |
| Thomas Keeton | Laura Waterland |
| Genesis Johnson | |



GACEC members and staff at the 2022 Annual Planning Retreat.

Legislative Tracking

| Bill Number | Summary and Council Action | Status |
|---|---|---|
| House Substitute 1 for House Bill No. 33 Funding for Pre-Kindergarten Special Education | <p>Synopsis: The proposed legislation will increase funding for preschool children with disabilities who are not counted in “intensive” or “complex” by revising student ratios. The Act also consolidates the K-3 Basic Special Education Unit with the 4-12 Basic Special Education Unit, as the ratio is the same for each group. The bill differs from the original House Bill No. 33 in that it omits the Preschool 2 Basic Special Education Unit.</p> <p>Council Action: Letter written continuing to support the proposed legislation.</p> | Signed by the Governor June 22, 2023 |
| Senate Bill No. 32 with Senate Amendment 1 Eligibility for 12 Month School Year | <p>Synopsis: The proposed bill adds “visual impairments including blindness” to the list of disabilities that qualify children for a 12-month school year. The amendment limits the number of teacher workdays for teachers with the Division for the Visually Impaired.</p> <p>Council Action: Letter written endorsing the proposed legislation and recommending the statutory language listing eligible students be amended to make it consistent with federal law, state practice and remove outdated and offensive terminology.</p> | Passed on June 22, 2023 Ready for Governor Action |
| House Bill No. 55 Bill of Rights for Persons Experiencing Homelessness | <p>Synopsis: The proposed legislation creates a Homeless Bill of Rights in Title 6 and Title 31. It establishes a new Chapter 45A in Title 6. Protects individuals who are experiencing homelessness by creating rights related to the following:</p> <ol style="list-style-type: none"> 1. Non-discrimination in use of public spaces 2. Non-discrimination from state, county, or local agencies 3. Non-discrimination in housing due to status, lack of address 4. Non-discrimination while seeking temporary shelter 5. Non-discrimination in medical and dental care based on housing status 6. Non-discrimination in registering to vote and voting 7. Protection of private information 8. Reasonable expectation of privacy in personal property 9. Right to occupy a motor vehicle 10. Right to religious practices in public spaces 11. Right to eat, drink, share or accept food in public spaces <p>Council Action: Letter written endorsing the proposed legislation.</p> | Substituted in House by HS 1 for HB 55 March 14, 2023 |

| Bill Number | Summary and Council Action | Status |
|---|--|---|
| House Bill No. 66 Public Education Profiles | Synopsis: Proposal to amend §124A of Title 14 of the Delaware Code. §124 details the issuance of Delaware Public Education Profiles. Public Education Profiles monitor progress and trends toward Delaware’s educational goals and provide citizens with information to make good choices for children while holding the public education system accountable for both performance and use of funds. Council Action: Letter written supporting the proposed legislation. | Reported out of Education Committee in Senate June 7, 2023 |
| Senate Bill No. 33 Division of Family Services Treatment Caseloads | Synopsis: The proposed bill would reduce Division of Family Services (DFS) treatment caseloads from 18 to 12 cases per fully functioning caseworker. Council Action: Letter written in support of the proposed legislation. | Signed by the Governor June 9, 2023 |
| House Bill No. 80 Medicaid Coverage of Doula Services | Synopsis: Proposal to require that doula services be covered by Medicaid in Delaware by January 1, 2024. This legislation follows up on House Bill No. 343 from the 151 st General Assembly, which required the Division of Medicaid and Medical Assistance (DMMA) to submit a plan for implementing this coverage and draws on that completed report. Council Action: Letter written supporting the proposed legislation. | Passed on June 29, 2023 Ready for Governor action |
| Senate Bill No. 52 Sterile Needle and Syringe Exchange Program | Synopsis: Proposal to amend the current law governing needle exchange programs to support a need-based program. This will be accomplished by changing the name of the program from “exchange” to “service” and by removing the requirement of a 1:1 exchange, to dispensing sterile needles and syringes based on need and usage. Council Action: Letter written supporting the proposed legislation. | Signed by the Governor April 12, 2023 |
| Senate Bill No. 58 Elimination of Purchase of Care Program Co-Pays | Synopsis: Proposal to remove Purchase of Care (POC) Program co-pay requirements for Delaware families earning less than 200% of the federal poverty line (FPL). Council Action: Letter written supporting the proposed legislation. | Assigned to Senate Finance Committee March 8, 2023 |
| Senate Bill No. 59 Establishment of Statewide Rate for the Purchase of Care Program | Synopsis: Proposal to require the Delaware Department of Health and Social Services (DHSS) to set a statewide purchase of care (POC) rate that, will be tied to the New Castle County rate determined by the 2021 Delaware Local Child Care Market Rate Survey. Council Action: Letter written supporting the proposed legislation. | Assigned to Senate Finance Committee March 8, 2023 |

| Bill Number | Summary and Council Action | Status |
|--|---|--|
| Senate Bill No. 50 Advisory Council on Walkability and Pedestrian Awareness | Synopsis: Proposal to codify the Advisory Council on Walkability and Pedestrian Awareness. Council Action: Letter written endorsing the proposed legislation and offering suggestions. | Signed by the Governor June 28, 2023 |
| Senate Bill No. 69 Exempting Childcare in Sectarian from State Regulation Senate Bill No. 70 Animals in Protection from Abuse Proceedings | Synopsis: Proposal to amend §1041 of Title 10 of the Delaware Code, adding language to include acts against a person's companion or service animal to the definition of abuse in protection from abuse proceedings. Council Action: Letter written in support of the proposed legislation. | Signed by the Governor June 27, 2023 |
| House Bill No. 82 Biennial Mailing of Polling Place Card and Election Information | Synopsis: Proposal to require the Delaware Department of Elections (DOE) to mail a notice to all registered voters every two years, informing them of their polling place as well as information on: <ul style="list-style-type: none"> • All available methods of voting • Dates and times of general and primary elections • Deadlines for voter registration for each election and party change before a primary. • Outline of procedures and requirements, polling places, and early voting sites. Council Action: Letter written endorsing the proposed legislation. | Signed by the Governor September 11, 2023 |
| House Bill No. 83 Kindergarten Oral Health Screening | Synopsis: Proposal to modify Chapter 41, Title 14 of the Delaware Code. This modification will require an oral health screening for every kindergarten student "who did not indicate during enrollment that they were seen by a dentist by the last student attendance day of each school year." §4123 (b). Council Action: Letter written supporting the proposed amendment. | Passed on June 15, 2023 Ready for Governor action |
| House Bill No. 95 Companion Animals in the Disposition of Marital Property | Synopsis: Proposal to amend §1503 of Title 13 of the Delaware Code. The amendment requires Family Court to award possession and provide for the care of companion animals when dividing marital property after considering the well-being of the companion animal. Council Action: Letter written supporting the proposed legislation. | Signed by the Governor June 27, 2023 |

| Bill Number | Summary and Council Action | Status |
|--|---|--|
| House Bill No. 4 with House Amendment 2 Mental Health Services for School Trauma | Synopsis: Proposal to amend §3581 of Title 14 of the Delaware Code, adding language to detail mental health services for school-connected traumatic events. Council supported the original bill and was very pleased to see the addition of House Amendment 2 on May 16, which expands the definition and increases the amount of time provided for grief counseling. Council Action: Letter written in support of the proposed legislation. | Passed on June 29, 2023 Ready for Governor Action |
| House Bill No. 125 Free School Meals | Synopsis: Proposal to amend §4137 of the Delaware Code, requiring all Delaware schools to offer students free breakfast and lunch every school day. Council Action: Letter written in support of the proposed amendment. | Assigned to House Education Committee April 20, 2023 |
| House Bill No. 200 School-Based Mental Health Services | Synopsis: Proposed legislation seeks to establish requirements for mental health staffing in Delaware public and charter high schools, comparable to requirements that already exist under state law for public elementary and middle schools. See 14 Del C. § 1716E, 1716F. Council Action: Letter written supporting the proposed legislation and offering suggestions. | Amendment HA 1 to HB 200 Introduced June 1, 2023 |
| House Bill No. 96 Lowering the Eligible Age to Vote in School Board Races | Synopsis: Proposal to change the minimum voting age from 18 to 16 for school board elections (but not for referendums). Council Action: Letter written not supporting the proposed legislation and sharing concerns. | Tabled in House Education Committee May 3, 2023 |
| House Bill No. 112 Juvenile Arrest Clarification House Bill No. 114 Certification of Recovery Houses | Synopsis: Proposal to require certification for Recovery Houses in Delaware that wish to receive referrals from state agencies and who receive state funds. Council Action: Letter written supporting the concepts of regulating recovery houses but asking that the sponsors of the legislation address protection of all residents in these settings. Council would especially like information on why Oxford Houses are exempt from the proposed certification requirement. | Passed on June 30, 2023 Ready for Governor action |
| House Bill No. 167 School Resource Officer Funding | Synopsis: HB 167 is now House Substitute 1 for House Bill No. 167. HS1 for HB 167 differs from HB 167 by defining school resource officers to include constables commissioned under Chapter 56 of Title 24 of the Delaware Code. Council Action: Letter written sharing substantial reservations on the disproportionately negative consequences for students with disabilities or intersectional identities related to race and disability. | Assigned to Appropriations Committee June 21, 2023 |

Regulatory Tracking

| Regulation | Summary and Council Action | Response/Update |
|---|---|---|
| 26 DE Reg. 87/DE Admin. Code 702 DDOE Proposed Education Opportunity Fund regulation (August 1, 2022) | <p>Synopsis: Proposal to create 14 <u>Del. Admin. C.</u> § 702, which will identify the types of services and supports which may be funded with the per pupil funding monies from the Opportunity Fund established under Senate Bill 56 of the 151st General Assembly. SB 56 codified the Fund, which provides an additional source of educational funding for Delaware public schools that is intended to support the increased needs of low income (LI) and English learner (EL) students. It also establishes the parameters for how the funding is to be distributed to school districts and charter schools and requires DDOE to adopt regulations relating to the services and supports for which monies from the Fund may be used.</p> <p>Council Action: Letter written in support, offering observations.</p> | Final reg. – 26 DE Reg. 317 10/01/22 Addressed concerns and added clarifying language |
| 26 DE Reg. 89 DDDS Proposed Defining Eligibility Criteria Regulation (August 1, 2022) | <p>Synopsis: Proposal to modify the section establishing eligibility criteria for DDDS.</p> <p>Council Action: Letter written in support and sharing recommendations.</p> | Final reg. – 26 DE Reg. 391 11/01/22 Addressed concerns and made some changes |
| 26 DE Reg. 153 DHSS/DMMA Proposed Ambulatory Surgical Center Services Rate Regulation (September 1, 2022) | <p>Synopsis: Proposal to amend Title XIX Medicaid Statute regarding Ambulatory Surgical Center Services. The amendment concerns adjusting the current reimbursement methodology.</p> <p>Council Action: Letter written supporting the proposed regulation.</p> | Final reg. – 26 DE reg. 396 11/01/22 Thanked Council for support |
| 26 DE Reg. 155 DHSS/DMMA Proposed Medicaid Recovery Audit Contractors Program Regulation (September 1, 2022) | <p>Synopsis: Proposal to amend the State Plan in reference to the Medicaid Recovery Audit Contractors (RAC) program. DMMA is requesting an exception to the RAC contracting requirements.</p> <p>Council Action: Letter written in support of the proposed regulation and requesting additional information.</p> | Final reg. – 26 DE Reg. 394 11/01/22 Responded to request for additional information. |

| Regulation | Summary and Council Action | Response/Update |
|--|---|--|
| 26 DE Reg. 159 DHSS/DSS Proposed Food Benefit Certification Regulation (September 1, 2022) | <p>Synopsis: Proposal to amend the Division of Social Services Manual (DSSM) regarding Food Benefit Certification. DHSS has proposed changing Supplemental Nutrition Assistance Program (SNAP) recertification periods from 24 to 12 months for households in which all members are elderly or disabled and from 12 months to six months for all other households.</p> <p>Council Action: Letter written sharing concerns. Council asks that DHSS cancel this proposal that will only inflict unnecessary harm on vulnerable food insecure families in Delaware.</p> | <p>No Response/No Update</p> |
| 26 DE Reg. 254/DE Admin. Code 1520 PSB/DDOE Proposed Multiple Measures for Demonstrating Content Knowledge regulation (October 1, 2022) | <p>Synopsis: Proposal to set forth alternative means of demonstrating content knowledge for applicants of certain content area Standard Certificates who do not achieve the minimum score specified for the Standard Certificate sought. The proposed regulation is consistent with House Bill No. 441, which provides an alternative means for an educator to demonstrate competency and achieve a standard certificate beyond simply passing a content exam, such as the Praxis II. The alternative standards will not apply to certain categories of educators such as Early Childhood Special Education Teachers; Teachers of Students Who are Gifted and Talented, Teachers of Students with Autism, Severe Intellectual Disabilities, Hearing or Visual Impairments.</p> <p>Council Action: Letter written in support of the proposed regulation.</p> | <p>Final reg. – 26 DE Reg. 556 1/01/23 Thanked Council for support</p> |
| 26 DE Reg. 294 DHSS/DMMA Proposed State Plan Telemedicine Services Regulation (October 1, 2022) | <p>Synopsis: Proposal to amend the Title XIX Medicaid State Plan to remove telemedicine as a state plan service.</p> <p>Council Action: Letter written in support of the proposed amendment.</p> | <p>Final reg. – 26 DE Reg. 482 12/01/22 Thanked Council for support</p> |
| 26 DE Reg. 305 DPBHS Proposed Qualifications for Juvenile Mental Health Screeners Regulation (October 1, 2022) | <p>Synopsis: The proposed regulation will allow additional professionals to be eligible to become credentialed juvenile mental health screeners.</p> <p>Council Action: Letter written in support of the proposed regulation.</p> | <p>Final reg. – 26 DE Reg. 611 1/01/23 Acknowledged support</p> |

| Regulation | Summary and Council Action | Response/Update |
|--|--|---|
| 26 DE Reg. 358/14 DE Admin. Code 915 DDOE Proposed James H. Groves High School regulation (November 1, 2022) | <p>Synopsis: Proposal to amend 14 Del. Admin. C. §915, which describes the operation of the James H. Groves High School, an adult education high school. Proposed amendment adds a defined term in Section 1.0, replaces “State Director” with “Director of Adult and Prison Education Resources”, and strikes the standardized assessment requirement from subsection 2.1.1.1.2.</p> <p>Council Action: Letter written sharing observations.</p> | <p>Final reg. – 26 DE Reg. 940 5/01/23</p> <p>Did not acknowledge comments</p> |
| 26 DE Reg. 361/14 DE Admin. Code 1522 PSB/DDOE Proposed Elementary School Counselor regulation (November 1, 2022) | <p>Synopsis: Proposal to amend 14 DE Admin. Code 1522 Elementary School Counselor and the requirements for a Standard Certificate. The proposed amendment endeavors to ensure that the quality of Delaware educators remains high, while giving Certificate applicants a fair means to acquire the Elementary School Counselor Certificate.</p> <p>Council Action: Letter written endorsing the proposed amendment.</p> | <p>Final reg. – 26 DE Reg. 861 4/01/23</p> <p>Acknowledged endorsement by name</p> |
| 26 DE Reg. 363/14 DE Admin. Code 1545 PSB/DDOE Proposed Secondary School Counselor regulation (November 1, 2022) | <p>Synopsis: Proposal to amend 14 DE Admin. Code 1545 Secondary School Counselor and the requirements for a Standard Certificate.</p> <p>Council Action: Letter written endorsing the proposed amendment.</p> | <p>Final reg. – 26 DE Reg. 863 4/01/23</p> <p>Acknowledged endorsement by name</p> |
| 26 DE Reg. 364/14 DE Admin. Code 1575 PSB/DDOE Proposed Teacher of Students with Visual Impairments regulation (November 1, 2022) | <p>Synopsis: Proposal to amend 14 DE Admin. Code 1575 Teacher of Students with Visual Impairments and the requirements for a Standard Certificate. The proposed regulations reflect the commitment of DDOE to update the Certificate standards per House Bill No. 382, which was enacted due to the Sunset Committee review of the Division for the Visually Impaired (DVI).</p> <p>Council Action: Letter written in support of the proposed amendment and sharing concerns.</p> | <p>Final reg. – 26 DE Reg. 864 4/01/23</p> <p>Acknowledged support and concerns. No changes made</p> |
| 26 DE Reg. 374 DHSS/DMMA Proposed Reasonable Income Compatibility Regulation (November 1, 2022) | <p>Synopsis: The proposed amendment will assist individuals with the recertification process. It will also ease the administrative burden on DMMA as it processes all the recertifications that must take place when the public health emergency (PHE) ends.</p> <p>Council Action: Letter written endorsing the proposed amendment.</p> | <p>Final reg. – 26 DE Reg. 590 1/01/23</p> <p>Appreciated support</p> |

| Regulation | Summary and Council Action | Response/Update |
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| 26 DE Reg. 410 DHSS/DMMA Proposed Extension and Amendment of Diamond State Health Plan Section 1115 Waiver Regulation (November 1, 2022) | <p>Synopsis: Proposal to amend the Diamond State Health Plan Section 1115 Waiver to include:</p> <ol style="list-style-type: none"> 1. Expanding access by providing three-months of retroactive eligibility to all DSHP 1115 Waiver enrollees. 2. Piloting Medicaid coverage of Delaware’s Food Box Initiative for postpartum members. 3. Adding Medicaid coverage of contingency management services for certain members with a stimulant use disorder and/or opioid use disorder. 4. Adding children’s state plan dental services under the DSHP 1115 managed care delivery model. <p>Council Action: Letter written supporting the proposed changes.</p> | No Response/No Update |
| 26 DE Reg. 434/14 DE Admin. Code 601 DDOE Proposed Schools and Law Enforcement Agencies regulation (December 1, 2022) | <p>Synopsis: The proposed amendment is to ensure that “effective communication and working relationships exists between public schools and law enforcement agencies.” The changes consist of approximately 20 grammatical or typographical differences, along with clarifications on reporting of cyberbullying incidents.</p> <p>Council Action: Letter written endorsing the proposed amendment.</p> | <p>Final reg. – 26 DE Reg. 685 2/01/23 Acknowledged support – not named</p> |
| 26 DE Reg. 437, 439, 441, 442/14 DE Admin. Code 922, 923, 924, 926 DDOE Proposed Children with Disabilities regulations (December 1, 2022) | <p>Synopsis: Proposal is to amend the regulations to bring them into compliance with House Bill 454 of the 151st General Assembly which was signed into law on July 22, 2022. House Bill 454 amended Chapters 31 and 17, Title 14 of the Delaware Code relating to Exceptional Children and Unit funding, respectively to extend eligibility for special education services to August 31 after the school year in which a student turns twenty-two.</p> <p>Council Action: Letter written endorsing the proposed changes.</p> | <p>Final reg. – 26 DE Reg. 841 4/01/23 Acknowledged support – not named</p> |
| 26 DE Reg. 459/14 DE Admin. Code 1512 PSB/DDOE Proposed Issuance and Renewal of Advanced License regulation (December 1, 2022) | <p>Synopsis: The proposed changes add clarity and safeguards for educators seeking to obtain an Advanced License or educators who have already obtained an Advanced License.</p> <p>Council Action: Letter written endorsing the proposed changes.</p> | <p>Final reg. – 26 DE Reg. 859 4/01/23 Acknowledged endorsement by name</p> |

| Regulation | Summary and Council Action | Response/Update |
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| 26 DE Reg. 467 DHSS/DMMA Proposed Children’s Health Insurance Program (CHIP) Early, Periodic, Diagnosis & Treatment (EPSDT) Coverage Regulations (December 1, 2022) | <p>Synopsis: The proposal to amend the Children’s Health Insurance Program (CHIP) coverage to align it with Early, Periodic, Diagnosis & Treatment (EPSDT) coverage. This is a proposed CMS state plan amendment.</p> <p>Council Action: Letter written expressing concern by the DHSS noted intention to make changes to the DMAP policies and portal without public notice and opportunity for comments. The GACEC letter supports the expansion of NEMT to provide transportation services and asked for verification that DHSS will be covering inpatient and outpatient mental health and substance abuse services as well as wrap around and specialty dental care in other categories.</p> | <p>Final reg. – 26 DE Reg. 692 2/01/23 Addressed concerns and appreciated support</p> |
| 26 DE Reg. 512/14 DE Admin. Code 275 DDOE Proposed Charter School regulation (January 1, 2023) | <p>Synopsis: The proposed amendment will remove references to the Delaware Comprehensive Assessment System (DCAS); update the definition of a charter school to align with 14 <u>Del. Admin. C.</u> § 255 and clarify language referencing debts of a charter school.</p> <p>Council Action: Letter written sharing concerns and observations.</p> | <p>No Response/No Update</p> |
| 26 DE Reg. 514/14 DE Admin. Code 508 DDOE Proposed Multi-Tiered Systems of Support regulation (January 1, 2023) | <p>Synopsis: Proposal to amend existing regulations to require that social and emotional learning and mental health content be added to the curriculum for each grade in every public school district and charter school.</p> <p>Council Action: Letter written sharing observations.</p> | <p>No Response/No Update</p> |
| 26 DE Reg. 521/14 DE Admin. Code 1203 DDOE Proposed Scholarship Incentive Program (ScIP) regulation (January 1, 2023) | <p>Synopsis: The proposed changes are being made to align with House Bill 480. HB 480 amended the Delaware Code “relating to financial assistance for education in order to promote and support the state’s high demand career fields and reduce student debt for Delaware residents.”</p> <p>Council Action: Letter written supporting the proposed amendment.</p> | <p>No Response/No Update</p> |

| Regulation | Summary and Council Action | Response/Update |
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| 26 DE Reg. 528/14 DE Admin. Code 1206 DDOE Proposed Speech Language Pathologist Incentive Loan Program regulation (January 1, 2023) | <p>Synopsis: The Speech Language Pathologist (SLP) Scholarship Program is a student financial assistance for higher education program administered by the Delaware Higher Education Office (DHEO). The proposed changes are being made to align with House Bill No. 480.</p> <p>Council Action: Letter written sharing observations.</p> | No Response/No Update |
| 26 DE Reg. 535 DHSS/DMMA Proposed Medicaid and CHIP Coverage of Covid-19 Treatment, Vaccines & Testing Regulation (January 1, 2023) | <p>Synopsis: Proposal to amend the Title XIX Medicaid State Plan and the Title XXI CHIP State Plan to provide for comprehensive coverage of COVID-19 treatment, vaccinations, and testing.</p> <p>Council Action: Letter written supporting the proposed amendment.</p> | No Response/No Update |
| 26 DE Reg. 537 Department of Insurance Proposed Long-Term Care Insurance Regulation (January 1, 2023) | <p>Synopsis: Delaware Department of Insurance re-proposal to amend Regulation 1404 on Long-Term Care Insurance.</p> <p>Council Action: Letter written supporting the re-proposed amendment.</p> | No Response/No Update |

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| 26 DE Reg. 544 Office of Child Advocate (OCA) Proposed Driver Education, Driver's License and Motor Vehicle Insurance Program for Individuals who have Experienced Foster Care regulation (January 1, 2023) | <p>Synopsis: Proposal to enact regulations implementing new statutory provisions providing for funding to support youth in foster care who are learning to drive, seeking driver's licenses, or needing car insurance coverage to safely drive. Substitute 1 to Senate Bill No. 151, which passed at the end of the previous legislative session in June 2022 and was signed into law by the Governor in October 2022, requires the creation of a program to disperse funds to youth in the custody of the Department of Services for Children Youth and Families (DSCYF) for these purposes. In passing this legislation, the General Assembly concluded that the costs associated with obtaining a driver's license and vehicle insurance "serve as an additional barrier to gaining independence and engaging in normal, age-appropriate activities" and "limit opportunities for obtaining employment and completing educational goals" for youth who are in DSCYF custody. Council Action: Letter written endorsing the proposed amendment with a suggested addition.</p> | <p>No Response/No Update</p> |
| 26 DE Reg. 657/14 DE Admin. Code 915 DDOE Proposed James H. Groves regulation (February 1, 2023) | <p>Synopsis: Proposal to amend 14 DE Admin. Code 901, which describes the operation of the James H. Groves Program. Council Action: Letter written sharing observations and recommendations.</p> | <p>No Response/No Update</p> |
| 26 DE Reg. 677 [DPH Proposed Childhood Lead Poisoning Testing Regulations (February 1, 2023)] | <p>Synopsis: Proposal to revise regulations governing the Childhood Lead Poisoning Prevention Act for Children between the ages of 22 and 26 months. This revision is required by House Bill No. 222 as amended by House Amendment 1. The proposed amendments will rename the regulation to remove outdated references, update and add new definitions, update requirements for blood lead testing and make technical corrections. Council Action: Letter written supporting the proposed revisions and offering observations and recommendations.</p> | <p>No Response/No Update</p> |

| Regulation | Summary and Council Action | Response/Update |
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| 26 DE Reg. 754 DHSS/DMMA Daily Living Needs Allowance Regulations (March 1, 2023) | <p>Synopsis: Proposal to amend this regulation to clarify internal policies and procedures for calculating the Daily Needs Allowance for individuals participating in the Long-Term Care Community Services (LTCCS) Program.</p> <p>Council Action: Letter written supporting the proposed revisions</p> | No Response/No Update |
| 26 DE Reg. 756 DHSS/DSS TANF Family Cap Regulations (March 1, 2023) | <p>Synopsis: Proposal to amend Section 3000 of the Delaware Social Services Manual (DSSM) regarding Technical Eligibility for Cash Assistance. Specifically, this regulation would eliminate Section 3008.2, which placed a family cap on benefits under the Temporary Assistance for Families (TANF) Program.</p> <p>Council Action: Letter written supporting the proposed amendment.</p> | Response from DSS thanking the GACEC for the recommendations. |
| 26 DE Reg. 798/14 DE Admin. Code 525 DDOE Requirements for Career and Technical Education Programs of Study regulation (April 1, 2023) | <p>Synopsis: The proposed amendment will accomplish the following: (1) strike defined terms from Section 2.0 and move one defined term to the body of the regulation; (2) revise the criteria for programs of study by adding language related to social and emotional competencies (SEL) in subsection 3.2; and (3) revise the requirements for Local Education Agencies (LEAs) in subsections 4.2.1.2, 4.2.2.7, and 5.2.</p> <p>Council Action: Letter written supporting the proposed amendments.</p> | No Response/No Update |
| 26 DE Reg. 1023 DHSS/DSAMH 6002 Credentialed Mental Health Screeners and Payment for Voluntary Admissions Regulations (June 1, 2023) | <p>Synopsis: Proposal to amend the regulations, which govern the credentialing of mental health screeners. The proposed amendments would strike all existing language and replace it with significantly streamlined and reorganized regulations. The proposed amendments would create a requirement for psychiatrists to register with DSAMH to act as a mental health screener; under the existing regulations no credentialing or registration is required for psychiatrists licensed to practice medicine in Delaware. Under the proposed amendments, the Division would then have discretion to deregister a psychiatrist for failure to comply with law, regulation, or policy.</p> <p>Council Action: Letter written sharing observations.</p> | No Response/No Update |

| Regulation | Summary and Council Action | Response/Update |
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| <p>26 DE Reg. 105/DE Admin. Code 105 DDOE Proposed 935 DELACARE: Regulations for Residential Childcare Facilities and Day Treatment Programs regulation (May 1, 2023)</p> | <p>Synopsis: Proposal to transfer 9 DE Admin. Code 105 to 14 DE Admin. Code by creating 935 DELACARE: Regulations for Residential Childcare Facilities and Day Treatment Programs. This is part of the transfer of The Office of Childcare Licensing (OCCL) from the Department of Services for Children, Youth, and Their Families (DSCYF) to the Delaware Department of Education (DDOE).</p> <p>Council Action: Letter written supporting the proposed regulations and sharing observations.</p> | <p>No Response/No Update</p> |