



**GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS (GACEC)  
GENERAL MEMBERSHIP MEETING  
7:00PM April 21, 2026  
VIRTUAL MEETING**

**MEMBERS PRESENT:** Mary Andrews, Al Cavalier, Nancy Cordrey, Bill Doolittle, Harley Doolittle, Karen Eller, Melinda Failing, Ann Fisher, Tika Hartsock, Kristina Horton, Jessica Mensack, Molly Merrill, Beth Mineo, Maria Olivere, Trenee Parker, Cassandra Pierce, Erika Powell, Jennifer Pulcinella, Stefanie Ramirez, Brenné Shepperson, and Daniella Spitelli-Sarnecky

**GUESTS PRESENT:** Dawn Alexander, Secretary Cindy Martin, Kimberly Garvey, Caitlin Gleason, Dale Matusевич/Delaware Department of Education (DDOE), Lillian McCuen, Maricarmen Morales, Theresa Muschiatti/Interpreter, Brenda Rodriguez, Lisa Savino, Dr. Amber Shelton, Kathi Stephan, Peg Stewert/Interpreter, Betty Gail Timm, Jeri Turner, and Lauren West

**STAFF PRESENT:** Pam Weir/Executive Director, Kathie Cherry/Office Manager, and Theresa Moore/Administrative Support Specialist.

**MEMBERS ABSENT:** Meedra Surratte and Renee Yarrington

**MEMBERS ON LEAVE OF ABSENCE:** Cory Gilden

**ADMINISTRATIVE BUSINESS/MOTIONS:**

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**1. Call to Order**

Bill Doolittle called the April meeting of the Governor's Advisory Council for Exceptional Citizens (GACEC) to order at 7:04 PM.

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Lacie Spence confirmed that a quorum was present.

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**2. Approval of Agenda**

Bill Doolittle presented the agenda and asked for any comments or changes.

- Motion: To approve the agenda of April 21, 2026, Full Council Meeting.
  - Moved by: Maria Olivero
  - Seconded by: Ann Fisher
  - Vote:
    - No objections.

Result: Motion carried. April 21, 2026, Agenda was approved.

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### **3. Approval of Previous Meeting Minutes**

#### **a. March 17, 2026 – General Membership Meeting**

- Motion: To approve the minutes of March 17, 2026, Full Council Meeting with the clarifications Al Cavalier made.
  - Moved by: Mary Andrews
  - Seconded by: Tika Hartsock
  - Vote:
    - No objections.
  - Result: Motion carried. March 17, 2026, Full Council Meeting minutes were approved with Molly Merrill and Trenee Parker abstaining.

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### **4. Financial Report**

Bill Doolittle introduced the February 2026 financial report.

- Motion: To approve the February 2026 financial report.
    - Moved by: Molly Merrill
    - Seconded by: Kristina Horton
    - Vote:
      - No objections
    - Result: Motion carried. The February 2026 financial report was approved
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## 5. Leadership Committee Motions

There were no Leadership Committee motions brought to Council for approval tonight.

**PUBLIC COMMENTS:** There were no public comments tonight.

### **GUEST SPEAKER:**

**Subject:** Delaware Department of Education Strategic Plan Presentation

**Presenter:** Secretary Cindy Marten

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#### **1. Presentation Overview**

Secretary Marten presented the Delaware Department of Education's new strategic plan, which is centered on five key building blocks:

- Bright Beginnings
- Safe and Supportive Schools
- Great Teaching and Learning
- Fair Opportunities
- Parents and Families as Partners

The plan is designed to improve outcomes for all students, including students with disabilities, through coordinated implementation efforts rather than reliance solely on policy and funding.

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#### **2. Strategic Plan Goals and Metrics**

The strategic plan outlines specific goals and performance metrics, including:

- Increasing third-grade reading proficiency from 38% to 53% by 2028
- Improving graduation rates from 89% to 91% by 2028

The plan emphasizes improving teaching and learning, ensuring equitable opportunities for all students, and strengthening family and community engagement.

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#### **3. Discussion and Q&A**

During the discussion, participants raised several key concerns:

- **Accountability:** Questions were raised regarding accountability measures for student attendance and graduation requirements. Secretary Marten emphasized that data should be used as a tool for continuous improvement rather than for punitive purposes.
  - **Support for Students:** Concerns were discussed regarding challenges in supporting students with disabilities and those reading below grade level, particularly at the secondary level.
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#### **4. Strategic Plan Update and Additional Initiatives**

Additional updates and initiatives presented included:

- A focus on early literacy and expanded reading improvement efforts

- Introduction of a new federal grant supporting middle and high school reading programs
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## **5. Technology and AI Discussion**

- Concerns were raised by Harley Doolittle regarding the implementation of artificial intelligence (AI) in classrooms, particularly its impact on students with disabilities.
  - The Department shared that Delaware is developing an **AI Assurance Lab** to ensure the safe and ethical use of AI in education.
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## **6. Metrics for Students with Disabilities**

- Questions were raised regarding performance metrics for students with disabilities.
  - Dale Matsovich confirmed that current metrics are included in the annual performance report and will be reviewed and revised in the coming year.
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## **7. Key Takeaways**

- The strategic plan prioritizes coordinated implementation and measurable outcomes.
- Literacy improvement and equitable access remain central focuses.
- Ongoing evaluation and responsible integration of technology are key components moving forward.

## **Questions asked by Council Members:**

### **1. Alignment of Existing Strategic Plans**

- Tika Hartsock asked how the new statewide education strategic plan would align with Delaware’s existing special education strategic plan, which was recently updated.
- Secretary Marten emphasized that the state plan is intended to integrate and align with existing plans rather than replace them.
- She noted that:
  - Existing subgroup plans, including Career and Technical Education (CTE) and special education plans, will be mapped into the broader statewide strategy.
  - Local district strategic plans will continue to exist independently.
  - The state’s role is to ensure alignment and avoid siloed or disconnected initiatives.
- Secretary Marten stated that the statewide strategic plan provides the “big picture,” while existing plans provide detailed implementation pathways.

### **2. Concerns Regarding Special Needs and Medically Complex Students**

- Maria Oliverere raised concerns regarding a special needs school within the Indian River School District that is reportedly downsizing educational programming and experiencing funding reductions.
- She highlighted concerns for medically complex students and asked how the strategic plan addresses this population and specialized schools.
- Secretary Marten stated she was not fully aware of the details and deferred to Dale Matusевич for additional information.
- Dale Matusевич shared that:
  - The Department of Education is actively reviewing special schools statewide.
  - DOE staff and consultant Dr. Jerry Petroff are evaluating instructional programming and MTSS implementation within these schools.
  - Meetings with Sussex County and Indian River representatives are scheduled.
- Secretary Marten acknowledged the issue and confirmed the DOE is monitoring the situation and considering next steps.
- Maria Oliverere also asked with regards to our medically fragile population, can you please share the newest policy for providing one on one nursing services to students that require nursing to attend school? Either now or via email later? Pam Weir shared that with Secretary Martin during the meeting, and her answer was **"I'll have Dale follow up with you on that."**

### **3. Accountability, Graduation Rates, and Meaningful Outcomes**

- Dr. Erika Powell asked how the state plans to:
  - Measure progress for students overall and specifically for students with disabilities.
  - Publicly report metrics at the state and LEA levels.
  - Ensure graduation rates reflect meaningful diploma attainment and post-school readiness.
- Dr. Erika Powell expressed concern about:
  - High absenteeism rates.
  - Students earning credits through online programs without adequate monitoring.
  - Students graduating despite significant literacy deficits.
- Secretary Marten responded that:

- The strategic plan includes dashboards and public reporting systems to track key metrics such as reading proficiency, graduation rates, and absenteeism.
- Data reporting will occur at varying intervals (daily, monthly, annually, biannually) depending on the metric.
- Data should serve as a “flashlight, not a hammer,” focusing on improvement rather than blame.
- Secretary Marten shared graduation rate data for students with disabilities:
  - 2023: 81.82%
  - 2024: 87.29%
- She emphasized the importance of maintaining rigorous standards while improving graduation rates.

#### **4. Literacy Concerns in Secondary Education**

- Dr. Erika Powell and Cassandra Pierce both highlighted concerns regarding middle and high school students reading significantly below grade level.
- They discussed:
  - Challenges faced by secondary teachers.
  - Student morale, teacher retention, and diploma credibility.
- Secretary Marten stated:
  - Delaware’s Early Literacy Playbook focuses on improving K–3 literacy instruction to prevent later literacy gaps.
  - The state recently received a federal literacy grant focused on middle school literacy and critical thinking.
  - Literacy support should occur across content areas, not solely through pull-out interventions.
  - Secondary literacy improvement is achievable through integrated instructional strategies.

#### **5. Artificial Intelligence (AI) in Education**

- Harley Doolittle expressed concern about the inclusion of AI in classrooms, particularly regarding:
  - Student overreliance on AI tools.

- Mental health and focus concerns.
- Ethical and developmental implications for young learners.
- Secretary Marten agreed that safeguards are necessary and described Delaware’s development of an “AI Assurance Lab.”
- Key points included:
  - Establishing ethical, safe, and responsible AI practices.
  - Vetting educational AI vendors and tools.
  - Protecting student privacy and well-being.
  - Including teacher feedback in evaluating AI tools.
- Marten emphasized that Delaware aims to balance innovation with strong governance and oversight.

## **6. District Buy-In and Local School Board Alignment**

- Al Cavalier asked how the state plans to gain buy-in from local school boards and districts.
- Secretary Marten responded that:
  - Local districts maintain autonomy through independently elected school boards.
  - The DOE is collaborating closely with district superintendents.
  - Several districts have already begun aligning their strategic plans with the state framework voluntarily.
- She noted that:
  - Core priorities such as literacy, safe learning environments, equitable opportunities, and family engagement are broadly shared across districts.
  - The state will use regular data meetings and collaborative support rather than mandates to encourage alignment.
- Secretary Marten reiterated that local needs may shape district-specific priorities while still aligning with overarching statewide goals.

## **COUNCIL LEADERSHIP ELECTIONS:**

Council conducted elections for two leadership positions. Molly Merrill was nominated and elected as Vice Chair of the Council, and Jessica Mensack was nominated and elected as a Member at Large, both starting July 1st. Both run unopposed.

## **COMMITTEE REPORTS:**

### **POLICY AND LAW COMMITTEE:**

The Policy and Law Committee presented its report on the monthly memorandum from Disability Rights Delaware, which addressed one regulation and three bills.

Regarding the Division of Healthcare Quality regulation related to temporary staffing agencies serving long-term care facilities, the Committee discussed the three recommendations contained in the memorandum. Following discussion, the Committee did not recommend endorsement of the first recommendation, which would have fully endorsed the regulation. Members expressed concerns regarding unresolved questions related to underlying system factors and potential consequences associated with elements of the regulation. Instead, the Committee supported pursuing additional information regarding the rationale behind the regulation and encouraging further examination of the causes of staffing vacancies in long-term care facilities.

The Committee next reviewed House Bill 300, which would establish a Title IX Coordinator position within the Department of Education. The Committee recommended endorsement of the legislation consistent with the recommendation contained in the memorandum.

The Committee also reviewed House Bill 214 concerning the Delaware Network for Excellence in Autism and the associated Interagency Committee on Autism (ICA). The Committee recommended modifications to the memorandum's existing recommendations and added an additional recommendation.

First, the Committee recommended adding two individuals with autism to the ICA rather than one, with the expectation that the individuals represent different lived experiences and profiles, including but not limited to gender diversity, in order to broaden representation from the autism community.

Second, the Committee modified the recommendation regarding representation from Delaware disability councils by recommending the addition of at least one seat representing Delaware councils, including but not limited to GACEC, the Developmental Disabilities Council, or the State Council for Persons with Disabilities.

Third, the Committee added a recommendation that the Director of Autism Resources remain a required member of the ICA. Members expressed concern regarding proposed language that would remove the requirement for this specific role and instead permit any Department of Education representative to serve in that capacity.

Finally, the Committee reviewed House Bill 309, which addresses statutory changes associated with the transfer of the statewide autism program to Autism Resources within the Department of Education. The Committee noted that while some provisions appeared administrative in nature, additional substantive changes lacked sufficient explanation. As a result, the Committee amended the original recommendation and requested additional information regarding the rationale for those changes before making a final recommendation on the legislation.

The recommendations above were presented as a motion from the committee and were approved by the full Council with Trenee Parker abstaining.

You can find a copy of Council's letters in reference to this legal memo at the following links on the [GACEC website](#):

- Regulatory letters, visit <https://gacec.delaware.gov/regulatory-letters/>.
- Legislative letters, visit <https://gacec.delaware.gov/legislative-letters/>.

### **MEMEBERSHIP COMMITTEE:**

Currently the Membership Committee is a Committee of the Whole (Full Council). Bill Doolittle reported that the Membership Committee has completed one interview of a prospective member. In the near future, we will be calling for a Membership Committee meeting for consideration. And again, all Council members will receive an email asking for participation.

### **INFANT AND EARLY CHILDHOOD COMMITTEE:**

The group had a presentation and discussion about early childhood systems in Delaware:

1. Strategic Plan (“Bright Beginnings”) with their goal to increase enrollment of kids in early childhood programs (from ~25% to 40%) and a big focus on access—making sure families can get services that fit their needs.
2. Office of Child Care Licensing (OCCL) where they license and monitor over 900 childcare programs statewide and investigate 500+ complaints/year. Parents can look up violations online, there are fewer family childcare providers (national trend) and complaints are becoming more complex
3. Early Childhood Intervention (OECI) focuses on services for children with developmental needs. Key projects include: Transition of Part C (Birth–3) services to DOE, expanding inclusive childcare opportunities, improving developmental screening (ASQ) Reducing duplication for families (not getting screened multiple times), and Infant & Early Childhood Mental Health

where they are supporting both kids and caregivers, recognizing stress/trauma in professionals and families and expanding consultation programs for childcare and home visiting.

4. Office of Early Learning focuses on Quality Improvement Standards (QIS) through training, scholarships, professional development for staff and setting standards beyond just minimum licensing requirements.

## **CHILDREN AND YOUTH COMMITTEE:**

### **1. Local Impact Discussion**

The committee discussed the ways in which current issues are impacting the local community, noting the significance of these effects on ongoing work and priorities.

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### **2. Parent Council Work**

- Members reviewed progress related to parent council initiatives.
  - Data was shared outlining how various districts across counties are implementing parent councils.
  - The committee discussed efforts to develop a system to compare and monitor which districts currently have active parent councils.
  - It was noted that publicly available information on parent councils varies by district, with some having accessible data and others lacking transparency.
  - A resource from the New Jersey Parent Center was introduced as a potential tool and guide for creating and piloting a statewide monitoring system for Local Education Agencies (LEAs) regarding parent councils.
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### **3. Enrollment Data for Students with Disabilities**

- The committee briefly discussed the goal of establishing baseline enrollment data.
  - Focus was placed on comparing the proportion of students with disabilities in charter schools versus district schools.
  - A committee member will locate and share a relevant report at a future meeting to support this analysis.
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### **4. Indicator Review and Discussion**

- The majority of the meeting was dedicated to reviewing indicators previously provided to the committee.
  - Members discussed expectations for each indicator and identified areas where they could provide input or feedback.
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### **5. Priorities for Upcoming Meetings**

- The committee identified key topics for deeper exploration at the next two meetings.
- Priority areas include:
  - Indicator 4: Suspension
  - Indicator 5: LRE
- The committee requested that Dale Matusevich coordinate with staff to provide presentations or additional information on these topics.

## ADULT AND TRANSITION SERVICES COMMITTEE:

### 1. Prison Education Data Request Update

- The Committee reviewed the response from Michael Saylor regarding the prison education data request.
  - Key updates include:
    - Updated policies and procedures are currently under development and are expected to be shared with GACEC within **6–8 weeks**.
    - Due process complaint data for the past **four (4) years** is publicly available on the Delaware Department of Education website.
    - DDOE staff are working to determine the availability of data from the **previous six (6) years**.
    - The **Prison Education Program Assessment Rubric** will be provided by Dale Matusevich.
  - Upon receipt, GACEC staff will disseminate all data to the Committee.
  - Committee members will review the data to identify **trends, barriers, and unmet needs** within the prison education system, in alignment with GACEC’s statutory responsibilities.
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### 2. Indicator Data Presentations

- Kathi Stephan attended the meeting and contributed to the discussion.
  - Indicators aligned with the ATS Committee include:
    - **Indicator 1**
    - **Indicator 2**
    - **Indicator 13**
    - **Indicator 14**
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### 3. Transition Survey Development

- The Committee reviewed the draft Transition Survey (50+ questions).
- Determined that the survey is **not suitable for dissemination** in its current form.

- Agreed next steps:
    - Committee members will review the existing draft survey (to be re-shared).
    - Identify and prioritize the **most critical focus areas**.
    - Identify **existing surveys and data sources** from other agencies and programs.
    - Consolidate and streamline relevant data for future use.
  - The Committee anticipates that full development, implementation, and analysis will occur over **3–5 years**, utilizing a phased approach.
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#### 4. Transition Cadre Resources and Dissemination

- The Transition Cadre meets monthly and serves as a valuable hub for resources, services, and supports.
- Despite strong participation, dissemination of information across LEAs and schools remains a challenge.
- Current and planned dissemination strategies include:
  - Continued distribution of the Transition Cadre newsletter.
  - Posting the newsletter on:
    - DelDHub
    - GACEC website
    - GACEC social media platforms
  - Sharing and promoting the Parent Information Center YouTube channel via:
    - Council communications
    - DelDHub
    - Social media channels
- The Committee discussed the broader question of how to ensure:
  - Consistent dissemination of transition-related resources and standardized practices.
  - Increased awareness among educators.
  - Improved access and benefit for parents and families.

## DEPARTMENT OF EDUCATION REPORT:

### 1. Key Discussion Items

#### 1.1 Dispute Resolution Feedback Timeline

Dale Matusевич referenced earlier comments from Dr. Erika Powell, noting that late-meeting discussions should remain concise. In alignment with prior coordination with Pam Weir and Bill Doolittle, it was anticipated that the discussion with Secretary Martin would exceed the allotted time, so remarks were abbreviated.

Members were reminded that resources related to dispute resolution are available.

Feedback is requested by **next Friday** to allow sufficient time for:

- Review and revisions
  - Legal counsel approval
  - Translation
  - Final posting by **July 1**
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#### 1.2 IDEA Grant Application Overview

An overview of the **Individuals with Disabilities Education Act (IDEA)** grant application was provided.

- The application format remains largely consistent with prior years.
- The section on **significant disproportionality** has been removed and replaced with an assurance, resulting in a shorter application and presentation.

#### **High-Needs Fund:**

- The high-needs fund remains in place; absence of this fund would result in an estimated **\$2–3 million loss** across the grant.
- Historically, unused funds were returned to the federal government.
- Following collaboration with technical assistance centers and multiple states, the department has identified allowable methods to **repurpose unused funds**, provided due diligence is demonstrated.
- The most recent fiscal year marked the **first time in 18 years** that funds were not returned.

#### **Funding Process Updates:**

- The high-needs funding process has transitioned from a **rolling application** to a **reimbursement-based subgrant model** with a defined spring application window.
- Approximately **\$100,000 decrease** in total funding compared to the previous federal fiscal year.
- Total funding received: approximately **\$44.2 million**
- Distribution:
  - ~\$38.5 million allocated to Local Education Agencies (LEAs)
  - ~\$500,000 reserved for high-needs funding and administrative costs

#### **Application Outcomes:**

- 6 high-needs applications were received
- 3 applications were approved
- Several districts withdrew applications due to process complexity and compliance requirements

#### **Maintenance of Effort (MOE):**

- Over the past 10 years, the state has **more than doubled** its maintenance of effort expenditures for individuals with disabilities.
- In State Fiscal Year 2026, expenditures exceeded **\$632 million**.

### **1.3 Request for Council Feedback**

Council members were asked to provide input on priorities for **set-aside funding** retained by the department.

- Required expenditures include programs such as AIM and the SPARC contract for dispute resolution
- Additional funding decisions should align with implementation of the Secretary's strategic plan

Feedback is requested on areas where funding could best support state-level initiatives.

### **DIRECTOR'S REPORT:**

The Director reported that a detailed written report of monthly activities was distributed to members via PDF and will be included in the upcoming board and Council meeting packages.

Announcements included the implementation of weekly office hours beginning April 28, to be held every Tuesday from 10:30–11:30 a.m. Two sessions each month will include Bill Doolittle participating remotely or in person. The office hours are intended as open forums for member concerns and may include agenda topics during legislative session or additional sessions for urgent matters.

Staff will distribute a subscription link for General Assembly notifications and other state updates so members can monitor released legislation and related information. Committee chairs were asked to notify staff regarding preferred scheduling for indicator discussions and reports so coordination can occur with Dale Matusевич .

The Director reported on participation in the recent Disability Policy Seminar attended by representatives including Ann Fisher, John McNeal, Beth Mineo, and others. Discussions focused on federal-level policy changes and emphasized the importance and impact of constituent outreach and personal advocacy. Staff will provide members with resources and scripts for contacting congressional delegates and encouraged continued outreach efforts.

A new member orientation was convened and recorded for members unable to attend. Follow-up materials were distributed and staff continue assisting new members with bio-sketch submissions for the website, establishment of Delaware.gov or K–12 email accounts and access to the GACEC Teams platform.

The Director also noted that staff receive regular reports regarding Teams platform usage and stated that further discussion will occur next month regarding steps to ensure responsible stewardship of Council funds and budget resources.

### **CHAIR REPORT:**

Additional updates were provided regarding ongoing improvements to the Teams platform. Staff is currently developing a hierarchical folder structure within Teams to improve organization and make materials easier for members to locate and navigate, particularly for those who do not use the platform regularly.

It was also reported that the Council and staff are receiving an increased volume of work and requests, particularly related to legislative activities. This increase was characterized as a positive development reflecting earlier and more impactful involvement in advisory work. Members who are able to assist were thanked for their support as staff anticipates a demanding workload through the end of the legislative session.

The Chair expects to defer some non-urgent activities until the summer while prioritizing core legislative responsibilities. It was further noted that efforts are underway to improve operational

efficiency, expand Council membership, and increase training and familiarity with Council processes in order to strengthen effectiveness in future legislative sessions.

**ADJOURNMENT:** Ann Fisher made a motion that was seconded by Cassandra Pierce to adjourn the meeting. The motion passed and Bill Doolittle adjourned the meeting at 9:21 PM.

## **POLICY AND LAW MEMO**

**Date: 4/13/2026**

**Re: DRD 2026 Policy and Law Memo**

Please find below, per your request, analysis of pertinent proposed regulations and legislation identified by councils as being of interest.

### **I. Proposed Regulation**

#### **➔ PROPOSED DHSS Division of Health Care Quality Regulation 3103 Temporary Staffing Agencies, 29 Del. Reg. of Regulations 837( April 1, 2026).**

The Division of Health Care Quality (DHCQ) has published proposed regulations implementing House Bill 204 (HB 204), signed into law in September 2024, now codified at 6 Del Code §1119D.<sup>1</sup> HB 204 was intended to impose registration and other requirements on temporary staffing agencies, which are defined in 16 Del. § Code 1102 (13) as a “business entity or subdivision that provides temporary staff to a long-term care facility within this State.”

The bill and now the subsequent regulations are meant to address a regulatory gap related to these agencies. While Long Term Care (“LTC”) facilities have always used nursing agencies to fill shortages in nursing staff, utilization increased dramatically during the COVID crisis.<sup>2</sup> Utilization appeared to be higher in the Northeast and Mid-Atlantic than elsewhere.<sup>3</sup>

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<sup>1</sup> Pennsylvania passed similar legislation in 2023. <https://phca.org/news-post/governor-wolf-signs-phca-supported-legislation-that-will-hold-staffing-agencies-accountable-in-pennsylvania/>

<sup>2</sup> Bowblis JR, Brunt CS, Xu H, Applebaum R, Grabowski DC. Nursing Homes Increasingly Rely On Staffing Agencies For Direct Care Nursing. Health Aff (Millwood). 2024 Mar; <https://pmc.ncbi.nlm.nih.gov/articles/PMC10955789/>

<sup>3</sup> Pradhan R, Ghiasi A, Davlyatov G ...**Utilization of agency nursing staff in U.S. nursing homes: Trends and insights** Heliyon, 2025; [https://www.cell.com/heliyon/fulltext/S2405-8440\(25\)02081-X?\\_returnURL=https%3A%2F%2Flinkinghub.elsevier.com%2Fretrieve%2Fpii%2FS240584402502081X%3Fshowall%3Dtrue](https://www.cell.com/heliyon/fulltext/S2405-8440(25)02081-X?_returnURL=https%3A%2F%2Flinkinghub.elsevier.com%2Fretrieve%2Fpii%2FS240584402502081X%3Fshowall%3Dtrue).

There are several negative consequences of over-utilization of temporary staffing agencies. First, nursing staff from agencies are not employees of facilities. They are transient, they are not trained by the facilities themselves and have no real connection or loyalty to the institutions where they are placed, and the residents within them. Studies have demonstrated negative resident outcomes associated with utilization of transient staff.<sup>4</sup>

Second, agency staff are more expensive.<sup>5</sup> This puts more fiscal pressure on the facilities, who then cannot raise wages for permanent staff. Use of temporary staff can undermine employee retention. This is a vicious cycle. This also leads to pressure to increase Medicaid reimbursement rates, which puts pressure on the state budget.

Data now suggests that the use of agencies is trending downward (see APSE Issue Paper, fn. 5). Nevertheless, having regulations in place should increase both quality of services through appropriate oversight and more transparency regarding compensation rates and other agency activity that may destabilize the permanent LTC Facility workforce.

Turning to the proposed regulation, the state will now require that all temporary staffing agencies providing direct care services in a LTC facility register and gain approval from DHCQ. This requirement applies to any agency in operation on 1/1/26, beginning six months after publication of the final regulation. Registration requires disclosure of ownership and management and is good for one year. All records must be made available to the state.

The regulations require compliance with federal, state and local laws and codes. Interestingly, the regulation forbids agencies from requiring that their placed staff recruit new staff members from existing employees at a facility. It is worth noting that the regulation does not forbid this activity. However, this language mirrors HB 204.

The regulation also forbids agencies from restricting employment opportunities for its employees, but does not prohibit agreements regarding placement fees. This means an agency could condition placement on the payment of a fee if the person is hired by the facility. This undermines the notion that an agency can't restrict employment as the fee requirement can function as a barrier to hiring; however, these fees are typical of temporary employment agencies.

Agencies will now be required to carry malpractice insurance and maintain coverage for workers' compensation. Again, in order to better ensure quality of care, the regulation requires agencies to ensure that their employees meet state and federal qualification requirements, including any required credentialing. Agencies must maintain adequate personnel records.

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<sup>4</sup> <https://healthworkforce.ucsf.edu/file/nursing-home-instability-2025-briefpdf>

<sup>5</sup> APSE Issue Paper, <https://aspe.hhs.gov/sites/default/files/documents/0efd4ee9d0d0e9e67c5442141053d71c/contract-staff-nhs-high-after-covid.pdf>

Finally, in Section 7, DHCQ is requiring that agencies file an annual report. Of significance, the report requires total and average amounts charged for services quarterly for the annual reporting period. The report also must document compliance with licensing and credentialing of employees, including background checks.

***Recommendations:***

- 1. Council may wish to consider endorsement of the regulation as finally implementing legislation from 2024.***
- 2. It might be useful for Council to follow up with DHCQ to ask for data on current utilization of temporary agencies.***
- 3. Council may wish to use their comments as an opportunity to encourage DHCQ to support initiatives that increase the stability and quality of LTC Facility staff.***

**II. Legislation**

**→ House Bill 300<sup>6</sup>**

This bill, sponsored by Rep. Melanie Ross Levin and Sen. Laura Sturgeon, creates a Title IX Coordinator in the Delaware Department of Education (DDOE). This bill has a fiscal note in the amount of \$155,736 annually with a one-time cost of \$7,300. The stated purpose of this position is to provide “statewide support, guidance, and oversight related to and providing for compliance with the federal Title IX of the Education Amendments of 1972,<sup>7</sup> which is a federal anti-sex discrimination law. This position focuses on Title IX as it relates to Delaware schools serving grades 6-12.

According to a press release about HB 300, the bill is “an effort to improve equity in school athletics and ensure Delaware schools are compliant with federal law”.<sup>8</sup> According to Rep. Ross Levin, “Every young person deserves the chance to compete, grow, and benefit from the teamwork and confidence that athletics provide,” and she continued,

Title IX created those opportunities for millions of women and girls over the past five decades, but its promise is not automatically realized. Schools often want to do the right thing, but may not always have the resources or expertise to navigate evolving federal guidance. This bill ensures that schools have a partner at the state level who can provide

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<sup>6</sup> <https://legis.delaware.gov/BillDetail?LegislationId=142890>

<sup>7</sup> 20 U.S.C. § 1681, et seq.

<sup>8</sup> <https://housedems.delaware.gov/2026/03/05/ross-levin-bill-would-create-statewide-coordinator-to-strengthen-title-ix-oversight-and-transparency-in-delaware-schools/>

support, share best practices, and help strengthen opportunities for student athletes across Delaware.<sup>9</sup>

The duties of this position includes:

- Offering annual Title IX training, including subjects such as how Title IX applies to athletics and handling grievances;
- Providing non-legal technical assistance;
- Collecting and analyzing data to ensure statewide compliance;
- Acting as a liaison between schools and federal agencies; and
- Preparing a written report annually.

The bill requires schools to publicly post individual school data on their websites and to report data to the DDOE, including participation rates by sex in interscholastic and intramural athletics, budget and expenditure information, and other programmatic information to evaluate compliance.

The Coordinator may issue systemic or school-specific guidance or request that a particular school/district engage in a plan for improvement.

Nothing restricts the ability to use a district or school’s grievance procedure, or to file a complaint with the U.S. Department of Education. However, it does give another avenue to ensure Title IX compliance and accountability within Delaware, which may be of particular importance now with recent reports that the US DOE has been dismissing roughly 90% of complaints received.<sup>10</sup>

The bill instructs DDOE to, in collaboration with the DIAA, establish rules and regulations to implement this bill.

Lastly, the bill directs that DDOE must request sufficient funding during the annual budget process, to support the position and necessary data systems.

Due to the intersectionality of sex and disability, this issue impacts students with disabilities. “Many public health and physical educators promote physical activity of those with disabilities, particularly to increase their socialization and physical health while decreasing comorbidities. One way for individuals with disabilities to develop their physical activity is through sport.”<sup>11</sup> “Sport participation... has been demonstrated to improve one’s physical, emotional, social, spiritual, and cognitive well-being, particularly among individuals with disabilities.”<sup>12</sup>

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<sup>9</sup> Id.

<sup>10</sup> U.S. Government Accountability Office, Department of Education: Full Costs and Savings Estimate Needed for Reduction-in-Force and Restructuring of the Office of Civil Rights, Jan 29, 2026, <https://www.gao.gov/products/gao-26-108320>.

<sup>11</sup> Jen Zdroik, Cindy Piletic, and Philip Veliz, The Provision of Disability in Sport, PEDIATRICS (November 1, 2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC10996913/>.

<sup>12</sup> Id., citing Zarrett N, Veliz P, Sabo D. Teen Sport in America: Why Participation Matters. 2018; Women’s Sports Foundation. East Meadow, NY.

***Recommendation: Council may wish to support this legislation as it promotes equity in student athletics, including for those with disabilities. It also will likely be beneficial to Delaware students to have Title IX expertise and accountability given the recent rates of dismissals we are seeing from the U.S. Department of Education.***

### **III. Legislation**

#### **→ House Bill 214<sup>13</sup>**

This bill, sponsored by Rep. Kim Williams and Senator Laura Sturgeon, makes several changes to the Interagency Autism Committee and the Delaware Network for Excellence in Autism. This review focuses on changes to membership of the Interagency Autism Committee.

With respect to membership, the bill removes the Director of Autism Resources ("Autism Resources"), formerly the "Statewide Director of the Delaware Autism Program," as a member of the Interagency Autism Committee ("ICA"); in place of the Statewide Director a representative of the DDOE is now a member. Per the bill synopsis, this change is because now that Autism Resources falls under the DDOE, this change lends DDOE more flexibility in selecting a member to represent the DDOE. This Act also removes the Delaware Family Voices member, because Delaware Family Voices now falls under the Parent Information Center (PIC), who already has representation on the ICA. The bill provides for a parent or caregiver of someone with autism from each county and one individual seat for an individual with autism. In addition, under this Act the ICA or Delaware Network for Excellence in Autism (DNEA) may make recommendations on the family and self-advocate ICA positions for consideration by the Governor.

***Recommendation: Council may wish to encourage:***

- 1) an additional individual with autism seat as currently there is only one; and***
- 2) the addition of a seat for a representative from the Governor's Advisory Council for Exceptional Citizens, Developmental Disabilities Council, or State Council for Persons with Disabilities.***

#### **→ House Bill 309<sup>14</sup>**

This bill, sponsored by Rep. Kim Williams and Senator Laura Sturgeon, makes several changes in light of the transfer of the Autism Program to the Delaware Department of Education (DDOE) in 2023. This act is intended to update the code related to that transfer, and to align with DDOE's current practices. A number of the changes were made given that the employer of the program is now a State employee, so state employment hiring, retention and evaluation procedures apply

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<sup>13</sup> <https://legis.delaware.gov/BillDetail?LegislationId=142496>

<sup>14</sup> <https://legis.delaware.gov/BillDetail?LegislationId=142908>

instead. So, for example, peer review was removed from the hiring process. The Parent Advisory Council (PAC) was also removed from this legislation because there are district level PACs now.

While not explicit in the language of the bill, according to DDOE, the DDOE is maintaining SEA responsibilities for IDEA.

DRD separately made recommendations to DDOE about data reports and disallowing parents with a school-aged student from participating on the Statewide Monitoring Review Board (SMRB), and it is our understanding that an amendment will be introduced to address those two items.

This bill was not further summarized and analyzed in detail due resource restraints.

***Recommendation: Council may wish to:***

- 1) Encourage DDOE to include GACEC as a specific stakeholder;***
- 2) Support a bill amendment to add the requirement for data collection and reporting to be available publicly, and***
- 3) Support the removal of the parent of enrolled student exclusion to SMRB membership.***