



Annual Report
July 1, 2009 – June 30, 2010

Table of Contents

Overview of SCPD	1
Executive Summary of SCPD Accomplishments.....	4
Standing Committee Reports	
Policy and Law	6
Housing	12
Brain Injury	15
Appendices	
Appendix A.....	A-1
Appendix B.....	B-1
Appendix C.....	C-1

HISTORY

The State Council for Persons with Disabilities (SCPD) was originally established in 1980 as the Advisory Council for the Coordination of Services to the Handicapped under Title 16, Chapter 94 of the Delaware Code to promote better coordination of State services related to persons with disabilities. The name was changed in 1990 to the State Council for Persons with Disabilities. In July 1992, Governor Michael N. Castle dismantled the Department of Community Affairs (the original administrative home of SCPD) and transferred the Council and the Office of Handicapped Services to the Department of Administrative Services, Division of Administration. On July 10, 1995, legislation was passed that changed the name of the Office of Handicapped Services to the Office of Disability Affairs. On July 3, 1997, legislation was passed that updated the activities and expanded the membership of SCPD. In 2005, Governor Ruth Ann Minner dissolved the Department of Administrative Services and the Council was moved to the Department of State. In July 2006, SCPD was housed in the Department of Safety and Homeland Security (DSHS) where its duties and responsibilities are currently under Title 29, Section 8210 of the Delaware Code.

MISSION

The mission of SCPD is to unite, in one Council, disability advocates and State agency policymakers to ensure that individuals with disabilities are empowered to become fully integrated within the community.

RESPONSIBILITIES

The State Council for Persons with Disabilities is currently charged in Title 29, Section 8210 of the Delaware Code with the following duties and responsibilities:

- Promote coordination among State programs, services and plans established for or related to persons with disabilities;
- Review, on a continuing basis, all State policies, plans, programs and activities concerning persons with disabilities which are conducted or assisted, in whole or part, by State departments, agencies, or funds in order to determine whether such policies, programs, plans, and activities effectively meet the needs of persons with disabilities;
- Make recommendations to the Governor, the General Assembly and all State departments and agencies respecting ways to improve the administration of services for persons with disabilities, and for facilitating the implementation of new or expanded programs;
- Provide the Governor, the General Assembly, all interested agencies and the general public with review and comment on all State legislative proposals affecting persons with disabilities;

- Serve as a central State clearinghouse for information and data regarding the current numbers of persons with disabilities and their needs; the location, provision, and availability of services and programs for persons with disabilities; and any other relevant information and data about persons with disabilities which the Council deems appropriate;
- Prepare and submit to the Governor and the General Assembly an annual report of the activities of the Council and a status on services and programs for persons with disabilities;
- Provide policymakers and the general public with analyses and recommendations on federal and local governmental legislation, regulations and policies affecting State programs and persons with disabilities; and
- Propose and promote legislation, regulations and policies to improve the well-being of persons with disabilities.

DEFINITION

In compliance with the Americans with Disabilities Act (ADA) definition, "Persons with Disabilities" means any individual who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. An individual must be affected in at least one of these ways.

The terms "physical or mental impairment", "major life activities" and "substantially limits", as used above, shall mean those conditions defined and promulgated by the ADA.

BUDGET

The SCPD budget traditionally consisted of two FTEs (full-time equivalents) – the Director (Senior Social Services Administrator) and an Administrative Support Specialist II. In FY 10, the FTE for the Administrative Support Specialist II was eliminated with a retirement and replaced with an already existing casual/seasonal position within the DSHS Office of the Secretary. The SCPD budget, aside from salaries, is as follows:

- Contractual Services - \$13,900
- Supplies - \$1300
- Travel - \$1000

This funding supports SCPD, the Council on Deaf & Hard of Hearing Equality and the position of ADA Coordinator, all of which are housed under the Office of Disability Affairs within the Department of Safety & Homeland Security.

MEMBERSHIP

This Council consists of the following members as specified in Title 29 Section 8210 of the Delaware Code:

- The Secretary of the Department of Health & Social Services, or the Secretary's designee;
- The Secretary of the Department of Labor, or the Secretary's designee;
- The Secretary of the Department of Education, or the Secretary's designee;
- The Secretary of the Department of Services for Children, Youth and Their Families, or the Secretary's designee;
- The Governor's Advisory Council for Exceptional Citizens;
- The Developmental Disabilities Council;
- The Governor's Committee on Employment of Persons with Disabilities;
- The Advisory Council to the Division of Developmental Disabilities Services;
- The Advisory Council to the Division of Substance Abuse and Mental Health;
- The Architectural Accessibility Board;
- The Delaware Transit Corporation;
- The Council on Services for Aging and Adults with Physical Disabilities;
- The Council on Public Health;
- The Council on Deaf and Hard of Hearing Equality;
- The Criminal Justice Council;
- The State Rehabilitation Council;
- Other councils, committees, agencies and organizations as approved by both the State Council for Persons with Disabilities and the affected council, committee, agency or organization; and
- Individuals appointed by Council to ensure that at least 50% of the total membership are individuals with disabilities or family members with disabilities. At least 33% of the total membership shall be composed of individuals with disabilities.

CONTACT INFORMATION

State Council for Persons with Disabilities
410 Federal Street – Suite 1
Dover, DE 19901
Phone: (302) 739-3620
TTY: (302) 739-3699
Fax: (302) 739-6704
E-Mail: Kyle.Hodges@state.de.us
Website: <http://scpd.delaware.gov>

EXECUTIVE SUMMARY

The State Council for Persons with Disabilities (SCPD) is pleased to report on its activities and accomplishments for FY 2010. The following information is provided as Council's Executive Summary and is followed by SCPD's Standing Committee reports.

The SCPD Policy & Law Committee reviewed and/or provided comment on 103 proposed and final regulations, 31 State bills, 2 Federal bills, 3 Executive Orders and many other policies which impact persons with disabilities (see Appendix 1). SCPD's comments effected at least 34 amendments in these contexts. The Council initiated the passage of S.B. 285 which promotes the accessibility of polling locations; approached the General Assembly on the accessibility of public accommodations and thus strongly promoted H.B. 237 which requires business and other establishments to have automatic doors or accessible call buttons; and was actively involved in the activities surrounding the passage of important pieces of legislation [e.g. H.B. 283 (rights for children who are Deaf), H.B. 328 (Free Appropriate Public Education), H.B. 345 (American Sign Language as a World Language), H.S. 1 to H.B. 348 (enhanced protections for "vulnerable" adults), H.B. 351 (Aging & Disability Resource Center) and S.B. 184 (Telecommunications Advisory Committee)].

The SCPD Brain Injury Committee (BIC) collaborated with the Division of Public Health (DPH) on a TBI Action Plan for Delaware. The Division of Services for Aging & Adults with Physical Disabilities (DSAAPD) provided BIC with several overviews regarding the proposal to combine its Assisted Living (AL), Elderly & Disabled (E&D), and Acquired Brain Injury (ABI) waivers into one home and community-based services waiver. Several amendments to the waiver were made based on SCPD commentary. BIC reviewed and provided input to the evaluation conducted by a consultant hired by DPH regarding the TBI Planning Grant which was awarded to DPH in April 2006 and ended in March 2009. BIC collaborated with the Delaware Interscholastic Athletic Association (DIAA) to promote stricter guidelines regarding concussions and when an athlete is allowed to return to play. BIC will monitor this issue in FY 11. BIC monitors the Family Ambassador Program through AI DuPont as a result of it being the advisory committee for the TBI implementation grant which originally funded the development of this project. BIC also addressed the following issues: American Psychological Association (APA) model licensing law & school psychologists; Delaware Senior Safety Campaign; Delaware's Teen Driver Campaign; employment networks; insurance coverage for TBI related services; and baseline testing for athletes.

The SCPD Housing Committee also serves as the Housing Committee under the Commission on Community-Based Alternatives for Individuals with Disabilities which was created in 2003 by Executive Order 50. The committee's priority was to develop and update a five-year strategic plan. The overall goal is to ensure a sufficient number of safe, affordable, integrated, and accessible housing options with the following objectives: 1) establish a coordinated system to develop, administer, and implement housing programs for individuals with disabilities; 2) create a directory of rental opportunities; 3) maintain a stock of vouchers and affordable housing units; 4) create new housing options; 5) increase access to homeownership; 6) develop and implement DSAAPD housing options; and 7) ensure a

range of in-home services and supports. The Housing Committee was also involved in, or addressed, the following areas: universal design, low income housing tax credits, housing legislation, and Notice of Funding Availability (NOFA).

SCPD was represented on the following groups in FY 2010: Center for Disabilities Studies Community Advisory Committee; LIFE Conference Planning Committee; Governor's Commission on Community-Based Alternatives for Individuals with Disabilities; Healthy Delawareans with Disabilities; Universal Design Coalition; Protection & Advocacy for Individual with Mental Illness; Protection & Advocacy for Individual Rights; Delaware Coalition for the ADA; Elderly & Disabled Transit Advisory Committee; Region III DBTAC ADA Coalition; Delaware Interagency Council on Homelessness; Nursing Home Residents Quality Assurance Commission; Freedom Center for Independent Living; Emergency Preparedness Committee; Money Follows the Person Committee; Delaware Foundation Reaching Citizens with Cognitive Disabilities; GACEC Accessible Recreation Committee; GACEC Restraints and Seclusion Ad Hoc Committee; GACEC Needs Based Funding Ad Hoc Committee; ECT (Electroconvulsive Therapy) Committee; Division of Services for Aging and Adults with Physical Disabilities' Aging and Disability Resource Center Grant – Lead Partner; and the Advisory Council for the Personal Attendant Services Program.

In FY 10, SCPD was asked by DSAAPD to be a lead partner with the Delaware Aging and Disability Resource Center (ADRC). The ADRC is a one-stop access point for information and services for older persons and adults with physical disabilities throughout the State. The ADRC helps individuals learn more about available resources, helps people decide which services are best, and assists in finding those services.

SCPD held its Annual Luncheon on November 16, 2009 with a presentation by Ms. Rita Landgraf, Secretary of the Department of Health & Social Services (DHSS), and the Department's Division Directors. The presentation focused on the DHSS budget and impact on services for persons with disabilities. SCPD presented the "Custie" Award to John and Margie Goodier. The award is presented to individuals who have made a significant impact on the lives of individuals with disabilities and their families.

The 12th Annual LIFE Conference was held on January 21, 2010. At the SCPD Luncheon, Legislative Awards were presented to Senator Bethany Hall-Long, Representative Valerie Longhurst, and Representative Richard Cathcart. The Lifetime Achievement Award was presented to Mr. Robert Osgood.

SCPD partnered with other organizations on the 3rd Annual Disability Advocacy Day which was held on March 24, 2010 at Legislative Hall. This event has been held in different venues over the years, but the intent is always the same - to meet and build relationships with members of the General Assembly and educate legislators on critical disability issues.

POLICY & LAW COMMITTEE

In FY 10, SCPD reviewed and/or provided comment on 103 proposed and final regulations; 31 State bills; 2 Federal bills; and 3 Executive Orders, in addition to other policies which impact persons with disabilities. SCPD's comments effected at least 34 amendments in these contexts. Highlights regarding legislation, regulations or public policies are as follows.

S.B. 285 (Polling Place Accessibility) - Federal laws require polling sites used in federal elections to be accessible. Delaware State law is consistent and explicitly requires county departments of election to designate only "readily accessible polling places". Despite federal and State law, there are occasions in which once-accessible sites have deteriorated (e.g. concrete ramp develops holes or loose railing from use of salt in winter) or building configurations have changed.

The Disabilities Law Program (DLP) drafted legislation for SCPD which was approved by the Architectural Accessibility Board (AAB). The bill provides an additional resource to promote accessibility of polling locations. If a department of election were uncertain of the accessibility of a polling place, it could send a referral to the expert AAB. The Board would conduct a site review and share its findings with the department. Departments of Election would likewise send a referral to the AAB upon receipt of a written notice of a deficiency from the State Council for Persons with Disabilities or a registered voter. This bill leverages resources by having an existing Board with expertise in accessibility conduct an assessment at no additional public cost. To ensure the Board's capacity to absorb the potential extra work, referrals are capped at 5 per department per year. Departments could exceed the cap only with the consent of the Board.

SCPD reviewed drafts of the legislation and shared the final draft with the Commissioner of Elections for the purpose of soliciting endorsement. The Commissioner did not proactively promote the legislation throughout the process, but agreed with the concept of the bill. SCPD solicited the prime sponsors, co-prime sponsors and co-sponsors of the bill, and interacted with legislative staff. SCPD did research in anticipation of questions, attended legislative committee meetings, responded to questions and provided testimony at the Senate Committee Hearing. In addition, SCPD ensured passage in the House by working with the House prime sponsor during the end of the legislative session. The outcome was that the legislation, signed by the Governor on July 27, 2010, improved access to polling locations.

H.B. 237 - SCPD had approached the General Assembly to introduce legislation which would require businesses and other places of public accommodation to be equipped with automatic doors to make the main entrances of buildings accessible to persons with disabilities. Representative John Viola introduced such legislation for new construction to be effective January 1, 2011. Opponents of the legislation argued that that it would cost too much and maintenance costs would increase. SCPD believes the costs would not be an undue burden to businesses and that it would actually generate more revenue given the increased business. However, to ensure passage, an amendment was added that allowed businesses to use either automatic doors or accessible calling devices to make the main entrances of buildings accessible. The legislation was signed on July 9, 2010.

H.B. 348 and H.S. 1 to H.B. 348 – This legislation is intended to provide greater protections for Delaware’s “vulnerable” individuals by increasing penalties for crimes committed against them. SCPD collaborated with the Division of Long Term Care Residents Protection (DLTCRP) in the context of the definition of “vulnerable adult” and doubling of sentences. This resulted in the introduction of the substitute bill by Representative Valerie Longhurst. SCPD endorsed H.S. 1 to H.B. 348 since people with disabilities and the elderly are disproportionately at risk of physical, emotional and/or financial exploitation. The legislation was signed on July 16, 2010.

H.B. 351 - creates the ADRC within DSAAPD, replacing the current Elder Care Information and Support System for Delaware Families. As a lead partner, SCPD provided recommendations to the Division which resulted in an amendment that clarified the intent to assist in the provision of community-based supports and allows for the activities of the ADRC to be expanded in the future without the need for subsequent legislation. The legislation was signed on May 14, 2010.

Private Duty Nursing (PDN) Regulations – SCPD and other organizations met with DHSS in August 2009 to object to the eight-hour daily cap on adult private duty nursing hours. In addition, the regulations are strict in not allowing banking of hours and there are no exceptions to the cap. After discussion on the negative impact on persons with disabilities and national litigation in this context, DHSS agreed to allow banking of hours, interpret the existing PDN regulations to allow exceptions to the cap, and revise the regulations to make the cap for adults the same as children (16 hours). The proposed changes to the regulations were not formally published by the end of FY 10. SCPD is monitoring this issue closely.

DHSS Consolidation of Waivers – The Division of Services for Aging & Adults with Physical Disabilities (DSAAPD) provided SCPD with several overviews during FY 10 of the proposal to combine its Assisted Living (AL), Elderly & Disabled (E&D), and Acquired Brain Injury (ABI) into one home and community-based services waiver. Several amendments to the waiver were made based on SCPD commentary. The regulations are to be published for formal comment in early FY 11 with an implementation date of December 2010.

Building Partnerships Initiative (BPI) – SCPD became a stakeholder in the Delaware Building Partnerships for the Protection of Persons with Disabilities Initiative (BPI) which was a 2008 two-year project funded by the Office for Victims of Crime (OVC, U.S. DOJ) and was administered by Delaware’s Criminal Justice Council (CJC). The purpose of the project was to replicate the Massachusetts BPI project which links law enforcement, adult protection and human services, creating a multi-disciplinary approach to violence committed against persons with disabilities. One goal was to implement procedures to track crimes against individuals with disabilities. This goal was achieved by a three-step process where first the Delaware Criminal Justice Information System (DELJIS) modified its statewide criminal justice database and law enforcement reporting so that it is now a mandatory police procedure to report if the victim initiating a crime report has a disability. The second step consisted of the Delaware Statistical Analysis Center conducting the data analysis and

presentation of victimization patterns and policy implications. This information was then compiled by CJC staff into the report entitled Persons with Disabilities as Victims of Crimes: Delaware 2010. As the nation's first state level study of victimization of persons with disabilities, this report has earned national attention.

Given that the BPI Project ended in September 2010, SCPD is collaborating with BPI to determine a path forward for establishing the routine ongoing data collection, analysis and publication of this valuable report. The State Council for Persons with Disabilities (SCPD) has been an active BPI stakeholder and is the appropriate agency to manage this project given its mandated responsibilities, membership, and organizational structure. A Council objective for FY 11 is to secure funding for this project.

FY 11 Educational Block Grant Funding – SCPD collaborated with the Developmental Disabilities Council (DDC), the Governor's Advisory Council for Exceptional Citizens (GACEC) and the DLP regarding concerns with a flex-spending plan for five districts approved by the Joint Finance Committee (JFC) and included in the Grant-in-Aid Budget Bill. The five districts would have received "grant" funding which would allow them to spend the money where they see fit instead of utilizing the funding specified by line items in the budget. This could have diluted programs designated for students with disabilities. GACEC, with formal support of DDC and SCPD, sent a letter to the JFC, and SCPD and DDC shared the information and concerns with legislators who refused to support the bill unless "special needs programs" were ensured funding instead of having to compete with other programs. As a result, the flex-spending plan was stricken from the budget so there would be no reduction in services for students with disabilities.

Collaboration with Council for Deaf & Hard of Hearing Equality - The Council for Deaf & Hard of Hearing Equality (CODHHE) is an active member of SCPD. In addition, the SCPD Director also provides staff support for CODHHE. Therefore, these organizations collaborate on important issues which impact individuals who are Deaf and Hard of Hearing. The groups collaborated on the following issues.

- Interpreter Regulations – CODHHE established an ad hoc committee in August 2009 to review and amend the current "Interpreter/Tutor" regulations since school districts are hiring people who are not qualified under the current requirements of the Interpreter/ Tutor regulations (14 Admin. Code, Section 764) and placing them in an Interpreter role. In addition, school districts are hiring individuals to act as Interpreter/Tutors who are actually paraprofessionals or teachers' aides who lack the sign language skills, experience and qualifications to interpret in an educational setting. The paraprofessional or aide is trying to do the job of an Interpreter without the experience, skill or pay of an Interpreter. Another concern is in Section 3.2 of the aforementioned regulations regarding the requirement that an Interpreter/Tutor may be a person who "maintains a current and valid license and is certified as a Teacher of the Hearing Impaired." Being a licensed and certified Teacher of the Deaf is not a guarantee that the individual has sign language skills sufficient to interpret in an educational setting. Proposed amendments are to be provided to the Department of Education (DOE) in early FY 11.

- H.B. 283 – SCPD and CODHHE actively participated in meetings with Delaware Families for Hands & Voices to provide recommendations regarding draft legislation which creates certain rights for children who are deaf or hard of hearing in the Delaware School System. The bill was introduced on May 27, 2010 and had passed both the House and Senate as of June 30, 2010. The legislation was signed on September 10, 2010.
- S.B. 184 - Recommendations were provided to legislative staff regarding the membership and duties of the Telecommunications Relay Service Advisory Committee. The recommendations were adopted and the legislation was signed on June 28, 2010.

Listening and Spoken Language Program for Individuals who are Deaf & Hard of Hearing – SCPD received a presentation in March 2010 on the education of Delaware children with hearing loss by *Making Language Choices Available to Delaware Families of Children with Hearing Loss (also known as Choices)* members Dr. Roberta Golinkoff and Dr. Mia Papas. The main concern was that Delaware does not have a specific auditory/oral program that teaches deaf and hard of hearing children to listen and speak. Delaware's newborn hearing screening program and the availability of cochlear implantation for children as young as 12 months of age now make it possible for most children who are born deaf to attain typical oral and aural language provided such children receive intensive auditory/oral therapy as soon as possible after they are implanted. Council wrote a March 25, 2010 letter with questions and concerns and the Department of Education (DOE) replied in a May 18th letter. In addition, SCPD received a presentation in May 2010 from Dr. Della Thomas, Ms. Tina Fredrickson and Ms. Debra Trapani regarding Statewide Programs for the Deaf, Hard of Hearing and Deaf Blind in May 2010. Given the interests in this issue, it is the intent to establish an inclusive advisory committee in Fall 2010 which will include SCPD representation.

JEVS (Jewish Employment and Vocational Services) Common Paymaster Issue – SCPD serves as the Advisory Council for the Community-Based Attendant Services program established by Chapter 94 of Title 16 and administered by DSAAPD. JEVS is one of two providers in the state contracted by the Division to provide services. JEVS would like the option to provide fiscal services to participants in the program since it has determined that participants in the self-directed program have made errors on a consistent basis (even with JEVS assistance) when filing unemployment compensation taxes, filing federal employment taxes, managing bank accounts, paying employee wages, and managing worker's compensation. These errors result in risks to consumers and could be minimized or eliminated if JEVS acted as the fiscal agent. PAS participants would still have full control to direct their own care and operations as employer (e.g. hiring, firing of attendants.). JEVS would simply offer to manage the fiscal aspect and it would still be the participant's choice whether they want to use the fiscal services of JEVS or manage it themselves. JEVS currently provides fiscal services to approximately 3,700 people in Pennsylvania and would like to be able to perform this service in Delaware. JEVS solicited the Council's support so it could function as a fiscal agent for the participants in the program if they choose.

Currently, there are "Common Paymaster" provisions in the Department of Labor (DOL) and Division of Revenue policies which prohibit this alternative. Council endorsed the waiver of the "common paymaster" provision given that the consumer still has choice and recommended that JEVS poll its participants in the program to determine if they would like this as an option. JEVS did survey the participants and the results were extremely positive. SCPD is monitoring this issue with the intent that this option be provided when the consolidation of the waivers is implemented in December 2010.

DART/Verizon Wireless Transit Link Pilot Program - H.R. 28 passed on June 16, 2009 and created a three-month pilot program to provide cell phones with limited service to 25 individuals who rely on DART paratransit services and who are at risk of adverse health and emotional outcomes in the event of delayed or missed service appointments. Cell phone service was limited to dialing DART Reservations and 911 in the event of an emergency. SCPD collaborated with the Representative Valerie Longhurst, AARP, Verizon Wireless, DDC, the Delaware Transit Corporation and GACEC to coordinate the program and "kick off" in September 2009. The program was a success as participants in the pilot reported that they felt safer and had a better quality of life. In addition, DTC reported a cost savings from "no-shows" (when a rider fails to show for a scheduled pick-up). While the pilot was a success, it was agreed not to continue the program since similar services are provided through "Safelink Wireless" service which is a U.S. government supported program for income eligible households. In order to participate in the program, persons must meet certain eligibility requirements set by each State where the service is to be provided. These requirements are based on a person's participation in state or federal support programs (e.g. Food Stamps, Medicaid) or by meeting the Income Poverty Guidelines as defined by the U.S. Government. SCPD has suggested that the ADRC provide information regarding this program or "house" the phones for access by persons in need of such service.

Medicaid for Workers with Disabilities (MWD) – SCPD monitors this program which was implemented by the Division of Medicaid & Medical Assistance (DMMA) on October 1, 2009 and expands employment opportunities for individuals with disabilities who want to seek and maintain competitive employment. Under the program, individuals with disabilities will be able to go to work without losing their health benefits and they could obtain Medicaid based on a sliding-fee scale. As of March 2010, DMMA reported the following:

- Number of "inquiries" - 11
- Number of applications - 6
- Number of applications approved - 4
- Number of applications denied - 1 (exceeding unearned income limit)
- Number of applications pending - 1

SCPD believed the numbers were low and recommended that the Division increase its marketing and outreach efforts to maximize the potential impact of program. DMMA developed a brochure regarding the MWD program.

SCPD promoted adoption of a more liberal unearned income limit for the MWD program. In response, DMMA increased the monthly earned income subject to annual increases based on the Social Security Administration Cost of Living Adjustment. This is very favorable to applicants.

Personal Attendant Services (PAS) Program – SCPD has served as the Advisory Council for this program since legislation was passed in 2001 mandating a statewide program. A portion of funding (\$760,000) for the PAS program comes from the Delaware Health Fund Advisory Committee (DHFAC) and is utilized by DSAAPD. The Division contracts with Easter Seals and JEVS to administer both its state funded and tobacco funded PAS programs and the Division manages the contracts as two separate funding sources. The PAS program has enjoyed broad support from major disability organizations and the General Assembly. In FY 10, DSAAPD reported that the program was serving 77 clients with the annual \$760,000 in “tobacco” funding with 60 people on the waiting list. In FY 10, DHFAC asked recipients of current tobacco funds to assess the results of a 25 percent reduction in funding as it relates to the impact of services. DSAAPD reported that such a reduction in tobacco funds would result in the loss of 13,100 service hours per year, or 252 hours per week. That would translate to either the removal of 13 people from the program, or an across-the-board reduction of 3.6 hours per client per week. Any reduction in funding for this vital service would have forced participants to one of two significantly more costly and less desirable alternatives (i.e. home-based personal care or institutional care). While SCPD recognized that the State was facing a deficit in FY 11 which could restrict funding for many valuable programs, Council encouraged DHFAC to, at a minimum, fund the PAS program at its current level. The FY 11 budget bill approved by the General Assembly provided the current level of funding.

SCPD also effected substantial amendments to DSAAPD’s policies which implement the PAS program in the following areas: Service Definition, Eligibility, Activities, Units, Standards, Administration, Monitoring and Guardianship.

HOUSING COMMITTEE

The Housing Committee's vision is that every person in the State of Delaware with a disability has the opportunity to live in safe, affordable housing that is accessible and integrated in the community with appropriate support services. The Housing Committee also serves as a Committee under the Commission on Community-Based Alternatives for Individuals with Disabilities which was created in 2003 by Executive Order 50. The Housing Committee addressed the following issues in FY 10.

Commission Report – The committee's responsibility was to develop and update a five-year strategic plan which provides goals, objectives, owners and timelines. The overall goal is to ensure a sufficient number of safe, affordable, integrated, and accessible housing options with the following objectives:

- Establish a coordinated system to develop, administer, and implement housing programs for individuals with disabilities;
- Create a directory of rental opportunities;
- Maintain stock of vouchers and affordable housing units;
- Create new housing options;
- Increase access to homeownership;
- Develop and implement Division of Services for Aging & Adults with Physical Disabilities housing options; and
- Ensure range of in-home services and supports.

Priorities include the development of a specific number of housing units for people with disabilities, the need for a statewide voucher system and the removal of specific barriers to accomplish these goals.

Universal Design – SCPD is a member of the Universal Design Coalition created by the Developmental Disabilities Council (DDC) which encourages the State and builders to incorporate "universal design" standards. According to the Center for Universal Design at North Carolina State University, universal design is housing for the lifespan of all people. The intent of the universal design concept is to simplify life for everyone by making more housing usable by more people at little or no extra cost. Universal design is an approach that incorporates products as well as building features and elements which, to the greatest extent possible, can be used by everyone. SCPD strongly endorsed H.B. 426 which requires that all newly constructed dwelling units using public financial assistance be built using universal design standards. The bill did not pass and SCPD is on a "working group" to determine needed language to ensure passage of the bill in FY 11.

Housing Website - The Committee collaborated with The Arc of Delaware on a website that The Arc developed through DDC funding. The Housing Committee provided recommendation on the website regarding housing options for people with disabilities.

Low-Income Housing Tax Credits – The Committee was successful in its FY 09 recommendation that accessibility features be included as a “qualifier” for a low-income housing tax credit under the Qualified Allocation Plan. As background, 5 percent of units receiving public financial assistance are required to be accessible. To encourage builders to develop more accessible units, the Committee recommended awarding points or tax credits to developers who exceed these requirements. Awarding points serves as an incentive for developers since DSHA awards credits based on a competitive basis. This was implemented in FY 10.

Delaware’s Downside – In 1988, a group of agencies produced a report titled *Delaware’s Downside* which was a pictorial study of low-income housing in Delaware grouped by State Senatorial districts that included some facts in this context about that senatorial district. The Homeless Planning Council led an initiative which included the Housing Committee, the DE Housing Coalition, the DE HIV Consortium, and DelARF to update this publication. The project was postponed due to lack of funding and will be revisited at the appropriate time.

CLASI Fair Housing Project – The Disabilities Law Program (DLP) provided a presentation and materials on the Community Legal Aid Society, Inc.’s (CLASI) Fair Housing Program. CLASI received a HUD grant in FY 09 for fair housing advocacy. The project addresses housing discrimination with an emphasis on protecting people with disabilities. DLP also provided updates about reasonable accommodations and some of the current issues that were referred to the project.

DSAAPD Housing Position – The Housing Committee had recommended in the five-year Strategic Plan that the DSAAPD employ a Housing Coordinator similar to other divisions. The Department of Health and Social Services (DHSS) implemented that recommendation in FY 10 by moving a position from the Division of Management Services (DMS) to DSAAPD. While SCPD is supportive of the move, Council has been monitoring the transition to ensure that the position will still have systemic coordinating responsibilities and not be limited to just that particular constituency. To this end, the transition has been successful.

Legislation – The Committee reviewed and/or commented on the following bills related to housing:

- H.B. 29 - Stays the provisions of New Castle County’s workforce housing ordinance for six (6) months in order to allow the General Assembly to carefully study and address any issues created by the ordinance. This came out of the House Housing & Community Affairs Committee on January 21, 2009.
- H.B. 30 - Increases the Voluntary School Assessment fee paid by developers to more accurately reflect current school construction costs. In addition, the bill raises the cap on the Voluntary School Assessment to 6 percent of the total cost of a residential unit. This was in the Senate Education Committee on January 26, 2010.

- H.B. 79 - Allows New Castle County Council to consider how highway and road capacity may affect residential development as part of the Council's review of a subdivision application. This was in the House Housing & Community Affairs Committee on March 10, 2009.
- H.B. 80 - Gives veto power to the Department of Transportation or the Department of Education if the Department objects to a rezoning or subdivision application and cannot resolve the objection with New Castle County Council or with its designated local planning agency. This was in the House Housing & Community Affairs Committee on March 10, 2009.
- H.B. 82 - Requires that buyers of homes in a residential subdivision containing two or more units of workforce housing must be given written disclosure regarding the impact of workforce housing. SCPD opposed the bill and it was in the House Housing & Community Affairs Committee on March 10, 2009.
- S.B. 59 - Updates building code requirements for energy efficiency that will ensure that Delaware receives its full share of Federal Stimulus dollars. SCPD endorsed the bill and it was signed in July 2009.
- S. 1481 – This is called the Frank Melville Supportive Housing Investment Act of 2009. SCPD endorsed the legislation which would overhaul the Section 811 Supportive Housing for Persons with Disabilities program. The bill was signed by President Obama.

Delaware State Housing Authority (DSHA) – The Housing Committee received a presentation from DSHA Director Anas Ben Addi regarding its projects, goals and objectives, and how we can collaborate on issues of mutual interest.

Notice of Funding Availability (NOFA) - HUD issued a NOFA (Notice of Funding Availability) to Public Housing Authorities (PHAs) for vouchers that are specifically for people exiting institutions and for people with disabilities who are at risk of going into institutions. It does not appear that PHAs in Delaware have a preference for people with disabilities which is needed to apply for the vouchers. DSHA coordinated a meeting with the Wilmington Housing Authority and New Castle County to strategize on the best method to apply for the vouchers and it appeared the PHAs would apply. However, the result was that DSHA was the only PHA to apply for the vouchers. DSHA's application was not approved.

Working Group Activities – The Housing Committee developed a “working group” which includes The Arc, HIV Consortium, WSFS, Delaware Housing Coalition and the Homeless Planning Council in addition to the Committee's Co-chair and staff. This group has been meeting on a regular basis and collaborated with DSHA and DHSS to discuss the need for data collection (i.e. a disability specific needs assessment), a comprehensive planning process and better collaboration by all the entities that address housing. A collaborative

Housing Policy Academy is tentatively being coordinated by DHSS and the Centers for Medicare & Medicaid Services for FY 11.

BRAIN INJURY COMMITTEE

The Brain Injury Committee's (BIC) mission is to improve the lives of Delawareans with brain injury by providing the following: 1) a forum for the sharing and analysis of information; 2) a network to identify and facilitate acquisition of enhanced resources; 3) a technical assistance provider to educate public and private policymakers; and 4) an advocacy agency to promote a consumer-oriented, effective injury and prevention service delivery system. BIC addressed the following issues in FY 10.

TBI Action Plan – BIC worked closely with the Division of Public Health during FY 09 and FY 10 in developing a TBI Action Plan for Delaware. Implementation of the action plan will take active contributions and collaboration from a diverse group of agencies and organizations who serve individuals impacted by TBI. Specific workplans will be developed by organizations who agree to carryout strategic priorities. Opportunities to fund action plan activities will be actively sought out by organizations represented on the Brain Injury Committee.

TBI Implementation Grant – BIC reviewed and provided input to the evaluation conducted by a consultant hired by DPH regarding the TBI Planning Grant which was awarded to DPH in April 2006 and ended in March 2009. The Objectives of the Planning Grant included the following:

- Increase awareness and knowledge of TBI among general public, individuals & families with TBI, and health care providers;
- Determine legislative, regulatory, and policy initiatives to maintain and/or increase the TBI service delivery system;
- Outreach to underserved populations throughout DE including children with TBI;
- Enhance and coordinate TBI surveillance capacity such as the development of a TBI registry as a means to determine satisfaction with service delivery; and
- Determine the budgetary needs to maintain and enhance the TBI services system including children.

DPH applied for a TBI Implementation Grant which included the TBI Action Plan and was due to begin April 1, 2009. Only 15 states were awarded grants and Delaware was not funded for this initiative. DPH again applied in FY 10 since there was another opportunity due to the American Recovery & Reinvestment Act funding. Eighteen applications were received by Health Resources and Administration (HRSA) and only 3 were funded. Delaware was once again not funded for this initiative.

DSAMH Clients with TBI & Training – The Division of Substance Abuse & Mental Health (DSAMH) provided a presentation regarding its clients with TBI. DSAMH noted there are persons receiving mental health and substance abuse services that have TBI, but they do not have an adequate process to identify them. DSAMH requested its providers to identify clients with TBI. BIC also suggested that TBI training be offered as a session at the Division's Summer Institute.

Return to Play Regulations – BIC collaborated with the Delaware Interscholastic Athletic Association (DIAA) to promote stricter guidelines regarding concussions and when an athlete is allowed to return to play. In addition, BIC encouraged appropriate training in TBI of coaches, trainers, etc. Delaware does have regulations in these contexts.

DHSS Consolidation of Waivers – DSAAPD provided BIC with several overviews during FY 09 & FY 10 regarding the proposal to combine its Assisted Living (AL), Elderly & Disabled (E&D), and Acquired Brain Injury (ABI) into one home and community-based services waiver. Several amendments to the waiver were made based on SCPD commentary. The regulations are to be published for formal comment in early FY 11 with an implementation date of December 2010. In addition, DSAAPD provided updates specifically about the ABI waiver. This waiver is underutilized since participants in the E&D waiver receive better services than offered in the ABI Waiver. Approximately 27 ABI waiver slots are being utilized out of 60.

Family Ambassador Program – The Family Ambassador Program is an educational outreach through AI DuPont about Pediatric TBI for the State of Delaware. Ambassadors are all family members of pediatric TBI survivors who are at least one year post injury. Ambassadors were paid for their time in outreach and training through the DPH grant in which BIC acted as the Advisory Council. The target audience is the medical and educational system since they represent the juncture of detection, deficit and treatment. As the bulk of injuries to this age group are concussions or mild TBI, this is the major focus, as there is considerable misunderstanding of this injury. The results are under-identification, needless suffering, misdirected or absent treatment, and risk of re-injury. BIC monitored this program as a result of it being the advisory committee for the TBI implementation grant which initially funded the development of this project.

Meeting with AI DuPont & DSAAPD – BIC coordinated efforts between AI DuPont, DSAAPD and the Committee to discuss eligibility and processes for the ABI Waiver. One concern regarding the process is what occurs when the injury happens before the age of 18. It appears that if the injury occurs before 18 and the person was applying for services after that age, DDDS would always review the application and it may take an additional two to three months to determine which agency should provide services. In other words, if the injury occurred before the age of 18, it must be “approved” by DDDS before any services by either division are provided and BIC believes this is too much additional time. A BIC objective in FY 11 will be to review the MOU between the divisions.

APA Model Licensing Law & School Psychologists - The State Council for Persons with Disabilities (SCPD) sent a letter to the American Psychological Association (APA) regarding a proposal to amend its model psychologist licensing law. SCPD endorsed the APAs proposal supporting the requirement of a doctoral degree for school psychologists. In addition, SCPD endorsed the concept of competency-based licensure in which school psychologists/clinical professionals acquire the appropriate background or special interest certification that prepares and enables them to more effectively work with students with brain injuries and other disabilities.

Delaware Senior Safety Campaign – BIC received a presentation from the Institute of Public Administration within the College of Education/Public Policy at the University of Delaware, regarding senior and transportation projects initiated by Delaware Department of Transportation (DelDOT). The focus is to make safer drivers and safer streets. The recommendations include the planning and designing of roadways, and planning and designing of public transportation. A report was produced and it covers signage, lighting, design features, and roundabouts in Delaware. As a result of their report, they received a \$50,000 grant from Roadway Safety Foundation to organize a public information education campaign around the recommendations of the report. The campaign was intended to raise awareness to individuals and families of the safety benefits and the infrastructures needed to help the older population stay on the roads as long as possible. In summary, the purpose is to educate older drivers in Delaware about safer road programs and policies designed specifically for them.

Delaware's Teen Driver Campaign – DelDOT provided a presentation on Delaware's Teen Driver Campaign which provides information, resources and tips for teen drivers and those just getting their driver's license.

Employment Networks – The Division of Vocational Rehabilitation (DVR) provided a presentation on the Ticket to Work Program. The Employment Network (EN) is a huge part of this program. ENs assist people in finding employment, provide services that help people become employed and develop individual work plans for people with disabilities, including TBI.

Virtual School Site – BIC provided information to DOE regarding a "Virtual School" website which is essentially web based technology that provides information about students with brain injuries to school personnel. As a result, DOE sent the link for the virtual school to special education directors to share with staff.

Health & Behavior Intervention Insurance Coverage - It came to BICs attention that there is a specific range of Health & Behavioral Intervention insurance codes that are designed to enable physicians to deliver behavioral, emotional and psychological services based on a medical diagnosis and not just a psychiatric diagnosis. These services are important to persons with TBI. However, insurers are refusing to cover the "codes" and people cannot get these much needed services because physicians are not getting reimbursed. BIC collaborated with DMMA, the Insurance Commissioner's Office, AI DuPont and the Disabilities Law Program to determine if the codes could be open so physicians could get reimbursed and people with TBI could get the services they need. As a result of the collaboration, DMMA "opened" all the appropriate Health & Behavioral Intervention codes except one which should greatly enhance needed services of persons with TBI.

Baseline Testing Pilot – AI DuPont provided funding for a baseline testing pilot program (which included a license and training) for three schools. The baseline testing provides a brief screening instrument designed for the neurocognitive assessment of head injuries. The pre-screening occurs prior to a season and then again at the conclusion of a season to determine any cognitive deficits. BIC recommends that this be used for all collision sports.

State

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
HB 229	Prohibits the use of cell phones while operating a motor vehicle.	Endorsed concept and suggested adding preemption provision.	2/10	HS 1 for HB 229 signed on 7/6/10.
HB 237	Requires automatic doors or call buttons in places of public accommodation.	Endorsed and provided recommendations and testimony on bill and amendment.	3/2/10	Signed on 7/9/10 w/ HA 1.
HB 281	Requires individuals convicted of felony level DUI offenses to be supervised by an electronic alcohol monitoring device.	Endorsed subject to correction of a technical error.	3/2/10	Passed House on 6/8/10.
HB 283	Creates certain rights for children who are deaf or hard of hearing in the School System.	Endorsed by CODHHE. SCPD provided testimony endorsing bill.	6/7/10	Signed on 9/10/10.
HB 298	Prohibits the use of cell phones while operating a motor vehicle.	Endorsed concept and suggested adding preemption provision.	3/2/10	House Public Safety & Homeland Security Committee on 1/7/10.
HB 302	Encourages the reporting of suspected financial exploitation of the elderly and people with disabilities.	Provided observations and recommendations.	3/2/10	House Judiciary Committee on 1/07/10.
HB 304	Provides that a person who stands in a position of trust, authority or supervision over a child who is at least 16 years old but not yet 18 years old and intentionally engages in sexual intercourse or sexual penetration with such child or an invitee or designee of such person shall have committed the offense of Rape in the 3rd degree which is a class B felony.	Endorsed bill.	3/2/10	Signed on 5/21/10 w/ HA 1.
HB 326	Clarifies that civil actions based on sexual abuse of a patient by a healthcare provider may be filed at any time after the commission of the abuse.	Endorsed subject to correction.	4/5/10	Signed w/HA2 & SA1 on 7/13/10.
HB 328	Requires courts, administrative tribunals, school districts, and schools to use the definition of "free and appropriate education" with respect to disabled children.	Strongly endorsed and provided testimony.	4/26/10	Signed on 6/17/10.
HB 343	Assures prosthetic parity for Delaware citizens who have experienced limb loss.	Endorsed concept of bill and gave technical observations.	5/6/10	Out of Appropriations Committee with HA 1 on 5/10/10.
HB 345	Recognizes American Sign Language as a World Language for purposes of school curriculum.	Strongly endorsed and provided testimony.	5/6/10	Signed 6/10/10.
HB 348	Provides greater physical, emotional and/or financial exploitation protections for Delaware's vulnerable and "infirm" adults.	Shared observations and recommendations.	5/6/10	HS 1 for HB 348 with HA3 signed on 7/16/10.

State

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
HB 350	Requires schools to seek the signature from each parent regarding updated Parents' Declaration of Responsibilities.	Endorsed subject to one amendment.	5/6/10	Stricken on 5/13/10.
HB 351	Creates the Delaware Aging and Disability Resource Center.	Provided observations.	4/15/10	Signed on 5/14/10 with SA 1.
HB 367	Requires an insurer who denies coverage for a procedure or test as medically unnecessary to reimburse an insured for all expenses if the procedure or test is proven to be medically necessary.	Endorsed with one amendment.	5/28/10	Out of Economic Dev/Banking/ Insurance/Commerce on 5/12/10.
HB 386	Requires school board members to receive training regarding special education due process hearings.	Endorsed and shared a non-critical amendment with options.	5/28/10	Signed on 6/29/10.
HB 387	Provides for certain notice provisions concerning due process hearings involving children with disabilities relating to education.	Endorsed and recommended potential amendments.	5/28/10	Signed on 6/29/10.
SB 14	Authorizes the Violent Crimes Compensation Board to compensate property crime victims for their uninsured losses in an amount up to \$2,500.	Provided observations and recommendations.	3/2/10	Passed Senate on 6/29/09 w/ SA2 Out of House Judiciary Committee on 1/13/10.
SB 122	Requires that all Delaware Psychiatric Center employees providing direct care to patients be subject to criminal background checks and drug testing.	Endorsed and provided a few potential amendments.	5/28/10	Signed on 6/15/10.
SB 162	Creates an assessment of 2% of gross receipts from any pharmacy in Delaware not participating in the Medicaid program.	Endorsed concept.	3/2/10	In Senate Finance Committee on 1/12/10.
SB 204	Provides for insurance coverage for the diagnosis and treatment of autism spectrum disorders.	Strongly endorsed and provided recommendations.	3/11/10	In Senate Finance Committee with SA 1 & SA 2 on 3/16/10 - SA 1 included Council's recommendations.
SB 221	Updates the statute regarding surgical procedures for persons receiving residential services from DDDS.	Provided recommendations to DHSS.	4/21/10	Signed on 7/15/10 with SA 1 which included Council's recommendations.

State

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
SB 225	Updates the Elections statute regarding absentee voting and associated issues.	Endorsed subject to one technical amendment.	5/10	Signed on 5/21/10.
SB 242	Requires DART to publish all route, schedule and fare information for public transit routes on a website.	Endorsed.	6/17/10	Signed on 7/12/10.
SB 243	Creates dram shop liability when a bar or restaurant intentionally or recklessly sells alcohol to an intoxicated person.	Endorsed.	6/17/10	Stricken on 6/30/10.
SB 245	Provides that student teacher candidates must undergo a criminal background check.	Endorsed subject to consideration of two amendments.	6/1/10	Signed on 7/12/10.
SB 254	Creates a State Civil Penalty Trust Fund which will enable the DLTCRP to better support community-based residential efforts.	Endorsed.	6/17/10	Signed on 6/28/10 with SA 1.
SB 255	Removes the prohibition against persons convicted of any drug felony from receiving federal food benefit assistance.	Endorsed.	6/17/10	Out of House Health & Human Development Committee on 6/9/10.
SB 261	Requires schools to seek the signature from each parent regarding an updated Parents' Declaration of Responsibilities.	Endorsed.	6/17/10	Out of House Education Committee with HA 1 on 6/16/10 Bill included language consistent with Council's recommendation on a similar bill (HB 350).
SB 264	Expands the list of possible acts for which a child could be detained in a secure facility and provides significant safeguards against abuse of detention on these grounds.	Provided observations and recommendations.	6/17/10	Signed on 7/12/10 with SA 1.
SB 285	Promotes accessibility of polling locations.	Strongly endorsed and provided testimony.	6/11/10	Signed on 7/27/10.

Federal

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
HR 1670 S. 683	Community Choice Act	Encouraged Rep. Castle, Sen. Carper and Sen. Kauffman to endorse and become a co-sponsor of this Act.	8/10/09	Many components of the Act are in the federal healthcare reform legislation as the "Community First Choice Option" which states would have to adopt.
HR 1675 S. 1481	Supportive Housing Investment Act of 2009 - Amends Section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.	Encouraged Sen. Carper and Sen. Kauffman to endorse.	11/12/09	Passed House on July 22, 2009. Passed Senate & signed by President Obama.

Review of Regulations

REGULATION NO. 13 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
47	DSS Proposed Civil Rights Program & Public Relations	Recommended an amendment to, rather than the repeal of, the regulation.	7/28/09	Final Regulation 407 published on 9/1/09. DSS agreed with SCPD's recommendations and amended the existing regulation.
93	DMMA/DSAAPD E&D Waiver Renewal Application Final Regulation	Provided observations and recommendations.	3/30/09	Final regulation was published on 7/1/09 with amendments prompted by SCPD. DSAAPD also indicated in may make consumer friendly amendments after CMS approval.
97	DSS Final Child Care Subsidy Special Needs Program	Provided observations and recommendations.	5/18/09	DSS published a final regulation on 7/1/09 with 1 amendment based on SCPD commentary.
100	DSS Final Child Care Program Absent Day Policy	Recommended clarification.	5/18/09	DSS published a final regulation on 7/1/09 which incorporated 3 amendments based on SCPD commentary.
353	DOE Proposed Child Nutrition	Provided observations regarding technical oversights and recommended that DOE consider developing more ambitious and comprehensive nutrition standards.	9/29/09	A final regulation had not been published by 7/1/10.
354	DOE Proposed Alternative Routes to Teacher Certification	Identified technical concerns.	9/29/09	DOE published final regulation 642 on 11/1/09 with 2 amendments prompted by SCPD commentary.
359	DOE Proposed Advanced License for Educators	Provided recommendations and observations.	9/29/09	DOE published final regulation 647 on 11/1/09 without accepting any SCPD recommendations.
370	DMMA Diamond State Health Plan Waiver Extension	Endorsed the proposed regulation.	9/29/09	DMMA published final regulation 653 on 11/1/09 acknowledging SCPD endorsement.
371	DMMA Medicaid for Workers with Disabilities	Endorsed the proposed regulation.	9/29/09	DMMA published final regulation 653 on 11/1/09 acknowledging SCPD endorsement.
373	DMMA "Outlier" Hospital Medicaid Reimbursement	Provided recommendations.	9/29/09	DMMA published final regulation 656 on 11/1/09 without accepting any SCPD recommendations.
375	DMMA Proposed Medicaid Pharmacy & Dialysis Reimbursement	Endorsed the proposed regulation.	9/29/09	DMMA published final regulation 658 on 11/1/09 acknowledging SCPD endorsement.
378	DSS Proposed TANF & GA Resource Limit	Endorsed proposed regulation subject to 2 amendments.	9/29/09	DSS published final regulation 663 on 11/1/09 effecting amendments addressing SCPD concerns.

Review of Regulations

REGULATION NO. 13 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
445	DOE Proposed Student Teacher Criminal Background Check	Provided observations and recommendations.	10/30/09	DOE published final regulation 843 on 12/1/09 with amendments prompted by SCPD commentary.
449	DOE Proposed School Bus Replacement Schedule	Provided observations and a technical concern.	10/30/09	DOE published final regulation 845 on 12/1/09 with amendments conforming to SCPD concerns.
450	DSS Proposed TANF Transitional Work Program Participation	Provided observations and recommendations.	10/30/09	DSS published final regulation 847 on 12/1/09 with extensive amendments based on SCPD commentary.
570	DOE Proposed School Based Intervention Services	Provided observations, objections and recommendations.	11/20/09	DOE published final regulation 1301 on 4/1/10 accepting some of the SCPD recommendations.
572	DOE Proposed Standardized Financial Reporting	Endorsed the proposed regulation subject to incorporation of a minor edit.	11/20/09	DOE published final regulation 933 on 12/1/10 acknowledging endorsement and implied effected edit (not verified).
574 and 886	DOE Proposed Citizen Budget Oversight Committee	Provided observations and recommends. Second commentary noted DOE's incorporation of amendments sent earlier and reiterated other recommendations.	11/20/09 and 1/29/10	DOE published final regulation 1203 on 3/1/10 incorporating multiple changes based on SCPD initial commentary, but without amendments based on 2 nd commentary.
578	DOE Proposed Health Education Program	Endorsed inclusion of interpersonal violence prevention program and provided other recommendations.	12/2/09	DOE published final regulation 935 on 1/1/10 acknowledging endorsement and adding term "family life education" consistent with SCPD recommendation.
580	DSS Proposed Food Supplement Program Census Income Disregard	Endorsed proposed regulation subject to one suggestion.	11/20/09	DSS published final regulation 937 on 1/1/10 adding a conforming provision.
587	Department of Insurance Proposed Health Insurance Rate	Provided observations and recommendations.	12/16/09	DOI published final regulation 939 on 1/1/10 rejecting all but 1 recommendation.
626	DelDOT Proposed Street & Highway Access	Provided observations without objections and affirmatively supported 1 provision.	12/16/09	DelDOT published final regulation 1101 on 2/1/10 acknowledging endorsement.
708	DOE Proposed Accountability	Provided observations and recommendations.	12/23/09	DOE published final regulation 1065 on 2/1/10 incorporating some amendments based on SCPD commentary.

Review of Regulations

REGULATION NO. 13 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
751	DOE Proposed FERPA	Provided observations and recommendations. Endorsed revised proposed regulations with one recommendation.	12/23/09 & 5/28/10	DOE published a revised proposed regulation 1380 on 5/1/10 incorporating amendments based on SCPD commentary. DOE published final regulation 251 on 7/1/10 rejecting SCPD recommendation.
753	DOE Proposed Education Records	Provided observations and recommendations.	12/23/09	DOE published final regulation 1075 on 2/1/10 incorporating 1 amendment based on SCPD commentary.
759	DOE Proposed Goals for Instruction & Instruction-Related Expenditures	Provided observations and recommendations.	12/23/09	DOE published final regulation 1082 on 2/1/10 incorporating some amendments based on SCPD commentary.
779	DSS Proposed Food Supplement Program Certification Period	Provided observations and recommendations.	12/23/09	DSS published final regulation 1086 on 2/1/10 with 1 amendment based on SCPD commentary.
782	DSS Proposed Child Care Subsidy Program	Provided observations and recommendations.	12/23/09	DSS published final regulation 1088 on 2/1/10 adopting amendments based on SCPD commentary.
890	DOE Proposed Tuberculosis Control	Provided observations and recommendations.	1/29/10	DOE published final regulation 1205 on 4/1/10 incorporating 4 amendments based on SCPD commentary.
894	DSS Proposed Interim Assistance Reimbursement	Provided observations and recommendations.	1/29/10	DSS published final regulation 1209 on 3/1/10 without amendments, but clarified issues raised by SCPD.
896	DSS Proposed Child Care Subsidy Program Provider Termination	Endorsed the proposed regulation.	1/29/10	DSS published final Regulation 1211 on 3/1/10 acknowledging endorsement.
985	DOE Proposed School Based Intervention Services	Endorsed with recommendations.	2/25/10	DOE published final regulation 1301 on 4/1/10 rejecting SCPD suggestions.
1002	DLTCRP Proposed Adult Abuse Registry	Provided observations and recommendations.	2/25/10	DLTCRP published final regulation 1308 on 4/1/10 with 2 amendments based on SCPD commentary.
1007	DLTCRP Proposed Long Term Care Facility Criminal Background Check	Provided one recommendation.	2/25/10	DLTCRP published final regulation 1314 on 4/1/10 with the 1 amendment based on SCPD commentary.
1009	DLTCRP Proposed Home Health Criminal Background Check	Provided one recommendation.	2/25/10	DLTCRP published final regulation 1317 on 4/1/10 with the 1 amendment based on SCPD commentary.
1013	DLTCRP Proposed Skilled & Intermediate Care Facilities	Provided observations and recommendations.	2/25/10	DLTCRP published final regulation 1322 on 4/1/10 with the 1 amendment based on SCPD commentary.

Review of Regulations

REGULATION NO. 13 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
1018	DLTCRP Proposed Assisted Living	Provided observations and recommendations.	2/25/10	DLTCRP published final regulation 1328 on 4/1/10 adopting some amendments based on SCPD commentary.
1048	DSS Proposed Child Care Subsidy Sanction	Provided one recommendation.	2/25/10	DSS published final regulation 1337 on 4/1/10 adopting SCPDs 1 recommendation.
1049	DSS Proposed Child Care Subsidy Special Need Program	Provided observations and recommendations.	2/25/10	DSS published final regulation 1088 on 2/1/10 and incorporated recommended changes.
1051	Department of Insurance Proposed Health Claim Settlement	Endorsed the proposed regulation.	2/25/10	A final regulation had not been published by 7/1/10.
1158	DOE Proposed Unit Count	Provided observations and recommendations.	3/30/10	DOE published final regulation 1452 on 5/1/10 incorporating some amendments based on SCPD commentary.
1164	DDDS Proposed Appeal Process	Provided observations and recommendations.	3/30/10	DDDS published final regulation 1458 on 5/1/10 incorporating several amendments based on SCPD commentary.
1166	DMMA Proposed Medicaid Prior Authorization	Provided observations and recommendations.	3/30/10	DMMA published final regulation 1547 on 6/1/10 without amendments.
1174	DSS Proposed Cash Assistance Overpayments & Food Supplement Program Household Claims	Provided observations and recommendations.	3/30/10	DSS published final regulation 1462 on 5/1/10 without amendments.
1174	DSS Proposed FSP Income Deduction	Endorsed the proposed regulation subject to clarification of 1 issue.	3/30/10	DSS published Final Regulation 1464 on 5/1/10 issuing an interpretation based on SCPD commentary.
1181	Department of Insurance Proposed LTC Insurance Claim Processing	Provided observations and recommendations.	3/30/10	DOI published final regulation 1465 on 5/1/10 without amendments.
1213	DOJ Final VCAP	Offered minor observations and recommendations.	3/12/10	No amendments were made.
1273	DMMA Proposed Citizenship, Alienage & Deemed Newborn	Endorsed with one minor amendment.	4/26/10	DSS published final regulation 1540 on 6/1/10 adopting the 1 amendment.
1277	DSS Proposed Food Supp. Program Income Exclusions	Provided observations and recommendations.	4/26/10	DSS published final regulation 1550 on 6/1/10 without amendments.
1279	DSS Proposed Child Care Subsidy Program Review/Recommendations	Provided 1 recommendation.	4/26/10	DSS published final regulation 1552 on 6/1/10 with the 1 amendment.

Review of Regulations

REGULATION NO. 13 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
1382	DOE Proposed K-12 School Counseling Program	Endorsed Proposed Regulation.	5/28/10	DOE published final regulation 545 on 7/1/10.
1384	DOE Proposed Gifted Student Early Admission to Kindergarten	Provided observations and recommendations.	5/28/10	A final regulation had not been published by 7/1/10.
1387	DSS – Child Care Services Authorization	Endorsed with 2 grammatical revisions.	5/28/10	A final regulation had not been published by 7/1/10.
1501	DOE Proposed Education Program for ELL Student Reg.	Endorsed	6/28/10	A final regulation had not been published by 7/1/10.
1504	DMMA Proposed Medicaid Non-Emergency Transportation	Endorsed	6/28/10	A final regulation had not been published by 7/1/10.

Executive Orders

EXECUTIVE ORDERS	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
8 Reg. 419	State Government Equal Opportunity Hiring Standards	Recommended that revisions are contemplated in the future.	11/12/09	As of 7/1/10, SCPD had not received a response.
12 Reg. 687	Supportive Workplace: Domestic Violence Victims	Notified VRTF Disability Committee of its expected role and recommended that it participate in the VRTF's provision of technical assistance to OMB to address any disability-related issues.	11/09	As of 7/1/10, SCPD had not received a response.
19 Reg. 1584	Council on Health Promotion & Disease Prevention	Issued a joint letter with CDS encouraging the inclusion of a person on the Council to be someone with knowledge of disability community.	6/25/10	As of 7/1/10, SCPD had not received a response.

Letters of Support/Other Issues

LETTER TO	SYNOPSIS	DATE
State Office of Volunteerism	Endorsed nomination for 2009 Governor's Outstanding Volunteer Award.	7/2/09
DSAAPD	Supported application for funding to establish ADRF (Aging & Disability Resource Center).	7/24/09
DSAAPD	Supported application for funding to establish CLP (Community Living Program).	7/24/09
Special Education Directors	Joint letter with CODHHE, GACEC, Delaware Families for Hands & Voices which provided observations and concerns regarding the current interpreter/tutor regulations.	8/18/09
Centers for Medicare & Medicaid Assistance/DHHS	Provided observation on the advance notice of proposed rulemaking regarding intention to publish regulation implementing Medicaid home and community-based waivers.	8/21/09
Division of Public Health	Supported application for TBI Grant.	9/29/09
Laurence Hoffman Benedictine School	Requested they revisit plan to sell home and recommended they retain the group home in Newark.	10/20/09
DE Families for Hands & Voices	Provided observations regarding the Deaf and Hard of Hearing child's Bill of Rights Draft Legislation.	11/20/09
Center for Disabilities Studies (CDS)	Endorsed application for Family Support Initiative for Children & Youth with Special Needs.	11/23/09
Center for Disabilities Studies	Endorsed application for Public Health Conference Support Program Grant.	12/4/09
Delaware Health Fund Advisory Committee	Supported funding (\$760,000) for Community-Based Attendant Services Act (HB 30).	12/7/09
VCAP (Victims' Compensation Assistance Program)	Provided observations and recommendations regarding the Mental Health Treatment Form.	12/16/09
Disabilities Law Program (DLP)	Endorsed DLP's Protection and Advocacy priorities.	12/17/09
Christiana Care/Dept. of Psychiatry	Joint letter with DDC and GACEC regarding the ECT informed consent form.	1/25/10

Letters of Support/Other Issues

LETTER TO	SYNOPSIS	DATE
Delaware Coalition Against Domestic Violence (DCADV)	Endorsed submission of OVW Education, Training & Enhanced Services to End Violence Against Abuse of Women with Disabilities Grant Program application.	3/4/10
Delaware Transit Corporation	Provided observations and recommended changes to DART First State Statewide Paratransit Plan.	3/29/10
DHSS	Endorsed recommendations for a task force to analyze current mental health system and develop a plan for shifting resources to a more balanced community-based delivery system.	4/5/10
DHSS	Endorsed proposed transfer of the state's long term care nursing facilities from DPH to DSAAPD.	4/5/10
Federal Review Team	Provided support of DLP during a PAIMI monitoring visit.	4/26/10
DLP/CLASI	Gave guidance and shared perspective regarding an interpretation issued by Division of Human Relations regarding a compliant from a Deaf individual.	5/20/10
U.S. Department of Health and Human Services (DHHS)	Endorsed DSAAPD's application for funding for a federal Lifespan Respite Care Program grant.	6/2/10
Department of Justice	Provided observations and recommendations regarding an MOU between DOJ/DHSS & Police Departments.	6/23/10
DSAAPD	Provided observations and recommendations regarding an MOU between DSAAPD & SCPD pertaining to the ADRC Grant.	6/23/10
Joint Letter with CDS to DPH	Offered to make recommendation for a representative for people with disabilities on the Council on Health Promotion & Disease.	6/25/10

Other Presentations & Updates

September 2009 - Volunteer Opportunities for Persons with Disabilities – The State Office on Volunteerism and New Castle County Emergency Corps presented on volunteer opportunities for persons with Disabilities.

September 2009 - Delaware Association for Home and Community Care (DAHCC) – The DAHCC's mission is to promote communication, collaboration and education in order to facilitate high quality and comprehensive home and community-based health services to the residents of the State of Delaware. In September 2009, this organization provided a presentation regarding the following issues: Medication assistance by home health aides (i.e. licensed agencies) to individuals in their home; changes to DPCI Reimbursement for children with disabilities; the cost of fingerprinting & criminal background checks being shifted to providers (previously paid for by the Delaware Division of Long Term Care Residents Protection); and delegation of health care acts. SCPD has a strong interest in allowing competent persons with disabilities to delegate health care acts to unlicensed personnel. This was the purpose of S.B. 261 signed in 2004, but anecdotal evidence suggests that many persons with disabilities are not being allowed to delegate health care acts due to agency policy and fear of liability. Subsequent to the meeting, SCPD worked with DHSS, the Board of Nursing and the Chair of the House Health & Human Development Committee to determine a solution. The objective is to include clarifying language in the home health agency's individual care plan. This will be pursued in FY 11.

September 2009 - Victims' Compensation Assistance Program (VCAP) – VCAP was created to help innocent victims of violent crime recover losses as a result of the crime. Numerous studies have documented the disproportionate criminal victimization of persons with both mental and physical disabilities. The Council is therefore very interested in the availability of victim compensation through the VCAP. SCPD provided testimony to the Joint Sunset Committee in support of needed changes to the then Violent Crimes Compensation Board (VCCB). Council did have one concern regarding the mental health treatment form utilized by VCAP. The principal concern was that it arbitrarily imposed requirements on victims seeking mental health treatment which are not imposed on victims seeking physical health treatment. Comments were formally provided to VCAP.

January & March 2010 - DART Paratransit Plan – The Delaware Transit Corporation (DTC) provided presentations regarding some changes that could affect the current transportation system for individuals with disabilities in Delaware. The issues addressed included the following:

- Identify ADA required services from other services provided
 - Inside the Service Area
 - Trip origin and destination must be within ¼ mile of a fixed route area
 - Travel time comparable to same trip on fixed route, taking into consideration walk times and transfer times (excluding express routes)

- Available during all days/hours that fixed route is operation and/or core operating hours
- Outside the Service Area
 - Trip origin and/or destination is outside ¾ mile of a fixed route area
 - Travel times dependent on travel distance
 - Available during core operating hours
 - Established schedule for Paratransit buses
- Change the qualifying age on Paratransit Elderly services from age 60 to 65 to agree with all other DART program. Individuals currently certified as elderly between the ages of 60-64 will be grandfathered. (Kent & Sussex County only)
- Changes in “be ready” times

SCPD provided extensive comments to the Joint Finance Committee and DTC.

February 2010 - Accessibility Issues – A Sussex County resident presented as a private citizen and caregiver. He noted there are violations regarding accessible parking, ramps, curbs and sidewalks and solicited the legislature for a bill that would address these issues and would mimic the ADA. H.B. 460 was introduced on June 24, 2010 and requires counties and municipalities within the State to adopt the Standards for Accessible Design in Appendix A to 28 CFR Part 36 and to enforce the requirements set forth in the Standards for Accessible Design. Given its introduction very late in the session, SCPD did not have time to formally review the legislation and it remained in the House Health & Human Development Committee when the session ended on June 30th. Council may review the bill in FY 11.