



National Association for Home Care & Hospice

Home | Consumers | Home Care & Hospice Basics | Accrediting Agencies

▶ Home Care

▶ Home Care & Hospice Agency Locator

▶ Home Care Nurses Tell Their Stories

▶ November is Home Care & Hospice Month

▶ Home Care & Hospice Basics

▼ Accrediting Agencies

▶ Home Health and Hospice Patient Rights

▶ More Information about a Provider's Services

▶ Selecting the Right Provider

▶ Standard Billing and Payment Practices

Testimonials

The greatest joy one can have is doing something for another without any thought of getting something in return.

- John Wooden
1910 - 2010

Accrediting Agencies

Accreditation Commission for Health Care, Inc.

Phone: (855) 937-2242

Web: www.achc.org

Community Health Accreditation Program

Phone: (212) 363-5555 or (800) 669-1656, ext. 242

Web: www.chapinc.org


Joint Commission on Accreditation of Healthcare Organizations

Phone: (630) 792-5000

Web: www.jointcommission.org

States are taking away your driver's license in the name of 'social engineering'

You can lose your license over things like jaywalking, library fines and truancy – and even minor infractions can lead to jail time.

By Tina Griego October 22, 2014  Email the author

Every once in a while, someone would come into Jud McMillin's office in Brookville, Ind., and complain they'd been out boating on the nearby reservoir and had been ticketed for drinking beer. The Indiana state representative is a conservative Republican in a conservative state and, as such, has a particular interest in crime and punishment. He was a former prosecutor in Ohio and then went back to his hometown and into private practice.

Few people have sympathy for drunk boating – it's a public safety issue. No, what started to grate on McMillin was the penalty: Driver's license suspension. From his point of view, the state, like others, seemed to be all too willing to suspend driver's licenses for offenses that didn't have anything to do with highway safety.

Fail to pay child support? Possible driver's license suspension. Unpaid parking tickets or court fines? Face driver's license suspension. Marijuana possession unrelated to driving? Driver's license suspension. A juvenile could lose a license with school expulsion or for being "recklessly" in a tavern.

In Indiana, driver's license suspension was mandatory for some non-driving related offenses. A person who kept driving under a suspended license was looking at ever-increasing fines and mandatory minimum jail or prison sentences. According to the executive director of the state's Public Defender Council, "200 people whose most serious offense is repeated driving without a license" are sitting in Indiana prisons.

"I'm in rural Indiana," McMillin said. "We don't have public transit. We have folks who want to take care of themselves, take care of their work, and because they got stuck with an offense that had nothing to do with driving, their licenses are suspended. So what do they do? They drive anyway. "I've seen folks who are sitting in prison for up to eight years who did nothing but keep driving on a suspended license, and the next thing you know, taxpayers are paying \$58 a day because a guy wanted to get to work."

Indiana is far from alone in this practice, which numerous studies have shown disproportionately affects low-income workers and, in urban areas, young black and Latino men. Over the past couple of decades, states have dramatically expanded the use of suspension to deter or enforce all manner of offenses. Some of this is about cash flow: fees, fines, penalties. If the person paying is guilty of some infraction, all the better.

But the policy may be more the result of the example set by the federal government, which demands that states employ driver's license suspension for even the smallest drug-related convictions or risk losing part of their federal highway funds. Federal policy also mandates that states include suspension as a tool to force parents who owe child support to pay up. In Arizona, failure to appear in court can result in immediate and indefinite driver's license suspension until a fine is paid. Kiting checks in Arkansas can get your license suspended. Vandalism, prostitution and truancy can result in a suspended license in California. In New York, advocating for the overthrow of the government can cost you your license for a minimum of six months. T

he examples, part of a voluminous report released last year by the American Association of Motor Vehicle Administrators, are varied and strangely fascinating as an insight into what offenses are deemed to threaten public order enough to warrant the suspension of the one privilege that is, for millions of Americans, a necessity.

"If you don't pay for gas at gas station, truancy, jay walking, failure to curb your dog, library fines, all kind of things can result in you losing your license," said Kevin Lewis, director of driver programs for the motor vehicle administrators' association. "It's a document no one wants to give up so it's an easy target to use to try and cure social ills, and has become a tool of social engineering."

In 2002, 29 percent of suspended drivers nationally lost their licenses for "social non-conformance" reasons unrelated to driving, according to the association's February 2013 report. By 2006, such drivers made up 39 percent of all suspended drivers. It's old data — and extrapolated from a sample of eight "geographically and demographically representative" states — but Lewis said states just keep adding more infractions that have nothing to do with highway safety to the list.

The report, citing various studies, blasts such suspensions as ineffective, time-consuming and expensive. Most drivers with suspended licenses will continue driving, the report says. But those who pose the greatest highway-safety risk — the suspended drivers most likely to crash into you — lost their licenses for highway safety-related reasons, such as driving while intoxicated.

As for the rest, the report argues, there is scant evidence that suspending a driver's license is an effective way to force people to, say, pay child support or stop throwing trash out the car window or to stay in school. (Child support enforcement officers across the country have just jumped to their feet in protest, prepared to rattle off the documented millions their departments have collected thanks to suspension.)

That driver's license suspension does work as a tool to deter some and coerce compliance from others is why states keep using it — despite "tons of unintended consequences," said Jon Carnegie, executive director of the Alan M. Voorhees Transportation Center at Rutgers University. And politically, McMillin said, license suspension is popular among those who argue that if a punishment doesn't have teeth, people will continue to break the law.

"I can explain how it happened," McMillin said of Indiana. "We wrote our criminal code in 1977, and since then, what happened was you had legislators who would show up with some anecdotal story where they didn't feel justice had been served. It was a tearjerker of a story and the argument was that suspension would prevent whatever offense it was in the future and punish those doing it now, whether it was good policy or not."

In 2013 in Wisconsin, a whopping 56 percent of driver's license suspensions — or more than 235,000 suspensions — were the result of the failure to pay a traffic ticket on time. The law allows courts to impose up to a two-year suspension. "The reality is people who can pay the fines will pay right away," said Nichole Yunk Todd, director of policy and research for Wisconsin Community Services Inc., which runs the state's Center for Driver's License Recovery and Employability in Milwaukee.

"Someone can't pay, it doesn't matter how long you suspend them, and we've seen people lose their cars and, certainly, lose their jobs."

One eye-opening study of non-driving-related suspensions, published in 2006 by the New Jersey Motor Vehicles Affordability and Fairness Task Force, found that the vast majority of non-highway safety-related suspensions in that state were indirectly related to driving: failure to appear in court on a parking ticket or moving violation or municipal ordinance summons, failure to comply with court-ordered summons, and the biggie: failure to pay a state insurance surcharge, a kind of bad-driver fee. Low-income, younger drivers, a group that would include those who could not afford the fines or could not take time off work or find child care to appear in court, bore the brunt of the consequences: four in 10 lost a job as a result of suspension, and of those, 45 percent could not find another job because of suspension. Of those who did find other work, almost 90 percent reported they were earning less.

Besides the cost to the individual, "driver's license policies overlook the impact of suspension on the larger community and the economy," said Margy Waller, executive director of the Washington-based Mobility Agenda, which has studied this issue. "In order for employers to have access to a full range of employees, they need workers who can drive, who can get to work on time. And in our society today, people need access to driving not just to work, but to participate in civic life, to volunteer, to participate in school activities, to go to worship service." The issue has been gaining traction beyond groups concerned by policies that disproportionately impact the poor.


Law enforcement, judges and lawmakers on both sides of the aisle are calling for change. A handful of states, including Florida and Wisconsin, have recently made or attempted changes to reduce non-highway-related suspensions. Most states have provisions to allow drivers to petition for a restricted license to allow people to get to work — though the circumstances under

which such licenses are granted are limited. And, as of 2010, according to the federal Government Accountability Office, at least 30 states had opted out of the federal mandate requiring suspensions for drug-related convictions.

In Indiana, McMillin sponsored a bill this year that eliminates many automatic license suspensions for non-traffic offenses, creates a restricted license that relies on driver monitoring technology, and generally gives judges more discretion in license suspension. "If we are going to tell people, 'The government isn't going to take care of you and you need to take care of yourself,' then we better give them a chance to do so," he said. "We can't slam shut every door of opportunity."

The bill passed with bipartisan support and the governor's endorsement and takes effect in January.

 **0 Comments**

Tina Griego is a reporter for Storyline. Previously, Tina was a city columnist for the Rocky Mountain News and the Denver Post for a combined 12 years.  Follow @tinagriego

-
- : Treating students unfavorably or favorably because they are from a particular country or part of the world, because of ethnicity or accent or because they appear to be of a certain ethnic background (even if they are not).
 - : Treating students differently on the basis of ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles, or certain facial features.
-

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(a) and 4112(b) (14 Del.C. §§122(a) and 4112(b))
14 DE Admin. Code 608

PUBLIC NOTICE

Education Impact Analysis Pursuant To 14 Del.C. §122(d)

608 Unsafe School Choice Option Policy

A. Type of Regulatory Action Required

Amendment to Existing Regulation

B. Synopsis of Subject Matter of the Regulation

Pursuant to 14 Del.C. Chapter 41, §4112(b) the Secretary of Education intends to amend 14 DE Admin. Code 608 Unsafe School Choice Option Policy. This regulation is being amended to provide the current federal statutory reference, remove language that is no longer included in the amended federal statute, modify language for school choice when a school is identified as persistently dangerous, and remove the definition of Terroristic Threatening as it is no longer a mandatory report under 14 Del.C. §4112(b).

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before July 6, 2018 to Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or email to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml, or obtained at the Department of Education, Finance Office located at the address listed above.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation does not specifically address student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation helps to ensure all students receive a safe and equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amendments help ensure all students' health and safety are adequately protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to help ensure that all student's legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the decision making at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place any unnecessary reporting or administrative requirements on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated

does not change because of the amendment.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The amended regulation is consistent with and not an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a less burdensome method for addressing the purpose of the regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no expected cost to implementing this amended regulation.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

<http://regulations.delaware.gov/register/june2018/proposed/21 DE Reg 947RFA 06-01-18.pdf>

608 Unsafe School Choice Option Policy

1.0 Purpose

The Elementary and Secondary Education Act (ESEA) of 1965, as amended by the ~~No Child Left Behind Act of 2001~~ Every Student Succeeds Act (ESSA) of 2015, requires that a State Education Agency establish a State Unsafe School Choice Option policy in order to receive funding under ESEA.

1-02.0 Definitions

In this regulation, the following terms shall have the meanings indicated below:

"Crime" shall have the same meaning as provided in 14 Del.C. §4112.

"Enrolled Students" unless the context indicates otherwise, means all students included in the Delaware Student Information System (DELSIS) report for the year of the data collection.

"Expulsion" means, for purposes of this regulation, the exclusion from the regular school setting for a period determined by the local district board or charter school board not to exceed one year. The process for readmission shall be determined by the local district board or charter school board.

"Firearm" means handgun, rifle, shotgun, or other type of firearm as that term is defined in the federal Gun Free Schools Zone Act at 18 U.S.C.A. §921.

"Fiscal Year" means the period of July 1 through June 30.

"Gun Free Schools Violation" means the prohibited bringing to school, or possession while in school of a firearm by a student.

"Persistently Dangerous School" means a school that has five or more unsafe incidents for every one hundred students enrolled for three consecutive fiscal years.

"Safe School" means a school in the same school district that is not currently identified by the Department of Education as a persistently dangerous school.

"School" means any public school including charter schools. School property shall have the same meaning as provided in 14 Del.C. §4112 (a)(9).

"Suspension" means, for the purpose of this regulation, the external (out of school) removal of a student from the general school population.

~~**"Terroristic Threatening"** shall have the same meaning as provided in 11 Del.C. §621.~~

"Unsafe Incidents" means any of the following:

The school suspended or expelled a student for a gun free schools violation; or

The school suspended or expelled a student for a crime committed on school property which is required to be reported under 14 Del.C. §4112; or

The school reported a crime committed by a non student on school property that is required to be reported under 14 Del.C. §4112; or

The school suspended or expelled a student for terroristic threatening as that term is defined in 11 Del.C. §621.

"Violent Felony" shall have the same meaning as provided in 11 Del.C. §4201(c). ~~(A list of these crimes can be found in the Delaware Guidelines for the Development of the Unsafe School Choice Option.)~~

2.03.0 Identification of Persistently Dangerous Schools

- ~~2.13.1~~ The Department of Education shall identify each persistently dangerous school using the data reported to it pursuant to the provisions of 14 Del.C. §4112, 14 DE Admin. Code 601, and any expulsion and suspension data as required by the Department.
- ~~2.23.2~~ Notwithstanding any provision herein to the contrary, any year that a school fails to comply with the reporting mandates, as set forth in ~~2.13.1~~ above, to the Delaware Department of Education or to the appropriate police agency as set forth above, the Department of Education will consider the school as if it otherwise met the criteria to be classified as a persistently dangerous school for that year until such time as it may be determined, in the sole discretion of the Department, that the school has met such reporting requirements.
- ~~2.33.3~~ A school identified as persistently dangerous will retain that designation for the entire fiscal year.

3.04.0 Students Attending Schools Labeled as Persistently Dangerous

- ~~3.14.1~~ A student attending a persistently dangerous school shall be allowed to choice to a safe Safe school in the same school district, including a charter school; provided such an option exists in the district, ~~the student should be permitted to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action or restructuring.~~
- ~~3.24.2~~ Each public school district having one or more persistently dangerous schools and any charter school identified as a persistently dangerous school shall develop a plan and time line that describes the process for notifying parents of the school's status and for relocating any student who exercises the right to choice to a safe Safe school. The plan shall also describe the corrective actions that will be implemented. The plan shall be forwarded to the Department of Education no later than September 15th of the year that the school is identified.

4.05.0 Students Who are Victims of a Violent Felony

- ~~4.15.1~~ A student who is the victim of a Violent Felony while in or on the grounds of a school in which the student is enrolled shall be allowed to choice to a safe Safe school in the same school district, including a charter school; ~~the student should be permitted to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action or restructuring. Each school district and charter school shall have an electronic copy of the current policies and procedures on file with the Department of Education.~~
- ~~4.25.2~~ All school districts and charter schools shall establish a plan that describes their policies and procedures for providing school choice options to a student who is the victim of a violent felony, including the process for notifying parents.
- ~~4.35.3~~ Each school district and charter school shall provide an electronic copy of any new or revised policies and procedures within ninety (90) days of any revision(s) regardless of whether said revisions were made as a result of changes to Federal, state or local law, regulations, guidance or policies post the policy and procedures on the district's or charter school's website, with hard copy provided to any requesting parties.

DEPARTMENT OF EDUCATION**OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 122(a) (14 Del.C. §122(a))
14 DE Admin. Code 225

PUBLIC NOTICE**Education Impact Analysis Pursuant To 14 Del.C. §122(d)****225 Prohibition of Discrimination****A. TYPE OF REGULATORY ACTION REQUIRED**

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §122(a), the Secretary of Education intends to amend 14 DE Admin. Code 225 Prohibition of Discrimination. The regulation is being amended pursuant to a directive from Governor Carney to Secretary Bunting in a memo dated July 17, 2017. Through this directive, the Department was required to provide guidance through regulation to school districts and charter schools to prohibit unlawful discrimination in educational programs and activities for students. The memo also required stakeholder input and that the new regulation be published for public comment by November 1, 2017 and required a model policy that each district and charter school could adopt, or tailor and adopt, to suit the needs of the students in the district/charter school. The original proposed regulation (November 2017) received comments that resulted in substantive changes, reflected in this version of the new regulation.

Information related to this regulation can be found at the Department website here: <https://www.doe.k12.de.us/page/3531>.

Through this process, the Department reviewed information from various sources including the Education Commission of the States and policies from other states and prepared a preliminary draft regulation and model policy. A Development Team was then established to review the preliminary draft regulation and model policy and to make recommendations for revisions. The Development Team consisted of seventeen individuals and included superintendents, a charter school head of school, students, local board members, school administrators and an advocate. Four Development Team meetings were held. The revised draft was made available for general public input. Prior to the November 2017 publication, the Department held four Community Conversations with one in each county and one in the City of Wilmington. An online survey was made available for public input.

During the comment period that ended December 4, 2017, the Department received over 11,000 comments. The Department held a final meeting with the Development Team on January 31, 2018 and approximately 300 members of the public attended. Comments from that meeting as well as from the public comment period have been taken into consideration in the preparation of this current proposed amended regulation.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before July 6, 2018 to Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or email to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml, or obtained at the Department of Education, located at the address listed above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation does not specifically address state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation is intended to continue to help ensure all students receive an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amendments are intended to help ensure that all students' health and safety are adequately protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to help ensure that all students' legal rights are respected.

PROPOSED REGULATIONS

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation will preserve the necessary authority and flexibility of decision-making at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place any unnecessary reporting or administrative requirements on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated does not change because of the amendment.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The amendment is consistent with and not an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a less burdensome method for addressing the purpose of the regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no additional expected costs to implementing this amended regulation.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

<http://regulations.delaware.gov/register/june2018/proposed/21 DE Reg 941RFA 06-01-18.pdf>

225 Prohibition of Discrimination

4.0 Prohibition of Discrimination

~~No person in the State of Delaware shall on the basis of race, color, religion, national origin, sex, sexual orientation, genetic information, marital status, disability, age or Vietnam Era veteran's status be unlawfully excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving approval or financial assistance from or through the Delaware Department of Education.~~

1.0 Purpose

1.1 The purpose of this regulation is to provide guidance to School Districts and Charter Schools for the development of a policy prohibiting discriminatory treatment of students on the basis of a Protected Characteristic(s) in all Educational Programs and Activities and Extra-Curricular Activities. The intent of the policy is to foster school environments as welcoming, inclusive places where all students can flourish.

1.2 No person in the State of Delaware shall on the basis of race, ethnicity, color, religion, national origin, sex, gender, sexual orientation, genetic information, marital status, disability, age, gender identity or expression or other characteristic protected by state or federal law, known as "Protected Characteristics" under this regulation, be unlawfully excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving approval or financial assistance from or through the State of Delaware.

1.3 This regulation requires each School District and Charter School to establish an anti-discrimination policy and procedures for reviewing the policy for compliance with the stated Purpose of the regulation. The established anti-discrimination policy shall, at a minimum, be consistent with this regulation. All School Districts and Charter Schools may use the document entitled "Guidance to assist School Districts and Charter Schools in creating an anti-discrimination policy" as developed and attached to this regulation as Exhibit 1 - which may be amended by the Department of Education - to assist with creating a policy to meet their community's needs.

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the

context clearly indicates otherwise:

"Charter School" means a school established pursuant to Chapter 5 of Title 14 of the Delaware Code.

"Course of Study" or "Unit of Study" means academic based instruction within an Educational Program and Activity.

"Department" means the Delaware Department of Education.

"Educational Program and Activity" means an activity or program for providing education made available, sponsored or supervised by a Charter School or School District.

"Extra-Curricular Activity" means a student activity made available, sponsored or supervised by a School District or Charter School not falling within the scope of required Charter School or School District activities or relating to formally or informally approved and usually organized student activities connected with the Charter School or School District and not carrying academic credit.

"Protected Characteristic(s)" means race, ethnicity, color, religion, national origin, sex, gender, sexual orientation, genetic information, marital status, disability, age, gender identity or expression or other characteristic protected by state or federal law.

"School District" means a reorganized school district or vocational technical school district established pursuant to Title 14 of the Delaware Code.

3.0 Parental Notification

A school shall request permission from the parent or legal guardian before accommodating a request by a minor student that the school take action to recognize a change in any Protected Characteristic. Prior to requesting such permission, to safeguard the health, safety and well-being of the student, the school shall discuss with the student the permission process and, based on its discussions with the student, assess the degree to which the parent or legal guardian is aware of the change to the Protected Characteristic. If the student does not permit the school to request permission from the parent or legal guardian, then the request to take action shall not be accepted.

4.0 Admission to Educational Programs and Activities

- 4.1 All Educational Programs and Activities offered by a public school shall be open and available to students regardless of Protected Characteristic(s), unless the Educational Program and Activity is legally constituted as single gender or is for the purpose of assisting students with a disability.
- 4.2 A School District or Charter School shall not schedule students into a Course of Study or Unit of Study on the basis of Protected Characteristic(s).
- 4.3 No student, on the basis of Protected Characteristic(s), shall be discriminated against in accessing a Course of Study or Unit of Study.
- 4.4 Nothing in this regulation shall be construed to prevent School Districts and Charter Schools from providing separately to each gender those segments of a program of instruction dealing exclusively with human sexuality. A student shall have the opportunity to participate in the program of instruction dealing exclusively with human sexuality that is consistent with the student's gender identity regardless of the student's assigned sex at birth.

5.0 Career and Educational Guidance

- 5.1 School counselors and other school personnel shall present to students a broad spectrum of educational and career opportunities. School counselors and other school personnel shall make reasonable effort to depict individuals with the various Protected Characteristic(s) as representatives in educational and career opportunities.
- 5.2 No materials, tests or procedures shall be employed for guidance purposes that discriminate or limit educational and career choices on the basis of Protected Characteristic(s).

6.0 Instructional Materials

PROPOSED REGULATIONS

- 6.1 No School District or Charter School shall use instructional materials in a manner that encourages unlawful discrimination against individuals based on a Protected Characteristic(s).
- 6.2 Each school with a physical education program shall provide equal opportunity for all students. Goals, objectives and skill development standards, where used, shall neither be designated on the basis of gender nor designed to have an adverse impact on members of any gender.

7.0 **Extra-Curricular Activities**

- 7.1 Advantages and privileges of Charter Schools and School Districts include all Extra-Curricular Activities made available to, sponsored by or supervised by any Charter School or School District. No Charter School or School District shall make available, sponsor or supervise any Extra-Curricular Activities that restrict student participation on the basis of Protected Characteristic(s). This regulation does not prohibit School Districts or Charter Schools from allowing use of school premises by independent groups with restrictive membership if such premises are generally made available to the public.
- 7.2 No student shall be denied the opportunity in any implied or explicit manner to participate in an Extra-Curricular Activity because of the student's Protected Characteristic(s) except as provided in subsection 7.3. Participation in Extra-Curricular Activities shall be encouraged by each Charter School and School District for all students regardless of their Protected Characteristic(s).
- 7.3 School Districts and Charter Schools shall comply with Delaware Interscholastic Athletic Association regulations and policies regarding equal athletic opportunities for all students.

8.0 **Student Records**

- 8.1 All students entering a School District or Charter School shall be enrolled in eSchoolPLUS and assigned a DELSIS Student ID. The DELSIS Student ID is the unique identifier used to track a student throughout the student's entire educational career in Delaware.
- 8.2 Any student who seeks to change the student's name and does so pursuant to 10 Del.C. §5901, shall have the name changed in eSchoolPLUS upon the school's receipt of proof that the petition for change of name has been granted by the court. The legal name change shall be reflected only on the student's educational records from the effective date of the petition going forward; historical records shall not reflect the change.
- 8.3 Any student who seeks to change the student's name on the basis of a Protected Characteristic and does not do so pursuant to 10 Del.C. §5901 may select a "preferred name", which the school shall enter into eSchoolPLUS. The student's legal name shall also be maintained in eSchoolPLUS and shall be displayed on all educational records for the student.
- 8.4 A student's preferred name cannot be placed on the student's diploma unless it is the student's legal name.
- 8.4.1 A student may request a notarized letter of certification from the Department for a legally changed name after the issuance of the diploma. The Department does not issue duplicate or revised diplomas after the diploma has been issued.

9.0 **Privacy**

The school board of each School District and Charter School shall include a provision within its anti-discrimination policy that accommodates all students and addresses student access to locker rooms and bathrooms. School Districts and Charter Schools shall work with students and families on providing access to locker rooms and bathrooms that correspond to students' gender identity or expression.

10.0 **Notification and Student Complaint Procedure**

- 10.1 The superintendent of each School District and head of school for each Charter School shall be responsible for ensuring that all school handbooks and codes of conduct adhere to this regulation. In order to ensure that such obligations are fulfilled, all school handbooks or codes of conduct shall also contain the following:

- 10.1.1 The anti-discrimination policy required by subsection 11.1:
- 10.1.2 The school's procedures for an informal discussion process and a formal complaint process, which includes accepting, investigating and resolving students' complaints alleging discrimination in violation of the school's policy under subsection 10.1.1, which procedure shall, at a minimum, contain:
- 10.1.2.1 A description of the basic procedures:
- 10.1.2.2 An informal process for students such as identifying specific school staff member(s) a student may speak with if the student does not wish to initiate a formal complaint:
- 10.1.2.3 A formal student complaint provision that allows for the complaint to be brought by the student or parent or both, and which includes the following:
- 10.1.2.3.1 The identification of the administrative position at the school that will address the formal student complaint at each level of the process and the identification of the final decision-maker at the school or School District levels:
- 10.1.2.3.2 A provision that the formal student complaint be in writing at each step of the process and that the formal student complaint specifies the basis for the complaint, and that it shall be filed:
- 10.1.2.3.3 A provision that the submitted formal student complaint shall be addressed by the school, or if requested by the student that a conference with the student and parent be held within five (5) school days of its receipt and, if a conference is held, that a written determination shall be issued within five (5) school days after the conference:
- 10.1.2.3.4 The disciplinary or intervention measures that the school may impose if it determines that discrimination has occurred.
- 10.1.2.4 The appeal process for both the student who filed the formal student complaint or for the individual determined to have engaged in discrimination if either wishes to appeal the disciplinary or intervention measure decision.
- 10.2 Notwithstanding the requirement in Section 12.0 for an implementation date of January 1, 2019, the requirement set forth in subsection 10.1 may be satisfied by posting these policies on each School District or Charter School website (in lieu of reprinting handbooks or codes of conduct) by January 1, 2019, with hard copies provided to any requesting party. The policy shall be printed in the handbook and/or codes of conduct for the beginning of the 2019-2020 school year and be included in any electronic or website version of those documents.
- (Non-regulatory note - please refer to 14 DE Admin. Code 605 for requirements related to student rights and responsibilities.)

11.0 Implementation

- 11.1 The school board of each School District and Charter School shall establish an anti-discrimination policy, which shall be, at a minimum, consistent with this regulation.
- 11.2 The school board of each School District and Charter School shall periodically review its anti-discrimination policy and procedures for compliance with the stated purpose under Section 1.0 of this regulation, and assurance that all obstacles to equivalent access to Educational Programs and Activities and Extra-Curricular Activities for all students regardless of Protected Characteristic(s) are removed.
- 11.3 All School Districts and Charter Schools shall strive to prevent discrimination based upon a student's Protected Characteristic(s), and all School Districts and Charter Schools shall respond promptly to such discrimination when they have knowledge of its occurrence.
- 11.4 The superintendent of each School District and head of school for each Charter School shall promote and direct effective procedures for the full implementation of this regulation and shall make recommendations to the school board of the School District or Charter School for the necessary policies, program changes, and budget resource allocations needed to achieve adherence to this regulation.

PROPOSED REGULATIONS

- 11.5 Any contributions to a School District or Charter School for activities and monetary awards within or sponsored by the School District or Charter School or for scholarships administered by the School District or Charter School by any person, group or organization shall be free from any unlawful restrictions based upon Protected Characteristic(s). Schools may post or print information regarding private restricted scholarships as long as no preferential treatment is given to any particular scholarship offered and as long as the school does not endorse or recommend any such scholarship or advise or suggest to a particular student that he or she apply for such a scholarship; provided that a school may so endorse or recommend such a restricted scholarship to a student if the school is aware that it is available to that student based on such student's self-identified Protected Characteristic(s).

12.0 Policy Reporting Requirements and Timelines

This regulation shall become effective on January 1, 2019 and each School District and Charter School shall establish its anti-discrimination policy for implementation by that date. An electronic copy of the current anti-discrimination policy of each School District and Charter School shall be on file with the Department of Education.

13.0 Application

Nothing in this regulation shall alter a School District's or Charter School's rights and responsibilities under any applicable federal or state law including, for example, the First Amendment of the U.S. Constitution, Title IX of the Education Amendments of 1972, the Individuals with Disabilities Act, or Title VI of the Civil Rights Act of 1964.

EXHIBIT 1

Guidance to assist School Districts and Charter Schools in creating an anti-discrimination policy.

The following guidance is intended to assist School Districts and Charter Schools in developing their own anti-discrimination policy consistent with regulation 225. School Districts and Charter Schools may, but are not required to, adopt the language provided below.

School Districts and Charter Schools should seek to prohibit the following behavior:

- : Discriminating against a student with regard to access to or scheduling into a course or unit of study on the basis of Protected Characteristic(s).
- : Utilizing Protected Characteristic(s) as limiting factors in career determination while providing career and educational guidance.
- : Utilizing instructional materials in a manner that encourages discrimination of individuals based on Protected Characteristic(s).
- : Disallowing a student's access to locker rooms or bathrooms on the basis of the student's gender identity or expression.
 - : NOTE: Schools are encouraged to work with transgender students and their families to determine how to best provide access to bathrooms and locker rooms. This may include providing access to the facility that corresponds to a student's gender identity, access to a private and non-stigmatizing alternate facility such as a single stall restroom, nurse's office or gender neutral facility, access to a private area within a locker room, or a different schedule to change so a student can use a locker room separately from their peers. Such opportunities and accommodations should be open to any student to promote a safe and comfortable environment for everyone.
- : Expressing slurs, jokes or remarks that are derogatory, demeaning, threatening or suggestive to a class of persons or a particular student or that promote stereotypes of persons with a Protected Characteristic(s).
- : Engaging in discrimination between persons of different races or ethnicities, or even between persons of the same race or ethnicity because of their skin color, complexion or tone.
- : Prohibiting a student from being excused from lunch or breakfast because of their religion.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)**PUBLIC NOTICE****Home Health Services**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Home Health Services, specifically, *to add accreditation as an option to Medicare certification for Medicaid providers.*

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on July 2, 2018. Please identify in the subject line: **Home Health Services.**

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Home Health Services, specifically, *to add accreditation as an option to Medicare certification for Medicaid providers.*

Statutory Authority

- 1902(a)(10)(D) of the Social Security Act, *Home health services*
- 42 CFR 440.70, *Home health services*

Background

Currently, to receive reimbursement, Delaware Medicaid providers must obtain Medicare certification.

Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) has worked closely with the provider community to develop an alternative which provides flexibility and removes limitations.

Summary of Proposal*Purpose*

The purpose of this proposed regulation is to add accreditation as an option to Medicare certification for Medicaid providers.

Summary of Proposed Changes

Effective for services provided on and after September 1, 2018 Delaware Health and Social Services/Division of Medicaid and Medical Assistance (DHSS/DMMA) proposes to amend Attachment 4.19-B Page 6 of Title XIX Medicaid State Plan regarding Home Health Services, specifically, *to add accreditation as an option to Medicare certification for Medicaid providers.*

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 447.205 and the state public notice requirements of Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) gives

public notice and provides an open comment period for thirty (30) days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on July 2, 2018.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and to provide any other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

Fiscal Impact Statement

There is no anticipated fiscal impact to the agency as a result of this proposed change in program policy.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

<http://regulations.delaware.gov/register/june2018/proposed/21 DE Reg 951RFA 06-01-18.pdf>

AMENDED

Attachment 4.19-B
Page 6

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES - OTHER TYPES OF CARE

PAYMENTS FOR MEDICAL AND REMEDIAL CARE AND SERVICES HOME HEALTH SERVICES 42 CFR 440.70

Home Health Services are reimbursed as follows:

Home Health Services are reimbursed in accordance with 42 CFR 42 CFR 440.70 and when provided as defined in Attachment 3.1-A of this State Plan, subject to the requirements of 42 CFR 441.15 and 42 CFR 441.16.

Home Health agencies must be certified by Medicare or by an accreditation organization and be properly licensed by the State in which they are located.

An "accreditation organization" means a professional organization that evaluates Home Health agencies and certifies that services are being performed in accordance with acceptable practices and established standards. A current list of approved accreditation organizations can be found at <https://www.nahc.org/consumers-information/home-care-hospice-basics/accrediting-agencies/>

Payment for Home Health Services shall be reimbursed as follows:

The rates are prospective and are arrayed to determine the seventy-fifth (75th) percentile for each procedure code. The 75th percentile refers to the array of rates with regard to the Delaware Medicaid enrolled providers at the time of the new rate methodology consideration. The rates are then inflated by the four (4) quarter moving average within the CMS Home Health Market Basket Index. The Inflated average cost is per fifteen (15) minutes for each

PROPOSED REGULATIONS

953

procedure code. Supply cost will be reimbursed as part of the skilled nursing and home health aide prospective rates.

An inflation factor will be applied to the prior year's rates to determine the current year's rates. The inflation indices are obtained from the CMS Home Health Market Basket Index.

TN No. SP# <u>18-002</u>	Approval Date
Supersedes	
TN No. SP# <u>15-007</u>	Effective Date <u>September 1, 2018</u>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, §§7401 and 7406 (16 Del.C. §§7401, 7406)
16 DE Admin. Code 4465

PUBLIC NOTICE

4465 Delaware Radiation Control Regulations

On June 1, 2018, the Department of Health and Social Services, Division of Public Health, Office of Radiation Control, plans to publish revised Regulations Governing Radiation Control and hold them out for public comment per Delaware law. The Authority on Radiation Protection is authorized to promulgate these regulations in 16 Del.C. §7406.

The Authority on Radiation Protection (ARP), with the Office of Radiation Control, Health Systems Protection Section, Division of Public Health, Department of Health and Social Services, is proposing to repeal and replace Parts F and H of the Delaware Radiation Control Regulations. Additional changes to formatting, numbering and definitions have been made throughout the regulations. The purpose of the amendments is to update the requirements so that they are in concert with current healthcare and industry standards, and to align them more closely with current state administrative code and federal requirements. The regulations will apply to any facility or person that receives, possesses, uses, transfers, sells, owns or acquires ionizing radiation sources, or provides radiation services to such radiation source facilities, or who administers machine-generated radiation to human patients in the healing arts.

NOTICE OF PUBLIC HEARING

A public hearing will be held on Tuesday, June 26, 2018 at 10:00 a.m. in the First Floor Conference Room, located in the Jesse Cooper Building, 417 Federal Street, Dover, Delaware.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulation should submit such comments by Monday July 16, 2018 to:

Elisabeth Scheneman, Executive Assistant
Office of the Director
Delaware Division of Public Health
Jesse Cooper Building
417 Federal St.
Dover, DE 19901
Email: elisabeth.scheneman@state.de.us
Fax: 302-739-3984



SPONSOR: Rep. Lynn & Rep. Heffernan & Sen. McDowell
Rep. Bolden; Sen. Henry

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 402

AN ACT TO AMEND TITLE 14 AND TITLE 21 OF THE DELAWARE CODE RELATING TO EXPULSION OF STUDENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 4130 of Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 4130 Expulsion of students; re-enrollment; ~~loss of driver's license.~~

4 (a) In any case where a public school student is expelled from a school district or a charter school, the expelled
5 student shall not be permitted to reenroll in any other school district or charter school in this State until after the full period
6 of expulsion from the school district or charter school where the student was expelled shall have expired.

7 (b) Prior to enrolling any student who attempts to transfer to a school district or charter school in this State, the
8 superintendent of that school district, or the superintendent's designee, the head of a charter school or such head's designee
9 shall first contact the last school district or charter school where the student was last enrolled, if in this State, to determine if
10 that student is under a current expulsion order in that district or charter school. If it is determined that the student is under a
11 current expulsion order, that student shall not be permitted to enroll until the expulsion order has expired as set forth in
12 subsection (a) of this section.

13 (c) Any student who has been expelled from a public school in this State or in any other state shall, prior to
14 enrollment in any public school in this State, completely fulfill the terms of that expulsion.

15 (d) The provisions of subsections (a), (b) and (c) of this section shall not apply to any case in which a student is
16 seeking to enroll in the James H. Grove High School or in any alternative educational or other related program developed to
17 provide educational services to children who have discipline problems.

18 ~~(e)(1) In any case where a person is expelled from a public school, the superintendent of schools for the school~~
19 ~~district in which such school is located shall send written notice of such expulsion to the Division of Motor Vehicles. Such~~
20 ~~notice shall be sufficient authority for the Division to suspend, or refuse to renew, any driver's license already issued to~~
21 ~~such person; or to refuse to issue a license to anyone reported by a superintendent to have been expelled from school. Such~~
22 ~~expelled person shall remain ineligible for the issuance of a new license, or for the renewal or reinstatement of a present or~~

23 former license until the Division receives such proof as it may require that such person is again eligible for a driver's
24 license.

25 ~~(2) An expelled person whose license has been suspended may have such license reinstated, or a new license
26 issued, if any of the following requirements are met:~~

27 ~~a. The length of the expulsion is complete;~~

28 ~~b. Such person is 19 years of age or older; or~~

29 ~~c. Two years have elapsed since the date of expulsion.~~

30 ~~(3) To have a driver's license reinstated, or to obtain a new license, an expelled student must meet one of the
31 requirements set forth in paragraph (e)(2) of this section; must apply in person to the Division of Motor Vehicles; and
32 must provide the Division with verification from the school, or such proof as the Division may require.~~

33 ~~(4) Where a person does not have a driver's license because the Division has suspended or refused to renew a
34 license to such person in accordance with this section, such person may apply to the Division for a conditional license.~~

35 ~~The Division shall not issue any conditional license under this section unless such person's application:~~

36 ~~a. Is made upon a form prescribed by the Division, and sworn to by the applicant;~~

37 ~~b. Contains a statement setting forth those hardships which would occur if a conditional license were not
38 granted; and~~

39 ~~c. Contains a sworn statement that the applicant shall comply with all conditions placed upon such
40 conditional license.~~

41 Section 2. Amend § 2707 of Title 21 of the Delaware Code by making deletions as shown by strike through,
42 insertions as shown by underline and redesignate as follows:

43 § 2707 License qualifications.

44 (b) The Department shall not issue an operator's or chauffeur's license to any:

45 ~~(12) Person who has been expelled from a public school, where the Department has been notified by the
46 school of such expulsion, until the expelled person presents such proof to the Department as the Department may
47 require that such person complies with one of the requirements set forth in § 4130(e)(2) of Title 14.~~

SYNOPSIS

Previously, a school superintendent was required to notify the DMV any time a student was expelled from a public school, at which time the DMV was permitted to suspend or refuse to issue or renew the expelled student a driver's license. This bill eliminates the ability for the DMV to suspend a student's driver's license who has been expelled from a public school.



SPONSOR: Rep. Potter & Sen. Henry
Reps. Bolden, Heffernan; Sen. McDowell

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 438

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO TRUANCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Subchapter II, Chapter 27 of Title 14 of the Delaware Code by making deletions as shown by
2 strike through, insertions as shown by underline and redesignating as follows:

3 § 2730 Failure to attend; penalties.

4 (a) The school may file a civil charge of truancy against the student in the Justice of the Peace Court if:

5 (1) The student is age 12 or older; and/or

6 (2) The Court determines that a parent who is charged with violating § 2702 of this title has a valid
7 affirmative defense under § 2729(b) of this title.

8 (b) The court shall determine whether a preponderance of the evidence establishes that the student has violated
9 § 2702 of this title.

10 (c) If the Court determines the student has violated § 2702 of this title, it shall adjudicate the student a truant and
11 may order the following remedial dispositions:

12 (1) Community service;

13 (2) Counseling;

14 (3) Substance abuse evaluation and treatment;

15 (4) Mental health evaluation and treatment;

16 (5) A curfew with hours set by the court;

17 ~~(6) Suspension or revocation of any permit held by the student, including a work permit or a driver's permit;~~

18 ~~(7) Suspension or revocation of any license held by the student, including a driver's license or a hunting~~

19 license;

20 (8) Prohibition of the student's participation in or attendance at any extra-curricular activity or social event

21 which is an official school event or is sponsored by the school or held on school property;

22 (9) A recommendation that the student enroll in the school in alternative educational and related services in
23 accordance with Chapter 16 of this title; and

24 (10) Such other action as is permitted by statute or by court rule.

25 ~~The court shall not suspend or revoke a student's permit or license if the student demonstrates to the court that~~
26 ~~suspension or revocation would impose an economic hardship on the parent or on the student's family.~~

27 ~~(d) Where the court has ordered the suspension or revocation of a student's permit or license, the student is~~
28 ~~prohibited from applying for a new permit or license without permission of the court as long as the student is under the~~
29 ~~jurisdiction of the court.~~

30 Section 2: This Act shall be effective upon enactment.

SYNOPSIS

This Act eliminates the ability of a court to suspend a student's driving privileges or hunting license for truancy.



SPONSOR: Rep. K. Williams & Sen. Sokola

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 433

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATOR LICENSURE, CERTIFICATION, EVALUATION, PROFESSIONAL DEVELOPMENT, AND PREPARATION PROGRAMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 1202, Title 14 of the Delaware by making deletions as shown by strike through and insertions
2 as shown by underline as follows and by redesignating accordingly:

3 § 1202. Definitions.

4 The following definitions apply to this chapter:

5 (1) “ARTC program” means an alternative routes for teacher licensure and certification program.

6 Section 2. Amend Subchapter VI, Chapter 12, Title 14 of the Delaware by making deletions as shown by strike
7 through and insertions as shown by underline as follows and by redesignating accordingly:

8 Subchapter VI. Alternative Routes ~~For~~ for Teacher Licensure and Certification.

9 § 1260. Requirements for ~~the participation in~~ an alternative routes for teacher ~~initial~~ licensure and certification
10 program. [~~Effective Apr. 20, 2018.~~]

11 (a) ~~Subject to § 1217 of this title and notwithstanding any other provision in this chapter to the contrary,~~
12 ~~candidates seeking participation in an alternative routes for teacher licensure and certification program shall be issued an~~
13 ~~initial license conditioned on continued enrollment in an alternative routes for teacher licensure and certification program~~
14 ~~and an emergency certificate or certificate of eligibility, provided the candidate meets all of the following criteria:~~

15 (1) ~~Hold a bachelor's degree from a regionally accredited college or university in a coherent major or its~~
16 ~~equivalent, which shall be no less than 30 credit hours appropriate to the instructional field;~~

17 (2) ~~Pass a content readiness exam for fields of teaching specialization, if applicable and available. Candidates~~
18 ~~must pass a content readiness exam, if applicable and available, within the period of time from the date of hire to the~~
19 ~~end of the next consecutive fiscal year;~~

20 (3) ~~Obtain an acceptable health clearance as per Department of Education regulations and an acceptable~~
21 ~~criminal background check clearance; and~~

22 (4) ~~Obtain and accept an offer of employment in a position that requires instructional certification.~~

23 ~~(b) Rules and regulations to implement this subchapter shall be promulgated and adopted pursuant to § 1203 of~~
24 ~~this title.~~

25 ~~(c) If the initial licensee intends to apply for a continuing license, the licensee shall, prior to the expiration of that~~
26 ~~initial license, obtain a passing score on an approved performance assessment within the first 2 years of obtaining the initial~~
27 ~~license.~~

28 (a) Criteria is established for alternative routes for teacher licensure and certification programs, which are
29 intended to provide essential knowledge and skills to participants in ARTC programs, through the following phases of
30 training:

- 31 (1) A seminar and practicum that include all of the following:
- 32 a. Formal instruction or equivalent professional development required by an ARTC program established
33 by regulation of the Department or law.
 - 34 b. Introduction of basic teaching skills through supervised teaching experiences with students.
 - 35 c. Components that are integrated and include an orientation to the policies, organization, and curriculum
36 of the employing district or charter school.

- 37 (2) At least 200 hours of formal instruction, or equivalent professional development approved by the
38 Department, is required to address subjects including, at a minimum, all of the following:
- 39 a. Curriculum.
 - 40 b. Student development and learning at all levels.
 - 41 c. The classroom and the school.

42 (b) A participant in an ARTC program may be granted hours for formal instruction or equivalent professional
43 development successfully completed prior to entry into the program, or during the seminar and practicum.

44 (c) The Department of Education shall promulgate rules and regulations to implement this section.

45 Section 3. Amend § 1261, Title 14 of the Delaware by making deletions as shown by strike through and insertions
46 as shown by underline as follows and by redesignating accordingly:

47 § 1261. Requirements for a district or charter school utilizing an alternative routes for teacher initial licensure and
48 certification program. [~~Effective Apr. 20, 2018.~~]

49 ~~(a) Each school district or charter school seeking to hire a candidate for an alternative routes program must do~~
50 ~~both of the following:~~

51 ~~(1) Participate in an alternative routes for teacher licensure and certification program as established pursuant~~
52 ~~to subsection (b) or (d) of this section.~~

53 ~~(2) Assign a mentor to each teacher participating in an alternative routes program.~~

54 ~~(b) There is hereby established an alternative routes for teacher licensure and certification program which is~~
55 ~~intended to provide essential knowledge and skills to teachers participating in an alternative routes for teacher licensure and~~
56 ~~certification program through the following phases of training:~~

57 ~~(1) A seminar/practicum of no less than 120 hours' duration which takes place prior to the time at which the~~
58 ~~teacher participating in an alternative routes for teacher licensure and certification program takes full responsibility for~~
59 ~~a classroom. This seminar/practicum shall provide such formal instruction or equivalent professional development as~~
60 ~~shall be required by an alternative routes for teacher licensure and certification program established by regulation of~~
61 ~~the Standards Board and the State Board of Education under § 1203 of this title or established by law, in the essential~~
62 ~~areas for professional study listed in subsection (c) of this section. It shall introduce basic teaching skills through~~
63 ~~supervised teaching experiences with students. The seminar and practicum components of the experience shall be~~
64 ~~integrated and shall include an orientation to the policies, organization and curriculum of the employing district or~~
65 ~~charter school. A teacher candidate who will participate in an alternative routes for teacher licensure and certification~~
66 ~~program hired after July 1 of a school year will fulfill the 120-hour seminar/practicum requirement prior to the start of~~
67 ~~the following school year.~~

68 ~~(2) A period of intensive on-the-job supervision beginning the first day on which the teacher participating in~~
69 ~~an alternative routes for teacher licensure and certification program assumes full responsibility for a classroom and~~
70 ~~continuing for a period of at least 10 weeks. During this time, the teacher participating in an alternative routes for~~
71 ~~teacher licensure and certification program shall participate in the state-approved mentoring program, and shall be~~
72 ~~observed and formally evaluated at the end of 10 weeks by certified evaluators. At the end of the 10-week period, the~~
73 ~~teacher participating in an alternative routes for teacher licensure and certification program shall receive a formal~~
74 ~~written progress report from the certified evaluators.~~

75 ~~(3) An additional period of continued supervision and evaluation of no less than 20 weeks' duration. During~~
76 ~~this period, the teacher participating in an alternative routes for teacher licensure and certification program shall~~
77 ~~participate in the state-approved mentoring program, and shall be observed formally and evaluated by the school~~
78 ~~administration at least twice. No more than 2 months shall pass without a formal observation. Opportunities shall be~~
79 ~~provided for the teacher participating in an alternative routes for teacher licensure and certification program to observe~~
80 ~~the teaching of experienced colleagues.~~

81 ~~(c) Approximately 200 hours of such formal instruction or equivalent professional development, as shall be~~
82 ~~required by an alternative routes for teacher licensure and certification program established by regulation of the Standards~~

83 ~~Board and the State Board of Education under § 1203 of this title or established by law, in the following topics shall be~~
84 ~~provided in all 3 phases of the program combined so as to ensure that National Council for Accreditation of Teacher~~
85 ~~Education (NCATE) teacher training standards are maintained. Credit shall be granted to a participant in any approved~~
86 ~~alternative routes to teacher licensure and certification program for hours of formal instruction or equivalent professional~~
87 ~~development successfully completed prior to entry into such program, or during the seminar/practicum prescribed in~~
88 ~~paragraph (b)(1) of this section, which courses meet the requirements of this subsection.~~

89 ~~(1) Curriculum.— Studies designed to foster an understanding of the curriculum taught and the assessment~~
90 ~~of teaching, including topics such as the following: The organization and presentation of subject matter, the~~
91 ~~development and use of tests and other forms of assessment, the evaluation and selection of instructional materials and~~
92 ~~the appropriate use of textbooks and teacher's guides, the use and interpretation of standardized tests and teacher-~~
93 ~~developed instruments, the reading process and other language arts skill development appropriate to the field of~~
94 ~~specialization and grade level, and a knowledge of techniques and materials for fostering the development of reading~~
95 ~~and language arts skills.~~

96 ~~(2) Student development and learning at all levels.— Studies designed to foster an understanding of students,~~
97 ~~their characteristics as individuals, and the ways in which they learn, including topics such as: Student interests,~~
98 ~~motivation, preventing classroom disruption, creating a healthy learning climate, individual and group learning,~~
99 ~~language development, individual differences, and the role of technology learning.~~

100 ~~(3) The classroom and the school.— Studies designed to foster an understanding of the school as a social~~
101 ~~unit and classroom management, including such topics as: The organizational/social structure of public education, the~~
102 ~~making of teaching decisions, allocation of instructional time, setting of priorities, pacing of instruction, setting of~~
103 ~~goals, questioning techniques, student practice and independent work.~~

104 ~~(d) Notwithstanding the foregoing, the Secretary, pursuant to rules and regulations promulgated and adopted~~
105 ~~pursuant to § 1203 of this title, may implement other alternative routes to teacher licensure and certification programs,~~
106 ~~provided the programs meet the minimum criteria set forth in subsection (b) of this section.~~

107 ~~(e) [Repealed.]~~

108 A district or charter school seeking to hire an individual who is a potential participant in an ARTC program must
109 do all of the following:

110 (1) Assign to each individual who is a potential participant a mentor under rules and regulations promulgated
111 and adopted under § 1210 and § 1212 of this title.

112 (2) Provide an initial period of intensive on-the-job supervision under rules and regulations promulgated by
113 the Department.

114 (3) Provide an additional period of continued supervision and evaluation under rules and regulations
115 promulgated by the Department.

116 Section 4. Amend § 1262, Title 14 of the Delaware by making deletions as shown by strike through and insertions
117 as shown by underline as follows and by redesignating accordingly:

118 § 1262. Requirements for ~~the evaluation of teachers participating~~ participation in an alternative routes for teacher
119 initial licensure and certification program.

120 ~~(a) Teachers participating in an alternative routes for teacher licensure and certification program shall be observed~~
121 ~~by the assigned mentor teacher and evaluated by certified evaluators as per § 1261 of this title.~~

122 ~~(b) Mentor teachers shall not participate in any way in decisions which might have a bearing on the licensure,~~
123 ~~certification or employment of teachers. They shall not assess or evaluate the performance of teachers unless they are~~
124 ~~appropriately certified evaluators. Interactions between teachers and experienced mentor teachers are formative in nature~~
125 ~~and considered a matter of professional privilege. Mentor teachers shall not be compelled to offer testimony on the~~
126 ~~performance of teachers.~~

127 (a) Subject to § 1217 of this title and notwithstanding any other provision in this chapter, an individual who is a
128 potential participant must be issued an initial license in an ARTC program and applicable certification, provided the
129 individual meets all of the following criteria:

130 (1) Holds a bachelor's degree from a regionally-accredited college or university.

131 (2) Has at least 24 credits from a regionally-accredited college or university aligned to the content area in
132 which the individual is seeking certification, or the equivalent in professional development approved by the
133 Department, appropriate to the instructional field, or passing scores on an approved content-readiness exam prior to
134 entering the ARTC program.

135 (3) Obtains an acceptable health clearance under Department regulations, and an acceptable criminal
136 background check clearance.

137 (4) Obtains and accepts an offer of employment in a full-time position that requires instructional certification.

138 (b) While in an ARTC program, a participant must meet both of the following criteria:

139 (1) Maintain satisfactory progress towards the completion of all ARTC program requirements.

140 (2) Be continuously employed with a district or charter school.

141 (c) An ARTC program participant must attain all of the following, prior to the expiration of the initial license to
142 obtain standard certification within the first 2 years of teaching:

143 (1) Successful completion of all ARTC program requirements.

144 (2) Two summative evaluations using a state-approved system with not more than 1 summative evaluation
145 being unsatisfactory.

146 (3) Passing scores on approved content readiness exams pursuant to the certification requirements.

147 (4) Passing scores on an approved performance assessment.

148 (d) The Department may grant additional time to complete the requirements of subsection (b) of this section, in
149 consultation with the ARTC program, to an ARTC program participant based on exigent circumstances to complete any
150 remaining formal instruction or equivalent professional development. The total extension of time may not exceed 1 year
151 and a participant may be granted only 1 extension.

152 (e) The Department shall promulgate rules and regulations to implement this section.

153 Section 5. Amend § 1263, Title 14 of the Delaware by making deletions as shown by strike through and insertions
154 as shown by underline as follows and by redesignating accordingly:

155 § 1263. ~~Recommendation for~~ Issuance of initial licensure and certification ~~of teacher participating to a participant~~
156 in an alternative routes for teacher initial licensure and certification program.

157 ~~(a) At the conclusion of an alternative routes for teacher licensure and certification program, the certified~~
158 ~~evaluators shall prepare a comprehensive evaluation report on the performance of the teacher participating in an alternative~~
159 ~~routes for teacher licensure and certification program. This report shall be submitted by the certified evaluators directly to~~
160 ~~the Department of Education and shall contain a recommendation as to whether or not a license should be issued to the~~
161 ~~teacher participating in an alternative routes for teacher licensure and certification program. Such license shall be an initial~~
162 ~~license valid for the balance of the 4 year term, if the participant has completed the program in less than 4 years, or~~
163 ~~continuing license, if the 4 year term of the initial license has expired.~~

164 ~~(b) The final comprehensive evaluation report on each teacher participating in an alternative routes for teacher~~
165 ~~licensure and certification program shall be made on standard forms developed by the Department of Education.~~

166 ~~(c) The final evaluation report on each teacher participating in an alternative routes for teacher licensure and~~
167 ~~certification program shall include 1 of the following recommendations:~~

168 ~~(1) Approved. — Recommends issuance of the appropriate license and standard certificate or certificates.~~

169 ~~(2) Disapproved. — Recommends that a license and standard certificate not be issued and that the candidate~~
170 ~~not be allowed to continue in an alternative routes for teacher licensure and certification program.~~

171 ~~(d) The certified evaluators shall provide the teacher participating in an alternative routes for teacher licensure and~~
172 ~~licensure and certification program with a copy of the teacher's written evaluation report and licensure and certification~~
173 ~~recommendation 20 days before submitting it to the Department of Education.~~

174 ~~(e) If the teacher participating in an alternative routes for teacher licensure and certification program disagrees~~
175 ~~with the certified evaluators' recommendation, the teacher may, within 15 days of receipt of the evaluation report and~~
176 ~~licensure and certification recommendation, submit to the certified evaluators written materials documenting the reasons~~
177 ~~that the teacher participating in an alternative routes for teacher licensure and certification program believes a license~~
178 ~~should be awarded. The certified evaluators shall forward all such documentation to the Department of Education along~~
179 ~~with the evaluation report and recommendation concerning licensure and certification. The Secretary or the Secretary's~~
180 ~~designee shall review the evaluation report, the licensure and certification recommendation, and any documentation~~
181 ~~supplied by the teacher and make a determination as to whether the teacher qualifies for licensure and certification.~~

182 ~~(f) Teachers participating in an alternative routes for teacher licensure and certification program who receive an~~
183 ~~commendation of "disapproved" may petition the Department for approval of additional opportunities to participate in an~~
184 ~~alternative routes for teacher licensure and certification program.~~

185 (a) At the conclusion of an ARTC program, all of the following must be met:

186 (1) The ARTC program shall provide to each participant and the Department documentation stating whether
187 the participant has successfully completed the alternative routes for teacher licensure and certification seminar and
188 hours of formal instruction or professional development under § 1260 of this title.

189 (2) The local education agency shall provide to each participant and the Department documentation stating
190 whether the participant has 2 summative evaluations using a state-approved system with not more than 1 summative
191 evaluation being unsatisfactory.

192 (3) Each participant shall provide to the Department official documentation of passing scores on state-
193 approved content readiness exams and passing scores on a state-approved performance assessment under the
194 certification requirements.

195 (b) Subject to § 1217 of this title and notwithstanding any other provision in this chapter, the Department shall
196 issue to an ARTC program participant the appropriate license and certification, if the participant has attained all of the
197 following:

198 (1) Successful completion of all ARTC program requirements.

199 (2) Two summative evaluations using a state-approved system with not more than 1 summative evaluation
200 being unsatisfactory.

201 (3) Passing scores on approved content readiness exams pursuant to the certification requirements.

202 (4) Passing scores on an approved performance assessment.

203 (c) The Department shall promulgate rules and regulations to implement this section.

204 Section 6. Amend § 1264, Title 14 of the Delaware by making deletions as shown by strike through and insertions
205 as shown by underline as follows:

206 § 1264. Procedure for teachers participating in an alternative routes for teacher licensure and certification program
207 to contest licensure and certification decisions.

208 ~~A teacher participating in an alternative routes for teacher licensure and certification program is entitled to a full~~
209 ~~and fair hearing before the Standards Board to challenge the Secretary's or the Secretary's designee's licensure and~~
210 ~~certification decision. [Repealed.]~~

SYNOPSIS

This Act expands the pathways to entering an alternative routes for teacher licensure and certification program ("ARTC") casting a wider net in order to attract a diverse pool of qualified candidates into the field of education as the need for teachers, particularly in critical needs areas, has increased. It also clarifies district and charter school responsibilities and ARTC program provider responsibilities, to assure proper supports are in place. Under this Act, attainment of final licensure and certification is contingent on meeting all ARTC program requirements, demonstrating effective teaching based on a state-approved evaluation system, and attaining passing scores on applicable and available approved content readiness exams and a performance assessment. These exit requirements hold ARTC participants to the same high standards for final licensure and certification as those entering the field from a typical teacher pre-service program.

This Act also makes technical corrections to confirm existing law to the standards of the Delaware Legislative Drafting Manual.