



FY 2018 & FY 2019 Combined Report

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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.

STAFF & 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. That position was reduced to part-time in FY 12 and SCPD hired another part-time administrative person in FY 16.

In FY 18, the SCPD added an FTE position (Administrative Support Specialist III) from an already existing position within the DSHS Office of the Secretary. In FY 19, at the request of the SCPD Executive Committee, the DSHS Office of the Secretary added an additional casual seasonal position [Policy Administrator (Planning Supervisor)] from an already existing position to provide additional support Council's growing capacity needs.

The SCPD staff currently consists of:

- FTE Positions
 - Director (Senior Social Service Administrator)
 - Administrative Support Specialist III
- Casual Seasonal Positions
 - Policy Director (Planning Supervisor)
 - Administrative Support Specialist I
 - Administrative Support Specialist II

In FY 18, SCPD requested a funding increase for specific budget items: contractual services, supplies and travel. The funding requests were approved for FY 20. The SCPD budget, aside from salaries, is as follows:

- Contractual Services \$34,400
- Supplies - \$1,800
- Travel - \$5,000

This funding supports SCPD and its committees in addition to the responsibilities of ADA Coordinator*, all of which are housed under the Department of Safety & Homeland Security. The bulk of the contractual funds are utilized to address requests for reasonable accommodations for SCPD members, (i.e. sign language interpreters, Captioning at Real Time (CART) services, etc.). This is to comply with program access as required by the Americans with Disabilities Act, 28 CFR 35.130. The vast majority of the remaining funds are utilized for the full-time rental acquisition of a wheelchair accessible van from Fleet Services. The Director of the SCPD requires the use of a wheelchair accessible van to conduct SCPD business.

*Effective as of September 2019, the position of the State ADA Coordinator was transferred to a fulltime standalone position within the Department of Human Resources. The SCPD Director will continue to assist the new ADA Coordinator through a transitional period.

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

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EXECUTIVE SUMMARY

The State Council for Persons with Disabilities (SCPD) is pleased to report on its initiatives and accomplishments for the period ending June 30, 2019. The following represents highlights from its activities.

STRATEGIC PLAN

On June 25, 2018 the SCPD held a retreat, which was facilitated by Prof. Rita Landgraf, University of Delaware. The retreat was held to provide the SCPD the opportunity to evaluate its successes and challenges, to re-evaluate priorities and to develop a strategic plan in order to fulfill manageable goals and objectives. The SCPD Strategic Plan can be viewed on the SCPD website.

BRAIN INJURY COMMITTEE

MISSION

To improve the lives of Delawareans with brain injury and their families by providing the following:

- a forum for the sharing and analysis of information
- a network to identify and facilitate acquisition of enhanced resources
- a technical assistance provider to educate public and private policymakers
- an advocacy agency to promote a consumer-oriented, effective injury and prevention service delivery system.

RESPONSIBILITIES

Serve as the primary brain injury council for the State. In furtherance of this role, the Council shall:

- Maintain a standing brain injury committee to facilitate prevention and centralized interdisciplinary planning, assessment and an improved service delivery system for individuals with brain injury.

MEMBERSHIP

- Director of the Division of Public Health;
- Director of the Division of Developmental Disabilities Services;
- Director of the Division of Substance Abuse and Mental Health;
- Director of the Division of Aging and Adults with Physical Disabilities;
- Director of the Division of Prevention and Behavioral Health Services;
- Director of Division of Vocational Rehabilitation;

- Exceptional Children Director of Department of Education;
- Chair of Governor’s Advisory Council for Exceptional Citizens;
- Chair of Developmental Disabilities Council;
- minimum of three survivors of brain injury or family members of such individuals; and
- representatives of prevention, planning, veterans and service delivery organizations appointed by the Council, including a representative of the State chapter of the Brain Injury Association 20 of America and a representative of the “protection and advocacy agency” defined in §1102 of Title 16.”

HIGHLIGHTS

Data Access Legislation

The State Council for Persons with Disabilities (SCPD) has a mandate, among other duties, to 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; any other relevant information and data about persons with disabilities which the council deems appropriate. The Brain Injury Committee’s [(BIC)mandated under SCPD], purpose is to advocate for consumer-oriented, effective injury and prevention service delivery system; network for Information sharing and to identify and facilitate enhanced services; and to educate public and private policymakers in matters regarding brain injuries. In July 2013, the General Assembly allocated funding to the State Council for Persons with Disabilities (SCPD) to administer a Traumatic Brain Injury Fund.

Delaware does not have an official registry for Traumatic Brain Injury data collection as many states do. Some data is currently pulled from emergency department visits and hospital stays. This data is provided by the Delaware Health Information Network (DHIN) to the Delaware Coalition for Injury Prevention which is used for a larger report to track injuries in Delaware. This data is made public via <https://dhss.delaware.gov/dph/ems/iptbi.html>

The Brain Injury Committee has worked hard over the years to gather more data regarding traumatic brain injuries to support the needs of Delaware. More recently, BIC has collaborated with DHIN through 2017 and 2018 and the working group came to the conclusion that utilizing the existing data collection systems (i.e. DHIN), rather than setting up a separate registry would be a more cost effective and more efficient way of monitoring the needs of Delaware’s TBI patients and the supporting services. By definition, TBI surveillance and registries differ, but many of the functions that registries serve could be implemented by enhancing existing surveillance systems. Leveraging existing TBI and injury data collection efforts, including TBI surveillance that is already ongoing, would result in greater efficiency and cost savings rather than developing a new registry-type data collection system. (https://www.cdc.gov/traumaticbraininjury/pdf/future_of_registries-a.pdf) The use of the DHIN as a primary source of data would meets these needs.

In order for the SCPD to acquire access to the data that DHIN has available, action is required action by the General Assembly. In 2019, HB 230 sponsored by Representative Bennett was introduced. The bills original synopsis details the beneficial objectives:

“This Act allows the Delaware Health Information Network ("DHIN") to enter into an appropriate agreement with the State Council for Persons with Disabilities (“SCPD”) to provide access to all claims data reported to the Delaware Health Care Claims Database. The SCPD’s Brain Injury Committee (“BIC”) has been discussing the BIC’s need for data with

the DHIN for over a year and the DHIN and the SCPD found that utilizing existing data collection systems is more cost-effective and efficient than setting up a separate registry for Delaware's Traumatic Brain Injury ("TBI") patients. Access to current and accurate TBI data from the Delaware Health Care Claims Database will assist the SCPD to do the following: 1. Enhance the ability to identify scope of service needs and gaps in services. 2. Enhance the ability to leverage federal funds because past grant opportunities were denied, in part, because of a lack of reliable and useful Delaware data. 3. Incorporate the use of the data into research studies on the effectiveness of services provided, return on efforts, and cost-effectiveness."

The bill was passed by the legislature and signed into law on July 23, 2019.

New Sub-committee's Created

Prevention and Outreach Subcommittee (P & O) to focus on education and outreach relating to concussions, brain injuries (BI) and the Traumatic Brain Injury (TBI) Fund. The Prevention and Outreach Subcommittee was tasked with obtaining testimony from survivors to share on the SCPD website and creating BI information packages to share with survivors, hospitals, rehabilitation centers, and physician offices.

Data Development Subcommittee (DDS) to review how other states set-up and run their brain injury registries and to work towards obtaining brain injury statistics for Delaware. This subcommittee is tasked with understanding as a state the number of persons with brain injuries, whether they are traumatic or acquired brain injuries so we can begin to target money for these individuals.

Brain Injury Fund

Since July 2013, the General Assembly has allocated funding (\$50,000/year) to the State Council for Persons with Disabilities (SCPD) to administer a Brain Injury Fund. Eligibility for funding assistance is limited to Delaware residents with a qualifying, documented brain injury who would benefit from covered services which would otherwise not be readily available to the resident through the Department of Health & Social Service (DHSS). Documentation of a brain injury may include an adequate medical history, neurological examination, neuropsychological evaluation or neuroimaging. Covered services may include home modifications, environmental modifications, driver rehabilitation, service dog acquisition and support, assistive technology, attendant services, and such other services approved by SCPD. SCPD continues to administer the fund to provide needed services to people with TBI who may not be able to receive these services from other agencies or organizations.

From FY 2018 through FY 2019 the Brain Injury Committee has allocated over \$90,000 from the Brain Injury Fund to assist Delaware traumatic brain injury survivors with acquiring equipment, services and modifications that improve the individual's independence and ability to live more successfully in the community.

Feedback from just a few of the recipients that have received assistance from the TBIF:

- "Thank you so much for my moss rehab driving training and my accessibility equipment. It has meant the world to me to somewhat feel like a part of the daily commute. I appreciate your guys dedication to my dream of having my license again. Thank you from the bottom of

my heart for making me feel a part of the community again. I appreciate the help I have received from the brain injury trust fund this wouldn't be possible without the trust committee.”

- “I am delighted with the scooter and lift, and I cannot tell you how much easier they make it for me to be a part of my community, which I value very much. I thank you for making these monies possible for traumatic brain injury survivors. I know there are many more people like me who need services not covered by insurance.”
- “You changed my life with the simple act of giving me a computer. You opened my world. You gave me hope.”

Presentations

BIC received informative presentations on the following:

- Data Development and Analysis - Michael MacDonald and Angie Kaiser of the Delaware Health Information Network (DHIN)
- Social Media Outreach - Tom Cairo, Bayhealth Neurosurgery
- DOE eligibility for TBI in school regulations - Dale Matusevich, DOE & Marika Ginsburg-Block
- Funding cost-share with DSAAPD and DPH - Laura Howard, DSAAPD
- DOE TBI Regulations - Marika Ginsburg-Block, U of D
- Services, Supports, & Resources needed in DE - Mark N. Patrick, Father/caregiver Brain Injury Survivor
- DCVA Legislative Priorities, Dr. Ron Sarg, DCVA
- Brain Injury Association of Delaware, 28th Annual Conference Presentation – Sharon Lyons, Brain Injury Association of Delaware
- 2019 Junior Partners in Policymaking Program - Kristin Harvey, DDC
- Daily Frustrations of TBI Survivors & Lack of Available Resources in DE - Cassandra Harmon, TBI Survivor
- Hallmark Grant Funding - Sue Gamel-McCormick, Birth To 3
- Necessity of Streamlined Resource System for Survivors - Carey Swartzentruber, TBI Survivor.

POLICY AND LAW

In FY 18 and FY 19 combined, SCPD reviewed and commented on 129 proposed and final regulations; 71 State bills and 2 Federal bills. (see Appendix I),

SCPD worked on the following issues in FY 18 and FY 19 and will be following up with the Legislature, as appropriate, in FY 2020.

SCPD/Commission Merger

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. Currently, SCPD is 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. Council's mission 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. The Commission on Building Access to Community Based Services was established by Executive Order 50 (Governor Minner) in 2003 to ensure that community-based programs effectively foster independence and participation in community. Both the Council's and Commission's framework for achieving their goals, duties and missions is for the public and private entities representing Delaware's disabilities community, and those who serve that community, help chart the state's progress toward those goals. Therefore, both groups collaborate with Cabinets, Agencies, Advisory Groups, Providers, Consumers, and Family Members. SCPD already has a very strong alignment with the Commission and both have similar missions, goals and responsibilities; therefore, this legislation concisely merges the duties and membership of the Commission as defined in Executive Order 50 into the SCPD Code. The result is a unified Council with strengthened governance that can advance the work of both groups as well as adhere to the State Code.

Remote Access in Open Meetings

SCPD supports legislation which expands the means by which members of public bodies with disabilities can participate in public meetings under the Freedom of Information Act to expand remote participation beyond videoconferencing, as a reasonable accommodation. Currently, members of public bodies who are persons with disabilities often have difficulty attending public meetings in person due to medical issues, personal care issues or transportation issues. This bill would allow any member of a public body with disabilities to fully participate in public meetings by use of other remote technology options. The bill codifies existing requirements to provide reasonable accommodations to individuals seeking to participate in a public meeting. Currently at least four public bodies in the State of Delaware already allow members to participate by teleconferencing: State Use Law Commission (16 Del. C. § 9603); Cash Management Board (29 Del. C. § 2716(d)(5)); Plans Management Board (29 Del. C. § 2722); and Board of Pension Trustees (29 Del. C. § 8308). The bill also adds requirements to ensure access and participation by the public, when remote participation is utilized.

Registration of Interpreters for the Deaf and Hard of Hearing and Deaf-Blind

SCPD supports a registration system for American Sign Language (ASL) interpreters. At the present time, individuals who are not qualified to provide interpreting services are presenting themselves as acceptable/qualified interpreters without consequence. This is extremely problematic for all consumers utilizing interpreter services. It harms the interests of people who are Deaf, Hard of Hearing and Deaf-Blind by depriving them of the right to meaningful access and involvement in legal or medical settings, as well as other activities in the community. It also harms the interests of people who are not Deaf, Hard of Hearing, or Deaf-Blind by denying them access to effective communication with people who use ASL by providing a lesser quality service than what they believe they are purchasing. A registration system will help ensure that only qualified individuals provide this vital and necessary service.

Legislation would ensure consumer protection; utilize credentialing process already established, validated and nationally recognized; provide quality assurance process; establish a statewide professional standard similar to other human service fields (e.g. nurse, teacher, social worker); create public listing of credentialed interpreters accessible to all consumers in Delaware; empower consumers to verify credentials of interpreters independently; and align Delaware with other states in the region and national standards.

Persons with Disabilities Employment Protections

Delaware Code, Title 19, Chapter 7, Subchapter III (Persons with Disabilities Employment Protections) is outdated and needs many revisions. Much of the language in the current law went into effect in 1988 with some minor amendments thereafter and does not appear to incorporate the ADA Amendments Act of 2008. There is a problematic language throughout the current state law, some of which may be inconsistent with federal law. For example, the current law, in part, does not require an employer to make changes to accommodate a person with a disability where:

1. For a new employee the cost of such changes would exceed 5 percent of the annual salary or annualized hourly wage of the job in question; or
2. For an existing employee the total cost of the changes would bring the total cost of changes made to accommodate the employee's disabilities since the employee's initial acceptance of employment with the employer to greater than 5 percent of the employee's current salary or current annualized hourly wage.

SCPD intends to collaborate with legislators and staff, Disabilities Law Program and Department of Labor to overhaul this Subchapter.

14c Certificates in Delaware

The Employment First Oversight Commission (EFOC) und SCPD supports exploring the development of programs that would phase out the use of subminimum wage (14c) certificates in Delaware by moving existing customers into better paying opportunities with the appropriate level of support. This, most likely, would not be able to occur without restructuring existing systems and the development of additional capacity. In echoing recent national recommendations should be well designed with the necessary resources in place to ensure improved outcomes in the quality of life for the people we are serving.” EFOC is aware of only 2 organizations within Delaware that hold section 14 (c) certificates. This is an improvement since, only a few years ago, there were 7 organizations/agencies which paid subminimum wages, including 2 from state agencies.

SCPD intends to collaborate with legislators, the Ability Network of Delaware (AND), service providers, families and individuals with disabilities to determine the most appropriate path forward regarding this issue.

Medical Aid in Dying

SCPD continues, and will continue, to oppose “Medical Aid in Dying” legislation such as HB 140 introduced in the first half of the 150th General Assembly. This Act intends to permit a terminally ill individual who is an adult resident of Delaware to request and self-administer medication to end the individual's life in a humane and dignified manner if both the individual's attending physician and a consulting physician agree on the individual's diagnosis and prognosis and believe the individual has decision-making capacity, is making an informed decision, and is acting voluntarily. SCPD believes that it may be a first step towards expanding the authorized involuntary termination of life of individuals with disabilities and significant health impairments by guardians, third parties, and government.

Dental Care for Adult Medicaid Recipients

For over fifteen years SCPD has strongly advocated for legislation and funding for dental care for adult Medicaid recipients. In FY 19 (SS 1 for SB 92) was introduced, which expands Delaware's Public Assistance Code to provide dental care to all eligible adult Medicaid recipients. Payments for dental care treatments are subject to a \$3.00 recipient copay and the total amount of dental care assistance provided to an eligible recipient may not exceed \$1,000.00 per year, except that an additional \$1,500.00 may be authorized on an emergency basis for dental care treatments through a review process established by the Department of Health and Social Services. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. This Substitute Act differs from Senate Bill No. 92 (150th General Assembly) because it changes the effective date of this Act to be April 1, 2020, and removes provisions made unnecessary by the change. The legislation was signed August 6, 2019.

EMPLOYMENT FIRST OVERSIGHT COMMISSION

Executive Summary

This 2019 Report highlights the work of the Employment First Oversight Commission (EFOC), which oversees Delaware's policy that competitive employment in an integrated setting shall be considered its first and priority option for people with disabilities. A facilitated retreat was held in FY 19 which focused on EFOC's powers and duties to review measurable goals and objectives to ensure implementation of the Employment First Act.

Consistent with its stated mandate and responsibilities, EFOC collected data to establish a baseline, which will allow the Commission to continue measuring appropriate objectives to ensure full implementation of the Employment First Act. EFOC solicited information and data from the following State agencies: Department of Education (DOE); Division of Vocational Rehabilitation (DVR); Division of Substance Abuse & Mental Health (DSAMH); Department of Services for Children, Youth and Their Families (DSCYF); Department of Correction (DOC); Division of Services for Aging & Adults with Physical Disabilities (DSAAPD); Division of Social Services (DSS); Division for the Visually Impaired (DVI) and Division of Developmental Disabilities Services (DDDS).

EFOC also solicited and reviewed information on statistics & programs related to employment and persons with disabilities. Programs included the following: Selective Placement & Agency Aide (Selective Placement allows hiring managers access to a list of prescreened candidates with skill sets already identified); Project SEARCH (workforce development program utilizing public and private partnerships focused on individuals with disabilities); and Medicaid Workers with Disabilities (allows individuals with disabilities to work without losing Medicaid health benefits).

While EFOC will continue to monitor the progress of the State to promote the right that all persons with disabilities have the opportunity for competitive integrated employment, the Commission/SCPD also has the following objectives:

- Collaborate with legislators and staff, Disabilities Law Program and Department of Labor to overhaul Delaware Code, Title 19, Chapter 7, Subchapter III (Persons with Disabilities Employment Protections) which is outdated and needs many revisions.

- Collaborate with legislators, the Ability Network of Delaware (AND), service providers, families and individuals with disabilities to determine the most appropriate path forward on the possibility of developing programs that would phase out the use of subminimum wage (14c) certificates in Delaware by moving existing customers into better paying opportunities with the appropriate level of support.
- Incorporate a top-down required disability employment training into the State's employee education system.
- Implement a more robust Selective Placement system and integrate it into the hiring process.
- Provide greater exposure to State employment options through the provision of increased state agency internship opportunities for youth and adults with disabilities.
- Remove screening barriers that present challenges to job seekers applying for jobs at the State (e.g. requiring a driver's license when it is not an essential function of the job).
- Monitor national grant and other funding opportunities, which would enhance competitive integrated employment for persons with disabilities in Delaware. Coordinate with appropriate State agencies and encourage them to apply for such opportunities.

Report

Delaware's Employment First Act (H.B. 319) was signed by the Governor on July 16, 2012 and promotes the right that all persons with disabilities have the opportunity for competitive integrated employment and establishes the Employment First Oversight Commission (EFOC) under SCPD. The law has been amended by HB 370 and HB 241, which were signed by the Governor in September 2018 and September 2019, respectively. HB 370 added the Department of Human Resources (DHR) and the Community Legal Aid Society (CLASI) to the Commission. In addition, it clarified that a member did not have to be a resident of the State of Delaware, but could also work in the State of Delaware and whose employment agency shall either represent or advocate for the employment of persons with disabilities. HB 241 further expands the membership of EFOC by adding the Director of the Division for the Visually Impaired (DVI), the Director of the Division of Substance Abuse and Mental Health (DSAMH), and other councils, committees, agencies, organizations and individuals as approved by both the EFOC and the affected council, committee, agency, organization or individual. This bill further expands the officer's services from 1 year to 2 years and allows them to be reelected for an additional consecutive term. Finally, it provides amendments which enables the Commission to better fulfill its stated mandate.

The Act recites that it is the policy of this State that competitive employment in an integrated setting shall be considered its first and priority option for people who are of working age, including people with disabilities. All State agencies that provide services and support to persons with disabilities shall follow this policy and ensure that it is effectively implemented in their programs and services. Competitive integrated employment means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting, and for which a person with a disability is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by persons without disabilities.

The law also requires State agencies to coordinate efforts to ensure that State programs, policies, procedures and funding support competitive employment opportunities. In addition, the law requires State agencies to, whenever feasible, share data and information across systems in order to track progress toward full implementation of this Act. Finally, State agencies are encouraged to adopt measurable goals and objectives to promote assessment of progress in implementing this Act.

HB 319 also establishes the Employment First Oversight Commission (EFOC) under the purview of State Council for People with Disabilities (SCPD). Membership, consistent with the aforementioned amendments, is as follows:

- Four people with disabilities appointed by the Legislature;
- Ability Network of Delaware (AND);
- Division of Industrial Affairs (DIA);
- Division of Vocational Rehabilitation (DVR);
- Department of Education (DOE);
- Department of Health and Social Services (DHSS);
- Division of Developmental Disabilities Services (DDDS);
- Developmental Disabilities Council (DDC);
- Department of Human Resources (DHR);
- Community Legal Aid Society (CLASI);
- Division for the Visually Impaired (DVI);
- Division of Substance Abuse and Mental Health (DSAMH).

Duties of the Commission include reviewing measurable goals and objectives submitted by each relevant State agency to ensure implementation of this Act; tracking the measurable progress of State agencies in implementing this Act; and preparing an annual report detailing progress and identifying barriers to achieving outcomes, along with effective strategies and policies that can help realize the EFOC initiative. State agencies are required to fully cooperate with the Commission in providing data and information to assist the Commission in carrying out its duties.

EFOC has regularly scheduled meetings which are held the 2nd Tuesday of the month at the Smyrna Rest Area and open to the public. Specific information can be located on the State of Delaware Public Meeting Calendar: <https://publicmeetings.delaware.gov/>.

Retreat

A facilitated retreat was held in Dover on August 1, 2018 with a follow-up at the January 8, 2019 EFOC meeting. EFOC is, and will be, focusing on its powers and duties to review measurable goals and objectives as submitted to it by each relevant state agency to ensure implementation of the Employment First Act. The EFOC shall track the measurable progress of State agencies in furtherance of the implementation of this Act. Once this is accomplished, the Commission may review several initiatives as outlined in this report. Further activities are aligned with what is known as the Disability Agenda, and the commissions and councils that have been established within the State to focus on issues impacting people with disabilities.

Data from State Agencies

Consistent with its stated mandate and responsibilities, EFOC again attempted to collect data to establish a baseline, which will allow the Commission to begin measuring appropriate objectives to ensure full implementation of the Employment First Act. EFOC solicited information and data, consistent with this Act, from the following State agencies: Department of Education (DOE); Division of Vocational Rehabilitation (DVR); Division of Substance Abuse & Mental Health (DSAMH); Department of Services for Children, Youth and Their Families (DSCYF); Department of Correction (DOC); Division of Services for Aging & Adults with Physical Disabilities (DSAAPD); Division of Social Services (DSS); Division for the Visually Impaired (DVI) and

Division of Developmental Disabilities Services (DDDS). The information collected was the result of the following questions being asked:

1. Does your agency have a strategic plan that identifies measurable goals and objectives relative to promoting and achieving employment?
2. Is your agency offering Employment First (EF)? If so, is EF being offered as the first option? If so, how many individual plans document that EF is offered as the first option?
3. What data, if any, does your agency compile on people with disabilities in your system that receive vocational supports? Please provide such data from your agency's most recently completed fiscal year. What vocational support and/or services are provided by your agency? In your last fiscal year, how many individuals were served in the categories below? Please check all that may apply.
_____ Sheltered Workshops
_____ Competitive Employment
_____ Career Track Plans/Continuing or Higher Education
_____ Other (please explain)
4. What are the barriers your agency experiences in promoting and achieving meaningful and competitive employment?
5. Please identify any innovative ideas, best practices or partnerships your agency may have regarding the achievement of meaningful and competitive employment opportunities for persons with disabilities.

Agency Highlights

DVR

DVR has a plan for employment as part of the Workforce Innovation and Opportunity Act (WIOA), with goals established with the State Rehabilitation Council (SRC) and measurable goals from the Federal Rehabilitation Services Administration (RSA). All plans and established goals are to promote and achieve competitive integrated employment outcomes for transitioning students and adults with disabilities. Employment First is always the first offering for DVR customers.

DVR provides an array of services and employment supports, i.e. career counseling, skills training, post-secondary education, skills training, supported employment and job placement. These services are provided by internal VR Counselors and Business Services Representatives along with a cadre of providers and post-secondary institutions.

Relevant statistics include the following:

- 835 consumers worked >90 days in FY18 and earned an average wage of \$11.72/hr. 900 consumers in FY 19 worked >90 days and earned an average wage of \$12.10/hr.
- 4,315 Career Track Plans/Continuing or Higher Ed. In FY 18 and 3,866 in FY 19.
- 1,000 (Other) Students receiving Pre-Employment Transition Services in FY 18 and 1300 in FY 19.
- As of 6/7/19, there were over 700 people on the waiting list. This number fluctuates weekly.
- In FY19 DVR served 6,035 consumers. 900 worked for >90 days; an additional 871 were working as of 10/1/2019. As of 9/30/2019, 485 consumers were looking for work, 1,246 were receiving post-secondary services, 1,420 consumers were determined eligible and for whom plans for employment were being developed.

DVI

The Delaware Division for the Visually Impaired (DVI) has a plan for employment in the Workforce Innovation and Opportunity Act Combined State Plan and clearly defined objectives from the Federal Rehabilitation Services Administration.

Employment First is always the first option for DVI consumers and all DVI goals promote competitive integrated employment. All programming encourages workplace inclusion, promotes career development, presents opportunities for consumers to gain marketable education and/or training to obtain gainful employment, and strives to eliminate barriers to independence.

Delawareans who are blind have access to DVI services in school, home and work across their lifespan. The DVI Vocational Rehabilitation team offers a variety of services designed to help each participant achieve maximum independence. Services include career counseling, post-secondary education, skills training, supported employment, job placement, assistive technology training, orientation & mobility, and independent living.

DVI has operated without an Order of Selection (waiting list) since FFY 2011; we recognize the value of having the ability to provide services to all eligible consumers. During the past two years, DVI has introduced several new programs for transition students that focus on careers, post-secondary education, soft skills, etc.

- Space Camp designed for students with visual impairments in Huntsville, AL
- Level Up Conference for high school students with blindness in Wichita, KS
- Mission Transition at Delaware State University
- Transition Spring Break Activities & Summer Skills Academy
- Braille Enrichment Literacy & Learning Academy offered by the National Federation for the Blind.

Data Element	FFY2019	FFY2018
New VR eligible consumers	56	49
New completed VR plans	84%	95%
People who achieved successful competitive integrated employment	35	38
Average hourly rate of those who were successfully closed	\$16.80	\$18.43
Average weekly hours worked by those who were successfully closed	35	34
Transition age student received transition services	75	88
Career Track Plans/Continuing or Higher Education	59	68

DSAMH

Assertive Community Treatment (ACT) and Intensive Case Management (ICM) goals are to improve the client's opportunity to be successful in social and employment roles and activities. The teams will provide support (i.e. education, advocacy) to the consumer's support network.

Supported Employment services will be provided to any individual who wants to work and who is in need of supports.

Community Reintegration Support Project (CRISP) outcomes include participation in work-related skill training or educational programs and employment or participation in volunteer work.

Targeted Care Management includes assessment of employment needs, employment supports are provided with a goal of employing at least 30% or peer staff.

ACT, ICM, CRISP, and Group Home Employment Status
SFY 2018 (July 1, 2017 to June 30, 2018)

Table 1: Employment Status - Unduplicated Client Counts (as of Most Recent Record)

Employment Status	ACT	IC M	CRIS P	Sober Living	Total²
Full Time	31	22	1	96	145
Part Time	87	56	3	24	164
Number Sub-total Employed	118	78	4	120	309
Sheltered	1	0	0	1	2
Student	19	2	0	2	23
Unemployed - Looking for work	244	87	9	173	498
Not in Labor Force ¹	1,224	285	96	95	1,669
Not Specified	49	6	3	8	65
Total	1,773	536	116	519	2,875

Notes

¹Not in labor force is defined by SAMHSA's TEDS guidelines as: Disabled, Homemaker, Inmate, Retired, Unemployed - Not looking for Work, or Volunteer. Student is typically included in that count but was broken into its own category for purposes of this report.

²The figure in the field labeled "Total" does not equal the sum of the four preceding as clients with multiple service types will only count once in the total.

DDDS

DDDS does not have a formal strategic plan that identifies measurable goals and objectives, but the agency has taken steps to ensure people served by the Division have, as their first service option, employment in the community. One such effort is the development and implementation of the Pathways to Employment Program (PTE). PTE is a Medicaid State Plan Option for youth, aged 14 to 25, with a qualifying disability to get ready for work, find jobs and be successful in the workplace. PTE includes a menu of services designed to meet the needs of youth with goals to obtain and maintain employment in his/her community. Another strategy implemented by DDDS is a change in the Day Service Referral Procedure. All new referrals for Pre-Vocational Services must also include a referral to the Division of Vocational Rehabilitation (DVR) to ensure people are assessed first for employment versus assuming that they require pre-vocational activities prior to seeking employment. Relevant data includes the following:

- 469 individuals authorized for receiving pre-vocational services in FY 19, 568 in FY 18.
- 749 individuals authorized to receive supported employment services in FY 19, 682 in FY 18.
- 443 authorized to receive one or more Pathways to Employment services in FY 19, 401 in FY 18.
- 228 in sheltered workshops in FY 19, 327 in FY 18.
- 749 in competitive employment in FY 19, 595 in FY 18.

- 10 in Career Track Plans/Continuing or Higher Education (UD CLSC Program) in FY 19, 15 in FY 18.
- 22 in Career Exploration and Assessment (Pathways to Employment in FY 19, 17 in FY 18).

DSAAPD

DSAAPD promotes and supports Employment First through three direct employment support programs that it administers statewide:

- Senior Community Services Employment Program (SCSEP) – 83 people served in FY 18.
- Pathways to Employment (PTE) – 4 persons served in FY 18.
- Personal Attendant Services (PAS).

DSAAPD also supports Employment First indirectly through the daily operations of the Delaware Aging and Disability Resource Center (ADRC) which provides essential information, assistance and access to these and other relevant resources throughout the State. Given the critical care needs of the populations served by DSAAPD, Employment First is generally not the first option offered to those seeking long-term services and supports. However, employment support is provided to anyone who wants to explore these options. Going forward, DSAAPD's priorities for facilitating the implementation of Delaware's Employment First Act are as follows:

- Continue to administer, coordinate and evaluate the agency's direct employment support programs: Senior Community Services Employment Program, Pathways to Employment and Personal Attendant Services.
- Utilize all components of the Delaware Aging and Disability Resource Center (ADRC) to provide information, assistance and streamlined access to employment support and other relevant services.
- Work collaboratively with DHSS agencies and lead partners to ensure the implementation of Delaware's Employment First Act. Promote and integrate Employment First policies and practices throughout the agency and service provider network. Embed Employment First in DSAAPD's plans, policies, programs, quality assessments and person-centered practices.

DSS

DSS has a measurable plan which identifies measurable goals and objectives relative to promoting and achieving employment. It does offer Employment First as the first option. The Division tracks individuals who self-report disabilities in our eligibility system and also has several other subsystems that track employment and training related activities that includes vocational supports. The Division provides employment and training services through Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP) and Delaware WONDER (Work Opportunity Networks to Develop Employment Readiness).

The Transitional Work Program (TWP) is designed to provide services to TANF and General Assistance clients who have been determined unable to work in an unsubsidized employment setting by a healthcare professional. The program assists clients through assessment, case planning and case management. Participants either find employment, receive traditional Division of Vocational Rehabilitation (DVR) services, or apply for Social Security benefits.

a. Calendar Year 2018 data

Total Referrals	256
Intakes Completed	202
Employment Outcomes	59
Social Security Benefits Awarded	24
SSDI/SSI Applications filed by Case Manager	45
Wellness Plans Developed	76

SNAP is a federally funded program that provides employment and training services to food benefit recipients to assist them with work readiness, identifying and addressing barriers to employment, identifying employment goals, and job placement. It is each state's discretion to implement a voluntary or a mandatory program. Delaware's SNAP Employment and Training (E&T) program is a voluntary program that is available to all SNAP recipients. The main goal of the employment and training program is to assist individuals and families with obtaining competitive employment with sustainable wages and increasing self-sufficiency. The SNAP E&T program generally serves individuals who are between 16 and 60 years of age. This does not preclude individuals with disabilities. Delaware WONDER is the result of a three-year grant provided by U.S. Department of Agriculture. DSS works with local partners in providing job training and intensive case management to Delawareans who receive food benefits and have limited job skills or work experience. WONDER is not singularly focused on individuals with disabilities; however, it is offered to all SNAP clients regardless of their disability status.

Fiscal Year 2018 WONDER Program Data - 414 persons with an identified disability volunteered to participate in WONDER during SFY18:

Track Assignments were as follows:

Track 1 (Construction):	2
Track 1A (Other training):	7
Track 2 (Culinary):	19
Track 3 (Manufacturing):	4
Track 4 WR (Job Search):	106
Track 4 NWR (not ready for work):	43
	181

The remaining 233 either did not respond to our follow-up or had personal reasons for dropping out or declining to participate. **Of the 181 who were assigned to a Track:** (32%) successfully completed the Track and 113 (62%) obtained employment one or more times while being served through WONDER.

CAI Document Imaging Project: Through a contractual relationship with CAI (Technology Vendor), DSS funds 10 positions responsible for performing document-imaging services. All 10 positions are set-aside for individuals who are on the Autism Spectrum. This contract has been in place since 2013 and the staff members we employed to perform this work have consistently exceeded expectations every year since the program started. In the aggregate, since the program began, we have hired approximately 50 individuals.

DOE

The Department's vision, mission and priorities are as follows:

- Vision - Every learner ready for success in college, career and life.
- Mission - To empower every learner with the highest quality education through shared leadership, innovative practices and exemplary services.
- Priorities - Engaged and informed families, schools, districts, communities, and other agencies; rigorous standards, instruction, and assessments; high quality early learning opportunities; equitable access to excellent educators; and safe and healthy environments conducive to learning.

In addition, DOE has federal guidelines around transition planning in the IEP (known as Indicator 13) and reporting of Post School Outcomes (known as Indicator 14). Targets are set for each indicator with stakeholder input.

Priorities from a transition perspective of moving individuals to positive post school outcomes include:

- Increase capacity of local education agencies (LEAs) to provide meaningful transition planning to students with disabilities.
- Increase collaboration with other adult agencies (DDDS, DVI, DVR, PBH, etc.) to provide support and services to LEAs to increase positive student post school outcomes through work-based learning opportunities.
- Increase capacity of LEAs to improve graduation and dropout rates through providing technical assistance on best practices for engaging students in educational programming.
- Increase positive educational and employment outcomes for students with disabilities by providing equitable access to Career and Technical Education and STEM programs of study.

For the 2018-2019 SY, a partnership with the Life Span Institute at Kansas University and the Maryland Coalition for Inclusive Education was entered to teach all students self-determination skills within core content classrooms. During the 2018-2019 SY, 3 high schools (Christiana, Dover, and Mt. Pleasant) implemented the Self-Determined Learning Model of Instruction (SDLMI). High schools and feeder middle schools were trained on the process during August and September. To date, we have self-determination data for over 600 Delaware students. Self-Advocacy and Self-Determination are skills identified to produce better post school outcomes for students. Feedback received from teachers indicates that students are more actively engaged in learning,

The Department has specific regulations for Employment First as it relates to transition planning for students with disabilities. These can be located at Title 14 Section 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs. For the 2017-2018 School Year, 8514 were monitored for appropriate transition planning and all 8514 were found to be in compliance. Part of the monitoring includes if there is a measurable post-secondary employment goal for each student.

For the 2016-2017 school year, 6241 courses were taken by students with disabilities. Other relevant data includes:

Post School Outcomes Data for the Exiters during the 2016-2017 School Year:

- Response Rate – 53% (732 respondents out of 1360 total).
- Enrolled in higher education within one year of leaving high school – 303 or 41.39%.
- Enrolled in higher education or competitively employed within one year of leaving high school – 455 or 62.16%.

- Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school – 597 or 81.56%.

DSCYF

DSCYF does not have a strategic plan related to achieving employment for our clients. All employment goals for age appropriate youth are built into the individualized service plan tailored to meet the needs of the client. The goal for clients is always to continue their education and become competitively employed. We do not have any vocational related goals other than competitive employment. At this time, the Department does not collect specific data on clients receiving vocational supports and refers clients needing vocational supports and services to one of the partner agencies. DSCYF does not provide vocational support or services. DSCYF works with the Division of Vocational Rehabilitation (DVR) when we identify a client who may benefit from these supports and services. DSCYF case plans for our clients have a goal of continuing education or competitive employment. DSCYF has not encountered barriers to achieving competitive employment for our clients related to a client's disability. The three main barriers facing our clients are: difficulty in having criminal records expunged; the ability to attain a high school diploma and transportation. These barriers are not tied to disabilities. DSCYF has been able to create very good relationships with the Division of Vocational Rehabilitation and the Division of Developmental Disabilities Services.

DOC

DOC currently does not have a strategic plan when it comes to hiring inmates with disabilities. However, the Department does take every opportunity to place offenders in the appropriate job that suits their capabilities while maintaining the safety and security of the facility. DOC works hard to be creative to make sure every offender has an opportunity to work, but it must be within the classification system. DOC believes that work is treatment. DOC does not provide Employment First as the first option. Currently there is no data captured regarding who is disabled and are receiving vocational support. Vocational support currently occurs through a partnership with the DOE. Current services offered throughout the Bureau of Prisons include Culinary Arts, Cosmetology, Fiber Optic instillation, Masonry, HVAC, Plumbing, National Center for Construction Education & Research introductory courses, ServSafe and Flagger courses. DOC believes the total amount of offenders in these programs per FY is kept by the DOE. The main barrier is a lack of fiscal and physical resources. The Department has fewer jobs than we have offenders in our custody. One option that we are exploring to increase employment and offer training is to expand prison industries. However, that has a heavy fiscal impact because that would take new tradesmen and major improvements to existing physical structures. We are close to max capacity for any type of work and treatment space. DOC is limited by its current physical plant. Strengthening our partnership, the Department of Labor would be a first step in providing better employment and employment training for all of our offenders. Working with subject matter experts would be a best practice with treating and training an offender with disabilities. Training with subject matter experts would be beneficial in identifying and treating the cases we could easily miss.

Summary of the Agency Data

The results are useful in updating and assessing the State's overall understanding of Employment First and determining where to concentrate in furthering the Employment First efforts given that State agencies are required to coordinate efforts to ensure that state programs, policies, procedures

and funding support competitive employment opportunities. EFOC does not believe that all agencies truly understand the concept of Employment First and will collaborate with them to further implement this option.

Statistics & Programs Related to Employment and Persons with Disabilities

According to statistics on the drivedisabilityemployment.org website, in Delaware in 2017, there were 52,947 individuals with disabilities who are of working age (between 18 and 64) with 19,576 individuals with disabilities employed (37 percent) while approximately 73 percent of people without disabilities in the age group were employed.

Selective Placement & Agency Aide from the Department of Human Resources (DHR) as of 3/1/19

Agency Aide Program - All 10 positions are filled. (One of these is with DNREC and has two part-time employees filling one spot as they both only wanted part-time).

Selective Placement

<u>Year</u>	<u>Merit Hires</u>	<u>Casual/Seasonal Hires</u>	<u>Interns</u>
2017-2018	3	0	0
2016-2017	5	2	0
2015-2016	8	3	2
2014-2015	10	1	1
2013-2014	11	0	0
2012-2013	7	0	0

The Selective Placement numbers are low. One observation from DHR is that many applicants that have been registered do not have a lot of skills or experience, and the program does not hire for many entry level positions. Many people with disabilities also do not want to disclose and apply open competitively without ever disclosing. This is also only as valid as people report to DHR in Delaware. DHR is working on talent acquisition strategies and will try to improve on hiring people with disabilities. EFOC looks forward to progress in the area.

Project SEARCH

Project SEARCH is workforce development program focused on individuals with disabilities. It generates public and private partnerships that work to benefit the individual, community and the workplace. Current partners in Project SEARCH are Christiana Care Health System; Nanticoke Health Services; Bayhealth; Delaware Department of Transportation (DelDOT); POW&R (Productive Opportunities for Work & Recreation), CIS (Community Integrated Services), Red Clay Consolidated School District; Caesar Rodney School District; the State of Delaware's Department of Education (DOE); and Department of Labor, Division of Vocational Rehabilitation (DVR).

Employment Data as of 2/11/19 are as follows:

Christiana – 46/52 since 2011-2012 implementation - 88% employment outcomes which does not include outcome data for 10 interns last. There are 11 interns in this year's class.

Bayhealth – 28/35 since 2014-2015 implementation - 80% employment outcomes. They have 8 interns in this year's class.

Nanticoke – 4/5 since 2017-2018 implementation - 80% employment outcomes. They have 5 interns in this year's class.

DelDOT – 8/9 since 2017-2018 implementation - 89% employment outcomes. They have 9 interns in this year's class.

Totals – 86/101 across all sites - 85% employment outcomes.

Medicaid Workers with Disabilities

The Medicaid for Workers with Disabilities Program (MWD) will assist individuals with disabilities by allowing them to work without losing health benefits provided by the Medicaid program. Authorization for this program is found in the following federal legislation: The Ticket to Work and Work Incentives Act of 1999 (TWWIA).

An applicant must meet certain criteria as follows in order to be eligible for Medicaid for Workers with Disabilities:

- Must be between 16 and 64 years of age.
- Must have a disability as defined by the Social Security Administration.
- Must be engaged in full or part time paid employment.
- Must be paying FICA.
- Unearned Income must be at or below \$1093.00/monthly.
- Earned income cannot exceed 275% of the Federal Poverty Level (FPL).
- Standard disregards are applied to earned income in order to obtain countable income amount.
- Spousal income is considered when determining eligibility.

MWD applications from January 1 - August 31, 2019 - 26

Results: 22 Approvals; 2 Denials; 2 PENDING [with Disability Determination Services (DDS)]

Total Active MWD Enrollees: 87 as of 8/31/19

Other Issues and Recommendations

Issue – Delaware Code, Title 19, Chapter 7, Subchapter III (Persons with Disabilities Employment Protections) is outdated and needs many revisions. Much of the language in the current law went into effect in 1988 with some minor amendments thereafter and does not appear to incorporate the ADA Amendments Act of 2008. There is problematic language throughout the law, some of which may be illegal. For example, the current law, in part, does not require an employer to make changes to accommodate a person with a disability where:

3. For a new employee the cost of such changes would exceed 5 percent of the annual salary or annualized hourly wage of the job in question; or
4. For an existing employee the total cost of the changes would bring the total cost of changes made to accommodate the employee's disabilities since the employee's initial acceptance of

employment with the employer to greater than 5 percent of the employee's current salary or current annualized hourly wage.

Recommendation – Collaborate with legislators and staff, Disabilities Law Program and Department of Labor to overhaul this Subchapter.

Issue - The EFOC supports exploring the development of programs that would phase out the use of subminimum wage (14c) certificates in Delaware by moving existing customers into better paying opportunities with the appropriate level of support. This, most likely, would not be able to occur without restructuring existing systems and the development of additional capacity. In echoing recent national recommendations — “any transition should be well designed with the necessary resources in place to ensure improved outcomes in the quality of life for the people we are serving.” As of July 1, 2019, EFOC is aware of only 2 organizations within Delaware that hold section 14 (c) certificates. This is an improvement since, only a few years ago, there were 7 organizations/agencies which paid subminimum wages, including 2 from State agencies.

Recommendation – Collaborate with legislators, the Ability Network of Delaware (AND), service providers, families and individuals with disabilities to determine the most appropriate path forward regarding this issue.

Other Recommendations

The State of Delaware should provide leadership in the Employment First as the largest employer of diverse populations, including persons with disabilities, by reviewing and implementing the following practices:

- Incorporate a top-down required disability employment training into the State's employee education system. Fear of the unknown and a general lack of understanding of disabilities lead to inadvertent discrimination practices in the hiring/employee retention process. Persons with disabilities are proven to be more dependable, contribute to less attrition, and rarely require accommodations to perform the essential duties of their jobs. The cost of the average accommodation is less than \$500! Require targeted employees (e.g. leadership, HR liaisons, managers) to participate in mandatory disability employment best practices training. The Mid-Atlantic ADA Information Center may be a resource to assist with the initiative.
- Implement a more robust “Selective Placement” system and integrate it into the hiring process. Selective Placement allows hiring managers access to a list of prescreened candidates with skill sets already identified. Hiring managers can forego the burdensome competitive posting of job opportunities and recruit directly from the list of candidates with disabilities. Require appointed employees to act as Selective Placement Liaisons to ensure that each division, department, agency, etc. first look at the candidates on the Selective Placement list before posting a merit position. Each state entity's Liaison will be required to report to the EFOC updates regarding their use of the selective placement system as compared to the total number of hires within each Quarter. Consideration should be given to DHR reviewing current list to determine who is still job seeking. Consideration should also be given to a Delaware Code change in furtherance of this objective.
- Individuals should be granted access to more businesses through internships (akin to the Project Search and Frameworks for Success). The businesses will not only benefit from the work that interns provide, but the more broadly impacting outcome is the culture shift that

invariably occurs when leaders dare to look beyond the norm. Require all agencies of the state to examine and report to the EFOC what efforts have been made to enhance work experiences through mentorships/internships/training to the EFOC on a semi-annual basis.

- Remove screening barriers that present challenges to job seekers applying for jobs at the State. Posted entry-level (Pay grade < 8) classifications at the State require a minimum 6 months of work experience in a relevant field in order to be considered eligible for consideration for the job. In addition, the requirement that job applicants have a Driver's License for any job can be problematic. Instead of focusing on the Driver's License requirement, it should focus on whether an employee is dependable, reliable and on time. There are other means of transportation such as DART or walking to their workplace. The Driver's License requirement is a barrier for people with disabilities. EFOC would like to work with Department of Human Resources (DHR) and other relevant stakeholders to identify classifications and related requirements that should be revised. EFOC also recommends that DHR insert clarifying language within the classification table and job posting system that reminds hiring managers that they are obligated to consider related training and educational experience as equally valuable as "paid work experience."

Other Legislation, Programs & Policies Impacting Employment of Persons with Disabilities

The Workforce Innovation and Opportunity Act (WIOA)

The Workforce Innovation and Opportunity Act was signed into federal law on July 22, 2014, replacing the Workforce Investment Act of 1998. WIOA became effective July 1, 2015, and the State had until July 1, 2016 to establish a combined workforce plan under the new law. WIOA is designed to help all job seekers access employment, education, training, and support services needed to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.

WIOA made several changes to the Fair Labor Standards Act (FLSA), including section 14 (c), as follows:

- Placing limitations on the payment of commensurate wages by any employer holding FLSA section 14 (c) certificates by requiring individuals with disabilities working in section 14 (c) programs to have access to competitive integrated employment services, including vocational rehabilitation services on a routinized basis;
- Requiring that anyone age 24 or younger with a disability may not start at commensurate wage unless it is documented that the person received transition services, has applied for vocational rehabilitation services and was unsuccessful, and has been provided counseling and referral to other resources with the goal of competitive integrated employment; and
- Barring 14 (c) certificate holders from employing any person at commensurate wage unless the person has received career counseling; access to the vocational rehabilitation agency; and information about self-advocacy, self-determination, and peer mentoring opportunities from an entity without a financial interest in the person's employment outcome.

Home and Community Based Services (HCBS)

The federal Centers for Medicare and Medicaid Services issued regulations in January 2014 that define the settings in which states are allowed to pay for Medicaid Home and Community Based Services. The purpose of these regulations is to ensure that individuals receive Medicaid HCBS in

settings that are integrated in and support full access to the greater community. This includes opportunities to seek employment and work in competitive and integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree as individuals who do not receive services from a Medicaid waiver. Each individual is given choice regarding services and who provides them.

Employer Tax Credit – In February 2019, EFOC received a presentation from the Division of Vocational Rehabilitation (DVR) on the new Delaware Employment Tax Credit, which is the result of legislation (SB 221) signed in August 2016 and supported by SCPD. It is an incentive to hire referrals from DVR and DVI, and promotes meaningful sustained employment in integrated work settings for people with disabilities. The EFOC will continue to remain informed of activities in this area. Specifics regarding this initiative can be located at: <https://scpd.delaware.gov/efoc/pdfs/StateTaxCredit.pdf>.

Raise the Wage Act – Two pieces of federal legislation (S 150 and HR 582) were introduced on 1/16/19 to raise the minimum wage to \$15 per hour and also phase out the use of subminimum wage 14(c) certificates. HR 582 passed the House on 7/18/19 while S 150 has not had much relevant action in the Senate. SCPD endorsed the proposed legislation.

Employment First State Leadership Mentoring Program

Delaware submitted an application on November 16, 2018 for the Employment First State Leadership Mentoring Program (EFSLMP) to become a Vision Quest (VQ) State for FY 2019. Delaware's request was for technical assistance to support our efforts to implement elements of the Workforce Innovation and Opportunities Act (WIOA). The application included a brief summary of progress Delaware has made with regard to WIOA implementation. Delaware had been involved in EFSLMP and VQ in some capacity since 2014. Delaware received notice via email on December 4, 2018 that, after careful consideration, the application for technical assistance was declined. No specific reason was shared.

OTHER SCPD INITIATIVES FOR FY 2018 & FY 2019

In FY 18 and FY 19, SCPD continued to hold its Annual Luncheon in October 15 with presentations by Dr. Kara Walker, Secretary of the Department of Health & Social Services (DHSS), Ms. Jennifer Cohan, Secretary of the Department of Transportation, Mr. Cerron Cade, Secretary of the Department of Labor, Mr. Shawn Garvin, Secretary of the Department of Natural Resources, Mr. Robert Coupe, Secretary of the Department of Safety and Homeland Security, Ms. Marlana Gibson (for Dir. Anas Ben Addi) of the Delaware State Housing Authority, as well as multiple Division Directors. The presentations focused on the budget of select State agencies and their impact on services for persons with disabilities. The SCPD continues to present the "Custie Award at the Luncheon. The award is presented to individuals who have made a significant impact on the lives of Delaware individuals with disabilities and their families.

"Custie" Awards

- In FY 18, the "Custie" Award went to Mr. Jack Jardach.
- In FY19, the "Custie" Award went to Mr. Matthew Denn, Ms. Mary Ann Mieczkowski and Ms. Beth Finamore.

In FY 18 and FY 19, the SCPD participated in the planning and participation of the Annual LIFE Conference. During the event the SCPD honored recipients for the following SCPD awards,

- FY 18 SCPD Awards
 - The Legislative Award was presented to State Representative Kim Williams
 - The State Service Award was presented to Ms. Wendy Strauss.
 - The Lifetime Achievement Award was presented to Ms. Carol Barnett

- FY 19 SCPD Awards
 - Legislative Award was presented to U.S. Senator Chris Coons.
 - The State Service Award was presented to Ms. Marie Nonnenmacher.
 - The Lifetime Achievement Award was presented to Mr. Brian Hartman

SCPD was represented on the following groups: Center for Disabilities Studies Community Advisory Committee; LIFE Conference Planning Committee; Governor's Commission on Building Access to Community-Based Services for Individuals with Disabilities; Healthy Delawareans with Disabilities; Protection & Advocacy for Individual with Mental Illness; Protection & Advocacy for Individual Rights; Region III ADA Coalition; Persons with Access, Function and Medical Needs; Community First Choice Option Committee; Delaware Foundation Reaching Citizens with Cognitive Disabilities; and the Advisory Council on Walkability and Pedestrian Awareness (Pedestrian Council), the Mid-Atlantic ADA Center Advisory Committee.

State – FY 18

REGULATION NO. 21 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
124	DMMA Medicaid Dental Fee Schedule	Provided 10 observations and recommendations, including sharing results of independent research.	8/29/17	Reviewed final regulation 430 on 11/1/17. DMMA acknowledged SCPD's comments. No further action taken.
127	DMMA DPAP Elimination	Acknowledged the legislative repeal of the DPAP enabling law justifies the regulation; expressed concern that the ramifications of the elimination of the program is not clear; and requested a copy of the last 3 annual reports.	8/23/17	Reviewed final regulation 433 on 11/1/17. DMMA acknowledged comments and provided the last 3 annual reports. No further action taken.
133	DFS Early Care, Education & School-Age Center	Strongly endorsed of the proposed regulation.	8/29/17	No further action taken.
134	DFS Family & Large Family Child Care Homes	Strongly endorsed of the proposed regulation.	8/29/17	No further action taken.
156	DMMA Notice: DSHP Amendments] Medicaid Coverage of Former Out-of-State Foster Care Youth	Endorsed the proposed regulation.	8/29/17	DMMA sent a response on 9/18/17 thanking SCPD for their endorsement. No further action taken.
156	DMMA Notice: DSHP Amendments	Provided reservations concerning this initiative and shared SCPD observations with other agencies.	8/29/17	DMMA sent a response on 9/26/17 thanking SCPD for their comments and stating that amendments to the 1115 Waiver is not required by CMS. No further action taken.
158	DMMA Notice: MHPAEA Compliance	Provided 6 serious reservations concerning the Report and shared with other agencies.	8/29/17	No further action taken.
176	DOE Foster Care Student Placement	Provided 7 observations and recommendations.	9/28/17	Reviewed final regulation 420 on 11/1/17 with DMMA responding to 6 of SCPD's comments. No further action taken.
185	DMMA Care Expense Deduction	Endorsed the proposed regulation.	9/28/17	Reviewed the final regulation 435 on 11/1/17. No further action taken.
187	DMMA Inpatient Psychiatric Hospital Services Under 21 Reimbursement	Provided 3 observations and recommendations and sent courtesy copies to DPBHS, Rockford Center and MeadowWood	9/28/17	Reviewed the final regulation 438 on 11/1/17 with 3 amendments adopted. No further action taken.
192	DOI – Health Insurance Claim Review	Endorsed the proposed regulation subject to 6 recommendations. Reiterated previous endorsement.	9/28/17 11/30/17	DOI published a revised proposed regulation 400 on 11/1/17. DOI adopted 5 amendments. Reviewed final regulation 580 on 1/1/18. No further action taken.

REGULATION NO. 21 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
196	DOI – Arbitration of Health Insurance Disputes Between Individuals and Carriers	Endorsed the proposed regulation subject to 3 amendments. Reiterated previous endorsement.	9/28/17 11/30/17	DOI published a revised proposed regulation 406 on 11/1/17. Adopted 2 amendments and compromised on 1 amendment. Reviewed final regulation 581 on 1/1/18. No further action taken.
269	DDDS – Lifespan Waiver	Endorsed the proposed regulation subject to DMMA’s consideration of 3 amendments. Thanked DDDS for adopting many of SCPD’s amendments.	10/30/17 1/31/18	Reviewed final regulation 574 on 1/1/18. DDDS adopted 3 amendments. No further action taken.
363	DOE - Accountability	Provided 5 observations and recommendations.	11/30/17	No further action taken.
364	DOE – Prohibition of Discrimination	Provided 8 observations and recommendations.	11/30/17	DOE reissued proposed regulation 941 on 6/1/18.
372	DOE – Visual Impairment Eligibility	Provided 2 observations and recommendations.	11/30/17	Reviewed final regulation on 2/1/18. No further action taken.
374	DMMA – Child Care Redetermination	Endorsed the proposed regulation.	11/30/17	Reviewed final regulation 576 on 1/1/18. DMMA acknowledged endorsement. No further action taken.
376	DMMA – Relative Child Care	Provided 4 observations and recommendations. Shared copies with other agencies and legislators. Reiterated concerns about one size fits all approach to family needs and requested that DSS issue additional regulations clarifying its obligation to provide accommodations for families with special needs.	11/30/17 2/28/18	Reviewed final regulation 639 on 2/1/18 with 1 amendment adopted. No further action taken.
379	DPBHS Targeted Case Management	Endorsed the proposed regulation subject to consideration of 2 observations and recommendations.	11/30/17	Reviewed final regulation 628 on 2/1/18. No amendments adopted. No further action taken.
387	DMMA – Special Needs Trust	Provided 1 grammatical correction and incorrect effective date for the CURES Act. Thanked DMMA for changing effective date.	11/30/17 1/31/18	Reviewed final regulation 566 on 1/1/18. DMMA adopted 1 amendment. No further action taken.
389	DMMA – Medicaid Managed Care	Provided 3 observations and recommendations, including problems with the piecemeal approach. Thanked DMMA for making many changes based on SCPD commentary.	11/30/17 1/31/18	Reviewed final regulation 568 on 1/1/18. DMMA adopted 3 amendments. No further action taken.
392	DMMA – Medicaid Excluded Income	Endorsed the proposed regulation.	11/30/17	Reviewed final regulation 572 on 1/1/18. No further action taken.

REGULATION NO. 21 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
463	DHIN Health Care Claims Database Data Access	Provided 7 observations and recommendations.	12/18/17	Reviewed final regulation 712 on 3/1/18. DHIN added language that requires the notification of any violations of use agreements to any licensing body and, in the case of misuse of data, reporting to the Attorney General's Office. No further action taken.
468	DOE – State Content Standards	Endorsed the proposed regulation and suggested that the DOE adopt a clearer timeline for the effective date.	12/18/17	Reviewed final regulation 625 on 2/1/18. No further action taken.
475	DMMA – Medicaid LTC Limit on Medical Cost Submission	Provided 2 observations and recommendations.	12/18/17	Reviewed final regulation 637 on 2/7/18 with DMMA adopting 1 amendment and rejecting 1 amendment. No further action taken.
477	DSS – Drug Conviction Bar on TANF Eligibility	Endorsed the proposed regulation and suggested that DSS review the “fiscal impact” section.	12/18/17	Reviewed final regulation 722 on 3/1/18. No further action taken.
542	DSS - Child Care Eligibility	Provided 2 observations and recommended that DSS revise the regulation to require an application be processed for each family that asks for services. Reiterated SCPD's concerns regarding this one size fits all approach to family needs and requested that DSS issue additional regulations clarifying its obligation to provide accommodations for families with special needs.	1/31/18 2/28/18	Reviewed final regulation 639 on 2/7/18. DSS adopted no amendments. Reviewed final regulation 808 on 4/1/18. DSS adopted 1 recommendation. No further action taken.
546	DOI – Use of Credit Information - Repeal	Endorsed the Repeal of the existing regulation.	1/31/18	Reviewed final regulation 723 on 3/1/18. No further action taken.
554	DNREC – Amendment to 7 DE Administrative Code 1363 - Boiler Inspections	Endorsed the proposed regulation.	1/31/18	No further action taken.
606	DMMA – Amendment to Fair Hearing	Endorsed the final change relating to adding language that clarifies that expedited review can extend to both physical and mental conditions and changes the time that the MCO must issue a decision to 72 hours, not 3 working days, making clear that decisions may be have to rendered over week-ends and holidays if necessary. Requested that the regulation be withdrawn and that the regulation be further amended to make clear that conciliation services are voluntary and do not impact the appeal and/or fair hearing procedures. Recommended that DMMA and the MCOs do more out-reach to notify people of these changes.	2/28/18	Reviewed final regulation 879 reviewed on 5/1/18. No amendments adopted. No further action taken.

REGULATION NO. 21 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
678	DOJ – Amending Victims Compensation Assistance Program Advisory Council	Endorsed the proposed regulation but inquired is whether reducing the reimbursement rate for private providers to the Medicaid or Medicare rate will lead to fewer available providers for Medicaid and Medicare recipients, with longer wait times.	3/28/18	Reviewed final regulation 882 on 5/1/18. No further action taken.
770	DOE – Certificates of Eligibility	Provided 2 observations and recommendations.	4/30/18	Reviewed final regulation 972 on 6/1/18. No further action taken.
790	DSCYF/DFS/OCCL – Delacare for Early Care and School-age Centers	Endorsed the proposed regulation related to the creation of a Medical Reasonable Accommodation Process and asked for clarification that providers continue to be obligated to adapt behavioral strategies and management practices to address the needs of children with disabilities.	4/30/18	No further action taken.
851	DOE – School Resource Officer Training	Provided 3 recommendations to the proposed regulation.	5/31/18	No further action taken.
860	DMMA – Long Term Care Medicaid Application Methods	Endorsed the proposed regulation with 1 recommendation.	5/31/18	Reviewed final regulation 66 on 7/1/18. No further action taken.
917	DMMA – Proposed Amendment to 1115 Waiver to include Institutions for Mental Disease	Endorsed the proposed regulation.	5/31/18	No further action taken.
917	DMMA – DSHP Section 1115 Demonstration Waiver Extension Application Request. DMMA is filing for a five-year extension of the Diamond State Health	Provided observations and requested that DMMA increase thresholds for some services.		DMMA sent a response on 6/25/18 that DMMA is exploring the flexibility afforded under current waiver terms and conditions but is not proposing additional changes at this time. No further action taken.
941	DOE – Prohibition of Discrimination	Provided statement that the SCPD strongly feels that the final decision-maker should be totally independent entity from the school district or charter school.	6/28/18	No further action taken.
947	DOE – Unsafe School Options	Opposed 2 amendments regarding changes the definition of “unsafe incidents” and the amendment that does not guarantee students the right to move to a school that “is making adequate yearly progress and has not been identified as being in school improvement, corrective action or restructuring.”	6/28/18	Reviewed final regulation 297 on 10/1/18. DOE added clarifying language. No further action taken.
951	DMMA Proposed State Plan Amendment Related to Accreditation of Home Health Agencies.	Endorsed the proposed change.	6/28/18	Reviewed final regulation 400 on 11/1/18. No further action taken.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
H.S. 1 for H.B. 104 w/H.A. 1	Mandates an increase in the rates paid to service providers according to the recommendations of a study done by DHSS in 2014 so that by fiscal year 2021 the state would fund service providers at 100% of the benchmarked rate. Amendment states the intent of the General Assembly to phase in increases to the rate system for services to adults with intellectual and developmental disabilities subject to available funding.	Shared observations and recommendations.	6/12/18	Signed by the Governor on 9/4/18
H.B. 285	Creates procedures in Delaware for making sure firearms are not in the hands of dangerous people while protecting due process and not creating a barrier to care for those suffering from mental illness.	Shared concerns and observations set by Disability Law Program.	3/7/18	Introduced and Assigned to House Administration Committee in House on 12/14/17
H.S. 1 for H.B. 287	Makes the following changes to H.B. 287: Changes the name of the new diploma to a "Diploma of Alternate Achievement Standards" instead of a "Diploma of Modified Performance Standards." Adds a requirement that a student must be eligible to take a statewide alternate assessment to receive the new diploma. Takes effect in the academic year after enactment. Amendment removes the requirement that a student must be eligible to take a statewide alternate assessment to receive the new diploma. The reason is the requirement actually limited the number of students who would receive the new diploma, which was not the intention.	Endorsed the concept.	1/31/18	Signed by the Governor on 4/18/18.
H.B. 292	Implements recommendations of the March 2015 Autism Educational Task Force Report regarding the Program for Children with Autism and its Special Staff. Enacted three decades ago, this law established a network of educational programs initially within a separate school structure known as The Delaware Autism Program (DAP). Establishes the qualifications and duties of the Statewide Director and enhances the current mandatory committee structure to include a Parent Advisory Committee to increase family input, monitoring, and protections. Creates a three-year pilot program that revises the concept of DAP toward a system in which the statewide Director works with a team of experts to provide technical assistance and training to districts and educational entities.	Endorsed the concept if it is properly resourced and funded.	1/31/18	Signed by the Governor on 8/29/18

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
H.B. 294 w/H.A. 2	Transfers from the Department of Safety and Homeland Security to the Department of Health and Social Services the responsibility for establishing, administering, adopting rules and regulations, and setting fees for courses of instruction and programs of rehabilitation for those whose licenses have been revoked for driving a vehicle under the influence of alcohol or any drug, or both. Amendment clarifies that the Act simply transfers certain responsibility relating to courses of instruction and programs of rehabilitation for persons whose drivers' licenses have been revoked for driving while under the influence of alcohol or drugs or both from the Secretary of Safety and Homeland Security to the Secretary of Delaware Health and Social Services as those responsibilities are currently established.	Endorsed this legislation if it is properly resourced and funded.	3/7/18	Signed by the Governor on 7/17/18.
H.B. 305	Amends 16 Del. Code §4751B by removing juvenile adjudications from the list of “prior qualifying Title 16 convictions” that can lead to vastly increased sentences for subsequent drug offenses as an adult. Judges can continue to use juvenile sentences as a factor in adult sentences, but the juvenile convictions will no longer automatically trigger enhanced penalties.	Endorsed the legislation.	3/7/18	Introduced and Assigned to House Judiciary Committee on 1/23/18. Reported Out of House Judiciary Committee on 1/24/18.
H.B. 306 w/H.A. 2	Amends 11 Del. Code §1447A by leaving the decision to try a minor as an adult under these circumstances to the judge and also raises the age to over 16. Superior Court could choose under the proposed revision to send a case back to Family Court. It is worth noting that this discretion was given back to Superior Court last year for other felonies that were previously non-discretionary (HB 9). Amendment provides that, where the Superior Court finds proof positive or presumption great that a juvenile over the age of 16 used, displayed, or discharged a firearm during the commission of a felony, the juvenile shall be tried as an adult.	Endorsed the legislation.	3/7/18	Signed by the Governor on 5/24/18.
H.B. 307 w/H.A. 1	Repeals 10 Del. Code §1009 and 11 Del Code §1448 to remove all mandatory minimum sentencing schemes for juveniles adjudicated delinquent in Family Court. Amendment retains the minimum sentences for robbery first degree, possession of a firearm during the commission of a felony and possession of a firearm by person prohibited for juveniles.	Endorsed the legislation.	3/7/18	Signed by the Governor on 5/24/18.
H.B. 308	Removes the sunset provision in HB 405 of the 148th General Assembly to allow the continuation of a program allowing the issuance of civil citations to juveniles who have committed minor misdemeanors as an alternative to arrest and the introduction of the criminal justice system. This bill has already passed both houses and is awaiting signature.	Endorsed the legislation.	3/7/18	Signed by the Governor on 5/1/18.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
H.B. 331 w/H.A. 11 as amended by H.A. 1 to H.A. 1	Creates regulations concerning the use, distribution and education of Benzodiazepine and Non-benzodiazepine Hypnotics. It requires Practitioners to obtain consent from a minor's parent or guardian prior to prescribing these drugs, and require pharmacist to include a cautionary statement explaining the risks associated with the long term use of these drugs. The amendment provides an additional exception for parental consent in the case of emergency treatment or for the treatment associated with neuromuscular disabilities.	Endorsed the legislation, with a suggestion that language be added requiring the consent of an older minor who appears competent.	3/28/18	Signed by the Governor on 9/4/18.
H.B. 338	Increases the eligibility for a child with a disability to be eligible for free appropriate public education from the end of the school year in which the child attains the age of 21 to the end of the school year in which the child attains the age of 22. This Act also makes a technical correction to conform existing law to the standards of the Delaware Legislative Drafting Manual.	Endorsed the proposed legislation.	4/24/18	Introduced and Assigned to House Education Committee on 3/15/18. Tabled in Committee on 4/25/18.
H.B. 352	Permits licensed childcare providers, who successfully complete a State-approved medication training, to administer medication to children in their care, including by non-intravenous injection, if a child has a medical need during childcare hours that requires it.	Endorsed the proposed legislation.	6/12/18	Signed by the Governor on 7/1/18.
H.B. 354	Makes the Delaware equal accommodation law internally consistent, correctly organized, and aligned with the Americans with Disabilities Act ("ADA").	Endorsed the proposed legislation.	4/24/18	Signed by the Governor on 9/17/18.
H.B. 363 w/H.A. 1	Changes the time of school board and school referendum election from 10:00 a.m. to 8:00 p.m. to 8:00 a.m. to 8:00 p.m.	Endorsed the proposed legislation.	4/24/18	Signed by the Governor on 7/11/18.
H.B. 374 w/H.A. 1	Adds glaucoma, chronic debilitating migraines, pediatric autism spectrum disorder, pediatric sensory processing disorder to the list of debilitating medical conditions which may qualify a person, upon certification by a physician, to be eligible for the use of medical marijuana in accordance with the terms of the Delaware Medical Marijuana Act. Amendment removes pediatric autism spectrum disorder and pediatric sensory processing disorder from the definition of debilitating medical condition.	Endorsed the legislation with the observation that it may be appropriate to add ASD as a debilitating condition appropriate in certain cases, as results from these studies emerge.	6/12/18	Signed by the Governor on 8/28/18.
H.B. 400	Provides for election day registration for presidential primary, primary, special, and general elections whereas currently the deadline is the fourth Saturday prior to the date of the election. Same day registration at polling places will be permitted with submission of valid government issued identification or other generally accepted proof of identification.	Endorsed the legislation.	6/12/18	Passed the House on 6/21/18. Assigned to Senate Elections & Government Affairs Committee on 6/21/18.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
H.B. 401	Changes requirement in Delaware law to exempt federally lawful FDA approved marijuana containing products from Schedule I of the state's Controlled Substances Act until they are rescheduled under Delaware law. Allows patient access to new therapies without an administrative delay, and allows FDA approved marijuana containing medicines to be prescribed, dispensed and regulated like other FDA approved pharmaceutical products. Illegal possession or sale of these drugs would be prosecuted as any other violation of the Controlled Substance Act.	Endorsed the legislation.	5/24/18	Signed on 8/29/18.
H.B. 402	Eliminates the ability for the DMV to suspend a student's driver's license who has been expelled from a public school.	Endorsed the legislation.	6/28/18	Signed by the Governor on 9/13/18.
H.B. 433	Expands the pathways to entering 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. Clarifies district and charter school responsibilities and ARTC program provider responsibilities, to assure proper supports are in place.	Provided 10 requests, support and opposition to various sections.	6/28/18	Signed by the Governor on 6/28/18.
H.B. 438	Eliminates the ability of a court to suspend a student's driving privileges or hunting license for truancy.	Endorsed the legislation.	6/28/18	Signed by the Governor on 8/29/18.
H.S. 1 for HCR 34 w/ H.A. 1	Establishes a Task Force to investigate the cost of special education and make recommendations related to cost efficiency. Amendment adds additional members to the task force to investigate the cost of special education and further clarifies the duties of said Task Force to include recommending strategies to improve efficiencies and outcomes for special education.	Provided recommendation that Statewide ADA/Section 504 Coordinator and representatives from DPH and other state agencies be involved.	6/12/18	Reported Out of House Education Committee on 5/9/18. HA 1 to HS 1 Placed With Bill on 6/19/18.
S.B. 146 w/S.A. 1 and S.A. 2	Amend 10 Del. Code §1017 to require the mandatory expungement of felony cases that were terminated in favor of the child.	Endorsed the legislation.	3/7/18	Signed by the Governor on 10-15-18.
S.B. 172 w/S.A. 1 and H.A. 2	Increase the public transparency of education funding information by directing the Department of Education establishing a statewide approach for districts and charter schools for reporting expenditures at the school level and the school's share of central office expenditures so that per-pupil expenditure data is consistent and comparable across the State. Amendment also adds Educators and the Delaware State Education Association and the Governor's Advisory Council for Exceptional Citizens as representatives that must be involved in developing the standardized statewide approach. Amendment clarifies that the term salaries, for purposes of this Act, includes benefits and other employment costs. Amendment requires that expenditures be coded and reported with a label that identifies the type of the expenditure.	Endorsed the legislation.	6/12/18	Signed by the Governor on 8/29/18.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
S.B. 262	Permits a responsible caregiver to give permission to an individual employed by a home care agency selected by the responsible caregiver to administer medications to an adult individual who lacks decision-making capacity in the individual's residence. Under this Act, the responsible caregiver must prepackage the medication by date and time and provide written instructions regarding the administration procedure. The responsible caregiver and the person employing the unlicensed assistive personnel must sign an agreement governing the administration or medication.	Endorsed the legislation.	6/19/18	Introduced and Assigned to Senate Sunset Committee on 6/19/18.
	Potential legislation Shifting Burden of Proof in Special Education Due Process Hearings.	Opposed any legislative initiative to alter the current law placing the burden of proof in due process hearings on school districts. Requested a meeting with prime sponsor.	3/14/18	

Federal – FY 18

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
H.R. 620 “ADA Education and Reform Act of 2017”	To amend the Americans with Disabilities Act of 1990 to promote compliance through education, to clarify the requirements for demand letters, to provide for a notice and cure period before the commencement of a private civil action, and for other purposes.	Letters sent to Senators Thomas Carper and Christopher Coons and Representative Lisa Blunt Rochester re: legislation undermining enforcement of the Americans with Disabilities Act	9/19/17	Passed the House on 2/15/18; received in the Senate on 2/26/18.

State – FY 19

REGULATION NO. 22 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
11	DOE incorporates the statutory requirements into the regulations. H.B. 286 created requirements that alternative route to certification (“ARTC”) programs for teachers of students with disabilities must met for the program to earn state approval.	Endorsed the proposed regulation, with 3 minor amendments recommended.	7/30/18	Reviewed final regulation 219 on 9/1/18. DOE adopted 2 amendments effected and acknowledged SCPD’s comments. No further action taken.
20	DSS intends to streamline the language used, as well as add a financial coaching requirement. TANF (Temporary Assistance to Needy Families). The Contract of Mutual Responsibility is an agreement between the TANF client and DSS, which sets obligations and expectation for helping the client achieve self-sufficiency.	Provided 1 concern and 1 recommendation.	7/30/18	DSS responded in a letter dated 8/6/18 responding to each comment. No changes were effected. Reviewed final regulation 773 on 3/1/19. No further action taken.
26	DSHS is updating, clarifying and providing more detailed information regarding minimum training requirements, firearms training and qualifications for instructors.	Provided 3 omissions to the attention of the Council on Police Training, especially that there is no mention of a reasonable accommodation policy and recommended a few word changes. Endorsed the positive additions.	7/30/18 9/25/18	Reviewed final regulation on 230 on 9/25/18. DSHS adopted 1 amendment. No further action taken. Thanked DSHS for adopting 1 amendment.
30	Division of Professional Regulation/Delaware Board of Examiners of Speech/Language Pathologists & Hearing Aid Dispensers is updating clinical practicum and fellowship requirements to make them consistent with the American Speech Language Hearing Association Standards.	Endorsed the proposed regulation and provided 3 observations.	7/30/18	Reviewed final regulation 619 on 1/1/19. No further action taken.
186	DOE DIAA Junior High and Middle School Athletics, which focuses on providing a rational approach to school transfers, in an attempt to diminish transfers that are motivated by obtaining athletic advantage.	Endorsed the proposed regulation to Concussion Protocol, but supported expanding this to all contact sports, not just football. Provided 7 observation.	9/25/18	Reviewed final regulation 395 on 11/1/18. No changes effected. No further action taken.
187	DOE DIAA High School Athletics, which focuses on providing a rational approach to school transfers, in an attempt to diminish transfers that are motivated by obtaining athletic advantage.	Endorsed the proposed regulation, and noted that these are important changes to training requirements related to head injury for athletic coaches as the DIAA takes these steps to avoid and mitigate the effects of sports-related head injuries and traumatic braining injury.	9/25/18	Reviewed final regulation 398 on 11/1/18. No further action taken.
256	DOE Repayment of Teacher Student Loan Debt follows H.B. 346, which created the High Needs Educator Student Loan Payment Program.	Endorsed the proposed regulation with minor amendments, including asking for clarification if qualified applicant receives equal awards or will qualified applicants receive different amounts and what criteria will be used to determine why one applicant will receive more or less.	10/26/18	Reviewed final regulation 470 on 12/1/18, with 2 changes effected. No further action taken.

REGULATION NO. 22 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
259	DOE/Professional Standards Board for Paraeducator Permit Requirements. In consultation and cooperation with the Delaware DOE developed to 14 DE Admin. Code 1517 Paraeducator Permit. The regulation applies to the issuance of a paraeducator permit pursuant to 14 Del.C. §1205(b).	Requested an amendment to the proposed regulation because it removes guidance for when permits may be denied or revoked, eliminates hearing rights for an individual whose permit has been denied or revoked, and may present people with petty criminal backgrounds from obtaining permits.	10/26/18	No further action taken.
262	DMMA Medicaid State Plan Amendment for Health Home Services. Seeks to expand the Delaware Assertive Community Integration Support Team (“ACIST”) program, which supports individuals who have both severe and persistent mental illness (“SPMI”) and intellectual and develop-mental disabilities (“ID/DD”).	Endorsed the SPA in principle but had two concerns and provided a recommendation.	10/26/18	Reviewed final regulation 400 on 11/1/18. No further action taken. No further action taken.
264	DHSS/DSS Authorizations of Child Care Eligibility. Amends the DSS Manual in order to comply with the new federal statute and regulations regarding authorization requirements for Child Care Eligibility.	Provided 3 recommendations.	10/26/18	Received response from DSS on 11/2/18 and they addressed all recommendations and adopted 1 amendment. Reviewed final regulation 505 on 12/1/18, with 1 change effected. No further action taken.
326	DOI Emergency Regulation Related to Short Term Limited Term Health Insurance Policies. Emergency regulation adopts new Regulation 1320, Minimum Standards for Short-Term, Limited Duration Health Insurance Plans.	Endorsed the emergency regulation as it protects consumers but recommended that DOI engage in outreach activities to inform consumers of the disadvantages of these plans. Stated that the regulation does not meet the spirit of the Affordable Care Act. Provided concern about people with disabilities and pre-existing conditions and support the idea of quality affordable insurance and access for everyone.	11/30/18	No further action taken.
333	DOE Approval of Educator Preparation Programs. Intends to amend 14 DE Administrative Code 290. Aligns with changes made by H.B. 433 regarding the criteria for the alternative routes for teacher licensure and certification program.	Endorsed this amendment, while seeking clarification. If the Department intends for Section 290 to include an exhaustive list of the statutory requirements for an ARTC program, it may wish to include the 200-hour professional development requirement.	11/30/18	Reviewed final regulation 582 on 1/1/19. No change effected. No further action taken.
335	DOE – Relation to Graduation Requirements and Diplomas. Amends 14 DE Administrative Code 505 High School Graduation Requirements and Diplomas.	Endorsed the proposed amendment, while seeking clarification. Endorsed the final amendment, but reiterated concerns.	11/30/18 3/28/19	Reviewed final regulation 762 on 3/1/19. DOE addressed concerns in a letter dates 5/6/19, with no changes effected. No further action taken.

REGULATION NO. 22 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
337	DOE Reporting Expulsions to DMV. Amends 14 DE Administrative Code 616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings to align with changes made by HB 402, which eliminated the requirement for a school superintendent to notify DMV when a student was expelled from a public school for the purposes of suspending or refusing to issue or review an expelled student's driver's license.	Endorsed the proposed amendment.	11/30/18	Reviewed final regulation 583 on 1/1/19. No further action taken.
361	DMMA Revisions to DSSM on MAGI Methodology. Amends the Delaware Social Services Manual regarding Medicaid MAGI methodology in order to clarify policies on special income counting rules for children and tax dependents.	Provided 3 recommendations. Endorsed the final regulation.	11/30/18 2/27/19	Reviewed final regulation 668 on 2/27/19 with 3 changes effected. No further action taken.
379	DFS Early Care, Education & School-Age Center. Amends the Delacare regulations concerning the health, safety, well-being and positive development of children who receive care in early care and education and school-age centers.	Endorsed the proposed regulation. Requested 3 revisions. Thanked DFS or accepting recommendations. Endorsed the amendment and provided 3 additional recommendations.	11/30/18 1/30/19	DFS reissued proposed regulation 574 on 1/1/19 with 3 amendments effected. Reviewed final regulation 865 on 4/1/19. No further action taken.
380	DFS Family & Large Family Child Care Homes. Amends the Delacare regulations concerning the health, safety, well-being and positive development of children who receive care in family and large family child care homes	Endorsed the proposed regulation. Requested 3 revisions. Thanked DFS or accepting recommendations. Endorsed the amendment and provided 3 additional recommendations.	11/30/18 1/30/19	DFS reissued proposed regulation 576 on 1/1/19 with 3 effected. Reviewed final regulation 866 on 4/1/19. No further action taken.
562	DOE Student Success Planning. Creates 14 DE Admin. Code 507 Student Success Planning. Provides guidance for districts and charters in their role to support students in establishing goals that lead to post-secondary plans for the student's desired career. Also requires every student in grade 8 and above to have a Student Success Plan (SSP), which is a written plan stating students' post-high school goals.	Endorsed the creation of the Post-Secondary Advisement Plan (PSAP) and provided 6 recommendations.	1/30/19	Reviewed final regulation 763 on 3/1/19. No further action taken.
565	DHSS/DHCQ Governing Dialysis Centers. Establishes quality assurance standards for dialysis centers to implement the 2014 and 2015 changes in the law. Gives DHSS authority to charge licensing fees to offset the costs of performing their responsibilities under the statute and regulations.	Endorsed the regulation but made a recommendation to strengthen the regulation by including language, which provides more specifics about what is included in the discharge policy such as procedures, alternative treatment options, and a requirement to follow-up with the patient who is involuntarily discharged.	1/30/19	Reviewed final regulation 853 on 4/1/19. No changes effected. No further action taken.

REGULATION NO. 22 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
566	DHSS/DMMA Regarding Chiropractic Centers. Amends Title XIX Medicaid State Plan and the DMMA Provider Policy Specific Manual regarding chiropractic services, specifically, to remove annual numerical limitations placed on chiropractic care visits for the purpose of treating back pain in alignment with S.B. 225.	Endorsed the proposed regulation.	1/30/19	Reviewed final regulation 768 on 3/1/19. No further action taken.
570	DMMA Eligibility. Amends the Delaware Social Services Manual regarding eligibility determination, specifically to align state and federal policy.	Endorsed the proposed regulation, which provides positive change in the eligibility requirements for a vulnerable group of adults with disabilities, subject to an amendment, which implements recommendation to remove wording. Thanked DMMA for adopting recommendation	1/30/19 4/30/19	Reviewed final regulation 859 on 4/1/19 with DMMA adopting 1 recommendation. No further action taken.
574	DFS/OCCL Early Care, Education & School-Age Center. Amends the Delaware Regulations concerning the health, safety, well-being and positive development of children who receive care in early care and education and school-age centers.	Endorses the to the republished proposed DELACARE regulation covering early care and education and school-age centers based on previous Council recommendations, but still requested further revisions. Thanked OCCL for adopting 1 recommendation.	1/30/19 4/30/19	Reviewed final regulation 865 on 4/1/19. OCCL adopted 1 recommendation. No further action taken.
576	DFS-OCCL Family & Large Family Child Care Homes. Amends the Delaware Regulations concerning the health, safety, well-being and positive development of children who receive care in family & large family child care homes.	Endorsed the republished proposed DELACARE regulation covering family and large family child care homes based on previous Council recommendations, but still requested further revisions. Thanked OCCL for adopting 1 recommendation.	1/30/19 4/30/19	Reviewed final regulation 866 on 4/1/19. OCCL adopted 1 recommendation. No further action taken.
652	DPH/Office of Medical Marijuana governing the Medical Marijuana Code. Amends the DSS Manual to update the sections on the application process for DSS benefit programs to modernize the language and make it more understandable.	Provided 7 recommendations and 1 request.	2/27/19	No further action taken.
652	DSS Application Process. Amends the DSS Manual to update the sections on the application process for DSS benefit programs to modernize the language and make it more understandable.	Provided 10 recommendations and observations.	2/27/19	Reviewed final regulation 53 on 7/1/19. DMMA responded on 4/22/19 and adopted 2 recommendations. No further action taken.
658	DSS Income Reporting Requirements for Child Care. Advises the public that DSS is proposing to amend DSS's Social Services Manual regarding Child Care, specifically, to update the income reporting requirements for the Purchase of Care subsidy program.	Provided 6 recommendations.	2/27/19	Reviewed final regulation 60 on 7/1/19. DSS responded on 5/17/19 and adopted 3 recommendations and consideration of 1 recommendation. No further action taken.

REGULATION NO. 22 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
697	DMMA Renewal of DDDS Lifespan Waiver (General Notice) – DMMA gave notice that it intends to file with CMS for a five-year renewal of the DDDS Lifespan Section 1915© home and community-based services waiver.	Provided 3 concerns and 2 recommendations re: residential habilitation. Also, endorsed revisions regarding home modifications.	2/27/19	This was a General Notice. No further action taken.
728	DMMA Providing EPSDT Services to Children in IMDs – Amend the Medicaid State Plan to “ensure individuals under 21 in qualified inpatient psychiatric hospitals and facilities are guaranteed access to necessary services” to meet requirements of the Social Security Act by the 21 st Century Cures Act.	Endorsed the proposed regulation.	3/29/19	Reviewed final regulation 46 on 7/1/19. No further action taken.
744	DSS – CMR Requirements for TANF Recipients – Amend the DSS Manual to update provisions regarding the Contract of Mutual Responsibility for TANF recipients.	Requested 7 significant revisions to the proposed policy. Response sent to DSS stating that they fail to clearly note that DSS will offer reasonable accommodations for clients with disabilities in the context of CMRS. The Transitional Work Program is one form of accommodation; it does not fulfill the agency’s legal responsibility to create policies allowing for reasonable accommodations throughout the entire TANF program. SCPD will continue to raise the issue of accommodations in future comments on proposed regulations.	3/29/19 3/29/19	DSS addressed all requested revisions in letter dated 4/5/19. No change was effected. Reviewed final regulation 773 on 3/1/19. No further action taken.
791	DHSS – Annual Grant Application for Birth to Three Federal funding under Part C of the IDEA Act is being submitted.	Requested clarifications re: ensuring public input; no answer provided to Assurance 4; why Assurance 2 has been made; why some answer choice boxes are blacked out; how Delaware will be funding direct support services since it is proposing to use significantly less federal dollars to fund them.	3/29/19	No further action taken.
832	DOE – Education of Children and Youth Experiencing Homelessness. Adopts the updated definition of “homeless children and youth.”	Endorsed the proposed regulation, but also provided 4 recommendations for improving the regulation.	4/30/19	Reviewed final regulation 33 on 7/1/19. DOE adopted 4 recommendations. No further action taken.
839	DHCQ – Intensive Behavioral Support and Education Residence. DHCQ initiated proceedings to amend the Intensive Behavioral Support and Educational Residence (IBSER) regulations	Endorsed the proposed regulation and provided 8 observations in support of the amended regulations.	4/30/19	Reviewed final regulation 43 on 7/1/19. DHCQ addressed all comments. No changes effected. No further action taken.
843	DOI – Reporting Medical Management Protocols for Insurance Coverage for Serious Mental Illness and Drug and Alcohol Dependency.	Endorsed the proposed regulation and provided 2 observations.	4/30/19	Reviewed final regulation 1025 on 6/1/19. No changes effected. No further action taken.

REGULATION NO. 22 DE	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
846	DOI - Medicare Supplement Insurance Minimum Standards. Sets forth the minimum standards for Medicare Supplement Insurance in Delaware and implements the mandate of Chapter 34 of Title 18.	Provided 5 observations.	4/30/19	Reviewed final regulation 1026 on 6/1/19. No changes effected. No further action taken.
871	DMMA – State Plan Amendment for Pathways Program. Renews the State Plan Amendment with CMS to renew the Pathways to Employment Program optional State Medicaid service under Section 1915 (i).	Strongly endorsed the proposed regulation.	4/29/19	No further action taken.
933	DSCYF/OCCL – Child Placing Agencies. Amends the DELACARE regulation for Child Placing Agencies and focuses on clarifying the procedures and standards for licensure of placing agencies, as well as the criteria that should be used to evaluate individuals who apply to be foster parents and foster family homes.	Provided 5 observations and recommendations.	5/30/19	No further action taken.
989	DDDS – Reportable Incident Management and Corrective Measures. Clarifies obligations of DDDS contract providers of home and community-based services under DHSS Policy Memorandum 46.	Provided 5 recommendations.	6/27/19	No further action taken.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
HB 19	This bill ensures that every public school in the State has a school nurse and provides a mechanism to allow a district or a charter school that currently does not have a school nurse to receive state funds and also permits a district to levy a tax under § 1902(b), Title 14, known as a “match tax”, to assist those districts that hire a school nurse as a result of this Act to pay for the local share of that school nurse. The bill promotes inclusion of students with disabilities who may require some nursing services to be successful in integrated settings, facilitates screening of students for health problems, and facilitates quick response in the event of a student injury or emergency (e.g. seizure).	Endorsed the concept with 1 observation.	2/6/19	HA 1 Introduced and Placed with Bill on 3/20/19. Tabled in the House Education Committee on 3/20/19.
HB 21	This bill removes barriers for inmates who are students with disabilities and have an Individualized Education Program (IEP) under state and federal law when being considered for parole or a sentence modification.	Provided 1 recommendation and concerns about not clarifying accommodations or addressing Section 504 Plans.	2/6/19	Out of the House Education Committee on 3/6/19.
HB 24 w/HA 1	This bill prohibits insurers and pharmacy benefit managers from engaging in the practice of "clawbacks". When the total cost of a prescription	Endorsed the legislation.	2/6/19	Signed by the Governor 6/19/19.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
	drug to an insurer or pharmacy benefits manager is less than a patient's co-pay, the insurer or pharmacy benefits manager keeps the difference in a practice known as a "clawback".			
HB 39	This bill establishes same-day voter registration in the State of Delaware. Under current law, voters must register prior to the "fourth Saturday prior to the date of the election." 15 Del. C. § 2036. This bill changes the deadline to the day of the election and specifically permits voters to register at their polling places by submitting an application and identification with proof of address at the polling place and permits multiple forms of identification including government issued photo identification, utility bills, bank statement, paycheck, and similar documents. The bill also changes the deadline for registrations that are mailed or completed by agencies other than the Department of Elections to require that the registrations be received prior to the deadline (i.e., prior to election day). Voters will still be able to register to vote in advance of the election using all means that presently exist.	Endorsed the legislation and shared 7 observations.	2/28/19	Reported Out of the House Administration Committee on 3/13/19. Amendment HA 1 Placed With Bill on 4/11/19. Amendment HA 2 Placed With Bill on 5/2/19.
HB 48	This bill provides State funding to kindergarten through third grade for basic special education. This bill is an effort to promote earlier identification and assistance for basic special education needs which should then mitigate costs over the long term. Funding for K-3 special education will be phased in gradually over 4 years.	Endorsed the proposed legislation and shared 7 observations and 2 recommendations.	2/28/19	Reported Out of the House Education Committee on 3/13/19. Assigned to the House Appropriations Committee on 3/21/19.
HB 59 w/HA 1	This bill requires the Secretary of the Department of Transportation (DelDOT) to publish information about the use of the Community Transportation Fund (CTF) to the public. For each member of the General Assembly, the Secretary must publish information about how much money is in the member's CTF account, how much is allocated to the member's CTF account in a given year, the amount of transfers to and from the account, and the "amount, purpose, and location of each expenditure authorized by the member."	Endorsed the proposed legislation.	3/25/19	Signed by the Governor on 7/17/19.
HB 61	This bill updates Delaware's Uniform Controlled Substances Act regarding benzodiazepines, a class of drugs commonly used to treat a variety of medical conditions including anxiety, seizures, and alcohol withdrawal.	Shared an observation.	2/25/19	Signed by the Governor on 6/19/19.
HB 73	This bill is the first leg of a constitutional amendment that removes the limitations on who can vote by absentee ballot from Article V, Section 4A of the Delaware Constitution and empower the General Assembly to "enact general laws providing the circumstances, rules, and procedures by which registered voters may vote by absentee ballot."	Endorsed the legislation but provided a recommendation.	3/29/19	Passed the House on 4/11/19. Defeated by the Senate on 4/11/19.
HB 80 w/ HA 4	This Act raise the eligibility age, from 60 to 65 in one-year increments over a five-year period, for the up to \$12,500 retirement income exclusion and the extra \$110 age-based personal credit. Anyone eligible for these age-based benefits in the year of enactment would remain eligible under this legislation and eligibility for an up to \$2,000 pension exclusion would be extended to persons under age 65.	This bill has minimal impact on individuals with developmental disabilities.	5/30/19	Introduced and Assigned to Revenue & Finance Committee in House on 3/12/19. Amendment HA 4 to HB 80 on 6/21/19.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
HB 100	This bill seeks to create funding for mental health units for K-5 schools. As defined in the legislation one "unit" means one full-time counselor, school social worker or licensed clinical social worker for every 250 students, and one full-time school psychologist for every 700 students.	Endorsed the legislation but provided 4 observations and 1 recommendation.	4/29/19	Reported Out of the House Education Committee on 3/27/19. Assigned to the House Appropriations Committee in House on 3/28/19.
HB 101	This bill requires high needs elementary schools, including high needs elementary charter schools, to have school-based health centers. The State will pay the start-up costs for each school-based health center at 2 centers per year until each high needs elementary school has a center. High needs elementary schools are defined as any elementary school in the top quartile of 3 or more in percentage of low-income students, percentage of English learners, percentage of students with disabilities, percentage of minority students, or having 90% of its students classified as low-income, English learners, or minority. This act also allows high needs elementary schools having pre-existing school-based health centers to apply for reimbursement of previously expended funds necessary to establish said health center. Currently all high schools, except charter high schools, are required to have school-based health centers.	Endorsed the legislation but provided 6 observations and 4 recommendations.	4/29/19	Reported Out of the House Education Committee on 3/27/19. Assigned to House Appropriations Committee on 3/28/19.
HA 1 with HB 102	This bill amends §787, Title 11 of the Delaware Code to expand the list of offenses that may be vacated, expunged, or pardoned for a survivor of human trafficking. This bill allows a person who is arrested or convicted of any crime, except a violent felony, which was a direct result of being a victim of human trafficking may file an application for a pardon or expungement or make a motion to vacate judgment. This bill greatly expands access to criminal record relief for human trafficking survivors who committed crimes as a result of their victimization and will help survivors avoid the far-reaching consequences of a criminal record and help maximize their ability to secure independence and stability.	Endorsed the legislation given that people with disabilities face increased risk of human trafficking.	4/16/19	Signed by the Governor on 6/20/19.
HB 103	This bill seeks to more explicitly define the responsibilities of the Division of Substance Abuse and Mental Health (DSAMH) and encourages the creation of uniform standards for community mental health providers who contract with DSAMH.	Endorsed the legislation if enacted into law to encourage promulgation of regulations to formalize provider standards as well as eligibility, admission and discharge procedures for community behavioral health services in accordance with Medicaid rules.	4/16/19	Signed by the Governor on 6/19/19.
HS 1 for HB 105	This bill creates a Step Therapy Exception Process that allows patients who are required by their insurance company to go through step therapy protocols to, under certain circumstances, bypass step therapy to obtain the initially-prescribed medication.	Endorsed the legislation and provided 3 observations.	4/29/19	Signed by the Governor on 6/18/19.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
HB 120	This bill attempts to increase affordable housing by financially assisting renters struggling with low income and renters that are elderly, and not receiving other subsidized housing benefits.	While the intent of the legislation is good, there were 4 observations and concerns shared, along with 2 recommendations.	5/30/19	Introduced and Assigned to the House Revenue & Finance Committee on 4/11/19.
HS 1 for HB 123	This bill allows the Public Guardian to act as a representative payee for Social Security benefits or as a VA fiduciary for the Department of Veterans Affairs benefits. This Act also allows the Court of Chancery to appoint a guardian with limited powers, to act as guardian for specific areas of decision-making or for a specific term.	While the intent of the legislation is good, there was 3 observations and 3 concerns shared.	5/30/19	Signed by the Governor on 7/4/19.
HB 140	This bill permits a terminally ill individual who is an adult resident of Delaware to request and self-administer medication to end the individual's life if both the individual's attending physician and a consulting physician agree on the individual's diagnosis and prognosis and believe the individual has decision-making capacity, is making an informed decision, and is acting voluntarily.	Opposed in any type of assisted suicide legislation.	5/24/19	Introduced and Assigned to the House Health & Human Development Committee.
HB 164	This bill codifies the Delaware Developmental Disabilities Council (DDC).	Expressed a concern that DDC was not aware of the legislation.	6/4/19	Introduced and Assigned to the House Public Safety & Homeland Security Committee on 5/30/19.
HB 166	This bill simplifies the requirements and the process for healthcare providers and eliminates confusion that may be causing the low compliance rate for screening or testing, and defines terms used in the Act. This bill mandates screening, defined as capillary blood test, at 12 and 24 months of age. The bill clarifies insurance coverage for the costs of compliance with the Act.	Endorsed the legislation but provided 5 observations and 3 recommendations.	6/26/19	Introduced and Assigned to Health & Human Development Committee in House on 5/30/19. Reported Out of Committee (Health & Human Development) in House with 9 On Its Merits on 6/5/19.
HB 170	This Act increases the age requirement for compulsory school attendance in Delaware from 16 to 18 years of age. The age increase is phased in over a 2-year period; accordingly, there is a 1-year interim period where the compulsory school attendance age requirement will be 17 years of age. The Act further provides that a child may be exempt from the age requirement for compulsory school attendance if the child has received a high school diploma or a diploma of alternate achievement standards or obtains permission to withdraw from school from the superintendent of the district in which the child is enrolled or from the president of the board of the charter school in which the child is enrolled. The Act preserves the exemption under which a child may be excused from compulsory attendance upon request of the child's parent or legal guardian coupled with supporting written documentation from a qualified health professional.	Will not be taking a position on the legislation but provided 3 observations and 4 recommendations.	6/26/19	Introduced and Assigned to Education Committee in House on 5/30/19. Reported Out of Committee (Education) in House with 1 Favorable, 9 On Its Merits on 6/26/19.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
HB 175	This Act allows any qualified voter evidencing a desire to vote by mail in writing to the State Elections Commission to vote by mail in primary, general, and special federal elections. The State Elections Commission shall administer the program, creating rules and regulations that allow processing and scanning of mail ballots ahead of Election Day without tabulation until Election Day, dropping off mail ballots at any polling place on Election Day and dropping off mail ballots in a secure drop box of each county Department of Elections office before and leading up to Election Day.	Endorsed the legislation.	6/26/19	Introduced and Assigned to Administration Committee in House on 5/30/19. Assigned to Appropriations Committee in House on 6/20/19.
HB 194 w/HA 1	This Act is designed to provide enhanced oversight and transparency as it relates PBMs. Specifically, this Act does the following: (1) Requires PBMs to register with the Insurance Commissioner. (2) Permits the Insurance Commissioner to issue cease and desist orders based on fraudulent acts or violations of Chapter 33A of Title 18 committed by PBMs. (3) Requires PBMs to maintain certain records. (4) Permits the Insurance Commissioner to examine the affairs of PBMs. (5) Grants the Insurance Commissioner the authority to enforce Chapter 33A of Title 18 by imposing fines, requiring PBMs to take affirmative actions, and suspending, denying, or revoking a PBM's registration. In addition, this Act updates existing law regarding maximum allowable cost lists and establishes a more transparent appeals process for a pharmacy to rely on if a PBM does not reimburse the pharmacy the amount owed under their contract or the maximum allowable cost list. Finally, this Act makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.	Endorsed the proposed legislation.	6/26/19	Signed by the governor on 7/17/19.
HB 198	This bill would increase the maximum weekly benefit amount that would be payable to claimants seeking unemployment compensation benefits from the Delaware Division of Unemployment Insurance from \$330 a week to \$400 a week. This bill would also freeze the taxable wage base used by employers to determine what portion of employee's wages are subject to unemployment insurance tax assessments, for the period July 1, 2019 to October 29, 2020, to allow the Division of Unemployment Insurance and the Unemployment Compensation Advisory Council to analyze whether to revise the taxable wage base formula into the future.	Endorsed the proposed legislation.	6/26/19	Signed by Governor on 6/30/19.
HB 201	This Act requires the Department of Education ("Department") to administer the statewide program for services for students with autism spectrum disorder ("program") and that the Department must hire the Director of the program.	N/A	6/26/19	Reported Out of the House Education Committee on 6/19/19.
SB 17	This bill prohibits discrimination based upon genetic characteristics and information in the issuance or renewal of disability and long-term care insurance. S.B. 17 increases the protection provided by the Genetic Information Nondiscrimination Act of 2008 (GINA), which protects individuals from genetic discrimination in health insurance (Title I) and employment (Title II).	Shared 4 observations and 1 recommendation.	2/28/19	Introduced and Assigned to the Senate Banking, Business & Insurance Committee on 1/24/19. Amendment SA 1 was Introduced and Placed with Bill on 3/13/19.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
SS 1 for SB 24 w/SA 1	S.B. 24 amends 16 Del.C. § 4902A to allow patients to qualify for a valid registry identification card to purchase and use medical marijuana for any condition that a physician certifies that medical marijuana would likely provide therapeutic or palliative benefit. The bill also removes the requirement that only certain specialists may certify the use of medical marijuana if the patient is younger than 18 years old. SS 1 differs from Senate Bill No. 24 by requiring a patient to apply for a compassionate use medical marijuana card when a doctor recommends medical marijuana to a patient who does not have a qualifying debilitating medical condition.	Endorsed the proposed legislation and shared 2 observations.	4/29/19	Signed by the Governor on 9/10/19.
SS 1 for SB 25	This bill restricts access to tobacco products and tobacco substitutes by individuals under age 21 in multiple contexts.	Shared 2 observations.	3/25/19	Signed by the Governor on 4/17/19.
SB 27 w/SA 1	This Act, named the Share the Care Act, permits an individual employed by a personal assistance services agency to administer medications to an adult individual who resides in the individual's own home if a responsible caregiver does the following: 1. Authorizes the direct care worker to do so. 2. Prepackages the medication by date and time. 3. Provides written instructions regarding the administration procedure. 4. Enters into an agreement with a personal assistance services agency governing the administration of the medication by the direct care worker.	Remained neutral.	3/25/19	Signed by the Governor on 6/13/19.
SB 28	This bill increases the financial penalties for parking in an area designated for a vehicle being used by an individual with a disability. For a first offense, this Act increases the monetary penalty from \$100 to \$200. For a subsequent offense, this Act increases the monetary penalty from \$200 to \$300.	Endorsed the proposed legislation and shared 2 observations and 2 recommendations. Submitted letter to Delaware State Senate Transportation Committee on 3/12/19 and Delaware House Public Safety & Homeland Security Committee on 4/10/19.	4/17/2019	Signed by the Governor on 6/5/19.
SB 29	This Act increases the penalties for parking in an area designated for a vehicle being used by an individual with a disability. For a subsequent offense, this Act increases the potential minimum imprisonment from 10 days to 15 days and the potential maximum imprisonment from 30 days to 35 days.	Endorsed the legislation and shared 2 observations and 2 recommendations.	3/12/19	Introduced and Assigned to Transportation Committee in Senate on 3/6/19.
SB 59 w/SA 1	S.B. 59 amends Section 4902A to allow nurse practitioners and physician assistants to recommend medical marijuana for patients.	Endorsed the proposed legislation and shared 2 observations.	4/29/19	Awaiting consideration in the Senate Health & Social Services Committee.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
SB 63 w/SA 1	This Act enhances the protections under the Delaware Equal Accommodations Law by prohibiting retaliatory discrimination against an individual for either of the following: (1) Opposing an act or practice that is an unlawful practice under the Delaware Equal Accommodations Law. (2) Making a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing to enforce the Delaware Equal Accommodations Law.	No comment on the legislation.	N/A	Passed Senate with SA 1 on 5/9/19. Reported Out of Committee (Economic Development/Banking/Insurance & Commerce) on 6/12/19.
SB 65	This bill establishes the Focus on Alternative Skills Training Program (FAST). FAST will provide tuition, up to \$9,000, to Delaware residents who have obtained a high school diploma, Diploma of Alternate Achievement Standards, or a Delaware Secondary credential, and have enrolled in an approved non-degree credit certificate program that provides industry-accepted skill training and certification no later than 18 months after graduating high school. FAST will improve access to alternative skills training programs and provides additional post-secondary opportunities for Delaware students.	Endorsed the proposed legislation and shared 1 recommendation.	5/30/19	Introduced and Assigned to the Senate Labor Committee on 4/9/19.
SB 71	This bill amends Title 18 and Title 24 of the Delaware Code to: 1) prohibit a pharmacy benefit manager from requiring or providing an incentive for an insured individual to use a pharmacy in which the pharmacy benefit manager has an ownership interest; and 2) require that a pharmacy be owned by a pharmacist or by a majority of pharmacists if owned by an artificial entity.	Endorsed Section 1 of SB 71, but asked for clarification on the other section of the legislation and shared 3 observations and 2 recommendations.	5/30/19	Passed the House on 6/30/19. Returned to the Senate.
SB 78	This bill includes a component on consent and healthy relationships in health education curriculum for grades 7-12 beginning in 2020. School districts and charter schools will be obligated to provide age appropriate evidence-informed instruction on the meaning of consent and respecting other people's boundaries. The bill also includes reporting requirements, both to the Department of Education (DOE) and to the Governor and legislature.	Endorsed the initiative and shared 3 observations.	5/30/19	Signed by the Governor on 9/10/19.
SB 81	This bill permits an individual to practice dentistry for the Division of Public Health (Division) under a provisional license.	Endorsed the proposed legislation and shared 2 observations.	5/30/19	Passed the Senate on 6/6/19. In the House Sunset Committee.
SS 1 for SB 92	This bill expands Delaware's Public Assistance Code to provide dental care to all eligible adult Medicaid recipients. Delaware is one of three states that does not offer some form of adult dental coverage through Medicaid. Payments for dental care treatments are subject to a \$3 recipient copay and the total amount of dental care assistance provided to an eligible recipient may not exceed \$1,000 per year, except that an additional \$1,500 may be authorized on an emergency basis for dental care treatments through a review process established by the Department of Health and Social Services.	Endorsed the legislation. Provided comments to the Senate Health and Social Services Committee. Provided comments to Representative Bryan Townsend.	5/23/19 5/15/19 5/14/19	Signed by the Governor on 8/6/19

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
SB 101	This legislation will update the schedule for Fentanyl analogues, consistent with language used by the Drug Enforcement Administration (DEA). The Forensic Chemistry Unit at the Division of Forensic Science has confirmed the presence of these analogues in Delaware, but some of which are not currently scheduled under Title 16. This is directly related to continuous structural modifications of Fentanyl by illicit manufacturers. This legislation will close that gap and provide clarity to Title 16, consistent with federal law, by addressing ever-changing structural modifications being made in the illicit manufacture of Fentanyl. This legislative is aimed to curb the manufacture and distribution of illicit Fentanyl analogues and has no impact on the legal manufacture of Fentanyl for medical use.	Endorsed the proposed legislation and shared 2 observations.	6/26/19	Signed by the Governor on 7/17/19.
SB 111	The Joint Legislative Oversight and Sunset Committee approved a project to work with the Governor's Office throughout 2018 and 2019 to identify antiquated boards, commissions, and councils that need statutory updates or outright repeals. The Advisory Council to the Division of Developmental Disabilities Services was identified as needing updates to change terms to "up to" 3 years, remove political party balance, and make it easier to fill vacancies.	Endorsed the proposed legislation and shared 2 observations.	6/26/19	Signed by the Governor on 7/17/19.
SB 121 w/SA 1	This Act makes necessary changes to Delaware's election laws based on the State's purchase of new voting devices and establishes auditing requirements for the voting devices. This Act requires the Department of Elections ("Department") to audit the results of primary, general, and school board elections and establishes the procedure to be used by the Department. This Act also requires the Department to adopt regulations to govern the procedure to be used if an audit reveals a discrepancy.	Endorsed the proposed legislation and provided 5 recommendations.	6/26/19	Signed by the Governor on 7/30/19.
SB 154 w/SA 1	This Act establishes the Quality Improvement Advisory Council to promote collaboration and problem-solving with stakeholders in the system of care administered by the Division of Developmental Disabilities Services. The Division, in consultation with the Advisory Council, must submit an annual report to the General Assembly and the Department of Health and Social Services on specific performance measures affecting services to adults with intellectual and developmental disabilities. Under this Act, the Joint Legislative Oversight and Sunset Committee will review the Advisory Council in 2022 to determine whether it has been an effective tool for collaboration between the Division of Developmental Disabilities Services and the provider community.	N/A	N/A	Passed the Senate on 6/25/19. Reported Out of the Sunset Committee (Policy Analysis & Government Accountability in House on 6/27/19.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
SCR 62	<p>This Concurrent Resolution establishes a task force (“Task Force”) to study and make recommendations regarding the policies, rules, structure, and regulations of the Division of Developmental Disabilities Services (“Division”). The Division provides home and community-based services for adults with intellectual and developmental disabilities. The Task Force will consider, have access to, and make recommendations on several matters, including: (1) Wages and turnover rates for direct support professionals. (2) Design of systems changes and performance measures. (3) Other trends, analyses, and recommendations. (4) A synopsis of provider violations, probation, appeals, and ultimate outcomes from 2015 through 2019. The data provided to the Task Force are not records or proceedings for the purposes of § 1768 of Title 24, commonly known as “peer review privilege.</p>	N/A	N/A	<p>Passed In Senate on 6/30/19.</p> <p>Passed In House on 6/30/19.</p>
SB 163	<p>This bill establishes a committee of members from state agencies, legislative and executive branches, and individuals representing the healthcare industry and Delaware citizens, including persons with disabilities. The strategic mission of this Committee is to study the implementation of a separation of the Department of Health & Social Services’ (DHSS’) current organizational structure into two separate cabinet-level Agencies. Given the observations contained in the “whereas” clauses, including the fact that the Department has grown immensely since its establishment in 1970 with expanded duties and responsibilities</p>	Endorsed this legislation.	6/25/19	Introduced and Assigned to Elections, Govt. & Community Affairs Committee in Senate on 6/20/19.

Federal - FY 19

REGULATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
Proposed Title IX Rule Changes	This proposed regulation would dramatically alter schools' responsibilities under Title IX, a federal law that bars recipients of federal funds from engaging in sex discrimination.	Opposed the proposed regulation and provided 9 observations that this rule would have devastating consequences for students and their families.	2/5/19	124,196 comments received and under review.

LEGISLATION	SYNOPSIS	ACTION	DATE LETTER SENT	FINAL STATUS
HR. 582	This bill proposes raising the federal minimum wage to \$8.55 this year and increases it over the next five years until it reaches \$15.00 an hour in 2024. After 2024, this legislation would adjust the minimum wage each year to keep pace with growth in the typical worker's wages.	Provided 4 comments.	2/28/19	Passed the House on 7/18/19
S. 150	This legislation proposes raising the federal minimum wage to \$8.55 this year and increases it over the next five years until it reaches \$15.00 an hour in 2024. After 2024, this legislation would adjust the minimum wage each year to keep pace with growth in the typical worker's wages.	Provided 4 comments.	2/28/19	Introduced in the Senate on 01/16/2019. Referred to the Committee on Health, Education, Labor, and Pensions.