

NICOLE POORE
Majority Whip
STATE SENATOR
12th District



SENATE
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

Senate Elections & Government Affairs Minutes

Wednesday, May 8, 2019
Senate Majority Caucus Room
Legislative Hall

Committee Members Present:

Senator Nicole Poore, Chair
Senator John Walsh, Vice Chair
Senator David McBride
Senator Catherine Cloutier
Senator Bryant Richardson

Attendees:

Representative Stephen Smyk
Dr. Tammy Croce, DASA
Joe Aronson, DSAMH
Cheryl Heiks, Webster Consulting
Kendall Massett, Delaware Charter Schools Network
Kiki Evinger, DHSS
Elizabeth Romero, DSAMH
Chuck Longfellow, DOE
Emily Cunningham, DOE
Secretary Susan Bunting, DOE
Cara Sawyer, DSAMH

Agenda:

Review of minutes from the April 17, 2019 Committee meeting
HB 103 (Bentz)
HB 108 (Smyk)
SB 78 (Poore)

Senator Nicole Poore, Chair, convened the meeting at 1:32pm.

Senator John Walsh motioned to approve the meeting minutes from April 17, 2019. Senator Cloutier seconded the motion, and the minutes were approved. Senator Richardson abstained from voting to approve the minutes because he was absent from the April 17th meeting.

House Bill 103 – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH.

Original Synopsis: This bill reflects in greater detail the work performed by DSAMH and ensures that DSAMH has the appropriate authority to license and oversee community mental health providers as they do with SUD facilities. DSAMH essentially already does this when they draft their contracts, so providers are already required to meet their specific standards. This bill establishes uniform standards for providers.

Senator Poore summarized the legislation and opened the floor to questions or comments.

HB 93 was circulated for signatures at 1:33pm. It was released from committee with 1 favorable and 4 on its merits.

House Bill 108- AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILTON RELATING TO CONTRACTS AND ENUMERATION OF POWERS.

Original Synopsis:

Section 1 of this bill amends the Charter of the Town of Milton relating to purchasing contracts. Specifically, the bill: raises the monetary thresholds to be more in line with the State of Delaware, Material and Non-Professional Service Purchase Thresholds, known as policy 5.3.1; clarifies that the Town need not competitively bid again if the results were unreasonable or not independently reached; and adds a new exclusion for purchases made pursuant to the State of Delaware procurement process or from a vendor on the General Services Administration Federal Supply Schedule. Section 2 of the bill clarifies that the Town may levy and collect property taxes on an annual and on a quarterly supplemental basis.

Senator Poore provided a brief summary of the bill and invited Representative Stephen Smyk to speak on behalf of the bill.

Representative Stephen Smyk summarized the legislation and emphasized that the Town of Milton is having difficulty securing bids for contracts.

Senator Poore asked if securing bids was more difficult downstate, remarking that she has heard similar concerns from other municipalities.

Representative Smyk replied that he did not know for sure but is confident that Milton is in need of assistance.

HB 108 was circulated for signatures. It was released from committee with 5 on its merits.

Senate Bill 78 – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CONSENT EDUCATION.

Original Synopsis: This Act requires that the health education programs presented by the Department of Education include instruction on what it means to "consent" in the context of a sexual encounter.

Senator Poore summarized the legislation and its intent. She emphasized that the concept of consent is not taught uniformly across districts and highlighted the need to be proactive. She also discussed the definition of consent outlined in the bill and explained its origin.

Senator Walsh asked how many other states had passed similar legislation and if this is a national trend.

Senator Poore shared that Maryland and several other states have passed similar legislation, but she did not know the exact number.

Senator Walsh asked if school districts support the legislation.

Senator Poore replied that there is always concerns with adding additional curriculum requirements on teachers who are already tasked with addressing so many topics. However, she added that this bill would only add one concept to existing health curriculum.

Secretary Susan Bunting stated that she had not had the chance to speak with the state's education chiefs about the issue but expressed concerns about the definition of consent in the bill and how it aligns to what is currently taught about the age of consent.

Patrick Gallagher, Senate attorney, outlined the definition of consent in the bill as well as the Title 11 definition of consent. He stated that he did not believe that the two definitions were inconsistent.

Senator David McBride emphasized that the bill is timely and much needed. He mentioned that there needs to be consistency in the way this concept is taught across the state. Senator McBride emphasized that all students should be taught that yes means yes. He then asked Secretary Bunting to provide her position on the bill.

Secretary Bunting stated that she supports the concept of the bill and said that she believes the chiefs would agree. She added that there is not a statewide curriculum to address this topic. Secretary Bunting also commented that the Department of Education would have a much easier time developing one if the request to hire an education association for health curriculum development was approved.

Senator Bryant Richardson mentioned that one of the recommendations from the Drug Prevention Task Force was to hire someone at the Department of Education to address health curriculum development. He asked if that position had been filled.

Secretary Bunting replied that the Department of Education did not have the authority to hire an associate for that position at the time.

Senator McBride asked what schools currently teach on the topic of drug use and abuse.

Secretary Bunting replied that each curriculum is different but remarked that the curriculum development process is rigorous across districts.

Senator McBride remarked that the bill sets a 2020 deadline for implementation. He asked if the Department of Education would have enough time to meet that requirement.

Secretary Bunting replied that the Department of Education could move fast.

Senator Poore highlighted that some districts are proactively teaching the concept of consent but it is not addressed uniformly. She highlighted the goal of the legislation to ensure that the definition of consent is taught in the same way across the state.

Senator Catherine Cloutier asked to be added as a sponsor on the bill.

Tammy Croce remarked that there could be a cost to districts to procure curriculum materials and provide professional development to meet the requirements of the bill. She added that having an education associate at DOE that could assist districts with curriculum development is critical. Dr. Croce also remarked that legal liability was a concern raised by several superintendents. She emphasized a desire to be part of the conversation moving forward so that district concerns can be addressed.

Kendall Massett added that she consulted with several charter leaders who are supportive of this effort.

Senator Poore thanked Secretary Bunting for highlighting the need for an associate for health curriculum development at the Department of Education. She commented that she would support the Department in that request. However, she emphasized that she did not believe this legislation was a heavy lift for districts.

SB 78 was circulated for signatures. It was released from committee with 5 on its merits.

Senator Poore adjourned the meeting at 1:59 p.m.