

**GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS (GACEC)
GENERAL MEMBERSHIP MEETING
7:00P.M., March 21, 2017
George V. Massey Station, Second Floor Conference Room
516 West Loockerman Street, Dover, DE**

MINUTES

MEMBERS PRESENT: Chairperson Dafne Carnright, Al Cavalier, Nancy Cordrey, Cathy Cowin, Karen Eller, Ann Fisher, Lisa Gonzon, Brian Hartman, Sonya Lawrence, Karen McGloughlin, Chris McIntyre, Carrie Melchisky, Mary Ann Mieczkowski, Bill O'Neill, Robert Overmiller, Jennifer Pulcinella, Howard Shiber and Brenné Shepperson.

Staff present: Wendy Strauss, Executive Director; Kathie Cherry, Office Manager and Sybil White, Administrative Coordinator.

MEMBERS ABSENT: Carma Carpenter, Bill Doolittle, Terri Hancharick, Emmanuel Jenkins, Thomas Keeton, Dana Levy, Beth Mineo, and Shawn Rohe.

Chairperson Dafne Carnright called the meeting to order at 7:08p.m.

PUBLIC COMMENTS

There were no public comments.

GENERAL MEMBERSHIP MEETING

Dafne asked for and received a **motion** to approve the March agenda.

Motion was approved.

Dafne asked for and received a **motion** to approve the February minutes.

Motion was approved. Dafne asked for and received a **motion** to approve the February financial report. **Motion was approved** to accept the financial report as submitted.

GUEST SPEAKER

Dale Matusевич gave a presentation on Delaware Transition Initiatives, which is attached for your reference. During the presentation the following questions were asked and answered:

- Q.** What was the (graduation rate) target? Does this represent all students or just students with disabilities?

A. This slide shows only students with disabilities, the next slide represents both students with disabilities and those without.

Q. Isn't there a state diploma and also a district diploma?

A. Every student receives a state diploma, some districts especially the vocational districts, use higher standards than those set by the state. Delaware has no control on waiving any of those requirements as many other states do.

Q. If students who meet graduation requirements stay in school longer than four years doesn't this affect the data?

A. Yes it does skew the data. This is a new trend that is being seen so there is not much data on how much it affects it. The feds require a strict four year cohort when tracking graduation. DOE is working with schools now to find ways to implement transition skills into the curriculum so that students who are choosing to stay can get those skills they are seeking during the four year term.

Q. If the graduation rate is 70% and the dropout rate it only 3% where are the rest of those kids?

A. They are still in school, again referring back to the feds requirement of a strict four year cohort for tracking graduation, many are still in programs within the school. If they don't have enough credits they are still on an academic track. If they already have enough credits they are working on soft skills, social skills and interpersonal skills while getting work based learning opportunities.

Q. The jump from 2012-13 numbers to 2013-14 numbers you're telling us is basically a sampling error? Are we that bad at sampling?

A. The Department was at that time using very small sample size and schools that they knew were struggling. It was apparent something needed to change to be more reflective statewide.

Q. Under WIOA (Workforce Investment Opportunity Act), there are barriers in place preventing folks from going into sheltered workshops or entering into sub minimum wage jobs out of High School, does the Department have numbers regarding this group?

A. Dale did not have figures with him but he stated that going back for the last three or four years the number is down to just 13 students in such programs.

DOE REPORT

Mary Ann gave an update on the recently rescheduled Inclusion Conference. The new date is May 23, 2017. She reported that there were over 700 registrants, the highest numbers yet. She shared that the ICT (Interagency Collaboration Team) report has been issued and is available on the DOE website. The State Systemic Improvement Plan (SSIP) report is due by April 1, 2017. Mary Ann stated that the Council would be getting a copy of the report. The Department is in the process of writing a new SPDG (State Professional Development Grant) Grant that is due on April 14th. Mary Ann is hopeful that there will be funding for the grants and that Delaware will be selected.

DIRECTORS REPORT/ CHAIR REPORT

Wendy shared that Executive board approval was received to sign on to two letters. The first was regarding housing budget cuts at the federal level and the other was the “Do Not Harm” letter which urges Congress to not cut healthcare funding for children with disabilities. Wendy shared that according to Kids Count data 20% of Delaware children have been diagnosed with one or more emotional, behavioral or developmental conditions. Wendy asked Dafne to share about progress on the special education strategic plan. Dafne shared that the group met again for an entire day to discuss changes that were made after the last meeting of the planning committee that did not align with what was agreed upon. The group worked out any differences and Dafne believes they have a good product now. The plan will be sent to the oversight committee prior to being released for public comment. Wendy spoke about the progress on funding for the Career and Life Studies Certificate (CLSC) program for students with intellectual disabilities. After two years of being told it might appear in epilogue to no avail, the group is pushing forward. They spoke with Representative Smith who put the group in contact with the House attorneys to begin drafting a possible amendment to existing legislation to provide funding. Nothing is finalized at this point. In addition to working on the CLSC program funding, Wendy shared that she and a group of stakeholders including Representative Williams has been working on draft legislation to get additional training for School Resource Officers (SRO) regarding students with disabilities and how to interact and engage them. Wendy went to Legislative Hall to hear Senate Bill 198 Expungement of Juvenile Records. The legislation will offer assistance with expungement. Since September 6, 2016 there are 288 individuals who have had their records expunged. She shared some stories of individuals who spoke about how the expungement process was affecting them.

COMMITTEE REPORTS

ADULT TRANSITION SERVICES

Cathy shared that Julie Leusner from the Division of Prevention and Behavioral Health Services (DPBHS) and Mike Barbieri from the Division of Substance Abuse and Mental Health (DSAMH) spoke about services provided from each state agency. They also talked about issues around transitioning young adults from child mental health to adult services. In addition conversation was had about the need to increase mental health supports for individuals with intellectual and developmental disabilities (I/DD). The committee would like to work on facilitating more discussion on how to better support young adults with mental health needs and how to increase mental health services to individuals with I/DD.

CHILDREN AND YOUTH

Karen shared that Jill Scannell from the Department of Education (DOE) visited the group and gave a presentation on Indicators 3 and 5 from the APR (annual performance report).

INFANT AND EARLY CHILDHOOD

Jennifer reported that the scheduled speaker for the committee was unable to attend. The committee spent time discussing past issues as well as welcoming Jazmone Taylor, the new Executive Director of the Parent Information Center (PIC).

POLICY AND LAW

Brian Hartman reported that after review the recommendation of the committee was to comment on items 1 and 2 of the March 2017 Legal Memorandum with the addition of the comments below on item 2.

1. Per §2.3.7 CNAs are exempt from fulfilling recertification requirements if on active military duty in a “theater of hostilities”. This may be unduly narrow and could be expanded to cover active duty military not in a “theater of hostilities”. Moreover, granting such individuals only 30 day to complete 24 hours of community education post deployment is ostensibly too short a period.
2. Section 3.3.2 requires instructor to have “experience teaching adults in a group classroom/clinical setting”. There are two concerns with this provision. First, experiences teaching in a classroom versus clinical setting should not be treated as interchangeable. Second, the division may wish to adopt a more precise experience standard than the “open ended” provision in §3.3.2.
3. Section 4.3.1 could be clarified to note that it only applies to CNAs who have previously worked in a facility. Otherwise the 80 hour orientation requirement in §4.1.1 would ostensibly apply.
4. Section 5.2.6 could be improved by clarifying an individual’s option to be represented by an attorney of the individual’s choice.

This recommendation came as a motion from the committee, no second was required.

Motion approved.

Commentary on the regulations discussed in committee or approved by the Board was as follows:

1. DMMA Proposed Medicaid Eligibility of Former Foster Youth Reg. [20 DE Reg. 694 (3/1/17)]

Consistent with federal law, the Division of Medicaid and Medicare Assistance (DMMA) currently provides Medicaid coverage to former foster care youth who have aged out of Delaware’s foster care system until age 26. This regulation would expand the eligible population to young adults who aged out of the foster care system of another state. The financial impact of this initiative would be modest:

In state fiscal year 2016 there were approximately 150 former foster youth that aged out of Delaware’s foster care system that were eligible for Medicaid under the Affordable Care Act (ACA). Extending this rule to former foster youth from other states would most likely result in very few new clients and therefore won’t have a significant fiscal impact.

At 696.

There would be no income or resource cap for this population. Id.

A disproportionate number of foster care youth have disabilities and transition to adulthood is often difficult. The availability of Medicaid to this constituency would be a significant support and is analogous to the option of youth who remain on their parent's private health insurance through age 26.

The Council may wish to consider endorsement with a courtesy copy to the Office of the Child Advocate and Steve Yeatman at DSCY&F.

2. DLTCRP Proposed CNA Regulation [20 DE Reg. 693 (3/1/17)]

The Division of Long Term Care Residents Protection (DLTCRP) proposes a full revision of the existing regulation covering certified nursing assistants (CNAs).

In general, the standards appear to be relatively clear and comprehensive. The committee has the following observations on some discrete sections.

First, there are a few typographical errors:

A. In §2.3.10, there appears to be an extraneous comma after the term "CNA".

B. In Appendix A, Psychosocial Needs Module, Competencies Section, 6th bullet, there is a reference to "self-care".

C. In Appendix A, Physical Needs Module, Competencies Section, 15th bullet from the end, there is a reference to "self-help".

Second, the qualifications of trainers may benefit from enhancement. An RN with only two years of overall experience and one year of clinical experience (§3.2.1) and supplemental personnel (e.g. occupational, physical or speech therapist) with only one year of experience (§3.6.1) are authorized to serve as CNA training program instructors. These are relatively weak credentials to teach a wide array of skills to CNA trainees. While a nurse with one year of clinical experience in an NSF may have been exposed to many types of needs, a nurse with more years of experience would generally have greater exposure to a variety of patients and treatment modalities.

Third, §3.10 lists minimum equipment to be available for training. It would benefit from some additions.

A. Appendix A, Psychosocial Skills Module, Competencies Section, includes the following skill: "Recognize and utilize augmentative communication devices and methods of nonverbal communication." Likewise, Appendix A, Physical Needs Module, Competencies Section, includes the following skill: "Demonstrate use of assistive devices". It would therefore make sense to include a typical AAC device in the list of minimum equipment in §3.10.

B. Appendix A, Physical Needs Module, Competencies Section, includes the following recital “Assist the resident/patient with ambulation aids, including, but not limited to cane, quad-cane, walker, crutches, wheelchair and transfer aids, such as a mechanical lift.” These forms of assistive technology (AT) are included in §3.10 with the exception of the mechanical lift. DMMA may wish to consider adding a mechanical lift to the list of minimum equipment.

C. Appendix A, Physical Needs Module, Competencies Section, includes the following recitals: “Assist the resident/patient with oral hygiene, including prosthetic devices” and “Administer oral hygiene for the unconscious resident/patient”. In contrast, §3.10 omits all oral hygiene devices, including water flossers, electric toothbrushes, and ultrasonic denture cleaners.

D. Appendix A, Physical Needs Module, Competencies Section, includes the following recital: “Accurately measure and record with a variety of commonly used devices: blood pressure, height and weight, and temperature, pulse, respiration. Section 3.10 would benefit from the addition of a pulse oximeter.

The Council may wish to share the observations above with the Division.

3. DOE Scholarship Incentive Program [20 DE Reg. 685 (3/1/17)]

The Department of Education proposes to adopt regulations implementing the State Scholarship Incentive Program established by the Title 14 Del.C. §§3411-3413.

The enabling law authorizes scholarships only to full-time students in degree programs. A student can qualify for a scholarship only if attending: 1) an undergraduate educational institution in Delaware; or 2) an undergraduate educational institution in another state with a reciprocity agreement; or 3) an undergraduate or graduate educational institution in another state offering courses not available in state-supported institutions in Delaware when the course work is deemed in the best interest of the State. Scholarships are awarded based on both financial merit and academic merit. The amount of the scholarships is small. Consistent with the excerpt from the DOE website, they range from \$700-\$2,200 annually. The regulations contemplate allocating up to 80% of funding to undergraduates and up to 20% of funding for graduate students (§5.1.1).

Analysis provided included the following observations.

First, the numbering in §4.0 should be reviewed. There should be no §4.1 since there is no §4.2. See §3.3 from the Delaware Administrative Code Drafting and Style Manual.

Second, the regulations ostensibly omit the statutory authorization to approve scholarships to attend institutions outside Delaware “that have established scholarship reciprocity agreements with the State and the Office of Undergraduate study”. Compare Title 14 Del.C. §3413(3)b with regulatory §4.1. Perhaps there are no reciprocity agreements. If there are reciprocity agreements, the DOE should consider adding a conforming provision to the regulations. The statutory authorization is an

independent basis for a scholarship distinct from enrolling in course work not offered in Delaware.

Third, it is unclear how a scholarship for a graduate student enrolled in pass/fail course work would be calculated. Section 5.2.2.3 authorizes scholarship eligibility for such students. However, based on the table on the website, query whether such a student would only be eligible for a needs-based \$700 award with no opportunity to qualify for a merit supplement. The DOE may wish to clarify if a graduate student qualifying for a scholarship under §5.2.2.3 is only eligible for a needs-based award.

Fourth, the table suggests that awards are weighted in favor of academics as juxtaposed to need. Students qualify for the same \$700 need-based stipend whether they are in abject poverty or whether they barely meet the threshold for need. In contrast, students can qualify for the academic stipend based on more discriminating standards ranging from \$0 to \$1,500. Reasonable persons could differ on whether this approach should be reversed, i.e., anyone with a 2.5 grade point average (GPA) would receive the same stipend while the needs-based stipend would vary based on extent of need. The enabling statute does not prioritize academic merit versus financial need and vice versa. See Title 14 Del.C. §3413(4). Council infers the rationale for the current table is ease of administration, i.e., it is easier to document a GPA than financial need.

The Council may wish to share the observations above with the DOE and State Board of Education (SBE).

4. House Bill No. 50 (School Nurse Funding)

This legislation was introduced on January 24, 2017. As of March 1, it awaited action by the House Education Committee. It is earmarked with a fiscal note but the note was not available on the legislative website. The legislation is similar to House Bill No. 12 (introduced in 2015) and House Bill No. 263 (introduced in 2014). Neither of the predecessor bills received a vote by the full House. The fiscal note for House Bill No. 12 reflected a State share of approximately \$1.5 million. The GACEC and State Council for Persons with Disabilities (SCPD) endorsed both predecessor bills.

As background, Title 14 Del.C. §1310 currently authorizes school nurse funding for districts based on one nurse per 40 state units of pupils. Districts are also required to have “at least 1 school nurse per facility”. If the “1-40” funding formula is insufficient to provide for one nurse per facility, the districts are directed to use either Division III equalization funds (§1707), academic excellence funds (§1716), or discretionary local operating expense funds to make up the shortfall.

The implication of the synopsis to House Bill No. 50 is that some public schools lack a nurse despite the statutory requirement. Problems associated with the lack of a school nurse in each facility are outlined in the News Journal article, “A nurse in every Delaware school” (February 2, 2017). The bill authorizes public schools to apply for supplemental State funds subject to annual appropriations. The bill also authorizes a district which receives the supplemental State funds to increase its local tax to pay for the local share of employment costs without referendum. See lines 25-26 and Title 14 Del.C. §1902(b).

The Councils may wish to consider endorsement. The availability of school nurses has several

salutary effects. First, it promotes inclusion of students with disabilities who may require some nursing services to be successful in integrated settings. Second, it facilitates screening of students for health problems. Third, it facilitates quick response in the event of a student injury or emergency (e.g. seizure). However, the sponsors may wish to consider an amendment. §1310(b) only applies the requirement of a nurse in each facility to school districts, not charter schools. Therefore, it is somewhat anomalous for House Bill No. 50 to refer to the requirement that only applies to districts and then authorize supplemental funding for both districts and charter schools. It would be preferable to require both district and charter schools to have a school nurse in each facility.

5. Senate Bill No. 193 (Disadvantaged Students Pilot)

This legislation was introduced on January 24, 2017. As of March 1, it awaited action by the Senate Education Committee.

As background, the Legislature has been considering multiple options to improve the educational performance of students from low-income families in recent years. See, e.g., the News Journal articles, “Lawmakers target school spending” (February 1, 2017); and “WEIC to Carney: We need weighted school funding (March 2, 2017). Indeed, in 2015, legislation (House Bill No. 117) was introduced to create a separate funding unit for low-income students. It had a \$12.8 million fiscal note and did not receive a vote by the full House.

Senate Bill No. 193 adopts a more restrained approach. A pilot program would be authorized with \$1 million in funding in three consecutive years (\$3 million aggregate). The pilot would be administered by the Department of Education. Public schools could apply for funds up to \$200,000 apiece over three consecutive years (line 41). Thus, if the Department awarded the maximum amount to applicant schools, a total of five schools could participate. The Department is instructed to apportion grants equitably among the counties (lines 46-47). Schools approved for funding in year one could expect to be level funded during years two and three (lines 48-49).

Participating schools would randomly select students who meet certain standards, i.e., low-income students not achieving at grade level and not in special education (lines 25-32). Low income students with disabilities with §504 plans would ostensibly qualify as pilot candidates. The funds would be used to achieve the following: 1) a class size of 10 students to one teacher (lines 36-37 and 51); 2) participating teachers with at least five years of teaching experience with satisfactory performance evaluations (lines 33-34); and 3) 1:1 reading instruction (lines 38-39).

The legislation “encourages” the University of Delaware, Delaware State University, and Delaware Technical and Community College to collect and analyze data to assess the viability of the program.

It is difficult to predict the results of the initiative. The underlying hypothesis is that the education of pilot participants will be significantly improved based on the following: 1) lowering class size from 16.1 (the current K-3 unit count) to 10; 2) providing an experienced teacher versus a mix of inexperienced and experienced teachers; and 3) providing 1:1 specialized reading instruction the equivalent of one day/month. Skeptics may posit that these levels of support will be insufficient to

significantly affect performance. The pilot does not include individualized or small group tutoring. Grouping low achieving students together could also have both positive and negative results. On the one hand, it facilitates teaching if students are roughly at the same instructional level. On the other hand, students might arguably benefit from the presence of some higher achieving students as models or peer tutors.

Given budgetary constraints, the pilot may offer a useful assessment of the viability of the identified supports in lieu of “rolling out” a more sweeping initiative. However, the sponsors could consider “piloting” different options. For example, it would be useful to assess the effects of tutoring as a supplement to the supports above. The Councils may wish to consider endorsement subject to recommending consideration of some variations in forms of support.

6. House Bill No. 24 (School Attendance)

This legislation was introduced on January 5, 2017. As of March 1, it awaited action by the House Education Committee.

As background, current school attendance law contemplates parental notice and a home visit by school staff following the tenth day of a student’s unexcused absence (lines 10-11). After the fifteenth day of a student’s unexcused absence, a parent must appear at school for a mandatory conference (lines 12-14). This bill is an attempt to promote earlier intervention, i.e., after the fifth day of a student’s unexcused absence, a conference would be scheduled at school or the student’s home to conduct an informal needs assessment and determine what available resources would improve the student’s attendance.

Early intervention to address a pattern of unexcused absences makes sense.

First, public schools typically have policies which disallow credit or authorize retention for students who do not attend a certain number or percentage of school days. Schools vary in their thresholds. Consistent with information received, the Brandywine School District only requires 85% attendance (allowing 27 absences in 180 day school year) while Indian River School District authorizes no credit and retention for as little as 17 absences. If parental notice is not issued until 10 or 15 days of unexcused absences have occurred, it may be too late to “salvage” the school year. Once a student is advised that he may not receive credit even if he attends the balance of classes, he will not be motivated to renew attendance. Concomitantly, once a student is retained, the potential for eventually dropping out of school is statistically heightened.

Second, early intervention facilitates linking the student to resources before the student falls too far behind academically. Students can be referred to Wellness Centers for mental or physical health concerns. If a student is feeling overwhelmed by academics, tutoring or transfer to another class could be considered. If bullying is prompting the lack of attendance, the school can intervene.

The Council may wish to consider endorsement.

7. House Bill No. 49 (School Construction Safety)

This legislation was introduced on January 24, 2017. As of March 1, it awaited action by the House Education Committee.

Background on the legislation is compiled in the Delaware News Journal article, “Delaware bill mandates school safety measures” (January 27, 2017). The bill would require newly constructed or renovated school buildings to contain certain design features, including bulletproof glass, doors that could be locked from both sides with a key, and an intruder alert system compatible with the fire alarm system capable of activation from the office. In addition, the bill requires the Office of Management and Budget (OMB) Facilities Management Section to ensure Department of Safety and Homeland Security review of such sites to address compliance with both the standards above and “Crime Prevention through Environmental Design (CPTED)” contemporary practices.

The legislation is earmarked for a fiscal note but it is not available on the legislative website.

The bill is similar to House Bill No. 347 introduced in June, 2014. That bill passed the House but did not receive a vote by the full Senate. It is also similar to House Bill No. 27 introduced in January, 2015 and stricken in July, 2015. That bill had an initial year fiscal note of approximately \$779,000 in State costs. See attachment.

The GACEC and SCPD endorsed the predecessor bills subject to incorporation of a very important amendment which was added to House Bill No. 347 prior to House passage. The same amendment should be added to House Bill No. 49. The rationale is reflected in the attached June 19, 2014 SCPD commentary:

SCPD originally had one principal concern with the legislation. Adoption of safety features can create barriers and result in violations of the ADA. In the past, Council believes at least one public school installed safety features which were later uninstalled due to non-conformity with accessibility standards. SCPD therefore recommended an amendment to add the following sentence at the end of line 12: “Such review shall be coordinated with the Architectural Accessibility Board established by Chapter 73 of this title to ensure compatibility of safety and architectural accessibility features.” The AAB is already charged with reviewing school construction and renovations to ensure ADA compliance. However, this may not always occur. In addition, if the “safety” review occurred after the AAB review, changes could supersede and contravene the AAB-approved accessibility features. After consultation with the AAB, the SCPD shared the proposed amendment with the prime sponsor and H.A. No. 1 addresses this issue.

The Council may wish to affirmatively reach out to the prime sponsor to request the introduction of a conforming amendment and condition any endorsement on introduction of the amendment. The Council may also wish to reach out to the Department of Safety and Homeland Security and AAB to reinforce the request.

8. House Bill No. 11 (Removal of Bar on Temporary Aid to Needy Families (TANF) Eligibility Based on Drug Conviction)

This legislation was introduced on December 15, 2016. As of March 1, 2016, it awaited action by the House Health and Human Development Committee.

As the synopsis indicates, federal laws passed during the War on Drugs frequently barred access to public assistance programs for persons with drug felonies while allowing states to “opt out” of such bans. Most states have adopted limited or full “opt outs”. In 2011, Delaware removed the ban on drug felon eligibility for the Food Supplement Program (formerly “Food Stamps”) through enactment of Senate Bill No. 12. The Council endorsed that legislation. See January 26, 2011 GACEC memorandum. At that time the Council noted the common co-occurrence of substance abuse with mental health and other disorders. The Council also observed that limits on access to safety-net programs undermine successful reintegration of persons released from prison into the community. Last year, a Delaware News Journal editorial made the same point in supporting a prior version (House Bill 365) of House Bill No. 11. See May 18, 2016 article, “TANF Bill Sensible Step in Prison Reform”. The article reported that 24 states had adopted at least limited “opt outs” of the federal bans on TANF and Food Supplement Program eligibility. The editorial also linked access to such safety-net programs to lower recidivism rates.

The TANF program has been long-recognized as an important resource for persons with disabilities. See National Council on Disability Position Paper, “TANF and Disability- Importance of Supports for Families with Disabilities in Welfare Reform” (March 14, 2003), published at <https://www.ncd.gov/publications/2003/Mar52003>. See also MDRC report, “Assessing and Serving TANF Recipients with Disabilities” (December, 2013), published at <http://www.mdrc.org/publication/assessing-and-serving-tanf-recipients-disabilities> [noting that 40% of adult TANF clients may have a mental or physical disability]. The legislation would therefore have a disproportionate beneficial effect on persons with disabilities. The Councils may wish to consider sharing a positive analysis of this initiative with policymakers.

9. Senate Bill No. 12 (Motorcycle Lighting Equipment)

This legislation was introduced on January 12, 2017. It passed the Senate on January 26, 2017.

As background, states vary on whether “underglow” lighting on vehicles is permitted. See, e.g., FindLaw article, “Neon Underglow”. In recent years some states have enacted legislation which specifically allows use of enhanced lighting on motorcycles. For perspective, materials related to West Virginia and Texas bills enacted in 2014 and 2015 respectively were reviewed.

The analysis of the Texas bill included the following justification:

Each year, hundreds of motorcyclists are killed on Texas highways. According to the Insurance Institute for Highway Safety, about one-quarter of the motorcycle fatalities that occurred across the United States in 2013 occurred between the hours of 9 p.m. and 6 a.m.

when it is dark and motorists must rely on vehicular lighting to see other vehicles. Furthermore, a study by the Texas A&M Transportation Institute found that, in crashes involving a motorcycle and another vehicle, the other driver reported never seeing the motorcycle about one-half of the time.

To combat this safety issue, some motorcyclists currently attach light emitting diodes (LEDs) on the underbody of their motorcycle. These LEDs provide another opportunity for motorists to spot a motorcycle at night. However, current law restricts the lighting that may be emitted from a vehicle, and thus it is unclear if these LEDs are permissible.

The Delaware bill (Senate Bill No, 12) essentially adopts the same authorizing description of allowable lighting as the Texas legislation.

The SCPD is statutorily designated as the primary brain injury council for the State [29 Del.C. §8210(b)(10)]. It has historically promoted safety-related legislation for motorcycles to minimize the incidence of traumatic brain injuries. Since the legislation should improve the visibility of motorcyclists to other drivers, the Council may wish to consider endorsement as a disability prevention initiative. Parenthetically, courtesy copies of communication could be shared with the Departments of Transportation, and Safety and Homeland Security.

MEMBERSHIP COMMITTEE

Nothing to report at this time.

PERSONNEL COMMITTEE

Nothing to report at this time.

OUTSIDE COMMITTEE UPDATES

There were no outside committee updates shared. Dafne shared that she felt the Adapted PE ad hoc committee should reconvene, AL Cavalier and Chris McIntyre indicated interest in being a part of the discussion.

Letters and responses may be found in the binder at the front of the room.

A motion was made and approved to adjourn the meeting. The meeting was adjourned at **9:10 pm.**