

House of Representatives

Week in Review

For the Week Ending: Friday, April 30, 2010

[News Items From the House](#)

- **House Passes Controversial Change to School Crime Reporting Law**

A proposed change in a state law requiring school officials to report to police when students commit certain offenses drew heated debate in the State House of Representatives before narrowly moving on to the Senate.

Under current law school officials must call police when a student, 9-years-old or older, commits four specific misdemeanor offenses: Assault in the 3rd Degree; Unlawful Sexual Contact in the 3rd Degree; Offensive Touching; and Terroristic Threatening.

Acting on the recommendations of a legislative task force on school discipline, State Rep. Mike Barbieri (D-Newark) sponsored legislation (House Bill 347) to increase the age of the students requiring mandatory reporting to 12-years-old.

State Rep. Greg Lavelle (R-Sharples) argued that the bill's sponsors couldn't produce any information on the number of criminal incidents that could potentially go unreported to police if the law were changed. He urged that action on the proposal be delayed until the statistics could be provided. "If it's one kid, it's no a big deal, but if its 250 kids, well maybe it is a big deal," he said.

State Rep. Joe Miro (R-Pike Creek Valley), who spent more than 30-years as an educator, said while he understands the challenges of a school environment, he does not support the change. "A crime is a crime, whether it's committed by an individual at age 15, age 12 or the age of 9," he said.

Retired State Police captain, State House Majority Leader Pete Schwartzkopf (D-Rehoboth), said if police are called to a school, they are predisposed to make an arrest. "Not everybody needs to be arrested. Not every child needs to be in the criminal justice system," he said. "What I understand this to be, is on these four offenses, which in the – I really hate to say this – but in the realm of things, they are very minor offenses. ... The idea behind this is that at 9, and 10, and 11

years old, they're still growing, they are still learning, they are still trying to figure out, in their own way, what is acceptable behavior and what is not."

Those remarks drew a sharp response. "The police are not going to be going into the schools and dragging kids out," Rep. Lavelle said. "That's just silly. They have a large degree of discretion ... [and] the administrators have a large degree of discretion."

Under the bill, incidents involving children under the age of 12 would continue to be reported to education officials. "This is being reported to the school, it is being reported to the superintendent of the district, and it is being reported to the DOE (Department of Education) ... so it's not like this is hidden material," Rep. Barbieri said. "This is something that is available and is something that can be seen."

"Stuff goes to the Department of Education in Washington and the Department of Education here, all too often, to never be seen again," Rep. Lavelle said. He added that the reason the current law exists is that schools have a history of failing to report student crime – an issue with which he has had personal experience.

"My brother was a teacher who was assaulted by two young men who beat the hell out of him in a classroom," Rep. Lavelle said. Although his brother told the school principal he wanted to file charges against the attackers, Rep. Lavelle said school officials ignored the crime and merely sent the students home. He said it wasn't until the incident was brought to the attention of the media that arrests were finally made several days later.

Practicing attorney, State Rep. Tom Kovach (R-Brandywine Hundred South), said he didn't see the need for the change in the reporting law, noting that the current statute already gives school officials the judgment as to whether the police need to be notified. He said only those incidents where officials determine there was significant intent on the part of the student to commit a crime need to be reported.

Rep. Kovach added that the age reduction proposed under HB 347 seemed arbitrary because there was no evidence to indicate children under the age of 12 lack the cognitive ability to form the intent needed to commit a crime.

"We've heard child developmental experts come in and say early intervention is the key to putting people on the road to recovery and not delaying it until later," Kovach said. He said if the bill is enacted, he worries some troubled children may fall through the cracks and not get the help they need as early as they might have.

In the end, the bill squeaked through the House with just 22 “yes” votes – just two more than is needed to clear the 41-member chamber. The proposal now heads to the Senate for consideration.

- **New Law Intended to Help Healthcare Workers and Alzheimer’s Patients**

Legislation intended to help thousands of Delaware’s most vulnerable patients, as well as the people caring for them, is now law.

The new statute (HB 159 as amended) mandates that healthcare workers who are required to take continuing education programs receive “dementia-specific training each year.” The measure excludes doctors.

“This is a bipartisan initiative that should benefit everyone impacted by it,” said State Sen. Joe Booth (R-Georgetown), who was a prime sponsor of the measure along with State Sen. Bethany Hall-Long (D-Middletown). “We have thousands of people suffering from Alzheimer’s disease and dementia in Delaware. This law will help ensure that nurses, attendants and others are taught techniques that’ll allow them to deal with the special needs of these patients.”

There are reportedly more than 26,000 Delawareans who suffer with some type of dementia. Although people over the age of 30 can be afflicted with more than 100 different types of dementia, including Alzheimer’s, the condition tends to be more prevalent among older people. There were nearly 156,000 Delaware residents over the age of 65 in 2006 – a number that’s expected to nearly double by 2030.

State Rep. Gerald Hocker (R-Ocean View), a co-sponsor of the new law, said he’s been an advocate for better training for healthcare workers for more than two years. House Resolution 74, sponsored by Rep. Hocker in 2008, suggested that such education be made available to visiting nurses and other in-home care providers, as well as those working in nursing homes, assisted living facilities, senior centers, and hospices. “We were not talking about anything extensive, just short classes that would give these folks some insight into understanding the effects of Alzheimer’s disease and techniques caregivers could use to deal with these patients effectively.”

Rep. Hocker, whose mother-in-law is an Alzheimer’s disease victim, says such information can help improve the quality-of-life for patients and make the job of caregivers easier. “I was disappointed those suggestions were not embraced by the healthcare industry. This new law will not only require this sensible training, it won’t cost taxpayers any money.”

“The Alzheimer’s epidemic has been coined ‘the disease of the 21st century,’” said Katie Macklin, executive director Delaware of the Alzheimer’s Association’s Delaware Valley Chapter. “Given the fact that there are nearly 26,000 Delawareans living with Alzheimer’s disease and related disorders, and given the growing, aging and diversifying population, it is more vital than ever that caregivers across the professional spectrum are equipped with the tools necessary to effectively care for persons with this disease.”

Rep. Hocker, a Sussex County entrepreneur, has also been active in trying to help Alzheimer’s patients in his private life. “We organized a Memory Walk Team in 2007 and have taken part in the event every year since,” he said. “Over that time, the people working at my businesses have raised more than \$22,000 for the Alzheimer’s Association through bake sales, yard sales, raffles and ‘Forget-Me-Nots’ - paper flowers sold at the checkouts in our stores. This is an awful disease. Until we can eradicate it, we need to do whatever we can to help those stricken with it as well as the people caring for them.”

Around the Hall ***(Briefs from Legislative Hall)***

4-H Clubs Benefit Youths & Community

Members of Delaware’s 4-H clubs visited Legislative Hall recently and State Rep. Dave Wilson (R-Cedar Creek Hundred) used the occasion to praise the organization. In remarks made on the House floor, Rep. Wilson said 4-H provides a wide variety of activities that introduces children to new interests and builds their self-confidence and self-esteem through accomplishment. Formed more than 100 years ago, 4-H currently serves approximately 6.5 million American youths. Membership is about equally split between urban & suburban areas and farm & rural locations.

Center for Economic Policy and Analysis Launched

At a recent (4/27) press conference on the west side steps of Legislative Hall, the Caesar Rodney Institute – an independent public policy organization – promoted the formation of their Center for Economic Policy and Analysis (CEPA). CEPA Director John E. Stapleford used the occasion to release the group’s latest report on the state of Delaware’s economy. The group has also issued reports analyzing funding of the University of Delaware; suggesting an alternative for funding beach replenishment projects; and proposing steps to increase efficiency in the Delaware Department of Corrections.

Special Olympics Volunteers Recognized

Two long-time Special Olympics volunteers have been recognized for their dedication. Special Olympics provides people with intellectual disabilities an opportunity to develop self-confidence through participation in sports. State Rep. Greg Lavelle (R-Sharples) presented a House Tribute honoring Joanne Cunningham and Ed Capodanno, noting their recent induction into the Special Olympics Delaware Hall of Fame. For the past 20 years, Ms. Cunningham and Mr. Capodanno have been volunteering for Special Olympics Delaware and coaching athletes in volleyball, basketball, bocce, bowling, and track & field.

Action on Bills*

House Bill 354 – (Sponsors: Rep. Kowalko, et. al.) – This bill, being done in conjunction with the input of a group of fourth grade students at Joseph M. McVey Elementary School, seeks to designate the grey fox as Delaware’s official state wildlife animal. Understanding the bill’s underlying intent as a living civics lesson, Rep. Tom Kovach (R-Brandywine Hundred South) offered an amendment that would have made the law effective only for 2010. Rep. Kovach argued the change would give different groups of students an annual opportunity to sponsor legislation designating a new animal as the state’s “official wildlife animal” for that year. Without commenting on the merits of the recommendation, Rep. Kowalko objected and the amendment was defeated.

Status: Passed the House. Pending action in a Senate committee.

House Bill 381 – (Sponsors: Reps. Longhurst, et. al.) – This bill seeks to increase voter registration via the so-called “motor voter” law. Under current law, residents at least 18-years-old, as well as those who will turn 18 before the next general election, can register to vote through the Division of Motor Vehicles. HB 381 would also allow 16 and 17-year-olds to register when they first apply for their driver’s licenses. However, these minors would not be allowed to vote until they turn 18.

Status: Pending action in the House Administration Committee.

Senate Bill 209 w/SA 1– (Sponsors: Sen. Henry, et. al.) – This bill would extend the Historic Preservation Tax Credit Act for 10 years. The credit is scheduled to expire in June. Seventy-five historic buildings throughout Delaware have reportedly been rehabilitated and preserved using the program. Since its inception in 2001, \$34 million in tax credits have been awarded, leveraging more than \$166 million in private-sector investment, producing an estimated 2,400 jobs. Before passing the Senate, the bill was amended to require that the Division of Historical and Cultural Affairs issue an annual report on the status of projects approved under program. The amendment also adds a provision to ensure that no single project can exhaust the pool of available credits.

**Status: Pending action in the House Economic
Development/Banking/Insurance/Commerce Committee.**

*partial list