



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: January 26, 2018

TO: The Honorable Members of the Delaware General Assembly

FROM: Dafne A. Carnright, Chairperson
GACEC

RE: **House Bill No. 292 Services for Children with Autism Spectrum Disorders**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 292 which revamps the current statutory framework for the Delaware Autism Program (DAP) initially adopted in the early 1980s. Council **endorses** the concept of the legislation if the program is properly resourced and funded. We would also like to share the following observations.

This legislation implements the recommendations of the Autism Educational Task Force Report and makes significant changes to the statewide educational program for children with autism spectrum disorders (ASD), the Delaware Autism Program (DAP). It is very similar to Senate Bill 92 which Council commented on in June of 2015. See attached. Many of the observations provided at that time by the Council appear to have been considered and incorporated into the new legislation. The bill requires the employment of a statewide director, hired in consultation with a Peer Review Committee and lists a number of requirements for the director.

It also creates a three year pilot program mandating training and technical assistance for all public schools which includes practices specifically relevant to children with ASD classification using evidence based practices. One goal of the pilot program appears to be the creation of a less centralized DAP where students with a classification of ASD can be educated in their home school districts. This will be accomplished by increasing capacity in all school districts through coordinated training and access to specialists. Supporting students in their home districts is preferable to the current, more centralized system; however, Council is concerned about the continuation of the program at the end of the three year pilot. What is expected to occur at that point and how will services be impacted?

Funding for the program will come from a variety of sources, including state appropriations, unit funding, pass through funds and grants, and "fees for service for support." Line 114 Item (5) states that "Additional funding may be provided through any of the following:..." It then lists six possible sources of funding. Council would like clarification on line 120 which states the following: "e. Fees for

service for support where other funding is inadequate.” Clarification is needed to show that parents will not be charged for services provided which would be a violation of the provision of a free appropriate public education (FAPE).

There are to be numerous committees including a Parent Advisory Council, a Peer Review Committee, and a Statewide Monitoring Review Board (SMRB). Council notes that the SMRB formerly submitted its reports to the Governor’s Advisory Council for Exceptional Citizens (GACEC); however, the GACEC is missing from the list of recipients in the new legislation. Council would request being added to the list of recipients on lines 138 and 139.

Thank you for your time and consideration of our conditional endorsement and observations. Please feel free to contact me or Wendy Strauss should you have any questions.

Enclosures