



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

DATE: April 26, 2021

TO: The Honorable Members of the Delaware General Assembly

FROM: Ann C. Fisher, Chairperson
GACEC

RE: House Bill No. 117 Delaware Autism Program

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 117, which would make changes being piloted in the Delaware Autism Program (DAP) under existing legislation permanent. Council supports the proposed legislation as the shift in the DAP model may encourage the provision of educational services for students with Autism Spectrum Disorders (ASD) in more integrated settings. However Council would like to encourage modifying the language regarding training specialist staffing to allow for potential expansion as funding permits. We would also like to share the following observations.

The primary purpose of House Bill No. 117 is to make changes that had been piloted under existing legislation permanent. Those changes had been based on recommendations of the Autism Educational Task Force report in 2015. The report is available for download at <https://legis.delaware.gov/TaskForceDetail?taskForceId=55>). The General Assembly created the Task Force to examine both the role of DAP and other steps the state should take to meet the educational needs of the growing number of children with ASD in Delaware. Prior to the Task Force report and resulting legislation, in addition to administering DAP programs the DAP Director was tasked with providing training and technical assistance to school districts statewide to assist them with serving students with ASD outside of DAP. As demand for this support had grown significantly with the increasing number of students with ASD in schools throughout the state, the Task Force recommended that DAP employ training specialists to share this responsibility with the Director to ensure the same resources would be available to all students with ASD. The Task Force also recommended the creation of a Parent Advisory Committee, and this was included in the subsequent statutory updates.

The legislature subsequently enacted legislation to pilot these changes in accordance with the recommendations in the report. Without further legislation, the piloted changes would otherwise end on June 30, 2021.

In addition to making the piloted changes to the DAP model permanent, House Bill No. 117 proposes some minor changes to the existing statute. First, the bill would revise the suggested qualifications for the DAP Director to specifically include the fields of ASD and educational leadership as areas in which the Director might hold a doctorate or other advanced degree. The bill also would require DAP to employ five training specialists (a set number) to work with students with autism in schools around the state. The existing legislation, following the recommendations of the Task Force, had required the incremental hiring of training specialists until the program had reached a ratio of one training specialist per 100 students with an educational classification of autism.

The bill broadens the responsibilities of the Peer Review Committee by clarifying that its regular activities reviewing “procedures and programming students with an educational classification of ASD” do not require a request by the Department of Education, however the Committee may also review information pertaining to students with other educational classifications at the request of the Department. The bill would also add the word “Statewide” to the name of the Parent Advisory Committee to clarify the nature of the Committee.

Council is concerned that while the Task Force had previously recommended the eventual staffing of one training specialist per 100 students with ASD, the proposed bill would require employing a set number of five, which would result in much larger specialist to student ratio than was originally envisioned. While this may reflect the reality of agency funding constraints, it makes sense to clarify that the Department must secure **at least** five training specialists to support training for public schools serving students with ASD. More specialists may be employed as funding allows, at the discretion of the Department and DAP Director, even if a certain ratio will not be required. It is not otherwise clear why the bill would specifically limit the number of training specialists to five, particularly as the number of students with ASD in Delaware appears to continue to increase.

There also appears to be an internal inconsistency in the legislation about how the Department will secure the five designated training specialists. In one section it indicates that the specialists must be employed by the Department and in another section it says that services may be purchased. Council recommends modifying Line 40 to read as follows: The Department must support – as employees or contractors – a minimum of five full-time equivalent training specialists.

Thank you for your time and consideration of our support of this proposed legislation. Please feel free to contact me or Wendy Strauss at the GACEC office should you have any questions.