



**GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS (GACEC)
GENERAL MEMBERSHIP MEETING
6:00PM September 17, 2024
HYBRID MEETING**

MEMBERS PRESENT: Nancy Cordrey, Bill Doolittle, Ann Fisher, Cory Gilden, Tika Hartsock, Kristina Horton, Molly Merrill, Beth Mineo, Erika Powell, Jennifer Pulcinella, Stefanie Ramirez, and Breneé Shepperson.

OTHERS PRESENT: Mary Andrews, Harley Doolittle, Lillian McCuen, Brad Melvin, Eileen Reynolds, Cassandra Pierce, and Jerri Turner/Delaware Department of Education (DDOE).

STAFF PRESENT: Pam Weir/Executive Director, Kathie Cherry/Office Manager, Lacie Spence/Administrative Coordinator and Theresa Moore/Administrative Supports Specialist.

MEMBERS ABSENT: Al Cavalier, Matt Denn, Karen Eller, Jessica Mensack, Thomas Keeton, Maria Olivere, Trenee Parker, Meedra Surratte, and Erik Warner.

ADMINISTRATIVE ACTIONS: Ann Fisher called the meeting to order at 6:13pm. There was a quorum of members present. The motion to approve the September agenda was made by Jennifer Pulcinella and Kristina Horton seconded the motion. The motion passed unanimously. Jennifer Pulcinella made a motion, seconded by Molly Merrill to approve the June meeting minutes. The June minutes were approved. Bill Doolittle made a motion to approve the July and August financial reports. The motion was seconded by Jennifer Pulcinella. The motion passed unanimously.

COMMITTEE REPORTS: Council members met tonight in their committees after the general meeting concluded to discuss their goals for the 2024-25 year.

PUBLIC COMMENTS: Eileen Reynolds presented tonight. Eileen discussed the ongoing concerns about hearing loss management in the state and the need for improved processes and approaches. She emphasized the importance of building local capacity at both the birth to three level and the school district level, aiming to reduce the influence of external entities. Eileen expressed concern about the lack of support and referrals for specialists and highlighted the need for structural support and recognition of the diversity of deafness. She also suggested that districts could work with their younger populations and the need for recognition of specialists in local districts.

POLICY AND LAW COMMITTEE: The Policy and Law Committee was asked to review and discuss the legal memo tonight. If any other Council member has any comments to add to the legal analysis, you can submit to staff by September 25th to be added to the recommendation letters. The letters will be sent to the Leadership Committee for final approval.

Re: September 2024 Policy and Law Memo

I. PROPOSED STATE REGULATIONS

1. Proposed Delaware Department of Education Amendment to 14 Del. Ad Code 1009 DIAA High School Interscholastic Athletics, 28 Del. Register of Regulations 176 (September 1, 2024).

This amendment proposes to repeal Section 2.3 related to Amateur Status for Students, because the section is now going to be free-standing Regulation 1030. The rest of the changes are re-numbering edits to reflect the removal of 2.3. That is all that this does.

Recommendation: no action needed.

2. Proposed Delaware Department of Professional Regulation Amendment to 24 Del Admin. Code 3500, 28 Del. Register of Regulations 214 (September 1, 2024).

Part of the proposed amendments include adding in Section 10.2 a Continuing Education requirement of two hours of “cultural inclusion, equity and diversity” instruction for new and re-activating licensed psychologists. There was a question whether it would be reasonable to request that the amendment specifically include disability. However, “cultural inclusion, equity and diversity” is not defined in any way, perhaps deliberately in order to avoid inviting criticism from individuals who object to “DEI” initiatives.

We did discover (via a quick internet search), that the state does have a concept of what these terms mean, and it includes disability. A 2023 State Summit included numerous disability-related workshops. <https://news.delaware.gov/2023/10/19/state-of-delaware-diversity-equity-inclusion-summit-promotes-inclusive-excellence/> Attendees participated in a range of engaging workshops, including:

- Consciously Overcoming Unconscious Bias
- Understanding Identities
- Supporting Disability Inclusion: Advocate, Ally, and Activist
- (Almost) Everything You Ever Wanted to Know About Disabilities
- Americans with Disabilities Act Past, Present, Future

Recommendation: it might be advisable, if there is continued concern, to reach out directly to the Board to ask for specific language in the regulation.

3. Proposed Delaware Department of Education Amendment to 1594 Special Education Director, 28 Del. Register of Regulations (September 1, 2024)

Of significance, this amendment in 1.0 expands the definition of special education director to include persons “serving in the position of a director, supervisor, or local educational agency (LEA) leadership who are working in Delaware public schools and are responsible for special education program planning, implementation, compliance, and evaluation.”

The other change of significance is lowering the required prior experience of special education director from 5 years to 4.

Recommendation: Councils may wish to endorse regarding the expansion of what a special education director is, as it may better reflect current practices. Lowering the prior experience requirement may lessen quality but may also may it easier to recruit personnel.

4. Proposed Delaware Department of Health and Social Services, DMMA and DDDS, Renewal of 1915(i) Pathways State Plan Amendment, 28 Del. Register of Regulations 230 (September 1, 2024).

DMMA operates, through DSAAPD and DDDS, the Pathways to Employment program as an approved HCBS service through the Medicaid State Plan. Pathways is up for a five-year renewal. As part of this renewal. DMMA is also seeking to extend the waiver of choice of provider, by restricting Pathways services to a set number of contracted providers, as it has done in the past.

The marked-up version is here:

https://dhss.delaware.gov/dhss/dmma/files/pathways_to_employment_1915i_preprint_2025_2029_amended.pdf;

The list of services is not changed. They are:

Employment Navigation; Financial Coaching Plus; Benefits Counseling; Non-Medical Transportation; Orientation, Mobility, and Assistive Technology; Career Exploration and Assessment ;Small Group Supported Employment ;Individual Supported Employment ;Personal Care (including option for self-direction).

The eligibility categories have not changed. It is: individuals age 14 and up who are either visually impaired, people with physical disabilities likely to last 12 months or more and requiring assistance with at least one ADL, and individuals with intellectual disability or autism meeting DDDS eligibility criteria.

The only change of consequence is to increase target numbers of people served. The target for this Year 5 of the current period is 875. They increase as follows:

Y1	705
Y2	780
Y3	855
Y4	930
Y5	1005

I was not able to find a summary of the amendments online and also not able to find current utilization data. Councils may wish to take the opportunity to ask for data regarding utilization, including breakdown by disability. It might also be worth asking DMMA to expand services to people with mental health disorders and substance use disorders, who are currently not eligible, even though they can be served under state plan 1915(i).¹

Additionally, DMMA could chose to expand financial eligibility (which is currently 150% FPL) up to 300% of the SSI standard for individuals who are on other waivers, which would allow more people to participate and work themselves out of poverty. Councils may wish to encourage DMMA to expand eligibility to optional categorically eligible people.

Other areas worth noting is the reimbursement rates for personal care services, which are set below DMMA HHA rates. (see Page 58 of the Plan Amendment). This might be an opportunity for Councils to ask DMMA to set higher rates to address shortages and pay a living wage.

Recommendation: Pathways utilization is presently less than capacity. Councils may wish to ask DMMA and other DHSS Divisions what efforts DHSS will be undertaking to increase public awareness and participation in this program.

CHAIR REPORT: Ann announced the visitors and those Council members who were absent. Ann reminded Council members to complete the survey that Lacie emailed them about Retreat attendance.

DIRECTOR'S REPORT: Pam proposed several topics for discussion at the upcoming Retreat with the Department of Education, including the indicator framework, new regulations, data migration, and roles and responsibilities. She suggested a standing agenda for ongoing communication and preparation. Pam also proposed a discussion on aligning expectations with the

¹ [https://www.macpac.gov/subtopic/behavioral-health-services-covered-under-hcbs-waivers-and-spas/#:~:text=Purpose%20and%20use.,-The%201915\(i&text=Like%20the%20Section%201915\(c,illness%20or%20substance%20use%20disorders.](https://www.macpac.gov/subtopic/behavioral-health-services-covered-under-hcbs-waivers-and-spas/#:~:text=Purpose%20and%20use.,-The%201915(i&text=Like%20the%20Section%201915(c,illness%20or%20substance%20use%20disorders.)

Department of Education and preparing a document for Council members to review before the Retreat. Ann added that leadership changes due to the upcoming election could impact the Council's work. There was discussion about the State Advisory Panel's (SAP) role in relation to the Department of Education and the transition to a new Governor. Council agreed on the importance of building a strong relationship with the Department and understanding the SAP's role. They also discussed the need for a comprehensive work plan and being involved in the transition process. Bill suggested including an update on the Office of Special Education Programs (OSEP) monitoring visit in their discussion with Dale. Jennifer suggested that each Council member familiarize themselves with their school district's indicator numbers for this year to gain a personal connection and better understanding of the situation. Jennifer also raised concerns about the accuracy of the school coverage chart and the lack of preschool and charter school data. Pam agreed to look into these issues. Jennifer emphasized the need for more engagement in school board meetings. Pam proposed using the Council as a platform for members to build expertise.

ADJOURNMENT: Committee members were placed in break out rooms to discuss their goals for the upcoming year. After they were done, they were dismissed with no official adjournment tonight.