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HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 117

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATEWIDE PROGRAM FOR SERVICES FOR STUDENTS WITH AUTISM SPECTRUM DISORDER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1332, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1332. Statewide program for services for students with autism spectrum disorder (ASD).

(a) The Department shall provide training and technical assistance across all public schools within this State on behalf of students with an educational classification of autism spectrum disorder ("ASD"). Educational programming provided under this chapter must have high-quality instruction based on research and evidence-based practice.

(b) ~~The Department, with the approval of the State Board of Education, shall designate a school district or other entity to administer the statewide program ("program") for students with an educational classification of ASD. If no district or other entity is willing to administer the statewide program, the Department must act in that role.~~

(c) ~~The entity administering the program~~ Department must employ a statewide director ("Director") for a period of 12 months each year. The Director must be hired in consultation with the Peer Review Committee and have the following qualifications and expertise with ASD:

(1) Doctorate degree in ASD, psychology, special education, applied behavior ~~analysis~~, analysis ("ABA"), educational leadership, or other related ~~field (master's field, including a master's degree considered with extensive experience)~~ experience.

(2) Minimum 10 years of experience working with individuals with ASD; at least 5 years in a supervisory role in an education setting, as well as experience in program evaluation.

(3) Graduate-level training in evidence-based practices in curriculum, instruction, and behavioral support ~~(ABA and other instructional strategies)~~ such as ABA.

(4) Experience planning or leading skill development, as well as implementation of evidence-based practices in educational settings for individuals with ASD.

(5) Successful experience leading the development and implementation of a structured staff and parent professional development ~~program (academic, program that includes academic, behavioral, and social-emotional learning); learning.~~

(6) Knowledge and experience with implementation of evidence-based ~~practice; practices,~~ at least 5 years of experience providing consultation to all school staff, and experience with program development in a school ~~setting (public-school-preferred).~~ setting, with a preference for a public school setting.

(7) The administering entity may include other desirable preferences as needed.

(c) ~~The program shall provide training and technical assistance for all public schools. The training and technical assistance under this subsection is a 3-year pilot program that ends on June 30, 2021, unless extended by an act of the General Assembly.~~

(1) The program shall provide training and technical assistance for all public schools. The program must provide training and technical assistance by doing all of the following:

(2) The program must have training specialists as follows:

a. ~~At least 1 training specialist per 100 students with an educational classification of ASD. The total number of positions must be determined annually through the September 30 count of students with an educational classification of ASD. The program must be phased in with a minimum of 2 training specialists in Fiscal Year 2019, 2 training specialists added in Fiscal Year 2020, and additional training specialists added each fiscal year until the number of training specialists required under this paragraph (c)(2)a. is met or the pilot program ends under this subsection.~~ The Department must employ 5 training specialists.

b. "Training specialists" must include qualified speech-language pathologists, behavior analysts, and other personnel with expertise in evidence-based instruction for people with ASD, in classroom, community, and home-based consultation.

c. Training specialists must serve eligible students within all public schools.

d. A training specialist must have a master's degree and 3 years of experience ~~of demonstrated consultative experience with students~~ working with individuals with ASD.

e. The duties of a training specialist include providing training and technical assistance for staff working with students with an educational classification of ASD, including classroom consultation; plan development and performance feedback; parent training; and providing training for regular education staff on ASD and evidence-based strategies for inclusion practices.

(3) The program ~~may, after approval by the Department, may~~ purchase specialized services ~~instead of hiring staff to provide~~ to assist in providing the education and training required under this section.

a. The dollar value of each full-time equivalent, when purchasing services to be provided by an outside contractor, is the number of dollars set in the state-supported salary schedule for a teacher holding a master's degree with 10 years of experience and employed for 12 months.

b. The calculation of this funding is for the current school year.

c. ~~The State Board of Education may review any objection to the Department's decision.~~ [Reserved.]

(4) ~~State appropriations must be phased in over several years, starting in Fiscal Year 2019 and in equal increments each subsequent fiscal year until fully funded or the pilot program ends under this subsection.~~ [Reserved.]

(f) The Department, with the approval of the State Board of Education, shall adopt such rules and regulations to establish and provide for the following committees:

(1) Statewide Parent Advisory Committees ("PAC"); Committee ("SPAC").

(2) Peer Review Committee ("PRC") ~~which, at the request of the Department, may also review that reviews educational and behavioral procedures and programming for students with an educational classification of ASD and related disabilities.~~ ASD, and at the request of the Department, for students with other educational classifications served in an ASD program.

Section 2. This Act takes effect on July 1, 2021.

SYNOPSIS

House Bill No. 292 of the 149th General Assembly established a 3 year pilot program ("program") to implement the recommendations in the 2015 Autism Educational Task Force report. The pilot program revised the Delaware Autism Program toward a system where the statewide Director works in collaboration with a team of experts to provide technical assistance and training to districts and educational entities.

This Act makes the pilot program permanent and revises the program as follows:

1. Requires the Department of Education ("Department") to administer the program, including hiring the Director.
2. Revises the terminology in the qualifications for the Director to include autism spectrum disorder ("ASD").
3. Requires the Department to hire 5 training specialists instead of the current hiring requirement that is based on the number of students with an educational classification of ASD.
4. Renames the Parent Advisory Committees to clarify that they are statewide.
5. Revises the responsibilities of the Peer Review Committee to conduct reviews without a request of the Department, to include behavioral procedures in the review, and at the request of the Department, review procedures and programming for students with other educational classifications served in the program.

This Act takes effect on July 1, 2021.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.