



SPONSOR: Rep. K. Williams & Sen. Sturgeon
Reps. Lynn, Berry, Harris

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 309
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO 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”).~~ Department must administer statewide support and services 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~~ The Department must employ a statewide director (“Director”) ~~for a period of 12 months each year to oversee statewide supports and services for ASD.~~ 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 psychology, special education, applied behavior ~~analysis, analysis (“ABA”),~~ educational leadership, or other related field (master’s degree considered with extensive 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, behavioral, and social-emotional learning).

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

The administering entity Department may include other desirable preferences as needed.

(d) The Department shall pay the Director a salary in an amount for which the Director qualifies under § 1305(a), (b), and (d) of this title plus an amount for administrative responsibility determined in accordance with § 1321(c) of this title. The Director's salary, including "years of experience," shall be determined in accordance with rules and regulations adopted by the Department with the approval of the State Board of Education.

~~(e) 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.~~

~~(4)(c) The program~~ Department must provide training and technical assistance for all public schools by doing all of the following:

~~a. (1) Identifying these and promoting evidence-based practices specifically relevant specific to the education of students with an educational classification of ASD that are established as evidence-based through the best available outcome supported by the most current research or by expert consensus.~~

~~b. Promoting utilization of these practices by leading training, and technical assistance activities specifically relevant to students with an educational classification of ASD. (2) Supporting statewide implementation of evidence-based practices by providing leadership, training, and technical assistance to educators and related service providers who work with students with an educational classification of ASD.~~

~~c. Assisting with implementation of all aspects of training and technical assistance in all public schools, for students from birth to age 21 with an educational classification of ASD. (3) Assisting districts and charter schools with systemwide implementation of training, coaching, and technical assistance in all public schools, for students from birth to age 22 with an educational classification of ASD.~~

~~d. Supervising or managing (4) Overseeing and coordinating contracts and professional staff responsible for delivering ASD-related training, coaching, and technical assistance, including specialists for training specialists employed under paragraph (c)(2) of employed or contracted under this section.~~

~~e.(5) Consulting and working collaboratively collaborating with the Department stakeholders on all aspects of education programs related to ASD. policies, programming, curriculum, and initiatives that impact students with an educational classification of ASD, ensuring alignment with current research and state priorities.~~

~~f. (6) Serving as the primary liaison between the Department and other state agencies, committees, advisory groups, and community and programs on matters related to educational programming questions regarding programs for students with an educational classification of ASD.~~

~~(2)(7) The program must have Employing 5 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 (e)(2)a. is met or the pilot program ends under this subsection.~~

~~b. a. "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.~~

~~e. b. Training specialists must serve eligible students within all public schools, public school districts and school teams as well as community teams and families.~~

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

~~e. d. 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) (8) The program may, after approval by the Department, purchase Purchasing specialized services, as appropriate, instead of hiring staff to provide 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.~~

e. ~~The State Board of Education may review any objection to the Department's decision.~~

~~(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.~~

~~(5) Additional funding may be provided through any of the following:~~

~~a. Units and funds appropriated by the General Assembly.~~

~~b. Units and funds allocated by the Department.~~

~~c. Pass through funds and direct grants.~~

~~d. Tuition funds from public school districts as established by the rules and regulations of the Department, according to Chapter 6 of this title.~~

~~e. Fees for service for support where other funding is inadequate.~~

~~f. Other funds as available, including funds in excess of standard match funding under this title.~~

~~(9) Collecting and analyzing data to assess the statewide program needs to include additional training specialists under this section and submitting findings and recommendations every 3 years, with the first submission due on October 1, 2028, to the Education Committees of the General Assembly and making the report available on the Department website.~~

(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) ~~Parent Advisory Committees ("PAC").~~

(2) ~~(1) Peer Review Committee ("PRC") which, at the request of the Department, may also that must review educational procedures and programming for students with an educational classification of ~~ASD and related disabilities.~~ ASD.~~

~~(3)-(2) Statewide Monitoring Review Board ("SMRB"), composed of no less than 7 members, including 2 nonvoting public representatives ~~nominated annually by the PAC.~~ A public representative may not have a child with an educational classification of ASD enrolled in a Delaware public school program. determined annually by the Department.~~

a. ~~The SMRB shall review, at least annually, the education and provision of related services provided to students with an educational classification of ASD throughout all public schools to ensure the application of evidence-based practice and opportunities for meaningful and measurable progress and inclusion, as appropriate, are afforded to all such students.~~ Annually, the SMRB shall evaluate whether the educational methods and curricula are consistent with evidence-based practices for students with an education classification of ASD,

including reviewing and making recommendations on proposed new practices throughout all public schools to ensure opportunities for meaningful and measurable progress and inclusion, as appropriate, are afforded to all such students with an educational classification of ASD.

b. The SMRB shall review data from annual reviews conducted by the Department on educational programming for students with a primary educational classification of ASD throughout all public schools and make findings and recommendations based on its ~~review~~ findings to include data measuring these specific recommendations and suggestions for corrective action to ensure consistent quality and equity of services throughout this State.

c. The Department in collaboration with the SMRB shall submit its findings and recommendations, at least annually, to ~~the Department and the Education Committees of the General Assembly. The SMRB's report must be available on each school district or school website.~~ Assembly and make the report available on the Department website.

~~d. The SMRB shall resolve disputes within or between public schools and the Director. This paragraph (f)(3)d. does not diminish the procedural safeguards guaranteed to children with an educational classification of ASD, their parents or guardians, or public schools or agencies.~~

e. ~~d.~~ If a public school is found to be out of compliance with the specific recommendations ~~in this paragraph (f)(3),~~ made under this section, the Department and the Director must allow the public school the opportunity for technical assistance and progressive implementation of a corrective action plan for improvement agreed upon by the school and the Director.