



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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The Honorable John Carney  
Governor

John McNeal  
SCPD Director

## MEMORANDUM

DATE: May 5, 2021

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Terri Hancharick – Chairperson *TH*  
State Council for Persons with Disabilities

RE: HB 117 (Delaware Autism Program)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 117, which seeks to amend existing legislation relating to the Delaware Autism Program (“DAP”). SCPD has the following observations.

As background, DAP is a statewide educational program serving students with autism spectrum disorder (ASD). The primary purpose of HB 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’s report in 2015 (the full 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. According to the Task Force’s report, the number of students with an educational classification of autism in Delaware had increased from 152 in 1991 to 1,512 in 2015, in other words, “an 895% increase over 23 years” (see Task Force Report at p. 4). Department of Education data indicates that this number has since increased to 2,145 students aged 6-21

during the 2019-2020 school year (see:

<https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/78/2020%206-21%20Suppressed%20Subtotal%20by%20Disability%20Category%20Table%2011.pdf>).

Historically, DAP primarily managed separate educational programs for students with ASD from around the state; however, this model has shifted over time to focus on more integrated educational options in partnership with school districts. Prior to the Task Force's report and resulting legislation, in addition to administering DAP's own 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 legislature subsequently enacted legislation to pilot these changes in accordance with the report's recommendations. Without further legislation, the piloted changes would otherwise end of June 30, 2021. The Task Force had also recommended the creation of a Parent Advisory Committee and this was included in the subsequent statutory updates.

In addition to making the piloted changes to DAP's model permanent, HB 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 Task Force's recommendations, had required the incremental hiring of training specialists until the program had reached with a ratio of one training specialist per 100 students with an educational classification of autism. Additionally, 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.

One note of concern is that while the Task Force had previously recommended the

eventual staffing of one training specialist per 100 students with ASD, the bill would require employing a set number of 5, 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 may make sense to clarify that while the Department must employ at least 5 training specialists, more 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 5, particularly as the number of students with ASD in Delaware appears to continue to increase.

As the shift in DAP's model may encourage the provision of educational services for students with ASD in more integrated settings, SCPD endorses HB 117 contingent on additional language being included regarding training specialist staffing to allow for potential expansion as funding permits.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position and observations on the proposed legislation.

cc: Ms. Laura Waterland, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

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