

**DRAFT**  
**ARKANSAS LEGISLATIVE TASK FORCE ON AUTISM**  
**MEETING**  
**NOVEMBER 18, 2011**

The Arkansas Legislative Task Force on Autism met Friday, November 18, 2011, at 1:00 p.m., in Room 130 at the State Capitol, Little Rock, Arkansas. Senator Mary Anne Salmon and Representative Uvalde Lindsey, presided.

Task Force members present were Senator Mary Anne Salmon, Representative Uvalde Lindsey, Ms. Linda Rogers (for Sharon Moone-Jochums), Ms. Christy Plunkett, Dr. Tyra Reid, Dr. Charlie Green, Ms. Dianna Varady, Ms. Karan Burnette, Mr. Eric Moxley, Dr. Loretta Cochran, Ms. Karen Massey, Ms. Dayna Miller, Ms. Sue Johnson (for Maureen Bradshaw), Ms. Tonya Russell (ex-officio), and Ms. Martha Kay Asti.

Senator Salmon opened the meeting. The minutes of the October 21, 2011, meeting were approved by acclamation.

**Personal History of Lauren Tankersly, Student, Harding University**

Ms. Lauren Tankersly presented her personal biography and a video about her diagnosis of severe autism. She introduced her mother, Ms. Vickie Tankersly. Ms. Tankersly introduced Lauren's Pre-K teachers, Ms. Pat Casselberry and Ms. Sheila Kruse, and Ms. Connie White, and husband Mr. Dewayne Tankersly. Ms. Tankersly gave a brief overview of Lauren's diagnosis and the early intervention treatment services that helped overcome the doctor's grim diagnosis. Lauren is a senior at Harding University and majoring in Speech Pathology.

Lauren Tankersly said, along with having autism, she was also diagnosed with attention deficit disorder. She explained the challenges with school teachers not understanding how to work with her disability. She said her goal is to become a Speech Pathologist and work with autistic children.

**Overview of Development of the State's Certification Requirements for Assistant Behavior Analyst Providers**

Dr. Charlie Green, Director, Division of Developmental Disabilities Services, (DDS), was recognized. Dr. Green said once DDS rewrites the DDS waiver standards and qualifications, all Board Certified Behavioral Analysts (BCBA) will be included in the DDS waiver. DDS requires all BCBA be certified by the Behavior Analyst Certification Board. He said DDS can certify and license BCBAs but cannot certify and license their assistants. DDS requests criminal background checks and adult and child abuse registry on all BCBAs, including anyone who is in contact with a child receiving DDS services directly or indirectly. DDS has over 100 providers of waiver services. Dr. Green's handout "Becoming a DDS Waiver Service Provider" is on DDS's website at <http://humanservices.arkansas.gov/ddds/Pages/WaiverServiceProviders.aspx>.

Mr. Booth Rand, Attorney, Arkansas Insurance Department, explained the law specifies if a provider is certified by the National Board, the health insurance company has to pay for the services regardless.

Mr. Bob Ridgeway, Attorney, Blue Cross Blue Shield, explained if the claim is from an out-of-network provider, it does not mean the claim will not be paid. The difference between in-network provider and out-of-network provider is the amount of the benefits paid. The in-network provider may be paid more than the out-of-network provider.

Ms. Burnette requested the task force write a letter to all self-insured companies around the state who are exempt from the autism mandate, asking that companies include the mandate in their health insurance plans. Ms. Burnette introduced Ms. Renee Holmes, new employee, Developmental Disability Services, DDS. Ms. Holmes was recognized for her hard work providing TEFRA and the DD Waiver program information to families.

Ms. Varady stated Lori Unum from Autism Speaks has offered to make a presentation to any organization that might consider including the state mandate in their health insurance plan.

Senator Salmon said she and Senator Lindsey will write a letter requesting self-insured companies around the state to follow the state mandate and encourage them to listen to Ms. Unum's presentation.

Representative Lindsey requested task force members provide staff contact information regarding each task force member's major ERISA providers' information at the next task force meeting.

### **Update of the State's Application for the Race To The Top Grant**

Ms. Tonya Russell, Director, Division of Child Care and Early Childhood Education, DHS, explained the state's application for an Early Learning Challenge Fund Grant to provide services from birth to five years old for early learning programs. Winners will be announced December 31, 2011. Her handout stated the application focused on the collaboration and coordination of all federal and state funded early care and education programs. All federally funded early care and education programs must agree to participate and must have a quality rating improvement system in development or implemented. She explained the three levels of the grant application were Absolute, Competitive, and Invitational priorities. Absolute priority focused on promoting school readiness for children with high needs, Competitive priorities included all early learning and development programs in the quality rating and improvement system by understanding the status of children's learning and development at kindergarten entry, and the Invitational priority focused on sustaining program effects in the early elementary grades and encouraging private sector support. In the application the team focused on screening, assessment, family involvement, and data collection. The team looked at training early childhood teachers regarding assessment, curriculum, standards alignment, and reviewing current kindergarten assessment tool (Qualls Early Learning Inventory) to make sure it meets grant requirements. The grant application is on the website at: <http://humanservices.arkansas.gov/dccece>.

Ms. Russell explained how her Division is working with teachers on implementing the Common Core project based learning environment for autistic children in the classroom to help manage the child's energy level effectively.

Ms. Massey feels the Common Core project will close the teacher training gap when a child transitions from early childhood to kindergarten.

### **Discussion of Individual Education Plan Development (IEP)**

Ms. Martha Kay Asti, Associate Director of Special Education, Arkansas Department of Education, addressed issues regarding the rules and regulations on attendance and discipline policies in the consideration of special factors section of the IEP. She said there is not a regulation from the federal and state level regarding attendance and discipline policy. If the student needs specific interventions or strategies for behavior, the school's IEP team should look into those needs and provide that individual student with an intervention plan. The team then can complete a functional assessment of behavior on the student.

The rules and regulations for discipline are very specific in the federal and state regulations. If there's an attendance issue where the student is going to be out of school longer than 10 consecutive days, the guidelines fall into the discipline policy by regulations.

Ms. Asti explained Act 1223 modified student attendance policies. Local school districts must develop an attendance policy defining the specific number of absences permitted per semester. A student or parent can petition the school or the district administration for additional absences which will be decided by the school district. The IEP team will address students with special needs or highly complex medical needs requiring a shortened school day provided documentation is included in the IEP. The attendance petition can be addressed in several places on the IEP.

The Office of Special Education Programs (OSEP) wants to know from the school district how the parent participated at the IEP conference. Did the parent attend the conference via teleconference or did the parent attend in person? Did the parent receive adequate notification? The parent's concerns can be noted and addressed at the IEP conference.

The signature page on the IEP shows the parent attended the IEP conference. The parent's signature does not signify agreement with the plan. The parent can attach a statement to the IEP at any time. Services will be provided regardless if the parent signed the IEP as long as it's not the initial IEP.

Ms. Burnette stated school districts IEP teams believe they no longer have the power to make individualized decisions relative to attendance or discipline policies. School districts feel they can't alter the standard attendance policy without a physician's statement attached to the IEP. Nor can the IEP team make any decisions regarding the discipline policy unless the student is in the mental retardation category. It's not being tied back to the PBS plans and functional analysis of behavior. Ms. Burnette feels if school districts had clarification that the IDEA is about individualized education planning and the IEP team is the decision-making body, then perhaps the IEP team can make individualized decisions regarding all those issues.

Ms. Burnette discussed the confusion school districts have when parents bring in a list of concerns to an IEP conference. Parents want the list attached to the parental participation section of the IEP but school districts are concerned that by attaching the parents list, they are changing the IEP.

Senator Salmon feels the school districts have not been notified that Act 1223 allows exceptions. Senator Salmon requested Ms. Asti to notify the school districts concerning Act 1223.

Representative Lindsey is concerned that school districts' IEP teams are not recording parents' concerns. Representative Lindsey is concerned IEP teams are not allowed to change an IEP after the parent has signed the agreement. Representative Lindsey feels the Department of Education should take a formal position in what it believes is the right thing to do under IDEA and inform the school districts.

Dr. Cochran explained as a parent of a special needs child, the problems she has encountered is the no exception clause that was added to the school's attendance policy.

Ms. Varady would like to see school personnel educated on the IEP process.

Meeting adjourned at 3:15 p.m.