

**ARKANSAS LEGISLATIVE TASK FORCE ON AUTISM**  
**MEETING MINUTES**  
**NOVEMBER 21, 2014**

The Arkansas Legislative Task Force on Autism met Friday, November 21, 2014, at 1:00 p.m., in Room 151, State Capitol, Little Rock, Arkansas. Senator Uvalde Lindsey, Senate Co-Chair, presided.

Task Force members present were Senator Uvalde Lindsey, Mr. Jim Brader, Ms. Karan Burnette, Ms. Tina Davis, Ms. Lisa Haley, Ms. Glenda Higgs, Dr. Steve Kahler, Ms. Karen Massey, Mr. Eric Moxley, Dr. Tyra Reid, and Ms. Dianna Varady.

Advisory members present were Dr. Charlie Green, Ms. Denise Ennett, Ms. Veronica Myers, and Ms. Tonya Williams.

Senator Lindsey called the meeting to order.

Ms. Burnette was recognized to give an update on the Arkansas Autism Partnership waiver renewal negotiations between the Arkansas Department of Human Services, Division of Developmental Services & the Centers for Medicare Medicaid Services (CMS). Ms. Burnette is concerned CMS will migrate the state's autism waiver services to a state plan service.

**Minutes – October 17, 2014, Meeting [Exhibit C]**

The minutes from the October 17, 2014, Arkansas Legislative Task Force on Autism meeting were approved by acclamation.

**Presentation of Updates from Department of Education on Alternative Learning Environments**

Ms. Lori Lamb, Director of Alternative Education (AE) for the Division of Learning Services, and Dr. C.W. Gardenhire, Program Advisor, Department of Education, Division of Learning Services, Arkansas Department of Education (ADE), were recognized. Ms. Lamb provided a PowerPoint presentation explaining AE is a non-traditional program that addresses each student's unique need. The Arkansas Department of Education encourages schools to use best practices and sent letters to school districts that include a timeline to fix discrepancies found in their school programs. Ms. Lamb believes more schools are properly utilizing their ALE program to meet the needs for at-risk students rather than using the program as a "dumping ground" for at-risk students. Ms. Lamb noted that legislation is needed to change language in the Department of Education Special Education law to include "*substantially similar subpopulation shall not be exceeded in an alternative education program.*" Ms. Lamb will send the language to the task force analyst. Under the 2004 Department of Education, National School Lunch Act (NSLA) funding rule, teacher salaries could only be paid out of ALE funding if it went above the state minimum. When the rule was in place, more direct funding was available. The rule is no longer in effect. Ms. Lamb will update the RTI chart to include an additional line requiring school districts report the total number of at-risk students receiving mental health services. She explained ALE students can't qualify for the Arkansas Lottery scholarship because they are held to the same requirements as traditional students. Ms. Lamb presented two handouts to the task

force: (handout #1) Arkansas law regarding Arkansas Department of Education Special Educational Programs and Alternative Learning Environments; and (handout #2) Arkansas Department of Education rules, which reflect the standards and best practices of Alternative Education.

Dr. Gardenhire explained the Response to Intervention (RTI) offered in the AE program provides academic and behavioral support for at-risk students. The Department of Education's AE staff offers RTI training workshops to teachers and school districts. Over 72 school districts have participated in the workshops.

Ms. Nell Smith, Administrator, Bureau of Legislative Research, presented a document to the task force titled State Categorical Funding Review Alternative Learning Environments and a handout regarding the 2013-2014 funding expenditures per ALE student.

Senator Lindsey is concerned that impoverished school districts are using NSLA funds to support ALE programs and suggests the task force look into qualified ALE students who have been refused to receive the Arkansas Lottery scholarship.

Ms. Massey is concerned students placed in ALE are not receiving mental health counseling services as outlined in the program.

Ms. Varady stated families of autistic children who have been placed in an ALE program and receiving school-based mental health services are being told by mental health providers they are unable to bill Medicaid because the child's symptoms of anxiety or depression under RSPMI are considered a manifestation of the developmental diagnosis.

Dr. Reid stated if schools are using categorical funds to support AE programs, then AE students who have an ASD diagnosis should be receiving mental health services.

#### **Discussion on Legislative Audit of Community First Choice Option**

Dr. Charlie Green, Interim Director of the Division of Behavioral Health Services, was recognized. Dr. Green gave an overview of the feedback he received regarding the Community First Choice Option (CFCO) Special Report Summary presented at the November 13, 2014, Legislative Joint Auditing Committee meeting.

The meeting adjourned at 2:42 p.m.