

Minutes of 12/2/19 Meeting Respite Services for the Delaware Autism Program

This was the first of three scheduled meetings and was held in the auditorium of the Eden Support Services Building, 925 Bear Corbitt Road, Bear, DE.

The meeting began at 9:30am. General minutes were taken but were paraphrased in an attempt to capture as many questions and discussions as possible. Those wishing to hear the entire meeting may do so [here](#).

I. Purpose: The Department of Education was asked to lead a working group to make recommendations on the future of the respite program operated through Christina School District's Delaware Autism Program. Members will include, but not be limited to, representatives of Autism Delaware, families, respite providers, districts, the Office of Management and Budget, the Controller General's Office, the Department of Health and Social Services, and members of the General Assembly. Meetings are open to the public.

II. Process: Initial meetings will be held in all three counties to begin to gather information. These meetings will provide an opportunity to share ideas moving forward. Participants are asked to bring suggestions for discussion and future consideration. After the first three meetings, other meetings will likely be held to review ideas and make recommendations. The working group will make recommendations on the future of the respite program including, but not limited to, the services offered for families and payment structures for providers.

III. Introductions: Emily Cunningham (DOE), Chuck Longfellow (DOE), Rick Gregg (Christina School District "CSD"), Bob Silber (CSD), Representative Kim Williams, Representative Paul Baumbach, Annalisa Ekbladh (Autism DE), Molly Magarik (DHSS), Samantha Kolodi (CSD), Mary Whitfield (CSD), Mike Andrews (CSD).

Also in attendance: Senator Dave Sokola, Mark Holodick (BSD), Lisa Lawson (BSD), Sharon DiGirolamo (Seaford SD) and members of the public.

IV: ISSUES and FACTS: Christina School District CFO Bob Silber was asked to share what we know are the facts and issues/concerns facing DAP's respite program currently. He broke them down into categories and, within each one, added detail.

GROWTH

- Significant growth in number of hours provided and related expense.

EQUITABLE ACCESS

- Services provided on a voluntary basis result in those with highest need potentially denied access.
- Services provided to only families with students enrolled in State approved programs excluding access to families with students served elsewhere.

EQUITABLE COMPENSATION

- Currently requires all providers be compensated as employees of Christina School District (CSD).
- Paraprofessionals with full time employment in CSD quickly exceed 40 hours/ week creating overtime rates, while Paraprofessionals from other Districts are paid straight time until they exceed 40 hours of respite service.
- Teachers are compensated at the Respite hourly rate until they exceed 40 hours of respite service.
- Pay practice aligned with Federal Law.
- Inequities subject of Auditor of Accounts Overtime Inspection.

RESPITE ALLOCATION

- “Lacks capacity to assess degree of respite most beneficial for each family” so allocation is 24 hours per month plus 7 days every calendar year, unless exceptional circumstances. (456 hours/yr.)
- For families with children attending the Brennen School, this has potential cost range of \$3 – \$9.5 Million.
- Services provided on a voluntary basis result in those with highest need potentially denied access.

FUNDING

Respite is not an educationally-related service, and is independent of a student IEP.

- Respite payment by Parent/Guardian 5-25% of “total cost” depending upon income as determined by eligibility of Free and Reduced Lunch. [Payments not consistent, nor based on “total cost”]
- Expectation that Respite Provider collect funds.
- No Process to operate within a set budget.

EMPLOYEE AND DISTRICT RISKS

- Transporting children
- Caring for children in personal residence
- Taking children on outings
- District risk profile considered higher by Insurance Industry

Ms. Cunningham asked if there were other areas to consider and none were raised.

V. Public Input/discussion

Rep. Williams: are paras are considered full-time employees? Mr. Silber: yes at 37.5 hours a week and the blended rate begins at 40.

Rep. Williams: how the fees are collected? Ms. Kolidi: replied that checks are made out to DAP – check then turned into CSD and confirmed that checks can’t be made out to provider.

Ms. Ekbladh: can CSD describe the funding process in general – where money comes from and how it get to CSD? Mr. Silber: historically, by code – identified when CSD submits a budget request to the state (for respite program and group homes). There has not been a budget submitted for those dollars. Those numbers have been incorporated in tuition billing for Brennen school program. Billing to districts with students enrolled. Money funneled through DOE to

Brennen. This year when we recognized there was significant growth, we submitted a raise for the FY22 – we submitted in October 19 for the next fiscal year.

Ms. Ekbladh: does CSD bills using tuition funds. Mr. Silber: yes, we identify local expenses.

Rep. Baumbach: can tuition dollars be used if respite is not educationally-based? Mr. Silber: yes.

Rep. Baumbach stated that respite is not an educational service. Do we have the ability to charge a district a cost to provide non-educational services and use tuition dollars for it? If not, a district will have to use local funds.

Mr. Longfellow: respite is in Title 14. This is a gray area. Need a path to clarify the gray area.

Rep. Williams: Do you bill all districts that receive respite or just group homes? Mr. Silber: that's almost impossible to track.

Rep. Williams: Districts are paying for other districts services/children? Bob: yes.

Tammy Taft: do you know who falls under FR lunch? Ms. Kolodi: I can't access that scale. I don't have a right to know. It is against the law. Ms. Taft: What good is the sliding scale?

Ms. Ekbladh: Whether is it an education-related service or not, what is the legality of charging parents for education-related services?

Elizabeth Scheinberg: The code is clear that CSD is supposed to submit requests for funding to DOE. Why weren't the requests sent? Mr. Longfellow: This year, services were stopped and a request was made. Arrangement was made. Perhaps we say the requests are made in the future and come up with a timeframe. Maybe DOE and CSD meet regularly in upcoming years? I don't know that there is an answer to this.

Ms. Scheinberg: we need to fix that breakdown and get back to be realigned to code. Let's rewrite the code – find a funding formula for this.

Rep Baumbach: We need to look at how this crisis first arose, what went wrong, how do we quickly fix it, and how to remedy it for the future? Some backward looking – can illuminate a path forward.

Tony Ancotti: The sliding scale hasn't changed. Brennen used to have an after school respite program. Good for me because I work. Look at times respite is used – is it after school, weekends – what can we figure out to remedy that? 5:1 vs. 1:1. Why is it centered out of CSD? Mr. Silber: similar to Delaware School for the Deaf, it was only one location and it has grown.

Mr. Ancotti: DDDS and DHSS – they have limits. We will have to go to lower limits. Marketing to a certain extent. Could we use money for that? Mr. Andrews: weekends is greatly

used; depends on the month – use evening hours depending on their hours. Holidays/school breaks are popular.

Hazel Cole: How many students who have autism classification statewide? Should be for all students. Ms. Cunningham: We can get that. [\[attached\]](#)

Rob Duffy: there was a lack of oversight – a burn rate that was unsustainable. Did it track with growth of students in program? Do we have a line item for something outpacing our ability to fund? Is there an avenue to appeal federal funding for non-educational? Mr. Silber: combo is increased use by some families and additional families coming in. Amount of services is limited by not necessarily #numbers of students but by willingness of someone to provide services. Model has been to run the program with the assumption of an unlimited budget. We needed to stop because it was unsustainable. Ms. Cunningham: DOE can look the non-education funding.

Ms. Magarik: DHSS has looked into Medicaid for covering this service. State requests a joint authority. We would have to cover the state share (but DHSS can't support it). We are looking into it. If we pursued a waiver, there would be some limitations on it. Must be completely equal – only 6 district would likely be more broad. District would choose to participate or not. Need to be clear on funding for educational. Don't create a conflict. It is \$1500/student/state FY. DDDS – family finds person. Home health agency. Those wages are much lower. Track hours monthly for families and providers. [\[attached\]](#)

Rep. Williams: we haven't determined whether we can use tuition tax. Mr. Longfellow: I think we can, but we need more clarification. CSD would appreciate some clarity. Mr. Baumbach: it wouldn't hurt to change the law.

Rep. Baumbach: There is a 2003 CDS study – Medicaid waiver. Needs Assessment. Reasonable to ask us to review it? [\[study attached\]](#)

Rob Duffy: An idea might be to give parents a ceiling for how much we can spend (\$ pool) and we can hire someone out of that pool. I can pay more per hour for that person to some spend time with my student. Flexibility with that level. That helps for planning purposes.

Rep. Baumbach: Is there anything that prohibits CSD from hiring respite-only people instead of paras and teachers to avoid OT? Can you contract/hire folks? Rep. Williams: parents want to use these folks because they know their children. Ms. Kolodi – it is also based on relationships. That's why people will pay out-of-pocket. Mr. Andrews – there is also the training that comes along with it.

Dr. Whitfield: it is worth consideration – we have a shortage of volunteers. Maybe we can train them. Rep. Williams – everyone should have access to respite and overtime is a huge problem.

Mr. Andrews: not every request is fulfilled. We run out of people. Timing is off. Ms. Kolodi: we turn away 8-10 families a year, so it isn't a huge number. We just sent an email for Sussex where overnight is difficult.

Ms. Ekbladh: more significant needs families have stopped requesting respite, so those numbers might not be accurate. AD had funding through DDDS to do a respite training a few years ago – the program was a failure. No one wanted to go through the training for the amount they would get paid.

Tammy Taft: I can't leave my son with someone he is not familiar with. He needs the routine and consistency. We depend on these paras so much. A nice idea to add some providers, but there are concerns. Lack skills and education. Concern using Bayada or something similar. No third party.

Rep. Baumbach: could be that there are paras who left – maybe retired – and they might be able to provide services.

Nancy Renaldi: Easter Seals. We do get lots of calls. Not eligible for us because they are eligible for DAP; we send them to DDDS. What about a family member or friend? Directed services?

Rep. Williams – why can't they use Easter Seals? Ms. Renaldi – because DASAPPAD and PBH – no other source of respite funding.

Elizabeth Scheinberg: Thank you to Easter Seals and to Nancy. When we qualify, it is really helpful. Training people to be respite providers – what if we try it again, but for the training, we embed new providers into the school day for a school day/time to work within the classroom and get some hands on experience for those kids they are going to be working with? It may attract those that want to work with the population. The millennials, college students, credits – we may find a niche of students/providers who are interested.

Ms. Kolodi: when respite went down, I thought about hiring 5 or 6 people to work in family support homes. 1 – 9pm at 37.5 hours and would help high-flier families. Go there after school and families would have to pick them up. Allow families to access respite and help with after-school. Wouldn't be able to access overtime. No going into the homes; alleviates travel and going into someone's home. Would only support 4 or 5 kids at a time. Rotate families – see who needs it.

Ms. Silber: doesn't deal with other authorized programs. But maybe expand it to 3 group homes in CSD; one operating w 6 students. We only operate one right now because of staff. We still have energy costs but can't staff them.

Rep. Williams: how much does it cost? Mr. Silber: we can get the number. Age, gender are all considered. Depends on student population. M-F after school and then weekends. After school.

Elizabeth Scheinberg: I'm a former school board member. We figured out CSD was solely paying for group homes. There was an effort to close those homes and remove services. CSD Board fought back and kept 2 open. Capital improvements were also used to update those

facilities. Used for families in crisis. It is an equity issue. How diverse do we need to be to reach everyone?

Mr. Andrews: the homes are used during the day to practice ADL's. They could be maximized. Hiring is difficult.

Ms. Magarik: we do hear they are having a hard time hiring and retaining staff. But there is consistent care when they need it.

Hazel Cole: Respite needs to be open to all. DDDS reimbursement. No more than \$100 per night. I can only get DDDS; other parents can get both.

Rep. Williams: does DAP present to CSD Board and State Board annually? Suggestion.

Dr. Whitelid: what do you envision? Rep. Williams: open forum, opportunity to ask questions.

Lisa Lawson: Brandywine SD is on our own like other 4 programs. No students at Brennen. We are in the same boat. If we consider expanding services, expand training and certification.

The meeting ended at 11:00am.