

Good morning. My name is Brian McCann and I am the President and CEO of the Faison Center located in Henrico County. It is a pleasure and an honor to be able to speak to you today. The Faison Center provides a unique life-span of services to children and adults with autism or other Developmental Disabilities. Among other things, we operate an Early Education program, Clinical and Diagnostic services, schools and Adult Residential and Day programs. Our academic partners include the Kennedy Krieger Institute at John's Hopkins University and The Teacher's College at Columbia University. In our schools, the model of education we use is the CABAS or Comprehensive Application of Applied Behavior Analysis to Schooling which originated at Columbia University. We are one of only 5 accredited CABAS schools in the world. Its approach is unique in that it focuses on collecting data on the students and the staff to ensure objectively measurable outcomes for the students.

Today, while the issue before you is private day placements for children with any disability, I will speak specifically with regard to students with autism or other developmental disabilities.

You have been shown numerous times that private day placements are increasing and that autism is quickly becoming the largest disability category for those placements. In 1996, the diagnosis rate for autism was 1 in 2500. Today, it is 1 in 68. By gender, it is 1 in 42 boys and 1 in 189 girls. It should be no surprise that this disability category is on the rise.

By now, almost everyone in this country is somehow touched by autism. Either you have a child, grandchild, niece or nephew with autism...or you know someone who does. And autism means different things to different people. It is a true spectrum disorder, with individuals who may be non-verbal, non-communicative with severe behavioral challenges and who will need wrap around services the rest of their lives to those studying at grade level with some social and academic deficits.

In the five minutes that I have before you, it is impossible to touch upon all the issues regarding students with autism. But the bottom line is that the status quo does not work. I think we can all agree with that statement. Otherwise we would

not be here. The main problem is that there is no effective model of education in public schools for students with autism. Instead, the current approach in public schools is generic training. Work-shop style autism training for teachers and staff in public schools does not work.

What is needed in the public schools is an evidence-based, outcomes-oriented model of education, such as CABAS, that collects data on the students to measure their progress, and also collects data on the staff to ensure that instruction is being implemented correctly. In addition to the questions that the staff workgroup will ask as it further studies this issue next year, I suggest you ask yourselves “Who is the state partnering with regarding autism services in schools and should the state continue with those partnerships and, thus, continue with the status quo?”

If such a model of education were brought in to public schools, day placements for students with autism would significantly decrease. Another way to reduce private day placements for children with autism is with early diagnosis and early intervention. A child may be diagnosed with autism as early as 16 months. The results in our Early Education program, which serves children ages 16 months to 5 years old, mirrors what research indicates which is that if a child with autism receives evidence-based services at an early age, 30% may not need services after age 5. We had a young girl who came to us and could not walk or talk. She began in our Early Education program and is now in our inclusive pre-school program. She walks and talks and reads at a 5<sup>th</sup> grade level. She will go on to public school. Unfortunately, though, children are not getting diagnosed until around 7 years old.

The sooner Faison can work with a student, the better his or her chances are of returning to public school. Unfortunately, though, we tend to see children with autism arrive at our school after several years in public school with little to no meaningful progress. For instance, we had a young lady enroll in our school about six months ago. She is 11 ½ years old. She has been in the public schools for 6 years. She has some behavioral challenges, but the most pressing issue is that she elopes. When she came to us, she did not know her name. So when she would run off, she would not stop when her name was called. We will work with this student on many different issues, social, academic and behavioral, but had we been able to

work with her earlier, she would have had a much better chance of success in the public school. Given her tremendous deficits, my guess is that she will remain with us for quite some time.

There are, of course, several other issues I could discuss with you regarding autism and private day placements. But, as a recovering attorney who practiced for 12 years as a litigator with an emphasis on education law, I want finish by pointing out one important legal issue.

As you are aware, federal law, under the Individuals with Disabilities Education Act, mandates that children with disabilities are provided a Free and Appropriate Public Education. The Supreme Court recently announced a new standard in determining what is an “appropriate education” for students with disabilities. Previously, in Virginia, pursuant to the 4<sup>th</sup> Circuit, the “de-minimus” standard was applied. This meant that schools just had to show some progress with the student. However, the Supreme Court held that “For children with disabilities, receiving instruction that aims so low would be tantamount to ‘sitting idly...awaiting the time when they were old enough to drop out.’” Now, a child’s “educational program must be appropriately ambitious in light of his circumstances.” As a result of this holding, states around the country, such as Virginia, that relied upon a lower standard will now be in a position of having to truly educate its students with disabilities or find a private day school that is capable of doing so.

The Faison Center has a proven record of educating students all along the autism spectrum using our model of education. We would be willing to help the state provide similar services in the public school setting or to help in any other way.

Thank you again for your time and I look forward to continuing to work with you on this very complex issue.