



LD 386

Advisory Committee Meeting
January 10, 2022

Group Norms

Norms of Collaboration

- Promoting a spirit of inquiry
- Pausing, Paraphrasing, Probing for specificity
- Putting ideas on the table
- Paying attention to self & others
- Presuming positive intentions

Technical Process

- Use chat to ask questions/share responses
- Raise hand if you prefer to speak
- Start and end on time
- Silence electronics and disengage from them throughout the presentation

Chaptered Law: Our Shared Task

H.P. 270 - L.D. 386

**Resolve, Directing the Department of Education To Establish the Process for
Transitioning the Provision of Early Childhood Special Education Services
for Children with Disabilities from 4 Years of Age to under 6 Years of Age
from the Regional Child Development Services System to School
Administrative Units**

Resolved: Process, timeline, and Implementation Plan

Sec. 1. Department of Education to establish the process for transitioning the provision of early childhood special education services for children with disabilities from 4 years of age to under 6 years of age from the regional Child Development Services System to school administrative units. Resolved: That the Department of Education shall establish a process, timeline and implementation plan for transitioning the provision of early childhood special education services for children with disabilities from 4 years of age to under 6 years of age from the regional Child Development Services System to school administrative units. The process, timeline and implementation plan established by the Department of Education **must:**

Resolved: Advisory Committee

- **Sec. 2. Advisory committee established. Resolved:** That the Department of Education shall establish an advisory committee to **advise the department on matters related to developing the implementation plan pursuant to section 1.**
- Shall include invitation to 14 representative bodies. Request: please circulate a list of committee member names, representative body, and contact information

What kind of information will the Advisory Committee need to be able to advise the Department on matters related to developing the implementation plan pursuant to section 1?

Resolved: Report due 2/1/22

Sec. 3. Report. Resolved: That the Department of Education shall submit a report to the Joint Standing Committee on Education and Cultural Affairs **no later than February 1, 2022 on the process, timeline and implementation plan established pursuant to section 1** and any suggested legislation necessary to implement the plan. The suggested legislation must address the timeline for implementing the plan, including but not limited to transition periods and effective dates for the various elements of the plan. The report must identify and address contingencies necessary to implement the suggested legislation and the plan. **The report must address each of the components listed in section 1 with specificity.** The report must also include recommendations on whether the appropriate provision of services for children 3 years of age is through a quasi-independent agency, school administrative units or a hybrid system. The Joint Standing Committee on Education and Cultural Affairs may submit legislation related to the report to the Second Regular Session of the 130th Legislature. The advisory committee may also report to the Joint Standing Committee on Education and Cultural Affairs on the advisory committee's role in the department's development of the process, timeline and implementation plan.

Implementation Plan to include 8 Components

- 1. PCG Report components
- 2. Role of Private Providers
- 3. Must address distinct items including capacity, staffing, space, administrative oversight, transportation, and others (below)
- 4. Specificity regarding funding
- 5. Protection of current CDS employees
- 6. Benchmarks for DOE, CDS, and SAU's to meet before and during transition
- 7. Detailed plan to evaluate progress with transition
- 8. Recommendation regarding 3-year-olds

#1: PCG Report

- 1. Include the implementation plan components as presented in the Public Consulting Group's independent review of the State's early childhood special education services, "Maine Early Childhood Special Education Implementation Plan" dated December 1, 2020;
- Link to PCG Report: [Maine Early Childhood Special Education Implementation Plan](#)
- DOE update, dialogue, data or information requests, questions, feedback.

#1: PCG Report

#2: Role of Private Providers

- 2. Define a role for the department and regional offices to contract with private providers in situations in which a school administrative unit is unable to provide the appropriate level of service to meet the individualized education program of a child with a disability.
- DOE update, dialogue, data or information requests, questions, feedback.

#2: Role of Private Providers

- How do we bring services to children in LRE?
- If the preferred setting is a private school, how do we transition the child? Do we keep the private placement?
- Identify private provider by type (center based, child care, religious private school)
- What SAUs are providing public?
- Identify additional time staff will need to travel if we are using a number of private providers
- Grouping will be impacted if children are spread out over locations
- Understand the number of children served outside of their SAUs catchment area
- Are we expecting the delivery of services to be under the same model?
- How do we transition providers to SAUs? Or will it change?
- Is the DOE recommending making changes to how programming is delivered?
- Will private providers have the space to allow an itinerant staff member to come and deliver services?
- How do we support children attending program farther away from the SAU when we don't have transportation needs in their catchment area?

#3: District Items

- 3. Address at a minimum:
 - A. School Administrative Unit capacity, staffing, and physical space;
 - B. Administrative oversight;
 - C. Transportation;
 - D. Curriculum and assessments;
 - E. Data systems; and,
 - F. Health and safety-related considerations;

DOE update, dialogue, data or information requests, questions, feedback.

#3: District Items

- How do the laws work for parents transporting children to the service?

#4: Funding

- 4. Provide specificity regarding funding through the State and the MaineCare program that does not flow through the essential programs and services funding formula pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B;
- DOE update, dialogue, data or information requests, questions, feedback.

#4: Funding

- How often does CDS look at asking for different funding or drawing down different funding? How is that managed? Seeking understanding for the process of how these services are paid.
- Private insurance - would this still happen with SAUs?
- How much are the current costs for CDS?

#5: Protect current CDS employees

- 5. Include a plan to protect current Child Development Services System employees from any negative or unintended consequences related to retirement and pensions and the federal windfall elimination provision and government pension offset;
- DOE update, dialogue, data or information requests, questions, feedback.

#5: Protect current CDS employees

- If we are shifting to a public school model, will certification needs change? Job expectations?
- Could there be a provision in the legislation for CDS employees to have first chance at job openings if they were displaced. Could there be an opportunity to have access to an internal job posting?
- How would we do this within the context of teachers' unions?
- How would contract negotiations be impacted?
- Are the background checks transferable from CDS to SAUs?
- Is every current CDS employee going to have an opportunity for a new job?
- How do we prevent any mass exodus and keep the sites open and running smoothly through the transition?

Note: Erin/Roberta noted no response can be given for highlighted items

#6: Provide steps, benchmarks and milestones

- Provide steps, benchmarks and milestones for the department, the Child Development Services System and school administrative units to meet before and during any transition period, including but not limited to the components under subsection 3, and an independent project manager not employed by the Department of Education;
- (Subsection 3 includes items the plan must also address: SAU capacity, staffing, physical space, transportation, etc.)
- DOE update, dialogue, data or information requests, questions, feedback.

#6: Provide steps, benchmarks and milestones

#7: Detailed plan to evaluate progress of the transition plan

- 7. Provide a detailed plan of the evaluation and assessment tools to be developed to determine whether the department, the Child Development Services System and school administrative units are meeting steps, benchmarks and milestones, which must include that, if progress towards implementation is not being met, the transition must cease until a solution can be determined;
- DOE update, dialogue, data or information requests, questions, feedback.

#7: Detailed plan to evaluate progress of the transition plan

- How will we know that the SAUs are ready?
- Each SAU will have to do its own landscape analysis. Is there a person who can support this conversation for SAUs? Help shape a stakeholder process in each community?
How will we know when something is going wrong? How will we know that someone is not ready prior to transitioning children to the SAU?
- Capacity needs to take into consideration general education population. How do we understand how many children are in each catchment area? (total population and special education)
- How do we plan the transition time for just the right amount of time, in order that we don't lose more CDS staff?
- How does Head Start fit into the equation? How do we evaluate the progress for Head Start?
- DOE Early Learning Team has great resources for partnering for the delivery of services, and we should have this information when developing a plan. Could they be built out to support special education services?
- **Are there incentives for SAUs to help move the process?** Can we look at regional service center model that could support preschool programming? Can you expand a regional service center to provide more services to children? Is there a role for private preschools in the development of regional service centers?
- Could a model include incentives?

Note: Erin/Roberta noted no response can be given for highlighted items

#8: Recommendations for 3-year-olds

- 8. Include a recommendation regarding whether to provide services to children with disabilities who are 3 years of age through a quasi-independent agency or through school administrative units or a hybrid system and a description of the necessary additional resources, steps, and benchmarks and barriers to any transition of services.
- DOE update, dialogue, data or information requests, questions, feedback.

#8: Recommendations for 3-year-olds

Options for 3-year-olds (LD 255 is also reviewing the extended Part C option)

OPTION 2 Hybrid Model

- FAPE obligation on SAU/CDS
- Oversight by Maine DOE
- Individualized by SAU
- Choice in the following:
 - Provision of service
 - Staffing
 - Administrative oversight
 - Eligibility requirements including evaluation, child find, eligibility meeting
 - Transportation
 - Data system choice
 - Support referrals
 - Coordinate services
 - Case Management
 - Facilitate transition from Part C to Part B



OPTION 3 SAU Responsible

- FAPE obligation on SAU
- Maine DOE monitors SAU
- SAU responsible for enrolled children in catchment area
- Each SAU would determine how to provide services for 3-year-old children
- Could create regional preschools
- Continue to contract with preschool providers for services
- Provide staffing
- Provide transportation
- Facilitate transition from Part C to Part B

Group Feedback

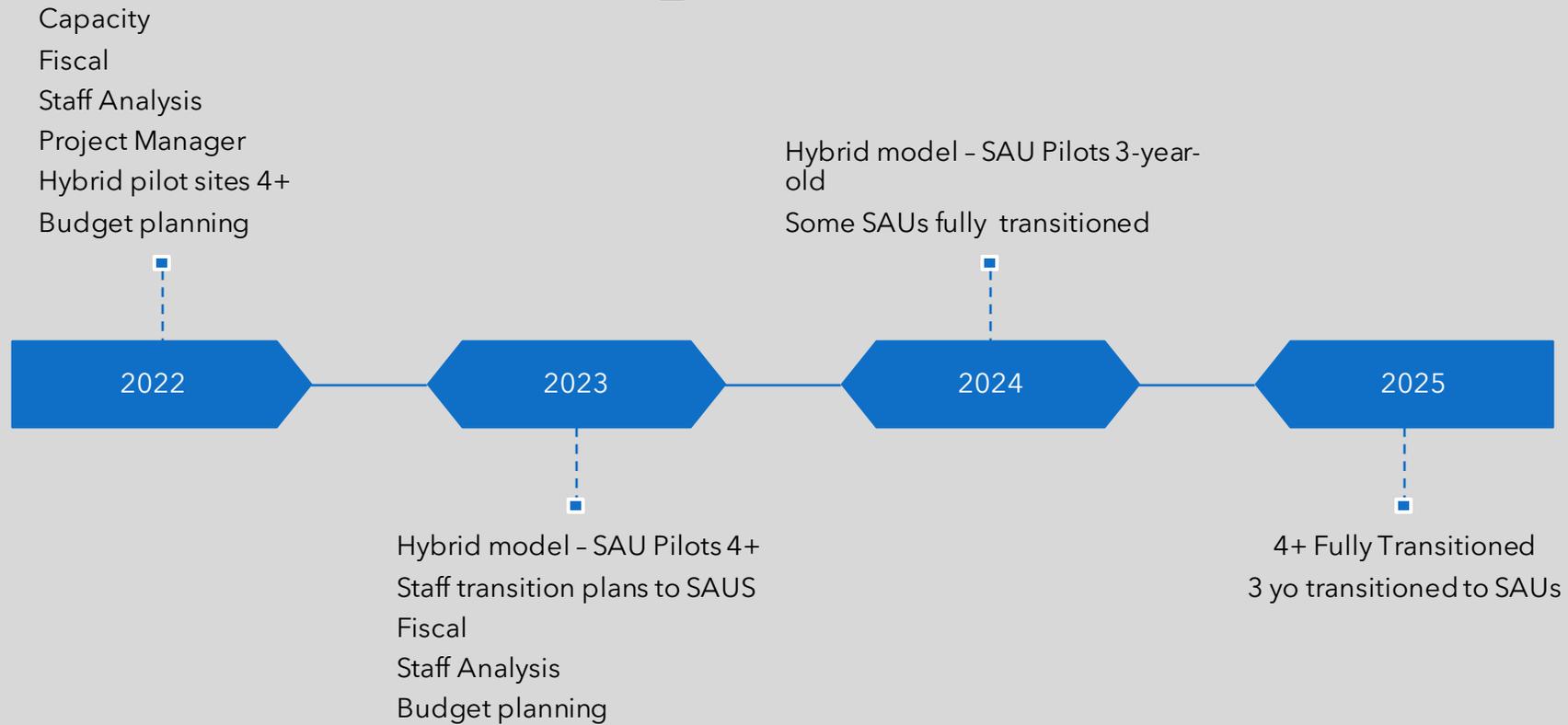
- Using the hybrid would allow SAUs to begin to understand what is entailed in support 3 year old children
- Hybrid is already being piloted to support unmet need for preschool special education children
- Once SAUs have an idea of what the provision of services will be, there will be more consistency between preschool and school aged services
- Option 2 would allow time for SAUs to transition to becoming fully responsible via Option 3
- Could offer an opportunity for SAUs to build relationships with outside agencies and providers
- Reduced transitions
- Earlier development of relationships between families and SAUs

Options for 3-year-olds (LD 255 is also reviewing the extended Part C option)

Discussion:

- If SAUs are taking over the 4 YOs, an additional middle ground will be too complicated. It will need to be a hybrid model until SAUs are ready to take over responsibility.
- Can we hear from SAUs who are piloting this to know if it is feasible/how it has been going.
- Hybrid could also support CDS staff transitioning to employment in SAUs.
- Can there be a flexible transition at the age of 3?
- It would be a burden on parents to have two transitions in a year
- Transitioning to SAUs will be the most efficient way to handle their needs (parent perspective)
- SAUs have an opportunity to partner with private agencies in their communities to provide these services

Proposed Timeline



Proposed Timeline

Discussion:

- Four years is too fast for many SAUs, concern that 2025 is a quick timeline
- Depends on the SAU timeline
- Can the hybrid extend beyond the four years depending on the readiness of the SAU?
- Intent was to consider fiscal years as the benchmark
- Advisory group needs a more detailed timeline to provide greater input
- This cannot happen without legislative approval
- From the advocate perspective there is a concern that it is too slow. There are high costs to not being able to provide adequate early childhood legislation
- Has there been a statewide survey on capacity?
- The goal is to do what's best for parents and families and SAUs will need to work collaboratively with SAUs
- Money should be spent on resources on supporting the transition to SAUs?
- Staffing shortages are impacting SAUs as much as CDS
- Staff are leaving Head Start and CDS because SAUs can generally pay more in salary and benefits
- Already in statute that 4 year olds can be included in the SAU