



# LD 255 and LD 386

## Advisory Committee Presentation

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Erin Frazier, Director of Special Services Birth to 22  
Dr. Roberta Lucas, Director Early Childhood Special Education/  
Section 619 Coordinator  
Jamie Michaud, Part C Early Intervention Coordinator

# 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

# LD 255 Required Resolve Elements

- Establish Advisory Committee (Section 1)
- Plan for provision of early intervention services through a quasi-independent government agency structure (Section 2)
- Analysis of federal Extended Part C Option for 3-year olds (Section 3)
- Recommendation for services for 3-year olds (Section 3)

# Section 1: Advisory Committee Established

## Section 1: Advisory Committee established:

- Nomination process launched at the conclusion of 130th first session;
  - Ensured all advisory committee member roles were filled in a timely fashion.
- Maine DOE contracted with an independent facilitator to ensure meaningful support of the advisory committee;
- Provided an opportunity for members of the public to attend each of the advisory committee meetings;
- Posted the materials and recordings of each meeting on the CDS webpages (<https://www.maine.gov/doe/learning/cds/>).

## Section 2: Department to Develop a Plan For Early Intervention Services

- A. Establishment and appointment of an independent board for the Quasi- independent government agency
- B. Current or Proposed Memoranda of Understanding Between Department of Education and CDS.
- C. How the Plan Addresses the 16 Minimum Required Components of the Part C Program of IDEA
- D. Detailed timeline for Implementation, including any necessary statutory and regulatory changes

## A. Establishment and appointment of an independent board for the Quasi- independent government agency

- The Advisory Committee met on January 25, 2022, to review the Department's ideas for the governing board of the State IEU. The AAG for the Department gave a presentation about what was required in order to establish an independently-governed State IEU, and breaks were taken throughout the presentation for Committee input.
- Prior to the meeting, Committee members received a copy of the PowerPoint used by the AAG, as well as samples of statutes creating other education agencies with governing boards for reference.
- The Advisory Committee provided the roles and responsibilities that would need to be in place for the board, that Department of Education and the State IEU. All of those were included in the timeline for LD 255 following the meeting.

## B. Memorandum of Understanding (MOU)

In preparation for the February 15 advisory committee meeting, the current MOU was provided to advisory committee members on Friday, January 28, 2022. Advisory committee members discussed the current MOU and provided feedback to the Maine DOE on February 15.

## C. The 16 Minimum Required Components of the Part C Program of IDEA

- Part C of the IDEA includes 16 required components for a statewide system. 20 U.S.C. §1435. The Department of Education is required to report on these components annually as part of the approval process for Maine's Part C grant. Maine is fully meeting the 16 required components of Maine's Part C program and will continue to do so under a refined system.
- In developing the Plan, the Department carefully considered the appropriate entity, or entities, to assume responsibility for each of the 16 components. The details of the compliance is contained in the full report.
- The letter from the US Department of Education in Exhibit A and the 16 required components were shared with the Advisory Committee during the January 11, 2022 meeting and highlighted again at the January 25 meeting.

## D. Detailed Timeline for Implementation

- Following the January 25, 2022 meeting with the LD 255 Advisory Committee, at the request of the Advisory Committee Chair, the Department staff developed a timeline that reflected the work of LD 135, 255 and 386 Resolves and intersected with the work of the PCG Report or 2020 to reflect the interconnected and inter-related work.
- The timelines for all three LDs were shared with the Advisory Committees on February 14 and 15. Department staff had also begun internal discussions with School Finance Staff on how to consider the possible funding formula for the former CDS program. Those discussions are ongoing.
- The Advisory Committee members recognized the complexity of the timelines for all three and the inter-relations between the three. Some superintendents shared ideas for implementation of work in the next year as part of the exploration of SAU oversight which should be encouraged. A readiness tool kit is being established by the Department to examine capacity building.
- Estimated full transition of 3-5 year olds to the SAUs in 2025-2026 and transition of the State Intermediate Education Unit for Part C only.

# Defining a State Intermediate Education Agency

The **State Intermediate Educational Unit (SIEU)** is established as a body corporate and politic and as a public instrumentality of the State for the purpose of identifying, evaluating and providing early intervention services to eligible infants and toddlers with disabilities from birth to under age three and their families. The exercise by the SIEU of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State.

# Organizational Structure of SIEU

## **Board of Directors**

- Governing board v. advisory board
- Time & attention
- Variety of knowledge/skill sets
- Voting v. non-voting
- Considered existing examples: MECDHH/GBSD and MSSM

## **Recommendation:**

- External board that is separate from DOE, similar to MECDHH/GBSD and MSSM

# Defining Roles

Role of the **SIEU** vs.

Role of the **Department** as “lead agency” under Part C

# SIEU Responsibilities

- Direct provision of Part C:
  - Child find
  - Child count
  - Identification
  - Evaluation
  - Development of IFSP
  - Provision of early intervention services
  - Extended Part C option
  - Procedural safeguards
- Referrals outside of Part C system
- Transition to Part B
- Data collection/maintenance of education record
- Professional development

# Maine DOE Responsibilities

## Department of Education

- System of Personnel Development
- Public Awareness Program
- Funding Mechanism/reimbursements
- Rulemaking (M/S)
  - Definition of Developmental delay
  - Child find, identification, evaluation, provision of early intervention services, natural environments
  - Personnel qualification
  - Procedural safeguards

## Department of Education, cont.

- Lead Agency
- Ensure compliance with Part C by monitoring/oversight of SIEU
- Submit annual application to USDOE; SPP/APR
- Interagency agreements/coordination of resources across agencies
- State Interagency Coordinating Council (SICC)

# Extended Part C Option

## The Extended Part C Option

***The Extended Part C Option only applies to children served in Part C who turn three, transition and are determined eligible for Part B.*** It provides early intervention services, in lieu of FAPE, from children's third birthday until those children enter, or are eligible under State law to enter, kindergarten.

Each state determines the applicable age/duration of extended option (OSEP has provided guidance that it can also be applied to a subset of children turning three such as children turning three over the summer)

- (i) From age three until the beginning of the school year following the child's third birthday;
- (ii) From age three until the beginning of the school year following the child's fourth birthday; or
- (iii) From age three until the beginning of the school year following the child's fifth birthday.

Parents choose either the Part C Option, or to transition to Free Appropriate Public Education in the Part B system. Services in the Part C Option are continued on an IFSP, with the addition of an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills.

***Families can request a change to FAPE at any time.***

## 2 States use extended part C option

Two states currently implement the Extended Part C Option – both to age 4.

Number of children served by the two states implementing this option was shared in “*State Strategies for Seamless Service Delivery and Transition Implementing the Extended Part C Option*”, a December 2018 OSEP sponsored presentation.

MD – data from 2009 to 2017 showed the percent of children served in the Part C Option compared to the Oct 1 count was between 11.03-15.09%. 15.09% was in 2011. MD also shared that approximately 60% of families chose the Part C option.

DC – data from 2014 – 2017 showed the percent of children served in the Part C Option compared to was between 9.29 – 14.87%.

# Section 3: Extended Part C Option

- The Advisory Group met to consider whether to apply to OSEP to utilize the Extended Part C Option, and if applying for the Extended Part C option, to consider the applicable duration of the extended option: from age three until the beginning of the school year following the child's third, fourth, or fifth birthday.
- Members of the Advisory Group provided feedback in a straw poll, Zoom poll, and email following the meeting.
- Maine DOE considered the Advisory Group's feedback and examined other states' current implementation of the Extended Part C Option and determined:
  - Maine will submit an application to OSEP to offer Extended Part C Option
  - Maine will transition 3-year old special education services to SAUs with a strategic plan to support this transition that would occur over a period of several years



Pause & Check:

What "squares" with your thinking?

Where are your "deltas"?

# Transition of 3 year olds to SAUs: This is a Bridge Between LD 386 and 255

- Based on the feedback from the Advisory Group and discussions and research of other states, Maine DOE would support transitioning three-year old special education services to SAUs with a strategic plan to support this transition that would occur over a several year period. By taking ownership of children in Part B earlier, SAUs can ensure that children have the critical services they need prior to entering school. The transition would create consistency of the delivery of services and help schools navigate community needs in order to prioritize educational planning. (*Item #8 of LD 386 is addressed by this determination*)

## Group Feedback

Option 1 Quasi-State Agency	Option 2 Hybrid Model	Option 3 SAU Responsible
<ul style="list-style-type: none"> <li>• Still a concern for lack of service providers</li> <li>• If case managers were just managing 3 year olds there would be increased capacity</li> <li>• While not an additional transition, there would be an additional team transition for children going from Part C to Part B and then to 4 year-old transition with SAU</li> <li>• Option 1 seems like a continuation of the current CDS model</li> <li>• Noted that additional to previous concern, new preschool classrooms have provided less restrictive environments than old CDS model</li> <li>• Too much transition for families and staff</li> <li>• Quasi-state should not be created within DOE -would like separate agency with regional groups reinstated</li> <li>• While current transitions go smoothly from C to B this might not be the case with a new agency</li> <li>• Require an additional quasi state above and apart from Part C.</li> </ul>	<ul style="list-style-type: none"> <li>• This could be chaotic, with CDS managing elements with many different districts</li> <li>• Like the model, recognizing that CDS cannot provide all the 3 year-old needs</li> <li>• Communication with families might be compromised in the hybrid model, if SAU and CDS are responsible for different things – would need clear communication plan</li> <li>• There are many districts in Maine, each would have an individual plan for their hybrid provision model, this could be hard to manage for the DOE, complexity of hybrid model is huge</li> <li>• Some districts are able and willing to take on both 3 and 4 year-old services, would allow for a good transition if there is a responsible process</li> <li>• Some issues will get resolved when funding is addressed – this could change the thinking on options</li> <li>• Option 2 would allow a transition time until a district is prepared to serve 3 year olds</li> <li>• Using the hybrid would allow SAU's to begin to understand what is entailed in support for 3 year old children</li> <li>• Hybrid is already being piloted to support student need (district collaboration w/ CDS)</li> <li>• Would allow for more consistency between preschool and school aged services</li> <li>• Child care and service delivery outside of residence SAU could be an issue to resolve</li> </ul>	<ul style="list-style-type: none"> <li>• Children receiving services outside their district area will need to be addressed (child care location for child noted)</li> <li>• There may be a need to address Superintendent agreement or a process for children in care outside their district setting</li> <li>• There is an opportunity for strengthening collaboration between districts and child care programs, as well as other agencies and providers</li> <li>• Certification concerns for current SAU staff (noted that certification is already being addressed for preschool special education)</li> <li>• This option is the biggest shift for districts and they have been told in the past they would be taking over the four year olds</li> <li>• Seems this option is the easiest for families to navigate as services would remain tied to their community school district</li> <li>• Could eliminate parent choice in choosing programs</li> <li>• Child care and service delivery outside of residence SAU could be an issue to resolve</li> </ul>



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**LD 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**



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# Implementation Timeline Incorporating the PCG Independent Review and Advice from the Advisory Committee and Department Staff

- Maintain the State Intermediate Educational Unit (IEU) statutory provision while simultaneously increasing the capacity of the SAUs to take on the oversight of the provision of FAPE for 3-5 year olds.
- States may only use the federal IEU structure if it was in place prior to 1997.
- Detailed Timeline ([Timelines for 135, 255, 386 - Presentation.xlsx](#))

# Implementation Timeline Incorporating the PCG Independent Review

PCG Implementation Components	DOE Timeline Plan Inclusive of PCG Components
<ul style="list-style-type: none"> <li>• Designated State Agency</li> <li>• Administrative Office</li> <li>• 619 State Staff</li> <li>• Revise State Regulations</li> </ul>	<p>Consideration for Department of Education and Office of Special Services</p>
<ul style="list-style-type: none"> <li>• Designate SAUs to Provide 619 Services</li> <li>• Transition Period</li> <li>• State-Level Transition Leadership Planning</li> <li>• SAU Transition Planning</li> <li>• Fiscal Toolkit</li> </ul>	<p>Consideration for State-Level to SAU Oversight &amp; Responsibilities</p>
<ul style="list-style-type: none"> <li>• Revise State Regulations</li> <li>• Transition Period</li> <li>• State-Level Transition Leadership Planning</li> <li>• SAU Transition Planning</li> </ul>	<p>Staffing Considerations</p>
<ul style="list-style-type: none"> <li>• Central Billing System</li> <li>• MaineCare Special Education Services Revision</li> <li>• Rate Study</li> <li>• Funding of 619 Services</li> <li>• Review of current children w/high costs</li> </ul>	<p>Fiscal Considerations</p>
<ul style="list-style-type: none"> <li>• Inclusion Guidance Document &amp; Training</li> <li>• Training &amp; Professional Development</li> <li>• Chapter 676 Training</li> <li>• Use of Developmental Delay Eligible Criteria</li> </ul>	<p>Guidance &amp; Training Considerations</p>



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# Recommendations

- Free and Appropriate Public Education (FAPE) responsibility for Section 619 Services children transfers to SAUs July 1, 2023
  - CDS maintains fiscal responsibility for the full cost of provision of preschool services, including transportation and costs of due process for two years (until July 1, 2025).
- Revision of Maine Statutes re: provision of Part B Section 619 Services

# Recommendations

- Transition of Part B Services for children in Section 619 to SAUs over a period of time, depending on an SAU's readiness, by July 1, 2026
  - During the period of transition of Part B services, a hybrid model will be in place.
  - In the hybrid model, CDS shares the provision of service with SAUs. They collaborate to deliver services based on a menu of ala carte services, including, but not limited to, special education services, related services, transportation, and administrative tasks.
  - The hybrid model will be in place until July 1, 2026

# Recommendations

- Formalize the transition process and transition resources for SAUs, including resource mapping and readiness assessments, for SAUs to access to prepare for the transition of children in Section 619 to SAUs.
- Implement staffing support and transition process for CDS staff, including individual transition planning (present – July, 2024)

# Recommendations

- Fiscal considerations, including:
  - Fiscal formula developed, independent of EPS, to support provision of preschool services (present – July, 2023)
  - A central billing system
  - Administrative support for billing
  - State funding process for Part B, high-cost students



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