

MAINE STATE LEGISLATURE

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Sub
R. of S.

L.D. 1870

Date: 4/12/2018 Majority

(Filing No. S-457)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

SENATE

128TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 713, L.D. 1870, Bill, "An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Create the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services, established by this resolve, is convened to address the effectiveness, efficiency, accountability and costs of early childhood special education systems in this State; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Task force established. Resolved: That the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services, referred to in this resolve as "the task force," is established to study and plan for the implementation of Maine's early childhood special education programs and services provided for young children from 3 years of age to 5 years of age; and be it further

Sec. 2. Task force membership. Resolved: That, notwithstanding Joint Rule 353, the task force consists of 23 members appointed as follows:

1. Two members of the Senate, one from each of the 2 parties holding the largest number of seats in the Senate, appointed by the President of the Senate;

2. Two members of the House of Representatives, one from each of the 2 parties holding the largest number of seats in the House of Representatives, appointed by the Speaker of the House;

3. Seventeen members appointed as follows:

A. Two members who are parents of children with a disability between 3 years of age and 5 years of age, one from an urban community and one from a rural community, appointed by the President of the Senate. The 2 members must have knowledge of or experience with programs for children with disabilities;

B. One member who is a contracted service provider of early intervention and free, appropriate public education services, representing the Maine Association for Community Service Providers, appointed by the Speaker of the House;

C. One member who is a Child Development Services System staff member who provides direct services, appointed by the Speaker of the House;

D. One member who is a representative of a Head Start agency or program in the State, representing Head Start programs in Maine, appointed by the President of the Senate;

E. One member who is a representative of a child care program, appointed by the Speaker of the House;

F. Two members who are teachers in early childhood education programs for children 4 years of age that include coordination of programs and services for eligible children within a public elementary school, one from a large school administrative unit and one from a small school administrative unit, representing the Maine Education Association, appointed by the President of the Senate;

G. Two members who are special education directors, one from a large school administrative unit and one from a small school administrative unit, representing the Maine Administrators of Services for Children with Disabilities, appointed by the President of the Senate;

H. One member who is a principal of a public elementary school of a small school administrative unit that has implemented an early childhood education program for children 4 years of age that includes coordination of programs and services for eligible children, representing the Maine Principals' Association, appointed by the Speaker of the House;

I. One member who serves as a superintendent of a large school administrative unit that has implemented an early childhood education program for children 4 years of age that includes coordination of programs and services for eligible children, representing the Maine School Superintendents Association, appointed by the Speaker of the House;

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- 1 J. One member who serves as a school board member of a school administrative unit
- 2 that has implemented an early childhood education program for children 4 years of
- 3 age that includes coordination of programs and services for eligible children,
- 4 appointed by the Speaker of the House;
- 5 K. One member representing the Maine Developmental Disabilities Council,
- 6 appointed by the Speaker of the House;
- 7 L. One member representing pediatricians, appointed by the President of the Senate;
- 8 M. One member representing a statewide association of occupational therapists,
- 9 appointed by the President of the Senate; and
- 10 N. One member representing a statewide association of speech, language and hearing
- 11 therapists, appointed by the Speaker of the House;
- 12 4. The Commissioner of Education or the commissioner's designee; and
- 13 5. The Commissioner of Health and Human Services or the commissioner's designee;
- 14 and be it further

15 **Sec. 3. Chairs. Resolved:** That the President of the Senate and the Speaker of
16 the House shall each appoint one member of the task force to serve as cochair, except
17 that, notwithstanding Joint Rule 353, the President of the Senate and the Speaker of the
18 House may not appoint a Legislator to serve as a chair of the task force. Notwithstanding
19 Joint Rule 353, the chairs may appoint, as nonvoting members of the task force,
20 individuals with expertise in areas relevant to early childhood development services and
21 systems; and be it further

22 **Sec. 4. Appointments; convening of task force. Resolved:** That all the
23 appointments must be made no later than 30 days following the effective date of this
24 resolve. The appointing authorities shall notify the Executive Director of the Legislative
25 Council once all appointments have been completed. Within 15 days after appointment
26 of all members, the chairs shall call and convene the first meeting of the task force. If 30
27 days or more after enactment of this legislation a majority of but not all of the
28 appointments have been made, the chairs may request authority and the Legislative
29 Council may grant authority for the task force to meet and conduct its business; and be it
30 further

31 **Sec. 5. Duties. Resolved:** That the task force shall examine:

- 32 1. National trends and relevant models of governing and delivering early childhood
- 33 special education systems in other states and jurisdictions that hold the potential for
- 34 enhancing the effectiveness, efficiency or accountability of the early childhood special
- 35 education system in the State;
- 36 2. The short-term and long-term costs and benefits of the Department of Education's
- 37 proposed plan to restructure the Child Development Services System as presented by the
- 38 Commissioner of Education to the Legislature in Legislative Document 1870 in the
- 39 Second Regular Session of the 128th Legislature;
- 40 3. The findings and recommendations of the Subcommittee To Study Early
- 41 Childhood Special Education in its January 2007 report;

1 4. The findings and recommendations of the Office of Program Evaluation and
2 Government Accountability in its July 2012 report on child development services; and

3 5. Any other issues the task force determines to be useful or necessary concerning
4 early childhood special education systems matters; and be it further

5 **Sec. 6. Development of recommendations; plan. Resolved:** That the task
6 force shall develop recommendations for an early childhood special education services
7 program plan, which must include, but is not limited to:

8 1. Models of best practices;

9 2. Fiscally sound budget forecasting, including all possible revenue streams and
10 updated costs;

11 3. Transportation services;

12 4. Data systems, including a billing system, a system that allows coordination with
13 the MaineCare program and a case management documentation system;

14 5. A timeline for the implementation of the plan under this section;

15 6. A procedure for data collection and analysis conducted by the Maine Education
16 Policy Research Institute;

17 7. A method for assessing a school administrative unit's capacity for implementing
18 early childhood special education programs;

19 8. Training requirements for service providers and leaders;

20 9. Public information communication strategy for implementation of the plan; and

21 10. Identification of potential revisions to the Department of Health and Human
22 Services' rule Chapter 101: MaineCare Benefits Manual; and be it further

23 **Sec. 7. Authorized meetings. Resolved:** That the task force may hold no more
24 than 6 meetings; and be it further

25 **Sec. 8. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the
26 Legislative Council shall contract for a facilitator for the task force using a request for
27 proposals process. The Office of Policy and Legal Analysis shall provide drafting
28 assistance to the task force; and be it further

29 **Sec. 9. Compensation. Resolved:** That legislative members of the task force are
30 entitled to receive the legislative per diem and reimbursement for travel and other
31 necessary expenses related to their attendance at authorized meetings of the task force.
32 Other members of the task force may not receive compensation for their participation on
33 the task force; and be it further

34 **Sec. 10. Report. Resolved:** That, no later than December 5, 2018, the task force
35 shall submit a report containing its findings, recommendations and plan, including
36 suggested legislation, for presentation to the Joint Standing Committee on Education and
37 Cultural Affairs. The joint standing committee of the Legislature having jurisdiction over
38 education matters may submit a bill to the First Regular Session of the 129th Legislature;
39 and be it further

1 **Sec. 11. Appropriations and allocations. Resolved:** That the following
2 appropriations and allocations are made.

3 **EDUCATION, DEPARTMENT OF**

4 **Child Development Services 0449**

5 Initiative: Provides one-time funds to address the Child Development Services System
6 budgetary shortfall.

7 GENERAL FUND	2017-18	2018-19
8 All Other	\$0	\$3,700,000
9		
10 GENERAL FUND TOTAL	<hr/> \$0	<hr/> \$3,700,000
11		

12 **SUMMARY**

13 This amendment, which is the majority report of the committee, strikes and replaces
14 the bill with a resolve establishing the Task Force To Study and Plan for the
15 Implementation of Maine's Early Childhood Special Education Services to examine the
16 national trends and relevant models of governing and delivering early childhood special
17 education systems and the short-term and long-term costs and benefits to the Department
18 of Education's proposed plan to restructure the Child Development Services System and
19 to make recommendations for an early childhood special education services program
20 plan. The amendment also adds an appropriations and allocations section to provide
21 \$3,700,000 in the 2nd year of the biennium to address the Child Development Services
22 System budgetary shortfall.

23 **FISCAL NOTE REQUIRED**

24 (See attached)

**128th MAINE LEGISLATURE****LD 1870****LR 2729(02)****An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age**

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-457)
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$0	\$3,700,000	\$0	\$0
Appropriations/Allocations				
General Fund	\$0	\$3,700,000	\$0	\$0

Legislative Cost/Study

The general operating expenses of this study are projected to be \$3,500 in fiscal year 2017-18 and \$3,750 in fiscal year 2018-19. The Legislature's budget includes approximately \$7,000 in fiscal year 2017-18 and \$10,000 in fiscal year 2018-19 for legislative studies. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing drafting assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

Fiscal Detail and Notes

This bill includes a one-time General Fund appropriation of \$3,700,000 in fiscal year 2018-19 to the Child Development Services Program within the Department of Education to address a budgetary shortfall.

Any additional costs to the Department of Health and Human Services and the Department of Education to take part in the Task Force are expected to be minor and can be absorbed within existing budgeted resources.