

MAINE STATE LEGISLATURE

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Date: 6/11/19

L.D. 512
(Filing No. H-561)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 369, L.D. 512, "Resolve, To Create the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services"

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

'Resolve, To Authorize the Legislature To Contract for an Independent Review To Evaluate and Plan for the Implementation of Maine's Early Childhood Special Education Services'

Amend the resolve by striking out everything after the title 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, in order to obtain information to address the effectiveness, efficiency, accountability and costs of early childhood special education systems in this State in a timely manner and to make informed policy decisions, the Legislature should provide for an independent review of early childhood special education services; and

Whereas, the Legislature should promptly contract with a qualified research and technical assistance entity to conduct an independent review of Maine's early childhood special education services; and

Whereas, the process to begin contracting with a qualified research and technical assistance entity must be initiated before the 90-day period expires; 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. Legislature to contract for independent review of the State's early childhood special education services. Resolved: That the Legislature, through the

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1 Joint Standing Committee on Education and Cultural Affairs, referred to in this resolve as
2 "the joint standing committee," may contract with a qualified research and technical
3 assistance entity to conduct pursuant to sections 5 and 6 an independent review of the
4 State's early childhood special education services and develop recommendations and an
5 implementation plan.

6 **Sec. 2. Assistance; request for proposals process. Resolved:** That, at the
7 direction of the joint standing committee, the Office of the Executive Director of the
8 Legislative Council, referred to in this resolve as "the office," shall develop and
9 administer a request for proposals process to permit the Legislature, through the joint
10 standing committee, to award a contract pursuant to section 1. The office, with the advice
11 and assistance of the Independent Review Advisory Committee, established under section
12 4 and referred to in this resolve as "the advisory committee," and in consultation with and
13 with the approval of the joint standing committee, shall:

14 1. Develop and administer a request for proposals process in accordance with section
15 3;

16 2. Administer the contract entered into pursuant to section 1, including monitoring
17 the research and technical assistance entity's performance in meeting deadlines, providing
18 deliverables pursuant to sections 5 and 6 and complying with other terms of the contract;
19 and

20 3. Within available resources, provide other assistance to the joint standing
21 committee relating to the contract and the purposes of this resolve.

22 **Sec. 3. Request for proposals; standards and selection process. Resolved:**
23 That the office, with the advice and assistance of the advisory committee, and in
24 consultation with and with the approval of the joint standing committee, shall administer
25 a request for proposals process in accordance with this section.

26 1. The qualifications of a research and technical assistance entity submitting a
27 proposal must include, but are not limited to, the financial, technical and operational
28 capacity of the entity to conduct state-level education policy research and fiscal analysis,
29 as demonstrated by the entity's professional experience and expertise.

30 2. With the approval of the joint standing committee, the office shall issue a request
31 for proposals and publish notice of the request on the Legislature's publicly accessible
32 website and through advertisements in 2 or more public newspapers circulated wholly or
33 in part in the State and may provide any further notice of the request to any other media
34 or entities, as approved by the joint standing committee. The notice must provide that the
35 office will accept, for 30 days after the first date of publication, proposals from qualified
36 research and technical assistance entities that meet the standards approved by the joint
37 standing committee.

38 3. After proposals have been received and the period for accepting proposals has
39 expired, the office, with the advice and counsel of the advisory committee, shall evaluate
40 the proposals and present a ranking of or recommendations regarding the proposals to the
41 joint standing committee. The joint standing committee shall review the
42 recommendations and choose the proposal it wishes to accept. The joint standing
43 committee shall notify the Executive Director of the Legislative Council of its selection

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1 of a proposal. The executive director shall execute a contract with the selected research
2 and technical assistance entity on behalf of the Legislature.

3 4. Notwithstanding the Maine Revised Statutes, Title 1, section 402, except for the
4 name and mailing address of a research and technical assistance entity that submits a
5 proposal, the proposal and all other materials prepared, used or submitted in connection
6 with the proposal are confidential and are not subject to public review until the period for
7 accepting proposals has expired.

8 **Sec. 4. Independent Review Advisory Committee. Resolved:** That the
9 Independent Review Advisory Committee is established to advise the office and joint
10 standing committee on matters related to developing a request for proposals and
11 administering the contract entered into pursuant to this resolve. The advisory committee
12 consists of the following members:

- 13 1. The Commissioner of Education or the commissioner's designee;
- 14 2. The Commissioner of Health and Human Services or the commissioner's designee;
- 15 3. One member who is a contracted service provider of early intervention and free,
16 appropriate public education services appointed by the President of the Senate from a list
17 provided by the Maine Association for Community Service Providers;
- 18 4. One member who is a representative of a Head Start agency or program,
19 representing Head Start programs in the State appointed by the President of the Senate
20 from a list provided by the Maine Head Start Directors Association;
- 21 5. One member who is a teacher in an early childhood education program for children
22 4 years of age that includes coordination of programs and services for eligible children
23 within a public elementary school from a large school administrative unit appointed by
24 the President of the Senate from a list provided by the Maine Education Association;
- 25 6. One member who is a principal of a public elementary school of an urban school
26 administrative unit that has implemented an early childhood education program for
27 children 4 years of age that includes coordination of programs and services for eligible
28 children appointed by the President of the Senate from a list provided by the Maine
29 Principals' Association;
- 30 7. One member appointed by the President of the Senate from a list provided by the
31 Maine Developmental Disabilities Council, established in the Maine Revised Statutes,
32 Title 5, section 12004-I, subsection 66;
- 33 8. One member representing a statewide association of speech, language and hearing
34 therapists appointed by the President of the Senate from a list provided by the Maine
35 Speech Language Hearing Association;
- 36 9. One member who is a parent of a child with a disability between 3 years of age and
37 5 years of age appointed by the Speaker of the House from a list provided by the Maine
38 Parent Federation;
- 39 10. One member who is a representative of a child care program appointed by the
40 Speaker of the House from a list provided by the Maine Association for the Education of
41 Young Children;

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1 11. One member who is a special education director from a small school
2 administrative unit appointed the Speaker of the House from a list provided by the Maine
3 Administrators of Services for Children with Disabilities;

4 12. One member who is a superintendent of a rural school administrative unit that
5 has implemented an early childhood education program for children 4 years of age that
6 includes coordination of programs and services for eligible children appointed by the
7 Speaker of the House from a list provided by the Maine School Superintendents
8 Association; and

9 13. One member representing a statewide association of occupational therapists
10 appointed by the Speaker of the House from a list provided by the Maine Occupational
11 Therapy Association.

12 The advisory committee shall elect a chair from among its members. The office shall
13 provide to the members of the joint standing committee notice of the meetings of the
14 office with the advisory committee so that members of the joint standing committee may
15 attend.

16 **Sec. 5. Scope of the review. Resolved:** That the contract entered into pursuant
17 to section 1 must require an objective evaluation of the State's early childhood special
18 education services from birth to 5 years of age. The evaluation must include, but is not
19 limited to, comparisons between this State and other comparable states and an
20 implementation plan for the transition of services from the Child Development Services
21 System under the Maine Revised Statutes, Title 20-A, section 7209 to local school
22 administrative units and must address the following:

23 1. National trends and relevant models of governing and delivering early childhood
24 special education systems in other states and jurisdictions that hold the potential for
25 enhancing the effectiveness, efficiency or accountability of the early childhood special
26 education system in the State;

27 2. The short-term and long-term costs and benefits of the proposed plan to restructure
28 the Child Development Services System as presented to the Legislature in An Act To
29 Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years
30 of Age, L.D. 1715 from the First Regular Session of the 129th Legislature;

31 3. The impact that the proposed plan will have on the following:
32 A. Current Child Development Services System staff, including but not limited to the
33 potential impact on staff retirement and how any negative impact on staff retirement
34 can be reduced or eliminated and whether Child Development Services System
35 employees would become employees of the local school administrative unit or the
36 State;

37 B. Current school administrative unit staff;

38 C. The provision of services for children birth to 3 years of age; and

39 D. Due process complaints;

40 4. The development of recommendations for an early childhood special education
41 services program plan for the State, which must include, but is not limited to:

42 A. Models of best practices;

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- 1 B. Fiscally sound budget forecasting, including all possible revenue streams and
- 2 updated costs;
- 3 C. Transportation services;
- 4 D. Data systems, including a billing system, a system that allows coordination with
- 5 the MaineCare program and a case management documentation system;
- 6 E. A timeline for the implementation of the plan under this section;
- 7 F. A procedure for data collection and analysis conducted by the Maine Education
- 8 Policy Research Institute;
- 9 G. A method for assessing a school administrative unit's capacity for implementing
- 10 early childhood special education programs;
- 11 H. Training requirements for service providers and leaders;
- 12 I. A public information communication strategy for implementation of the plan;
- 13 J. Identification of potential revisions to the Department of Health and Human
- 14 Services rule Chapter 101: MaineCare Benefits Manual; and
- 15 K. Workforce capacity, including but not limited to the availability of certified
- 16 teachers; and
- 17 5. A step-by-step implementation plan for the transition of special education services
- 18 for children from birth to 3 years of age to the Department of Education and a step-by-
- 19 step implementation plan for the transition of special education services for children 3
- 20 years of age to 5 years of age to local school administrative units, including but not
- 21 limited to the resources required, both human and financial, and a detailed timeline.

22 **Sec. 6. General requirements of the review. Resolved:** That the contract

23 entered into pursuant to section 1 must require:

24 1. A review of previous studies and available data related to early childhood special

25 education, including but not limited to the findings and recommendations of the

26 Subcommittee To Study Early Childhood Special Education in its January 2007 report

27 and the findings and recommendations of the Office of Program Evaluation and

28 Government Accountability in its July 2012 report on child development services; and

29 2. The selected research and technical assistance entity to provide opportunities for

30 input from education stakeholder groups in the State as part of its evaluation.

31 The Department of Education, the Department of Administrative and Financial

32 Services, Bureau of Revenue Services and the Education Research Institute established in

33 the Maine Revised Statutes, Title 20-A, section 10 shall provide the selected research and

34 technical assistance entity with access to previous reports on school funding in the State

35 and access to database information necessary to carry out the evaluation.

36 **Sec. 7. Preliminary and final reports. Resolved:** That the research and

37 technical assistance entity selected to conduct the independent review pursuant to this

38 resolve shall present a preliminary report of the results of the review under sections 5 and

39 6 to the joint standing committee no later than April 1, 2020. The selected research and

40 technical assistance entity shall present a final report to the joint standing committee by

41 December 1, 2020. The joint standing committee of the Legislature having jurisdiction

COMMITTEE AMENDMENT

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over education matters may submit a bill relating to the final report to the First Regular Session of the 130th Legislature.

Sec. 8. Committee meetings authorized. Resolved: That the joint standing committee may meet up to 4 times to carry out its responsibilities under this resolve.

Sec. 9. Transfer from Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account; General Fund unappropriated surplus; fiscal year 2019-20. Resolved: That, notwithstanding any provision of law to the contrary, the State Controller shall transfer \$200,000 from the Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education to the General Fund unappropriated surplus no later than July 31, 2019.

Sec. 10. Transfer from Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account; General Fund unappropriated surplus; fiscal year 2020-21. Resolved: That, notwithstanding any provision of law to the contrary, the State Controller shall transfer \$300,000 from the Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education to the General Fund unappropriated surplus no later than July 31, 2020.

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

LEGISLATURE

Legislature 0081

Initiative: Provides one-time funds for an independent review of Maine's early childhood special education services.

| | | |
|---------------------------|------------------|------------------|
| GENERAL FUND | 2019-20 | 2020-21 |
| All Other | \$200,000 | \$300,000 |
| GENERAL FUND TOTAL | \$200,000 | \$300,000 |

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

SUMMARY

This amendment authorizes the Legislature, through the Joint Standing Committee on Education and Cultural Affairs, to contract with a qualified research and technical assistance entity to conduct an independent review of Maine's early childhood special education services. This amendment authorizes the Office of the Executive Director of the Legislative Council, at the direction of the Joint Standing Committee on Education

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COMMITTEE AMENDMENT "A" to H.P. 369, L.D. 512

1 and Cultural Affairs, to develop and administer a request for proposals process to award a
2 contract for the independent review. The amendment also adds an appropriations and
3 allocations section.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**



129th MAINE LEGISLATURE

LD 512

LR 991(02)

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

**Fiscal Note for Bill as Amended by Committee Amendment *A(H-561)*
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes**

Fiscal Note

| | FY 2019-20 | FY 2020-21 | Projections FY 2021-22 | Projections FY 2022-23 |
|-----------------------------------|-------------|-------------|---------------------------|---------------------------|
| Net Cost (Savings) | | | | |
| General Fund | \$0 | \$0 | \$0 | \$0 |
| Appropriations/Allocations | | | | |
| General Fund | \$200,000 | \$300,000 | \$0 | \$0 |
| Transfers | | | | |
| General Fund | \$200,000 | \$300,000 | \$0 | \$0 |
| Other Special Revenue Funds | (\$200,000) | (\$300,000) | \$0 | \$0 |

Fiscal Detail and Notes

The bill provides a one-time appropriation of funds to the Legislature of \$200,000 in fiscal year 2019-20 and \$300,000 in fiscal year 2020-21 for an independent review of Maine's early childhood special education services. The bill also requires the State Controller to transfer \$200,000 in fiscal year 2019-20 and \$300,000 in fiscal year 2020-21 from the Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education to the General Fund unappropriated surplus.

Any additional costs to the Department of Education and the Department of Health and Human Services for the Commissioners or their designees to serve on the advisory committee are expected to be minor and can be absorbed within existing budgeted resources.