

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 512

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H.P. 369

House of Representatives, January 31, 2019

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

(EMERGENCY)

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FARNSWORTH of Portland.  
Cosponsored by Senator MOORE of Washington and  
Representatives: BRENNAN of Portland, EVANGELOS of Friendship, HANDY of Lewiston,  
McCREA of Fort Fairfield, RECKITT of South Portland, SAMPSON of Alfred, TALBOT  
ROSS of Portland, Senator: SANBORN, L. of Cumberland.

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

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

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

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

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

19          **Sec. 2. Task force membership. Resolved:** That, notwithstanding Joint Rule  
20 353, the task force consists of 23 members appointed as follows:

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

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

26           3. Seventeen members appointed as follows:

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

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

34           C. One member who provides direct services as a staff member of the Child  
35 Development Services System under the Maine Revised Statutes, Title 20-A, section  
36 7209, appointed by the Speaker of the House;

- 1 D. One member who is a representative of a Head Start agency or program in the  
2 State, representing Head Start programs in Maine, appointed by the President of the  
3 Senate;
- 4 E. One member who is a representative of a child care program, appointed by the  
5 Speaker of the House;
- 6 F. Two members who are teachers in early childhood education programs for  
7 children 4 years of age that include coordination of programs and services for eligible  
8 children within a public elementary school, one from a large school administrative  
9 unit and one from a small school administrative unit, representing the Maine  
10 Education Association, appointed by the President of the Senate;
- 11 G. Two members who are special education directors, one from a large school  
12 administrative unit and one from a small school administrative unit, representing the  
13 Maine Administrators of Services for Children with Disabilities, appointed by the  
14 President of the Senate;
- 15 H. One member who is a principal of a public elementary school of a small school  
16 administrative unit that has implemented an early childhood education program for  
17 children 4 years of age that includes coordination of programs and services for  
18 eligible children, representing the Maine Principals' Association, appointed by the  
19 Speaker of the House;
- 20 I. One member who serves as a superintendent of a large school administrative unit  
21 that has implemented an early childhood education program for children 4 years of  
22 age that includes coordination of programs and services for eligible children,  
23 representing the Maine School Superintendents Association, appointed by the  
24 Speaker of the House;
- 25 J. One member who serves as a school board member of a school administrative unit  
26 that has implemented an early childhood education program for children 4 years of  
27 age that includes coordination of programs and services for eligible children,  
28 appointed by the Speaker of the House;
- 29 K. One member representing the Maine Developmental Disabilities Council,  
30 established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 66,  
31 appointed by the Speaker of the House;
- 32 L. One member representing pediatricians, appointed by the President of the Senate;
- 33 M. One member representing a statewide association of occupational therapists,  
34 appointed by the President of the Senate; and
- 35 N. One member representing a statewide association of speech, language and hearing  
36 therapists, appointed by the Speaker of the House;
- 37 4. The Commissioner of Education or the commissioner's designee; and
- 38 5. The Commissioner of Health and Human Services or the commissioner's designee.

1           **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate  
2 chair and the first-named House of Representatives member is the House chair of the task  
3 force.

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

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

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

17           2. The short-term and long-term costs and benefits of the Department of Education's  
18 proposed plan to restructure the Child Development Services System as presented by the  
19 Commissioner of Education to the Legislature in Legislative Document 1870 in the  
20 Second Regular Session of the 128th Legislature;

21           3. The findings and recommendations of the Subcommittee To Study Early  
22 Childhood Special Education in its January 2007 report;

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

25           5. Any other issues the task force determines to be useful or necessary concerning  
26 early childhood special education systems matters.

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

30           1. Models of best practices;

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

33           3. Transportation services;

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

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

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

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

5 8. Training requirements for service providers and leaders;

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

7 10. Identification of potential revisions to the Department of Health and Human  
8 Services rule Chapter 101: MaineCare Benefits Manual.

9 **Sec. 7. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the  
10 Legislative Council shall provide staffing assistance to the task force, except that  
11 Legislative Council staff support is not authorized when the Legislature is in regular or  
12 special session.

13 **Sec. 8. Compensation. Resolved:** That legislative members of the task force are  
14 entitled to receive the legislative per diem and reimbursement for travel and other  
15 necessary expenses related to their attendance at authorized meetings of the task force.  
16 Notwithstanding Joint Rule 353, other members of the task force may not receive  
17 compensation for their participation on the task force.

18 **Sec. 9. Report. Resolved:** That, no later than December 4, 2019, the task force  
19 shall submit a report containing its findings, recommendations and plan, including  
20 suggested legislation, for presentation to the Joint Standing Committee on Education and  
21 Cultural Affairs. The Joint Standing Committee on Education and Cultural Affairs may  
22 submit a bill to the Second Regular Session of the 129th Legislature.

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

## 25 SUMMARY

26 This resolve establishes the Task Force To Study and Plan for the Implementation of  
27 Maine's Early Childhood Special Education Services to examine the national trends and  
28 relevant models of governing and delivering early childhood special education systems  
29 and the short-term and long-term costs and benefits to the Department of Education's  
30 proposed plan to restructure the Child Development Services System and to make  
31 recommendations for an early childhood special education services program plan.