

# MAINE STATE LEGISLATURE

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Date: 4-19-22

(Filing No. H-1031)

REPORT

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1531, L.D. 2039, "An Act To Reorganize the Provision of Services for Infants, Toddlers and Children with Disabilities from Birth to 6 Years of Age and Extend the Age of Eligibility under the Federal Individuals with Disabilities Education Act to 22 Years of Age"

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

'Resolve, Directing the Department of Education To Establish an Early Childhood Special Education Services Transition Task Force'

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

Sec. 1. Outside facilitator. Resolved: That the Department of Education shall hire an outside facilitator to convene the task force established in section 2 to facilitate the duties of the task force no later than 60 days after the effective date of this resolve. The department shall use existing resources designated for the transition or reorganization of the provision of services for infants, toddlers and children with disabilities from birth to 6 years of age to hire the facilitator under this section.

Sec. 2. Early Childhood Special Education Services Transition Task Force established; duties; report. Resolved: That the Early Childhood Special Education Services Transition Task Force, referred to in this resolve as "the task force," is established. The facilitator hired under section 1 shall appoint the following members based on the recommendations provided and convene the task force no later than 30 days after being hired.

1. Membership. The task force consists of 15 members, as follows:

A. Two members representing the Department of Education, one representing the provision of services under Part C of the federal Individuals with Disabilities Education Act and one representing the provision of services under Part B, Section 619 of the federal Individuals with Disabilities Education Act;

B. A member representing the Department of Health and Human Services, Office of MaineCare Services;

COMMITTEE AMENDMENT

ROS

- 1 C. A superintendent of a rural school administrative unit, recommended by the Maine
- 2 School Superintendents Association;
- 3 D. A principal of an urban public elementary school, recommended by the Maine
- 4 Principals' Association;
- 5 E. A teacher in a public prekindergarten program from a large school administrative
- 6 unit, recommended by the Maine Education Association;
- 7 F. A special education director from a small school administrative unit, recommended
- 8 by the Maine Administrators of Services for Children with Disabilities;
- 9 G. A member representing the Maine Developmental Disabilities Council;
- 10 H. Two parents with children 3 years of age to under 6 years of age, recommended by
- 11 the Maine Parent Federation;
- 12 I. A contracted service provider of early intervention services, recommended by the
- 13 Maine Association for Community Service Providers;
- 14 J. A Head Start program director, recommended by the Maine Head Start Association;
- 15 K. A member representing the Maine Association for the Education of Young
- 16 Children;
- 17 L. A child development services system staff member providing services under Part B
- 18 of the federal Individuals with Disabilities Education Act, recommended by the Maine
- 19 Service Employees Association; and
- 20 M. A member representing the Maine Children's Alliance.

21 **2. Duties.** The task force shall complete the following duties with the assistance of the  
22 facilitator:

- 23 A. Develop a school district readiness assessment tool to assess the readiness and
- 24 capacity of school administrative units to take on the responsibility of providing free,
- 25 appropriate public education for children from 3 years of age to under 6 years of age;
- 26 B. Conduct a community needs and resources assessment to assess the readiness and
- 27 capacity of local service providers to assist school administrative units in taking on the
- 28 responsibility of providing free, appropriate public education for children from 3 years
- 29 of age to under 6 years of age;
- 30 C. Coordinate with all organizations and agencies that provide services to, work with
- 31 or otherwise engage in work relating to early childhood special education to provide
- 32 information, answer questions and develop the process, timeline and implementation
- 33 plan for the transition of the responsibility of providing free, appropriate public
- 34 education for children from 3 years of age to under 6 years of age from the child
- 35 development services system to school administrative units. The process, timeline and
- 36 implementation plan developed under this paragraph must provide that the State will
- 37 fund 100% of the costs that are incurred by school administrative units enrolling
- 38 students receiving services under Part B of the federal Individuals with Disabilities
- 39 Education Act and must address:

- 40 (1) Budgetary details and funding mechanisms;

# COMMITTEE AMENDMENT

ROS

- 1 (2) MaineCare and private insurance billing and any issues regarding requirements
- 2 to obtain parental consent for billing insurance;
- 3 (3) Departmental and legislative reporting requirements;
- 4 (4) Employment of current child development services system employees,
- 5 including but not limited to employment and retirement protections, memoranda
- 6 of understanding with local service providers and the status of and plans for
- 7 appropriate training and educator credentialing;
- 8 (5) Superintendent agreements for students from 3 years of age to under 6 years
- 9 of age for students receiving services outside of the school administrative unit in
- 10 which the student resides;
- 11 (6) Compensatory services;
- 12 (7) Eligibility for and any federal changes to the expansion of the standard
- 13 deviation for qualification of services;
- 14 (8) Labor shortages; and
- 15 (9) Creation of an independent board for the establishment of a state intermediate
- 16 educational unit to serve infants and toddlers with disabilities and who would be
- 17 appointed to that board and how appointments to that board would be made; and
- 18 D. Enhance the implementation of child find services under the federal Individuals
- 19 with Disabilities Education Act.

20 **3. Report.** The task force shall submit status updates to the joint standing committee  
 21 of the Legislature having jurisdiction over education and cultural affairs no later than  
 22 October 1, 2022, December 1, 2022 and February 1, 2023. The joint standing committee is  
 23 authorized to meet upon the receipt of the October 1, 2022 status update. The facilitator  
 24 shall submit a final report no later than April 1, 2023, including findings, recommendations  
 25 and any suggested legislation to the joint standing committee. The joint standing committee  
 26 may submit legislation related to the report to the 131st Legislature in 2023.

27 **Sec. 3. Appropriations and allocations. Resolved:** That the following  
 28 appropriations and allocations are made.

29 **EDUCATION, DEPARTMENT OF**  
 30 **Leadership Team Z077**

31 Initiative: Provides one-time funds for supplies and mileage reimbursement to members of  
 32 the Early Childhood Special Education Services Transition Task Force.

33 <b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
34 All Other	\$0	\$12,980
35		
36 <b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$12,980</b>

37  
 38 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
 39 number to read consecutively.

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**SUMMARY**

This resolve, which is a minority report of the committee bill reported out pursuant to Resolve 2021, chapter 106, establishes the Early Childhood Special Education Services Transition Task Force, names its membership and requires the Department of Education to hire a facilitator from existing resources to facilitate the duties of the task force. Those duties include but are not limited to developing school district readiness and capacity assessments; conducting community needs and resources assessments; coordinating with early childhood special education-related organizations and agencies to provide information, answer questions and develop the process, timeline and implementation plan for the transition of the responsibility of providing free, appropriate public education for children from 3 years of age to under 6 years of age from the child development services system to school administrative units; and enhancing child find. The facilitator must submit 3 status updates to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on October 1, 2022, December 1, 2022 and February 1, 2023 and a final report on April 1, 2023. The joint standing committee may submit legislation related to the report to the 131st Legislature in 2023.

**FISCAL NOTE REQUIRED**

(See attached)



# 130th MAINE LEGISLATURE

LD 2039

LR 2686(02)

## An Act To Reorganize the Provision of Services for Infants, Toddlers and Children with Disabilities from Birth to 6 Years of Age and Extend the Age of Eligibility under the Federal Individuals with Disabilities Education Act to 22 Years of Age

Fiscal Note for Bill as Amended by Committee Amendment *A(H-1031)*

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

### Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$12,980	\$0	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$12,980	\$0	\$0

#### Fiscal Detail and Notes

This bill includes a one-time General Fund appropriation of \$12,980 in fiscal year 2022-23 to the Leadership Team within the Department of Education for the cost of supplies and mileage reimbursement to members of the Early Childhood Special Education Services Task Force to attend meetings to develop a plan to transition the provision of services for children with disabilities from 3 years of age to under 6 years of age from Child Development Services to school administrative units, as well as other duties. The department has indicated that it will require an additional \$5,000 for the services of a facilitator, however, this bill requires the department to utilize the resources provided in Resolve 2021, chapter 106 that were designated for the transition or reorganization of the provision of services for infants, toddlers and children with disabilities from birth to 6 years of age to hire a facilitator. That resolve included a one-time General Fund appropriation of \$177,144 in fiscal year 2021-22 to the department.

Any additional costs to the Department of Health and Human Services from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.