

# MAINE STATE LEGISLATURE

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Date: 4/9/24 Majority

L.D. 345  
(Filing No. H-944)

**EDUCATION AND CULTURAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 219, L.D. 345, "An Act Regarding Educational Policies and Programs"

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

**'An Act to Transition the Responsibility for Child Find Activities and for Ensuring a Free, Appropriate Public Education for Eligible Children from the Child Development Services System to School Administrative Units'**

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

**'Sec. 1. 20-A MRSA §7001, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:**

**1. Agency.** "Agency" means ~~an~~ a public, quasi-governmental or private agency, school, organization, facility or institution.

**Sec. 2. 20-A MRSA §7001, sub-§1-A, as amended by PL 2011, c. 655, Pt. OO, §1, is further amended to read:**

**1-A. Child Development Services System.** "Child Development Services System" means the state intermediate educational unit under section 7209, subsection 3, ~~and any regional sites it chooses to establish and maintain,~~ to ensure the provision of child find activities, early intervention services and when designated by the commissioner, free, appropriate public education services to eligible children.

**Sec. 3. 20-A MRSA §7001, sub-§1-D is enacted to read:**

**1-D. Child eligible under Part B, Section 619.** "Child eligible under Part B, Section 619" means a child who is at least 3 years of age and under 6 years of age who has not entered kindergarten and who requires special education and related services in order to access a free, appropriate public education in the least restrictive environment.

**Sec. 4. 20-A MRSA §7001, sub-§2-D is enacted to read:**

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1 2-D. Individualized family service plan. "Individualized family service plan" means  
2 a plan to provide early intervention services in accordance with Part C to an infant or  
3 toddler with a disability or to the infant's or toddler's family in the natural setting.

4 **Sec. 5. 20-A MRSA §7001, sub-§2-E** is enacted to read:

5 2-E. Natural setting. "Natural setting" means the home, child care or other  
6 community setting of the infant or toddler with a disability. "Natural setting" does not  
7 include a preschool setting.

8 **Sec. 6. 20-A MRSA §7001, sub-§3-A** is enacted to read:

9 3-A. Part B, Section 619. "Part B, Section 619" means Part B, Section 619 of the  
10 federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400  
11 et seq.

12 **Sec. 7. 20-A MRSA §7001, sub-§3-B** is enacted to read:

13 3-B. Part C. "Part C" means Part C of the federal Individuals with Disabilities  
14 Education Act, 20 United States Code, Section 1400 et seq. under which early intervention  
15 services are provided in the natural setting for infants and toddlers with disabilities.

16 **Sec. 8. 20-A MRSA §7001, sub-§3-C** is enacted to read:

17 3-C. Extended Part C option. "Extended Part C option" means the option under Part  
18 C that allows the family of a child eligible under Part B, Section 619 to continue early  
19 intervention programming on or after the child's 3rd birthday by remaining in the natural  
20 setting and continuing to receive services through an individualized family service plan.

21 **Sec. 9. 20-A MRSA §7001, sub-§4-C** is enacted to read:

22 4-C. Regional support and service hub. "Regional support and service hub" means  
23 a support and service hub established by the Child Development Services System in  
24 accordance with section 7211.

25 **Sec. 10. 20-A MRSA §7001, sub-§6-A** is enacted to read:

26 6-A. State intermediate educational unit. "State intermediate educational unit"  
27 means the Child Development Services System under subsection 1-A.

28 **Sec. 11. 20-A MRSA §7006, as enacted by PL 2005, c. 662, Pt. A, §20, is amended**  
29 **to read:**

30 **§7006. Responsibility**

31 The Department of Education is designated as the state education agency responsible  
32 for carrying out the State's obligations under the federal Individuals with Disabilities  
33 Education Act, 20 United States Code, Section 1400 et seq., as amended. The department  
34 and every school administrative unit, intermediate educational unit, public school or other  
35 public agency that receives federal or state funds to provide early intervention or free,  
36 appropriate public education services to children with disabilities shall comply with the  
37 federal Individuals with Disabilities Education Act, as amended, and all federal regulations  
38 adopted under the Act.

39 1. Responsibility for Part C. The commissioner shall designate responsibility for  
40 ensuring child find activities and early intervention services under Part C for children from  
41 birth until 3 years of age, or until the start of the school year in which the child is 4 years

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1 of age if the extended Part C option is selected by the family of the child, to the Child  
2 Development Services System.

3 2. Responsibility for Part B, Section 619. Until June 30, 2028, the commissioner  
4 shall designate responsibility for child find activities and for ensuring a free, appropriate  
5 public education for children eligible under Part B, Section 619 to the Child Development  
6 Services System or to school administrative units in accordance with the transition schedule  
7 and supports under section 7209-A. Beginning July 1, 2028, the commissioner shall  
8 designate responsibility for child find activities and for ensuring a free, appropriate public  
9 education for children eligible under Part B, Section 619 to school administrative units.

10 3. Service provision. A school administrative unit that has been designated to have  
11 responsibility for child find activities and for ensuring a free, appropriate public education  
12 for children eligible under Part B, Section 619 pursuant to subsection 2 may directly  
13 provide special education and related services to children eligible under Part B, Section  
14 619 and may contract with public and private providers to provide special education and  
15 related services. A school administrative unit may also access the school administrative  
16 unit's regional support and service hub to provide certain services as delineated in a  
17 memorandum of understanding between the department and the school administrative unit.

18 4. Exception. Notwithstanding subsection 2, if the commissioner determines that a  
19 school administrative unit is unable to assume responsibility for child find activities and  
20 for ensuring a free, appropriate public education for children eligible under Part B, Section  
21 619 pursuant to subsection 2, the commissioner may establish a modified plan for that  
22 school administrative unit in managing those children.

23 5. Annual report. The department shall report annually by March 1st to the joint  
24 standing committee of the Legislature having jurisdiction over education matters. The  
25 report must include, for school administrative units, each of the components required of the  
26 Child Development Services System pursuant to section 7209, subsection 4, paragraph E.  
27 The joint standing committee of the Legislature having jurisdiction over education matters  
28 may report out a bill related to the report to the session of the Legislature in which the  
29 report is received.

30 **Sec. 12. 20-A MRSA §7209, sub-§3,** as amended by PL 2011, c. 655, Pt. OO, §4,  
31 is further amended to read:

32 **3. State intermediate educational unit establishment; administrative functions.**  
33 The commissioner shall establish and supervise the state intermediate educational unit. The  
34 state intermediate educational unit is established as a body corporate and politic and as a  
35 public instrumentality of the State for the purpose of conducting child find activities as  
36 provided in 20 United States Code, Section 1412 (a) (3) for children from birth to under 6  
37 years of age; and ensuring the provision of early intervention services for eligible children  
38 from birth to under 3 years of age and ensuring for eligible children until the start of the  
39 school year when they are 4 years of age if the extended Part C option is selected by the  
40 child's family. The state intermediate educational unit shall also ensure a free, appropriate  
41 public education for eligible children at least 3 years of age and under 6 years of age, where  
42 designated as the responsible agency by the commissioner. The state intermediate  
43 educational unit shall perform the following statewide coordination and administration  
44 functions:

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- 1 A. Establish standard policies and procedures for a statewide salary and benefits
- 2 administration system, including personnel classifications, position descriptions and
- 3 salary ranges, and a standard package of health, retirement and other fringe benefits for
- 4 Child Development Services System personnel, beginning in fiscal year 2006-07;
- 5 B. Develop a statewide salary and benefits administration system and perform the
- 6 payroll functions for Child Development Services System personnel;
- 7 B-1. Bargain collectively under Title 26, chapter 9-A if the employees of the regional
- 8 sites choose to be represented by an agent for purposes of collective bargaining. In
- 9 such circumstances, the state intermediate educational unit must be considered the
- 10 public employer for purposes of collective bargaining;
- 11 C. Establish a centralized system for statewide fiscal administration to be implemented
- 12 by September 1, 2006. The state intermediate educational unit shall establish internal
- 13 controls and implement accounting policies and procedures in accordance with
- 14 standards set forth by the State Controller;
- 15 D. Develop and implement a centralized data management system to be fully
- 16 operational beginning July 1, 2007;
- 17 E. Establish a standard, statewide template for regional site contracts with therapeutic
- 18 service providers, including policies and procedures for the review of contracts,
- 19 beginning in fiscal year 2006-07;
- 20 F. Refine program accountability standards for compliance with federal mandates,
- 21 including the development of a performance review system to monitor and improve
- 22 regional site performance through the use of efficiency ratings aligned with the
- 23 accountability standards and through a compliance plan that requires the regional site
- 24 to address the unmet needs of eligible children in accordance with specific targets and
- 25 time frames;
- 26 G. Design and implement a statewide plan to provide professional development and
- 27 training to Child Development Services System personnel;
- 28 H. Employ professional and other personnel at the state level and at the regional sites,
- 29 including those necessary to ensure the implementation of the centralized fiscal and
- 30 data management systems. All state intermediate educational unit employees are
- 31 employees for the purposes of the Maine Tort Claims Act; and
- 32 I. Enter into contracts, leases and agreements and any other instruments and
- 33 arrangements that are necessary, incidental or convenient to the performance of its
- 34 duties and the execution of its powers under this chapter.

35 **Sec. 13. 20-A MRSA §7209, sub-§3-A**, as amended by PL 2017, c. 284, Pt.  
36 AAAAAA, §§1 and 2, is further amended to read:

37 **3-A. State intermediate educational unit; program functions.** The state  
38 intermediate educational unit established pursuant to subsection 3, through a network of  
39 regional sites ~~as appropriate, where designated by the commissioner~~, shall:

- 40 A. Engage in child find activities as required by the federal Individuals with
- 41 Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

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1 B. Engage in child count activities as required by the federal Individuals with  
2 Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

3 C. Engage in appropriate data collection, training, staff development and direct service  
4 provision to eligible children with disabilities, from birth to under 3 years of age or  
5 until the start of the school year when a child is 4 years of age if the extended Part C  
6 option is selected by the child's family, in accordance with Part C of the federal  
7 Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et  
8 seq.;

9 D. Ensure that eligible children with disabilities, from birth to under 3 years of age,  
10 receive early intervention services, in accordance with the payment provisions  
11 established by the State;

12 E. Ensure that eligible children with disabilities, from 3 years of age to under 6 years  
13 of age, receive free, appropriate public education services and, when a local school  
14 administrative unit has assumed responsibility for child find activities and for ensuring  
15 a free, appropriate public education, provide services to support school administrative  
16 units in carrying out that responsibility in accordance with a memorandum of  
17 understanding between the department and the school administrative unit;

18 F. Coordinate with eligible families the development of individualized family service  
19 plans for children with disabilities from birth to 2 years of age or until the start of the  
20 school year when the child is 4 years of age if the extended Part C option is selected  
21 or, when designated by the commissioner, coordinate an individualized education  
22 program for a child 3 years of age to under 6 years of age;

23 G. Ensure that children from birth until 6 years of age who are referred to the Child  
24 Development Services System also receive appropriate referrals for support outside of  
25 the system, including appropriate public and private programmatic resources,  
26 regardless of a child's eligibility for early intervention or free, appropriate public  
27 education; and

28 H. Engage in appropriate training and staff development for identification of and to  
29 provide intervention services for children with autism.

30 **Sec. 14. 20-A MRSA §7209, sub-§4, ¶E**, as enacted by PL 2013, c. 338, §1, is  
31 amended by amending subparagraph (6) to read:

32 (6) A description of current and emerging trends and challenges that are having an  
33 effect on or are expected to have an effect on costs, services or service delivery  
34 methods of the Child Development Services System; and

35 **Sec. 15. 20-A MRSA §7209, sub-§4, ¶F**, as enacted by PL 2013, c. 338, §1, is  
36 amended by amending subparagraph (2) to read:

37 (2) Monthly actual and budgeted expenditures by funding source and by  
38 expenditure category for the prior month; and

39 **Sec. 16. 20-A MRSA §7209, sub-§4, ¶G** is enacted to read:  
40 G. To aid in the transition of responsibility for child find activities and for ensuring a  
41 free, appropriate public education in the least restrictive environment from the Child  
42 Development Services System to school administrative units pursuant to section  
43 7209-A and to coordinate services to be provided through memoranda of understanding

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1 between the department and school administrative units in carrying out responsibilities  
2 under Part B, Section 619.

3 **Sec. 17. 20-A MRSA §7209-A** is enacted to read:

4 **§7209-A. Transition of responsibility for ensuring a free, appropriate public**  
5 **education for children eligible under Part B, Section 619**

6 In order to meet the requirement that, beginning July 1, 2028, all school administrative  
7 units are designated as responsible for child find activities and for ensuring a free,  
8 appropriate public education for children eligible under Part B, Section 619 pursuant to  
9 section 7006, the following transition schedule and supports apply.

10 **1. Transition year one.** Beginning July 1, 2024, school administrative units may be  
11 approved by the commissioner to assume the responsibility for child find activities and for  
12 ensuring a free, appropriate public education for children eligible under Part B, Section  
13 619. The department shall approve readiness plans in accordance with subsection 8 and  
14 shall provide professional learning in working with young children and their families and  
15 technical support throughout the planning and implementation of the first year to assist  
16 school administrative units to prepare to meet the standards of the readiness plans. Funding  
17 must be provided to school administrative units on a quarterly basis in accordance with  
18 section 7303. Prior to a school administrative unit assuming responsibilities for child find  
19 activities and for ensuring a free, appropriate public education, the department shall  
20 establish a memorandum of understanding with the school administrative unit to determine  
21 the services to be provided by the department and the regional support and service hub.  
22 The memorandum of understanding must be reviewed and updated in response to  
23 unanticipated needs each month. The department shall contract with a national expert to  
24 regularly monitor funding and programming and recommend changes to be considered as  
25 part of the transition year one activities.

26 **2. Additional transition years.** During the 2025-2026, 2026-2027 and 2027-2028  
27 school years, the commissioner shall approve school administrative units in addition to  
28 those approved under subsection 1 to assume responsibility for child find activities and for  
29 ensuring a free, appropriate public education. The department shall provide professional  
30 learning, funding and technical assistance in the same manner as provided to school  
31 administrative units in subsection 1.

32 **3. Additional time for certain school administrative units.** If the commissioner  
33 determines that a school administrative unit is not able to assume responsibility for child  
34 find activities and for ensuring a free, appropriate public education by July 1, 2028 because  
35 the school administrative unit requires additional time and support in regions where related  
36 services and staffing are not available to support the transition, the commissioner shall  
37 provide that school administrative unit with necessary resources and an additional year to  
38 assume responsibility for child find activities and for ensuring a free, appropriate public  
39 education. If the school administrative unit cannot assume responsibility for child find  
40 activities and for ensuring a free, appropriate public education, as determined by the  
41 commissioner, the school administrative unit may qualify for a modified plan for managing  
42 children eligible under Part B, Section 619 in accordance with section 7006, subsection 4.

43 **4. Service provision.** A school administrative unit that has assumed responsibility for  
44 child find activities and for ensuring a free, appropriate public education may directly  
45 provide special education and related services to children eligible under Part B, Section

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1 619, may contract with public and private providers to provide special education and related  
2 services and may access the school administrative unit's regional site or regional support  
3 and service hub to provide certain services as delineated in the memorandum of  
4 understanding between the school administrative unit and the department.

5 **5. Transition of Child Development Services System regional sites to regional**  
6 **support and service hubs.** When a school administrative unit is responsible for child find  
7 activities and for ensuring a free, appropriate public education, the Child Development  
8 Services System site in that region shall transition to serve as a regional support and service  
9 hub to meet the requirements of section 7212 and to make necessary services and supports  
10 available in accordance with a memorandum of understanding developed between the  
11 department and the school administrative unit before the transition of responsibility occurs.  
12 The regional support and service hubs must be aligned with the 9 superintendent regions  
13 established by the statewide association of superintendents.

14 **6. Annual report.** Beginning March 1, 2025 and in each subsequent year of the  
15 transition phase in subsections 1 to 3, the department shall submit a report to the joint  
16 standing committee of the Legislature having jurisdiction over education matters. The  
17 report must include data and information regarding the number of school administrative  
18 units that have assumed responsibility for child find activities and for ensuring a free,  
19 appropriate public education and progress on the implementation of the transition under  
20 this section. During the transition, this report must include the annual report requirements  
21 under section 7006, subsection 5. The joint standing committee of the Legislature having  
22 jurisdiction over education matters may report out a bill related to the report to the session  
23 of the Legislature in which the report is received.

24 **7. Due process and compensatory services; review.** The Child Development Services  
25 System is responsible for ensuring due process and shall pay 100% of costs for  
26 compensatory services for children eligible under Part B, Section 619 who have been  
27 underserved through the Child Development Services System. The Child Development  
28 Services System shall conduct a review of the files of children eligible under Part B, Section  
29 619 to determine whether legally required special education and related services have been  
30 provided. The review must be conducted for children eligible under Part B, Section 619:

31 A. Who are entering kindergarten; and

32 B. For whom responsibility for a free, appropriate public education is being transferred  
33 to a school administrative unit. For children eligible under this subsection, the review  
34 must be conducted prior to the school administrative unit assuming responsibility for  
35 child find activities and for ensuring a free, appropriate public education.

36 If legally required special education and related services have not been provided or have  
37 only partially been provided, the Child Development Services System shall schedule an  
38 individualized education program meeting to determine the compensatory services that are  
39 warranted and to develop a plan to provide necessary compensatory services.

40 **8. Readiness plans; assessment.** Before a school administrative unit may be approved  
41 by the commissioner to assume the responsibility for child find activities and for ensuring  
42 a free, appropriate public education for children eligible under Part B, Section 619, the  
43 department shall assess the school administrative unit's readiness plan. The school  
44 administrative unit's readiness plan must include, but is not limited to:



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- 1        A. The requirements for basic approval standards for public preschool programs
- 2        established by applicable department rule;
- 3        B. Whether the school administrative unit has an existing public preschool program
- 4        and, if so, whether the school administrative unit has plans to expand that program;
- 5        C. Prior, ongoing and future professional development on early learning and
- 6        development and best practices for district administrators, leadership, staff and
- 7        educators;
- 8        D. Assurance of providing special education and related services in the least restrictive
- 9        environment; and
- 10       E. A preschool enrollment policy, if any.

11       9. Parental advisory committees. The Child Development Services System may

12       establish parental advisory committees at each of the 9 regional support and service hubs.

- 13       A. The majority of each of the parental advisory committee's membership must be
- 14       parents. The rest of the membership of the parental advisory committees must reflect
- 15       representatives from the regional support and service hubs, school administrative units
- 16       and statewide associations dedicated to assisting parents and families of persons with
- 17       disabilities. Members of the parental advisory committees are not entitled to
- 18       compensation.
- 19       B. The parental advisory committees shall seek input and feedback, to the greatest
- 20       extent possible and from a broad array of parents from diverse geographic regions of
- 21       the State, on the implementation of child find activities and the provision of special
- 22       education and related services to children eligible under Part B, Section 619. The Child
- 23       Development Services System shall assist the parental advisory committees in
- 24       establishing a method for parents to communicate directly with the parental advisory
- 25       committees to provide feedback.

26       Beginning March 1, 2025 and annually thereafter, the Child Development Services System

27       shall submit a report to the joint standing committee of the Legislature having jurisdiction

28       over education matters, which must include, but is not limited to, the number of parental

29       advisory committees that have been formed, how often they met during the prior year and

30       the number of individuals who have participated. The report may also include findings and

31       recommendations from the parental advisory committees regarding the implementation of

32       child find activities and the provision of free, appropriate public education for children

33       eligible under Part B, Section 619. The joint standing committee of the Legislature having

34       jurisdiction over education matters may report out a bill related to the report to the session

35       of the Legislature in which the report was received.

36       **Sec. 18. 20-A MRS §7211 is enacted to read:**

37       **§7211. Regional support and service hubs**

38       The Child Development Services System shall establish 9 regional support and service

39       hubs that are aligned with each of the 9 superintendent regions established by the statewide

40       association of superintendents. The regional support and service hubs shall provide

41       supports and resources to school administrative units that have assumed the responsibility

42       for child find activities and for providing a free, appropriate public education to children

43       eligible under Part B, Section 619 pursuant to section 7006, subsection 2 and other high-

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1 quality early childhood programs partnering with or otherwise contracted by a school  
2 administrative unit to fulfill the school administrative unit's responsibilities under Part B,  
3 Section 619 pursuant to section 7006, subsection 2 as determined through memoranda of  
4 understanding between the department and the school administrative unit.

5 1. Minimum requirements. Each regional support and service hub shall, at a  
6 minimum, offer the following supports, assistance and resources to the school  
7 administrative units within the superintendent region to which the regional support and  
8 service hub is aligned:

9 A. Assistance with child find activities;

10 B. Training and other professional development opportunities and technical assistance  
11 with the implementation of developmentally appropriate practices for young children,  
12 including, but not limited to, curriculum, screening and assessment selections aligned  
13 with the State's early learning developmental standards, understanding of and  
14 requirements to meet free, appropriate public education and least restrictive  
15 environment standards and best practices for inclusive learning;

16 C. Assistance with establishing and strengthening community partnerships with  
17 existing inclusive, high-quality early childhood programs to help school administrative  
18 units meet federal obligations under Part B, Section 619. High-quality early childhood  
19 programs include, but are not limited to, Head Start programs, private prekindergarten  
20 and child care programs and other community-based programs;

21 D. Assistance with locating transportation services;

22 E. Assistance with administrative tasks associated with the assumption of  
23 responsibility for a free, appropriate public education under Part B, Section 619; and

24 F. Maintenance and coordination of access to credentialed educators and service  
25 providers who are available to school administrative units on a contractual basis,  
26 including, but not limited to, supportive educational technicians; speech, occupational  
27 and physical therapists; assistive technology experts; and board-certified behavioral  
28 experts.

29 2. Guiding principles. In providing supports and resources to school administrative  
30 units that have assumed the responsibility for child find activities and for ensuring a free,  
31 appropriate public education to children eligible under Part B, Section 619 in the least  
32 restrictive environment, the regional support and service hubs shall:

33 A. Ensure that parents of children eligible under Part B, Section 619 are recognized as  
34 collaborative partners, experts and decision makers;

35 B. Provide written information to parents of children eligible under Part B, Section 619  
36 that includes, but is not limited to, information regarding regional and local services  
37 and service providers; other early childhood resources, such as child care providers;  
38 Head Start programs; community-based approaches to improving access to quality  
39 early care and education; resources available through the department and the  
40 Department of Health and Human Services; and other community partners and  
41 resources. Such information must also be made available on any publicly accessible  
42 website associated with the Child Development Services System or the regional  
43 support and service hubs;

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1 C. Emphasize federal and state requirements regarding inclusion and least restrictive  
2 environments;

3 D. Encourage coordination with community partnerships to maximize resources and  
4 provide comprehensive services to meet the needs of children;

5 E. Support and encourage the use of evidence-based supports, including, but not  
6 limited to, behavior analysts and assistive technology;

7 F. Support and encourage the use of a strength-based approach in the support and  
8 provision of services to children eligible under Part B, Section 619;

9 G. Facilitate parental support groups and provide resources for parents dealing with  
10 bullying, difficult family dynamics and behavioral challenges; and

11 H. Convene and assist the parental advisory committees under section 7209-A,  
12 subsection 9.

13 **Sec. 19. 20-A MRS §7212 is enacted to read:**

14 **§7212. Early childhood special education pathways project**

15 The department shall establish the early childhood special education pathways project  
16 as an accelerated graduate program developed around early childhood education to support  
17 teachers in obtaining a master's degree and to provide reimbursement for coursework and  
18 support in obtaining an endorsement on a professional teacher certificate for teachers of  
19 children from birth to 5 years of age with disabilities. The program must be designed to  
20 accommodate 50 participants.

21 **Sec. 20. 20-A MRS §7303 is enacted to read:**

22 **§7303. Per-pupil rate for children eligible under Part B, Section 619**

23 Funding for school administrative units that assume responsibility for child find  
24 activities and for ensuring a free, appropriate public education for children eligible under  
25 Part B, Section 619 pursuant to section 7006, subsection 2 may not be appropriated to or  
26 allocated through general purpose aid for local schools and must be provided at 100% state  
27 share. This funding must be calculated by the commissioner as follows.

28 **1. Per-pupil operating allocation.** The per-pupil operating allocation for children  
29 eligible under Part B, Section 619 must be calculated on a per-pupil basis in the same  
30 manner by which operating allocations are generated in sections 15674, 15675 and 15681.

31 **2. Preschool special education and related services allocation.** The preschool special  
32 education and related services per-pupil allocation must be calculated annually for children  
33 eligible under Part B, Section 619 at the EPS per-pupil rate for each school administrative  
34 unit under section 15676, multiplied by 1.5, for each eligible resident student. This  
35 allocation must be paid at the start of each quarter, based on the estimated student count on  
36 July 1st and adjusted to reflect actual counts on October 1st, with additional adjustments in  
37 subsequent quarters.

38 **3. High-cost placements.** A separate allocation must be determined for high-cost  
39 special education placements for children eligible under Part B, Section 619 in accordance  
40 with this subsection.

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1 A. For high-cost, in-district placements, additional funds must be allocated for each  
2 student estimated to cost more than 2 times the statewide special education preschool  
3 per-pupil rate. The additional funds for each student must equal the amount by which  
4 that student's estimated costs exceed 2 times the statewide special education preschool  
5 per-pupil rate.

6 B. For private school placements, additional funds must be allocated for each student  
7 estimated to cost 4 times the statewide special education preschool per-pupil rate. The  
8 additional funds for each student must equal the amount by which that student's  
9 estimated costs exceed 4 times the statewide special education preschool per-pupil rate.

10 C. For public school, out-of-district placements, additional funds must be allocated for  
11 each student estimated to cost 3 times the statewide special education preschool per-  
12 pupil rate. The additional funds for each student must equal the amount by which that  
13 student's estimated costs exceed 3 times the statewide special education preschool per-  
14 pupil rate.

15 D. For public regional special education program placements, additional funds must be  
16 allocated for each student estimated to cost 2 times the statewide special education  
17 preschool per-pupil rate. The additional funds for each student must equal the amount  
18 by which that student's estimated costs exceed 2 times the statewide special education  
19 preschool per-pupil rate.

20 **Sec. 21. 20-A MRSA §7304** is enacted to read:

21 **§7304. Preschool Special Education Program Fund**

22 1. Fund established. The Preschool Special Education Program Fund, referred to in  
23 this section as "the fund," is established as a nonlapsing fund within the department to  
24 provide funding for general education and special education and related services for  
25 children eligible under Part B, Section 619. The department shall distribute funds through  
26 a quarterly allocation.

27 2. Eligibility requirements. Beginning in fiscal year 2024-25, school administrative  
28 units that have assumed responsibility for child find activities and for ensuring free,  
29 appropriate public education for children eligible under Part B, Section 619 pursuant to  
30 section 7006, subsection 2 are eligible to receive allocations from the fund.

31 3. Purposes. Allocations from the fund may be made to school administrative units  
32 that have assumed the responsibility for child find activities and for ensuring a free,  
33 appropriate public education for special education and related services pursuant to section  
34 7006, subsection 2 as outlined in each child's individualized education program and for  
35 general education costs for children eligible under Part B, Section 619.

36 **Sec. 22. 20-A MRSA §7305** is enacted to read:

37 **§7305. MaineCare billing system**

38 The department shall establish a centralized MaineCare billing system to bill for  
39 eligible services for children eligible under Part B, Section 619. School administrative units  
40 may opt out of participation in the centralized MaineCare billing system.

41 **Sec. 23. Expanded Part C eligibility criteria.** The Department of Education  
42 shall convene a work group to review and recommend expansion of the State's eligibility  
43 criteria under Part C of the federal Individuals with Disabilities Education Act, 20 United

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1 States Code, Section 1400 et seq. and submit a report including findings, recommendations  
2 and suggested legislation to the joint standing committee of the Legislature having  
3 jurisdiction over education matters no later than March 1, 2025. The joint standing  
4 committee of the Legislature having jurisdiction over education matters may report out a  
5 bill related to the report to the 132nd Legislature in 2025.

6 **Sec. 24. Department of Health and Human Services to adopt rules**  
7 **regarding school-related services.** No later than December 31, 2024, the Department  
8 of Health and Human Services shall, within existing resources, amend its rules in Chapter  
9 101: MaineCare Benefits Manual to establish a new section containing the requirements  
10 for the provision of school-related services.

11 **Sec. 25. Department of Education to disseminate information on Maine**  
12 **Public Employees Retirement System retirement.** The Department of Education  
13 shall collaborate with the Maine Public Employees Retirement System to develop and  
14 disseminate guidance for school administrative units, child development services and child  
15 development services employees regarding the capacity of school administrative units to  
16 participate in the Participating Local District Consolidated Retirement Plan and the  
17 potential impacts on social security benefits of teacher plan participation or participating  
18 local district plan participation for potential school administrative unit employees. School  
19 administrative units and the Child Development Services System regional sites and support  
20 and service hubs shall, to the maximum extent possible, include this information on their  
21 publicly accessible websites.

22 **Sec. 26. Department of Education to review Child Development Services**  
23 **System reporting requirements.** The Department of Education shall review the  
24 legislative reporting requirements related to the Child Development Services System and  
25 submit a report, no later than March 1, 2025, including findings, recommendations and  
26 suggested legislation, to the joint standing committee having jurisdiction over education  
27 matters on reporting requirements that must continue for child development services and  
28 revised reporting requirements for the department as school administrative units assume  
29 responsibility for child find activities and free, appropriate public education for children  
30 eligible under Part B, Section 619 of the federal Individuals with Disabilities Education  
31 Act, 20 United States Code, Section 1400 et seq. pursuant to the Maine Revised Statutes,  
32 Title 20-A, section 7006, subsection 2. The joint standing committee of the Legislature  
33 having jurisdiction over education matters may report out a bill related to the report to the  
34 132nd Legislature in 2025.

35 **Sec. 27. Appropriations and allocations.** The following appropriations and  
36 allocations are made.

37 **EDUCATION, DEPARTMENT OF**

38 **Early Childhood Special Education Pathways Project N497**

39 Initiative: Establishes one Education Specialist III position and provides funding for the  
40 early childhood special education pathways project.

41	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
42	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
43	Personal Services	\$0	\$105,404
44	All Other	\$0	\$894,596

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COMMITTEE AMENDMENT "A" to H.P. 219, L.D. 345

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GENERAL FUND TOTAL \_\_\_\_\_ \$0 \_\_\_\_\_ \$1,000,000

**Preschool Special Education Z399**

Initiative: Provides ongoing funds to establish the Preschool Special Education Program Fund supporting special education and related services for preschool children 3 to 5 years of age.

**GENERAL FUND** 2023-24 2024-25  
All Other \$0 \$9,000,000

GENERAL FUND TOTAL \_\_\_\_\_ \$0 \_\_\_\_\_ \$9,000,000

**EDUCATION, DEPARTMENT OF  
DEPARTMENT TOTALS**

2023-24 2024-25

**GENERAL FUND** \$0 \$10,000,000

**DEPARTMENT TOTAL - ALL FUNDS** \_\_\_\_\_ \$0 \_\_\_\_\_ \$10,000,000

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

**SUMMARY**

This amendment replaces the bill, which is a concept draft, and changes the title. The amendment reorganizes oversight and updates practices for serving infants, toddlers and children with disabilities from birth to 6 years of age. The amendment:

1. Establishes the extended Part C option under the federal Individuals with Disabilities Education Act to continue individualized family service plans until the start of the school year when the child is 4 years of age if the family chooses;

2. Provides that, beginning July 1, 2028, all school administrative units are responsible for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619 of the federal Individuals with Disabilities Education Act;

3. Provides that, until June 30, 2028, the Commissioner of Education is required to designate responsibility for child find activities and for ensuring a free, appropriate public education for eligible children to the Child Development Services System or to school administrative units in accordance with a transition schedule. During the transition, the commissioner may approve school administrative units to assume the responsibility for child find activities and for ensuring a free, appropriate public education. The school administrative units must be provided professional learning and technical support and the department must assess and approve readiness plans. The amendment adds to the duties of the director of early childhood special education within the department to support the transition. The department is required to contract with a national expert to regularly monitor funding and programming, and report annually in March to the joint standing committee of

**COMMITTEE AMENDMENT**

ROS

1 the Legislature having jurisdiction over education matters. The amendment also allows the  
2 Child Development Services System to appoint parental advisory committees at each of  
3 the regional support and service hubs;

46 4. Establishes that school administrative units may provide services directly or may  
47 contract with public or private providers to provide services and that school administrative  
48 units may also access their Child Development Services System regional site or regional  
49 support and service hub to provide certain services. A memorandum of understanding must  
50 be developed between the school administrative unit and the Department of Education to  
51 determine the services to be provided by the regional support and service hub;

52 5. Provides that, when school administrative units assume responsibility for child find  
53 activities and for ensuring a free, appropriate public education, the Child Development  
54 Services System will transition from a regional site to a regional support and service hub  
55 aligned with the 9 superintendent regions. The amendment establishes the minimum  
56 requirements and guiding principles for the regional support and service hubs;

57 6. Allows the Commissioner of Education to grant an additional year to school  
58 administrative units that require additional time and support to assume responsibility for  
59 child find activities and for ensuring a free, appropriate public education and provides that,  
60 if the commissioner determines that a school administrative unit is unable to assume  
61 responsibility, the commissioner may establish a modified plan for that school  
62 administrative unit in managing children eligible under Part B, Section 619;

63 7. Requires the Department of Education to implement a funding formula to fully fund  
64 school administrative units for the assumption of responsibility for child find activities and  
65 for ensuring a free, appropriate public education for eligible children. Funding for school  
66 administrative units that assume responsibility for child find activities and for ensuring a  
67 free, appropriate public education for children eligible under Part B, Section 619 may not  
68 be appropriated to or allocated through general purpose aid for local schools and must be  
69 provided at 100% state share. The funding formula includes, for each school administrative  
70 unit, a per-pupil operating allocation, a per-pupil special education and related services  
71 allocation and additional allocations for high-cost placements. Funding must be provided  
72 quarterly;

73 8. Establishes the Preschool Special Education Program Fund and provides an ongoing  
74 General Fund appropriation of \$9,000,000 to support general education and special  
75 education and related services funding for eligible children;

76 9. Provides that the Child Development Services System is responsible for due process  
77 and for paying 100% of the costs for compensatory services for children who have been  
78 underserved through the Child Development Services System and establishes a review  
79 procedure for eligible children entering kindergarten or whose school administrative units  
80 are assuming responsibility for child find activities and for ensuring a free, appropriate  
81 public education;

82 10. Requires the Department of Health and Human Services to amend its MaineCare  
83 Benefits Manual rules regarding school-related services; and

84 11. Requires the Department of Education to establish the early childhood special  
85 education pathways project, establish a centralized MaineCare billing system, convene a  
86 work group to review and recommend expansion of the State's Part C eligibility criteria,

# COMMITTEE AMENDMENT

ROS

COMMITTEE AMENDMENT "A" to H.P. 219, L.D. 345

1 develop and disseminate information on Maine Public Employees Retirement System  
2 retirement and review the Child Development Services System annual legislative reporting  
3 requirements.

4 **FISCAL NOTE REQUIRED**

5 (See attached)





# 131st MAINE LEGISLATURE

LD 345

LR 719(02)

## An Act Regarding Educational Policies and Programs

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-944)  
 Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

### Fiscal Note

Potential State Mandate - Commitment to future funding

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$10,000,000	\$10,000,000	\$10,000,000
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$10,000,000	\$10,000,000	\$10,000,000

#### State Mandates

##### Required Activity

Requires local school administrative units to assume responsibility for child find activities and for ensuring a free appropriate public education (FAPE) for children ages 3 through 5 who are eligible for services under the Individuals with Disabilities Act, Part B, Section 619 beginning July 1, 2028.

##### Unit Affected

School

##### Local Cost

Significant statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

#### Fiscal Detail and Notes

This bill transfers the responsibility for child find activities and FAPE for children ages 3 through 5 who are eligible for services under the Individuals with Disabilities Act, Part B, Section 619 from the State to local school administrative units (SAUs) effective July 1, 2028. The bill requires the Department of Education to implement a funding formula, separate from the Essential Program and Services model, to fully fund the cost for SAUs to assume the responsibility for FAPE and child find activities. The cost to the State to fund 100% of the cost to SAUs once transition is complete in July of 2028 cannot be estimated at this time but will be significant.

C "A" (H-944)

Until the transition is completed, SAU's may assume this responsibility on a voluntary basis if approved by the Commissioner of Education. The Department of Education will provide those approved SAU's with professional learning opportunities and funding to support the costs of child find activities and providing FAPE for these children. This bill includes ongoing General Fund appropriations of \$9,000,000 per year beginning in fiscal year 2024-25 to a newly established Preschool Special Education program within the department to fund up to 900 children statewide that approved SAUs may oversee during the transition period.

This bill also includes ongoing General Fund appropriations of \$1,000,000 per year beginning in fiscal year 2024-25 to a newly created Early Childhood Special Education Pathways Project program within the department for one Education Specialist III position and related All Other funding to manage and support the pathways project established as an accelerated graduate program to support teachers in obtaining a master's degree and to provide reimbursement for coursework and support in obtaining an endorsement on a teacher certificate for teachers of children with disabilities for children from birth to 5 years of age.

Additional costs to the Department of Education and the Maine Public Employees Retirement System to develop and disseminate guidance for SAUs, child development services and child development services employees regarding the capacity of SAUs to participate in the Participating Local District (PLD) Consolidated Retirement Plan and the potential impacts on Social Security benefits of the teacher plan or the PLD plan for potential SAU employees can be absorbed within existing budgeted resources. Additional costs to the Department of Education to convene the required workgroup and to review the legislative reporting requirements related to the child development services system can be absorbed within existing budgeted resources.