

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Date: (Filing No. H-)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 176, L.D. 255, “An Act To Ensure Student Success”

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

'Resolve, Directing the Department of Education To Develop a Plan for the Provision of Early Intervention Services'

Amend the bill 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, this resolve directs the Department of Education to develop a plan for the provision of early intervention services and report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services; and

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

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

Sec. 1. Advisory committee established. Resolved: That the Department of Education shall establish an advisory committee to advise the department on the development of a plan for the provision of early intervention services for children from birth to under 3 years of age through a quasi-independent government agency structure, advise the department on the option of pursuing the federal Extended Part C Option under 34 Code of Federal Regulations, Section 303.211, referred to in this resolve as "the Extended Part C Option," and make recommendations to the department on the provision of services for children 3 years of age. No later than 30 days after the effective date of this

COMMITTEE AMENDMENT

1 resolve, the Commissioner of Education shall invite the following members to join the
2 advisory committee:

- 3 1. The Commissioner of Health and Human Services or the commissioner's designee;
- 4 2. The director of the Child Development Services System;
- 5 3. The Attorney General or the Attorney General's designee;
- 6 4. One member who is a contracted service provider of early intervention services,
7 recommended by the Maine Association for Community Service Providers;
- 8 5. One member who is a representative of a Head Start agency or program,
9 representing Head Start programs in the State, recommended by the Maine Head Start
10 Directors Association;
- 11 6. One member representing and recommended by the Maine Developmental
12 Disabilities Council, established under the Maine Revised Statutes, Title 5, section
13 12004-J, subsection 66;
- 14 7. One member representing and recommended by the Maine Speech Language
15 Hearing Association;
- 16 8. Two members who are parents of children with disabilities from birth to under 3
17 years of age, recommended by the Maine Parent Federation;
- 18 9. One member who is a representative of a child care program recommended by the
19 Maine Association for the Education of Young Children;
- 20 10. One member representing and recommended by the Maine Association for
21 Community Service Providers;
- 22 11. One member representing and recommended by the Maine Occupational Therapy
23 Association; and
- 24 12. One member representing and recommended by the Maine Children's Alliance.

25 The advisory committee shall elect a chair from among its members. Meetings of the
26 advisory committee are public and the Department of Education shall provide to the
27 members of the Joint Standing Committee on Education and Cultural Affairs and the Joint
28 Standing Committee on Health and Human Services notice of the meetings with the
29 advisory committee so that members of the joint standing committees may attend.

30 **Sec. 2. Department of Education to develop a plan for early intervention**
31 **services; legislation. Resolved:** That the Department of Education shall develop a
32 plan for the provision of early intervention services through a quasi-independent
33 government agency structure, with the Department of Education providing oversight as the
34 lead agency pursuant to 20 United States Code, Section 1435, in accordance with this
35 section.

36 **1. Plan.** The plan must include:

- 37 A. The establishment and appointment of an independent governing board for the
38 quasi-independent government agency;
- 39 B. Current or proposed memoranda of understanding between the Department of
40 Education and the Department of Health and Human Services;

1 C. How the plan addresses each of the 16 minimum required components under the
2 federal Individuals with Disabilities Education Act, 20 United States Code, Section
3 1435(a) for a statewide, comprehensive system of early intervention services for infants
4 and toddlers with disabilities; and

5 D. A detailed timeline for implementation, including but not limited to resources
6 needed, any necessary statutory or regulatory changes and any other information
7 necessary to implement the plan.

8 **2. Consultation with the advisory committee.** The Department of Education shall
9 consult and meet with the advisory committee under section 1 on the development of the
10 plan.

11 **3. Legislation.** The Department of Education shall draft suggested legislation to
12 implement the plan developed, including but not limited to a new chapter of law in the
13 Maine Revised Statutes, Title 20-A for the provision of early intervention services for
14 children with disabilities from birth to under 3 years of age.

15 **Sec. 3. Department of Education to conduct an analysis of the federal**
16 **Extended Part C Option and make recommendations for services for children**
17 **3 years of age with disabilities. Resolved:** That the Department of Education shall
18 conduct an analysis of the Extended Part C Option, including but not limited to its
19 methodology, how it could be implemented and any unintended consequences that would
20 need to be avoided if the State pursues the Extended Part C Option. The Department of
21 Education shall also develop recommendations on the provision of services for children
22 with disabilities who are 3 years of age, including but not limited to whether children 3
23 years of age should receive services through the quasi-independent government agency
24 structure under section 2, school administrative units or a hybrid system. The Department
25 of Education shall consult and meet with the advisory committee under section 1 as part of
26 its analysis and development of recommendations under this section.

27 **Sec. 4. Reports. Resolved:** That the Department of Education shall submit a
28 report, no later than February 1, 2022, on the plan for early intervention services under
29 section 2, subsection 1, including suggested legislation and a detailed analysis of any
30 additional resources or statutory or regulatory changes necessary to implement the plan,
31 the analysis of the Extended Part C Option and recommendations on the provision of
32 services for children with disabilities who are 3 years of age under section 3, to the Joint
33 Standing Committee on Education and Cultural Affairs and the Joint Standing Committee
34 on Health and Human Services. The Joint Standing Committee on Education and Cultural
35 Affairs may submit legislation to the Second Regular Session of the 130th Legislature
36 related to the report. The advisory committee may also report to the Joint Standing
37 Committee on Education and Cultural Affairs on the advisory committee's role in the
38 development of the plan under section 2.

39 **Sec. 5. Appropriations and allocations. Resolved:** That the following
40 appropriations and allocations are made.

41 **EDUCATION, DEPARTMENT OF**

42 **Special Services Team Z080**

1 Initiative: Provides one-time funds for the facilitator, program manager, technology, travel,
2 research and meeting costs associated with the development of plans for the provision of
3 early intervention services and for an analysis of the federal Extended Part C Option.

4	GENERAL FUND	2021-22	2022-23
5	All Other	\$62,755	\$0
6			
7	GENERAL FUND TOTAL	<u>\$62,755</u>	<u>\$0</u>

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

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

12 **SUMMARY**

13 This amendment, which is the majority report of the committee, replaces the bill with
14 a resolve, which directs the Department of Education to:

15 1. Convene an advisory committee to advise the department on the development of a
16 plan for the provision of early intervention services for children from birth to under 3 years
17 of age through a quasi-independent government agency structure, the option of pursuing
18 the federal Individuals with Disabilities Education Act Extended Part C Option under 34
19 Code of Federal Regulations, Section 303.211 and recommendations on the provision of
20 services for children 3 years of age;

21 2. Develop a plan for the provision of early intervention services through a quasi-
22 independent government agency structure, with the Department of Education providing
23 oversight as the lead agency, and draft suggested legislation to implement the plan;

24 3. Conduct an analysis on the federal Extended Part C Option;

25 4. Develop recommendations on the provision of services for children who are 3 years
26 of age, including but not limited to whether children 3 years of age should receive services
27 through the quasi-independent government agency structure, school administrative units or
28 a hybrid system; and

29 5. Submit a report, no later than February 1, 2022, on the plan for early intervention
30 services, including suggested legislation and a detailed analysis of any additional resources
31 or statutory or regulatory changes necessary to implement the plan, the analysis of the
32 federal Extended Part C Option and recommendations on the provision of services for
33 children who are 3 years of age, to the Joint Standing Committee on Education and Cultural
34 Affairs and the Joint Standing Committee on Health and Human Services. The Joint
35 Standing Committee on Education and Cultural Affairs may submit legislation to the
36 Second Regular Session of the 130th Legislature related to the report.

37 **FISCAL NOTE REQUIRED**
38 **(See attached)**