

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

—  
H.P. 270 - L.D. 386

**Resolve, Directing the Department of Education To Establish the Process for Transitioning the Provision of Early Childhood Special Education Services for Children with Disabilities from 4 Years of Age to under 6 Years of Age from the Regional Child Development Services System to School Administrative Units**

**Sec. 1. Department of Education to establish the process for transitioning the provision of early childhood special education services for children with disabilities from 4 years of age to under 6 years of age from the regional Child Development Services System to school administrative units. Resolved:** That the Department of Education shall establish a process, timeline and implementation plan for transitioning the provision of early childhood special education services for children with disabilities from 4 years of age to under 6 years of age from the regional Child Development Services System to school administrative units. The process, timeline and implementation plan established by the Department of Education must:

1. Include the implementation plan components as presented in the Public Consulting Group's independent review of the State's early childhood special education services, "Maine Early Childhood Special Education Implementation Plan," dated December 1, 2020;
2. Define a role for the department and regional offices to contract with private providers in situations in which a school administrative unit is unable to provide the appropriate level of service to meet the individualized education program plan of a child with a disability;
3. Address at a minimum:
  - A. School administrative unit capacity, staffing and physical space;
  - B. Administrative oversight;
  - C. Transportation;
  - D. Curriculum and assessments;
  - E. Data systems; and

F. Health and safety-related considerations;

4. Provide specificity regarding funding through the State and the MaineCare program that does not flow through the essential programs and services funding formula pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B;

5. Include a plan to protect current Child Development Services System employees from any negative or unintended consequences related to retirement and pensions and the federal windfall elimination provision and government pension offset;

6. Provide steps, benchmarks and milestones for the department, the Child Development Services System and school administrative units to meet before and during any transition period, including but not limited to the components under subsection 3, and an independent project manager not employed by the Department of Education;

7. Provide a detailed plan of the evaluation and assessment tools to be developed to determine whether the department, the Child Development Services System and school administrative units are meeting steps, benchmarks and milestones, which must include that, if progress towards implementation is not being met, the transition must cease until a solution can be determined; and

8. Include a recommendation regarding whether to provide services to children with disabilities who are 3 years of age through a quasi-independent agency or through school administrative units or a hybrid system and a description of the necessary additional resources, steps and benchmarks and barriers to any transition of services.

The Department of Education shall consult and meet with the advisory committee established under section 2 on the process, timeline and implementation plan.

**Sec. 2. Advisory committee established. Resolved:** That the Department of Education shall establish an advisory committee to advise the department on matters related to developing the implementation plan pursuant to section 1. No later than 30 days after the effective date of this resolve, the Commissioner of Education shall invite the following members to join the advisory committee:

1. The Commissioner of Health and Human Services or the commissioner's designee;
2. One member who is a contracted service provider of early intervention and free, appropriate public education services;
3. One member who is a representative of a Head Start agency or program in the State;
4. One member who is a teacher in an early childhood education program for children 4 years of age that includes coordination of programs and services for eligible children within a public elementary school from a large school administrative unit;
5. One member who is a principal of a public elementary school of an urban school administrative unit that has implemented an early childhood education program for children 4 years of age that includes coordination of programs and services for eligible children;
6. One member representing and recommended by the Maine Developmental Disabilities Council established under the Maine Revised Statutes, Title 5, section 12004-I, subsection 66;
7. One member representing and recommended by the Maine Speech Language Hearing Association;

8. Two members who are parents of children with disabilities between 3 years of age and 5 years of age recommended by the Maine Parent Federation, Inc.;

9. One member who is a representative of a child care program recommended by the Maine Association for the Education of Young Children;

10. One member who is a special education director from a small school administrative unit recommended by the Maine Administrators of Services for Children with Disabilities;

11. One member who is a superintendent of a rural school administrative unit that has implemented an early childhood education program for children 4 years of age that includes coordination of programs and services for eligible children recommended by the Maine School Superintendents Association;

12. One member representing and recommended by the Maine Occupational Therapy Association;

13. One member representing and recommended by the Maine Association for Community Service Providers; and

14. One member representing and recommended by the Maine Children's Alliance.

The advisory committee shall elect a chair from among its members. Meetings of the advisory committee are public and the Department of Education shall provide to the members of the Joint Standing Committee on Education and Cultural Affairs notice of the meetings of the advisory committee so that members of the joint standing committee may attend.

**Sec. 3. Report. Resolved:** That the Department of Education shall submit a report to the Joint Standing Committee on Education and Cultural Affairs no later than February 1, 2022 on the process, timeline and implementation plan established pursuant to section 1 and any suggested legislation necessary to implement the plan. The suggested legislation must address the timeline for implementing the plan, including but not limited to transition periods and effective dates for the various elements of the plan. The report must identify and address contingencies necessary to implement the suggested legislation and the plan. The report must address each of the components listed in section 1 with specificity. The report must also include recommendations on whether the appropriate provision of services for children 3 years of age is through a quasi-independent agency, school administrative units or a hybrid system. The Joint Standing Committee on Education and Cultural Affairs may submit legislation related to the report to the Second Regular Session of the 130th Legislature. The advisory committee may also report to the Joint Standing Committee on Education and Cultural Affairs on the advisory committee's role in the department's development of the process, timeline and implementation plan.

**Sec. 4. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF**

**Special Services Team Z080**

Initiative: Provides one-time funds for the staffing, technology, legal and meeting costs associated with the establishment of a process to transition the provision of early childhood education services for children with disabilities from 4 years of age to under 6 years of age from the regional Child Development Services System to school administrative units.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$177,144	\$0
<b>GENERAL FUND TOTAL</b>	<u>\$177,144</u>	<u>\$0</u>