

PART B §619 Alternative Plans: Recommendations That Could Be Implemented

Instead of moving forward with all of the recommendations, the Advisory Committee could consider one of the following alternative combinations proposed by PCG:

A. Move all CDS Admin. under DOE, and maintain CDS' responsibility for Part B-619 service delivery statewide.		
Governance	Funding	Service Delivery
1.1. Designated state agency: DOE. 1.2. Admin office: OSS within DOE (with k-12) 1.3. 619 state staff in DOE 1.10. 619 representatives on early childhood planning initiatives.	2.1. Central billing system 2.2. MaineCare 'special education services' section 2.5. Review of current children with high costs	3.1. Training and professional development 3.2. Pyramid Model 3.3. Chapter 676 training 3.4. Use of developmental delay eligibility category

B. Maintain CDS as quasi-state agency with administrative and service delivery responsibility for Part B-619 statewide		
Governance	Funding	Service Delivery
1.10. 619 representatives on early childhood planning initiatives.	2.1. Central billing system 2.2. MaineCare 'special education services' section 2.5. Review of current children with high costs	3.1. Training and professional development 3.2. Pyramid Model 3.3. Chapter 676 training 3.4. Use of developmental delay eligibility category

C. Implement either alternative A. or B. (above) <i>and</i> require SAUs to contract with CDS / DOE for children in their catchment area – with per child monthly reimburse rate (utilizing state, Federal IDEA (611 and 619) and MaineCare - based on child's eligibility)		
Governance	Funding	Service Delivery
1.10. 619 representatives on early childhood planning initiatives.	2.1. Central billing system 2.2. MaineCare 'special education services' section 2.5. Review of current children with high costs	3.1. Training and professional development 3.2. Pyramid Model 3.3. Chapter 676 training 3.4. Use of developmental delay eligibility category

D. SAUs have responsibility for Part B-619 but are allowed to contract with a regional or statewide entity such as CDS to coordinate and provide special education and related services to children 3-5 within their catchment area.		
Governance	Funding	Service Delivery
All Recommendations	All Recommendations	All Recommendations

E. Allow children to remain in Part C until the beginning of the next school year or the year in which the child is age eligible for Pre-K. Some additional funding is available through the IDEA extended Part C option (states can include in their annual application)		
Governance	Funding	Service Delivery
All Recommendations	All Recommendations	All Recommendations

Early Childhood Special Education (619) Recommendations

PCG recommends that all of the following changes be made in the interrelated areas of 1) governance and administration 2) funding and 3) service delivery of IDEA Part C early intervention services to children birth to 3 with developmental delays and disabilities. These recommendations are made based on PCG's evaluation of qualitative data collected from stakeholder feedback, review of program and cost data, interviews conducted with peer states, review of national literature and evidence-based practices and models and PCG's subject matter expertise.

Not all the recommendations require statute or policy changes, and the Phase II Implementation Report will provide more details on the steps Maine can take to successfully implement these changes.

PCG has provided a matrix (*Table 31* below) of alternative changes that could be made should the State decide not to follow the comprehensive set of recommendations listed below.

1. *Governance / Administration:*

PCG recommends:

- 1.1. ***Designated state agency:*** Designate in state statute the Maine Department of Education (DOE) as the state agency for the administration of Part B-619 services for children with developmental delays and disabilities 3 through 5. PCG recommends a transition period for this change of administration from CDS to DOE, as described in 1.6 below.
- 1.2. ***Administrative Office:*** Administration of Part B-619 services at the DOE to be within the Office of Special Services, along with K-12 special education services. Regular planning and coordination with staff from the Office of Early Childhood Education is also recommended.
- 1.3. ***619 state staff:*** Administration of Part B-619 services at the DOE to include a 619 Coordinator and team of early childhood special education specialist staff to assist in the statewide implementation of Part B-619 services by SAUs, including: 1) accountability and monitoring; 2) inclusion support and community systems building; and 3) training and technical assistance.
- 1.4. ***Designate SAUs to provide 619 services:*** Designate in state statute SAUs as responsible for the provision of Part B-619 services in accordance with federal and state regulations for all eligible children with developmental delays and disabilities ages 3 through 5 in their catchment area.
- 1.5. ***Revise state regulations:*** Revise the current Maine Unified Special Education Regulation (MUSER) to include the new administrative structure, including the provision of Part B-619 services by SAUs.
- 1.6. ***Transition Period:*** Establish a transition period of 3 full school / fiscal years (e.g. if legislation was passed in March 2021 – the transition period would be July 01, 2021 – June 30, 2024), providing support and direct funding options for 'early adopter' SAUs to provide IDEA 619 services to children 3-5 after 2 years.
- 1.7. ***State-level transition leadership team:*** Establish a state-level transition leadership team to work during the transition period to address identified state-level funding, facility, statute and policy changes, workforce and training and professional development, technical assistance. The state-level transition leadership team be assigned complete 'ECTA Systems Framework' IDEA Part B 619 self-assessment, including the governance, accountability & quality improvement and finance sections and using the results during the transition period as part of the implementation planning.
- 1.8. ***SAU Transition planning:*** Support all SAUs to develop a preschool special education transition plan in year 1 through a team process to include parents and community partners. Each transition plan to address: number of children 3-5 with disabilities projected to be served; their current placements; projected placements; community partner agreements with Head start and child care; opportunities to expand Pre-K; any needed space / facility needs; personnel needed (hiring / contracts); identification of technical assistance needs for topics such as, recommended practices for serving young children, early childhood outcomes, reporting required data and the use of the fiscal toolkit to address opportunities to braid funding.
- 1.9. ***Inclusive early childhood education guidance document:*** Develop state guidance document for SAUs and community early childhood providers regarding the implementation of inclusive early childhood services (drawing on national and other state documents).

- 1.10. **619 representation:** Ensure IDEA Part B-619 representation on the state IDEA panel, Children’s Cabinet and other early childhood planning initiatives.

2. **Funding:**

PCG recommends that Maine:

- 2.1. **Central billing system:** Develop a central billing system to process claims to MaineCare that maximizes revenue through automation and reduction in administrative burden on SAUs. Delivered services data (e.g. <number of minutes> of <service> provided on <date> to <child> at <location> by <therapist name> <therapist number>) from SAUs and any contracted providers would be collected through a central web-based electronic data system. The data is then converted and processed into claims by either state employees or through a billing agent. SAUs and contracted providers would receive payment directly from MaineCare.

Note: PCG also recommends that Maine consider a central claiming for K-12 special education that has the potential to generate significant review statement, due the current reluctance of many SAUs to process claims to MaineCare, citing the administrative burden and fear of audit paybacks. PCG was also informed of a current disincentive to MaineCare claiming in the EPS funding formula as a result of special education staff costs being reimbursed retrospectively.

- 2.2. **MaineCare ‘special education services’ section:** Continue working with MaineCare to develop a new ‘special education services’ section of the MaineCare Benefits Manual that includes clear service definitions, billing codes, modifiers and rates for all special education and related services reimbursable services. These can be used within the central billing system to ensure that billing documentation and claiming processes meet MaineCare requirements and prevent audit exceptions. This will also ensure clear and consistent use of modifiers which is necessary for the accurate calculation of the state match (seed) associated with IEP authorized education services.
- 2.3. **Rate Study:** Work with MaineCare to conduct a rate study to determine the costs of providing reimbursable special education and related services.
- 2.4. **Funding of 619 services:** Fund 619 preschool special education services through SAUs utilizing either:
 - 2.4.1. EPS special education funding formula by SAUs – with use of the \$30 million state appropriation currently received by CDS to offset the local cost (no more than 50% local cost for special education). SAUs would also receive MaineCare; IDEA 611 and IDEA 619 funds and can utilize inclusive Pre-K, Head Start and child care placements.
 - 2.4.2. Per child allocation to SAUs utilizing the current \$30 million state appropriation currently received by CDS. SAUs would also receive MaineCare; IDEA 611 and IDEA 619 funds and can utilize inclusive Pre-K, Head Start and child care placements.
- 2.5. **Review of current children with high costs:** Conduct a review of the current children with high annual cost to determine the appropriateness of the intensity of services they are receiving and determine whether they could be served in a less restrictive environment. Currently, 785 children aged 3-5 eligible for IDEA Part B-619 have annual costs over \$20,000.
- 2.6. **Fiscal toolkit:** Develop a fiscal toolkit for SAUs to look at how to braid funding streams and maximize partnerships with other early childhood providers (Head Start, child care, Pre-K) and contracted providers to effectively serve preschool children with disabilities under IDEA Part B-619.

3. **Service Delivery:**

PCG recommends that Maine:

- 3.1. **Training and professional development:** Develop training and other professional development opportunities (webinars, online asynchronous course) on inclusion of children with disabilities in early childhood education for a variety of audiences, including school administrators and boards; teachers and other instructional staff; parents and community partners. Training and professional development to include development of IEPs including the

special education and related services to address the individualized developmental needs of each child and the determination of the least restrictive environment / setting for the child.

- 3.2. ***Pyramid Model:*** Develop a cross early childhood program (Head Start, Pre-K, child care, IDEA Part B-619) leadership team to develop a plan for implementation of the Pyramid Model in order to promote the use of evidence-based practices for promoting young children’s healthy social and emotional development and effectively addressing challenging behaviors through a tiered intervention approach.
- 3.3. ***Chapter 676 training:*** Include in training consideration of Chapter 676 (which currently allows children who turn 5 between July 01 – Oct 15 to remain in IDEA Part B-619 services and to transition to Kindergarten the following year) as it applies to the IEP Individualized Education Program (IEP) decisions made individually for each child. With IDEA Part B-619 services provided through SAUs it is likely that fewer IEP teams will determine the need for a child to continue to receive 619 preschool special education rather than transition to Kindergarten.
- 3.4. ***Use of developmental delay eligibility category:*** Consider using the eligibility category of developmental delay more widely. Train and encourage evaluation teams in the use of the developmental delay category of eligibility.