

Transition of Part C Services from CDS to SIEU					
Steps/Requirement	DOE Plan ¹	DOE Rationale ²	Inclusion in Draft Language?	Advisory Committee Agreement/Comments ³	EDU Member Questions/Comments
Establishment and appointment of an independent governing board	<p>SIEU established a quasi-independent government agency</p> <p>Board established with representatives from parents, providers, school units, state agencies</p> <p>Chair elected by Board</p> <p>Four-year Board terms (staggered with 2-term limit)</p>	<p>SIEU serves as the successor to the current CDS State IEU, which is an eligible sub-recipient of IDEA Part C funds as it is “grand parented” having been in existence prior to 1997.</p> <p>Board needs to reflect diverse roles, perspectives, experiences, voices</p> <p>Board self-governance</p> <p>Balances the need for experience with fresh voices; respects time commitment of Board members</p>	<p>Effective July 1, 2026:</p> <p>The SIEU is established in proposed 20-A MRSA §7104 (bottom of page 5)</p> <p>The draft also replaces cross-references to CDS with the “State’s intermediate educational unit.”⁴</p> <p>The SIEU Board is established in proposed 20-A MRSA §7105 (page 6)</p>	<p><u>SIEU to Manage Part C:</u></p> <p>75% In Agreement</p> <p>25% Needs more</p>	
Current or proposed memoranda of understanding between the Department of Education and the Department of Health and Human Services.	<p>Departments are currently working collaboratively under an MOU from 2017</p> <p>Revised memorandum is in the drafting/review process</p>			<p><u>MOU:</u></p> <p>There should be multiple, detailed MOU’s to provide the uniqueness of collaboration served. For example, MOU with Child Welfare v. MaineCare. Not just one generic MOU</p>	

¹ Provided by DOE

² Provided by DOE

³ Provided by Nancy Cronin, Chair/Co-Chair of Advisory Committee

⁴ See drafting considerations regarding this change

Transition of Part C Services from CDS to SIEU

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<p>How the plan addresses each of the 16 minimum required components under IDEA</p>	<p><u>Department of Education, as Lead Agency for Part C (10), is responsible for:</u></p> <p>a. Oversight/monitoring of SIEU to ensure provision of Part C services (child find, assessment, IFSP, provision of services, procedural safeguards)</p> <p>b. Public Awareness Program</p> <p>c. System of Personnel Development</p> <p>d. Identification/coordination of all state resources</p> <p>e. Assignment of financial responsibility among agencies</p> <p>f. Addressing interagency disputes/ensuring services provided pending resolution of disputes</p> <p>g. Interagency Agreements</p> <p>h. Establishing system for data collection</p> <p>i. State Interagency Coordinating Council</p> <p>j. M/S Rulemaking, to include:</p> <p> i. Definition of developmental delay</p> <p> ii. Definitions of early intervention services</p> <p> iii. Qualifications of early intervention service providers</p> <p> iv. Procedural safeguards</p> <p> v. Natural environments</p>	<p>The role of the Lead Agency is to ensure that any and all early intervention programs and initiatives state -wide are working in a coordinated, collaborative fashion – as a result, nearly all of the 16 components rest with the Department of Education.</p> <p>The Department of Education has major substantive rulemaking authority that will lay out the specific requirements for everything from child find through the provision of Part C services and the procedural safeguards.</p> <p>The Department is responsible for monitoring and oversight of the SIEU in order to ensure that Part C services are, in fact, being delivered in accordance with Part C and the Department’s rule.</p>	<p>DOE duties are listed in the following subsections in proposed 20-A MRSA §7103 starting on (page 4):</p> <p>Sub-§3. Oversight and monitoring</p> <p>Sub-§10. Public awareness program</p> <p>Sub-§9. Personnel development</p> <p>Sub-§1. Lead agency</p> <p>Sub-§8. Interagency agreements (financial responsibility, dispute resolution)</p> <p>Sub-§8. Interagency Coordinating Council</p> <p>Sub-§11. Rulemaking (definition of “early intervention services” is included in definitions section in statutory language, page 3)</p>	<p><u>Comments about DOE as Lead Agency:</u></p> <ul style="list-style-type: none"> • Create a new Dept. of Early Childhood (majority) • DHHS • The SIEU being it’s own lead agency <p><u>DOE Oversight of SIEU:</u> 37.5% In Agreement 50% Needs more 12.5% Not in Agreement</p> <p><u>16 Required Components:</u></p> <ul style="list-style-type: none"> • Concern that there is only one model being offered (Early Start Coaching Model); • Concern about equity and lack of an individualized plan; • Eligibility: Redefine developmental delay criteria and eligibility in general; • Composition of SICC (sic) • Needs more information/discussion in general <p><u>Plan for Child Find:</u> 37.5% In Agreement 62.5% Needs more</p>	<p>- Why does Maine have one of the most restrictive eligibility criteria and what is DOE/CDS doing in regards to eligibility?</p> <p>- Do we need to expand Part C eligibility? (Concern about Maine’s standard deviation)</p>

	<p><u>SIEU is responsible for:</u></p> <p>a. Provision of Part C services (2), (3), (4), (5), (13) (16) (child find, assessment, IFSP, provision of services, procedural safeguards)</p> <p>b. Data collection (14)</p> <p>c. Training/assuring qualified personnel provide services (9)</p> <p>DHHS responsible for the central directory (7) as part of the 211 system.</p>	<p>In contrast, the SIEU is the entity responsible for direct provision of services in accordance with Part C and the Department’s rule. The SIEU is responsible for developing and implementing a services delivery system that includes qualified providers and ensures that to the maximum extent appropriate, early intervention services are provided in an infant or toddler’s natural environment.</p> <p>The central directory remains with DHHS because the 211 system is within that Department.</p>	<p>SIEU duties are listed in proposed 20-A MRSA §7106 (beginning bottom page 6)</p>	<p><u>Data System Part C & Transition Part B:</u></p> <p>LD 255: 37.5% In Agreement 62.5% Needs more</p> <p>LD 386: 63.6% In Agreement 27.3% Needs more 9.1% Not in Agreement</p>	
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Transition of Part C Services from CDS to SIEU					
Steps/ Requirement	DOE Plan	DOE Rationale	Inclusion in Draft Language?	Advisory Committee Agreement/Comments	EDU Member Questions/Comments
Funding			<p>Proposed 20-A §7103 provides that the department shall develop and maintain a funding mechanism and require the SIEU to enter into a subgrantee agreement with the Department that makes the distribution of federal Part C and state funds contingent on the delivery of early intervention services in accordance with the agreement. (Page 4-5)</p> <p>Transition provision (page 26) provides that the department shall develop a funding mechanism for the SIEU be in place on or before July 1, 2026</p>	<p><u>Fund SIEU:</u> 37.5% In Agreement 62.5% Needs more</p>	
CDS Employees			<p>Transition provisions provide that CDS positions must be eliminated on or before July 1, 2026 and Part C employees will be transferred to the SIEU on July 1, 2026 (page 17)</p>	<p><u>CDS Employees During/After Transition:</u> 37.5% In Agreement 50.5% Needs more 12.5% Not in Agreement</p>	<p>- How many open positions existed in CDS at the beginning of 2021 and how many have been filled? - Worker transfers</p>

Provision of Services for Children Who Are 3 Years of Age

Steps/ Requirement	DOE Plan	DOE Rationale	Inclusion in Draft Language?	Advisory Committee Agreement/Comments	EDU Member Questions/ Comments
Extended Part C Option	Maine will submit an application to OSEP to offer Extended Part C Option for eligible students from age 3 until the beginning of the school year following the child's third birthday	<p>It is important for continuity of programming to allow parents to choose to start Part B preschool programming at the beginning of a school year, instead of whenever their child's third birthday might fall.</p> <p>While the Extended Part C option must include "an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills," that is not the same as the preschool education available under Part B.</p> <p>Allowing children to stay in Part C until the school year after their third birthday is preferable to extending the Part C Option to after their fourth birthday, because delaying the start of preschool programming/FAPE until a child is in their fourth year leaves them less prepared to enter kindergarten.</p> <p>It is estimated that eight additional Part C staff would be required for Extended Part C Option for 3 YO's only.</p>	<p>Proposed 20-A MRSA §7103, sub-§4 requires DOE to submit in its annual application a policy for the Extended Part C Option</p> <p>Proposed 20-A MRSA §7106, sub-§2, ¶E includes it as part of the programmatic functions of the new SIEU</p>	<p><u>Pursue Extended Part C Option:</u> 100% In Agreement</p> <p><u>What AGE should Part C Option be until:</u> 25% In Agreement – should be the school year after the 3rd birthday 75% Not in Agreement – should be the school year after the 4th birthday</p>	

Provision of Services for Children Who Are 3 Years of Age									
Steps/Requirement	DOE Plan	DOE Rationale	Inclusion in Draft Language?	Advisory Committee Agreement/Comments	EDU Member Questions/Comments				
<p>Recommendations on the provision of services for children with disabilities who are 3 years of age, including but not limited to whether children 3 years of age should receive services through the quasi-independent government agency structure, school administrative units or a hybrid system.</p>	<p>Effective July 1, 2023, the FAPE responsibility for children with disabilities who are three years old should transfer to their SAU of residence on their third birthday. 20-A §7211 Child Find and FAPE responsibility</p> <p>While the FAPE responsibility for three-year-olds would change, where and how three-year-olds receive FAPE services would not – the Department anticipates that the SAUs will continue to serve three-year-olds in collaboration with private community service providers.</p> <p>The CDS system would remain in place for a transition period of three years (from July 1, 2023 until July 1, 2026) and SAUs would be able to access CDS service providers to provide services during this period.</p> <p>The state would provide 100% of the funding for services for 3-year-olds throughout the transition period until July 1, 2026. The Department will develop a funding formula, separate from the EPS formula, to propose to the Committee, that will provide funding after July 1, 2026.</p>	<p>By taking responsibility for children in Part B earlier</p> <ul style="list-style-type: none"> SAUs can ensure that children have critical services they need prior to entering school. Transition would create consistency of the delivery of Part B services and would assist schools navigating community needs in order to provide educational planning <p>The SAUS will be providing administrative oversight. This does not mean that SAUs will be putting all young children within the SAUs classrooms. Contracts with community- based providers can continue in order to meet the special education and related service needs of eligible children</p>	<p>Proposed 20-A MRSA §7211 requires SAUs to be responsible for Child Find and FAPE for children from 3 years of age to under 6 years of age beginning July 1, 2023</p>	<p><u>Transition 3 Year Olds to SAU:</u></p> <table border="0"> <tr> <td>25%</td> <td>In Agreement</td> </tr> <tr> <td>75%</td> <td>Not In Agreement</td> </tr> </table>	25%	In Agreement	75%	Not In Agreement	<p>- Is it legally possible to keep all 3 year olds in Part C?</p>
25%	In Agreement								
75%	Not In Agreement								

Transition of Part B §619 Services from CDS to SAUs					
Steps/Requirement	DOE Plan	DOE Rationale	Inclusion in Draft Language?	Advisory Committee Agreement/Comments	EDU Member Questions/Comments
Establishment of SAUs as responsible for Part §619 Services & Steps to initiate transition	<p>SAUs shall take responsibility for child find and FAPE for children with disabilities by July 1, 2023</p> <p>Section 619 services children transfers to SAUs July 1, 2023. This will give a full year for the SAUs to begin planning to take on the administrative responsibility for coordinating the provision of special education and related services. This will be under taken in collaboration with the staff in the CDS system.</p> <p>Revision of Maine statute related to the provision of Part B Section 619 services</p> <p>Clarity of the Part B, Section 619 program within the Part B section of State statute.</p>	<p>A specific date was needed to begin the administrative transition of the federal responsibility for FAPE and the development of the individualized education plans for eligible children. This gives a three year ramp up for the transition from CDS to the SAUs and aligns to the three-year implementation plan proposed by the Public Consulting Group</p> <p>The DOE recognizes the need to separate Part C from Part B in current Chapter 101 law.</p> <p>Specific areas in MUSER affecting Section 619 specifically include: Child Find timelines Evaluation Developmental Delay category Transition of 619 services to SAUs Personnel qualifications Procedural Safeguards Program approval General Supervision System Special Education Finance</p>	<p>Proposed 20-A MRSA §7211 requires SAUs to be responsible for Child Find and FAPE for children from 3 years of age to under 6 years of age beginning July 1, 2023.</p> <p>§7211, sub-§1 provides that SAUs provide services using their own employees or through contracts with public or private providers – SAUs may contract with CDS until July 1, 2026.</p> <p>A transition provision (page 16) mirrors this, providing that as of July 1, 2023 CDS will no longer be responsible for providing services for 3-6s, but will remain available to serve as a provider for SAUs until July 1, 2026</p>	<p><u>SAUs Being in Charge of FAPE by July 1, 2023:</u> LD 255: 25% In Agreement 75% Not in Agreement</p> <p>LD 386: 18.2% In Agreement 45.5% Need more 36.4% Not In Agreement</p> <p><u>Health & Safety Part B §619:</u> 36.4% In Agreement 45.5% Needs more 18.2% Not in agreement</p>	<p>- What is being done to define and support pathways for contracting with private providers by SAUs?</p>

Transition of Part B §619 Services from CDS to SAUs					
Steps/Requirement	DOE Plan	DOE Rationale	Inclusion in Draft Language?	Advisory Committee Agreement/Comments	EDU Member Questions/Comments
Provide steps, benchmarks, and milestones for the department, the CDS system, and SAUs to meet before and during the transition	Implement the steps and benchmarks articulated in the Unified Timeline.	The transition of the provision of early childhood special education services for children with disabilities from 3 years of age to under 6 from CDS to SAUs will be complex and following a series of step and actions in a sequential order is necessary for this transition to occur.	Transition provisions provide for the adoption of major substantive rules to implement this transition. Rules would need to be submitted to the legislature no later than January 13, 2023 (the statutory deadline for MS rule submission). These rules would presumably include the steps included in the unified timeline as proposed by DOE		
Implementation plan to include PCG review; Provide a detailed plan of the evaluation and assessment tools to be developed to determine whether the department, the CDS system, and SAUs 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.	Implement the steps and benchmarks articulated in the Unified Timeline. Transition planning period from May 2022 to December 2022: <ul style="list-style-type: none"> Gather feedback from SAUs, providers, parents and other stakeholder groups about the changes Formalize the readiness assessment, drawing from existing practices and procedures Create a communication plan Develop the essential components of taking on the administrative responsibility of FAPE and IEP development by the SAUs	The DOE recommends a transition planning period, a need also articulated in the Public Consulting Group (PCG) report, work with stakeholders to guide the progress of the Department as they work toward implementing all aspects of the transition of services to SAUs.	Same as above – could be included in rulemaking but is not spelled out in detail in the proposed draft	<u>State’s Plan to Assess SAU Readiness:</u> 36.5% In Agreement 45.5% Needs more 18.2% Not in Agreement	

Transition of Part B §619 Services from CDS to SAUs

Steps/Requirement	DOE Plan	DOE Rationale	Inclusion in Draft Language?	Advisory Committee Agreement/Comments	EDU Member Questions/Comments
<p>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</p>	<p>During the period of transition of Part B services, a hybrid model will be in place.</p> <p>In the hybrid model, CDS shares the provision of service with SAUs. They collaborate to deliver services based on an SAU's individual need and existing resources, including, but not limited to, special education services, transportation, and administrative tasks.</p> <p>Hybrid model in place until July 1, 2026</p>	<p>SAUs have different levels of capacity in their ability to assume full provision of services for Part B starting July 2023. An individualized hybrid plan, developed collaboratively by the SAU and CDS and/or the DOE will ensure that each SAU will plan their transition uniquely. The initial shift to the SAUs will be the assumption of the administrative responsibility of free, appropriate public education (FAPE).</p> <p>The hybrid model could be a way for SAUs to take on increasing responsibilities., like transportation or pre-K classrooms, in a sequential approach, as their capacity increases over time.</p> <p>SAUs currently partnering with CDS are already participating in a hybrid model, providing a variety of services that they have available for eligible children.</p>	<p>Proposed 20-A MRSA §7211 provides that SAUS shall provide services using their own employees or through contracts with public or private providers, including CDS until July 1, 2026 (page 12) and a transition provision (page 16) mirrors this, providing that as of July 1, 2023 CDS will no longer be responsible for providing services for 3-6s, but will remain available to serve as a provider for SAUs until July 1, 2026</p>	<p><u>Hybrid Transition Model</u> LD 255: 57.1% In Agreement 28.6% Needs more 14.3% Not in Agreement</p> <p>LD 386: 36.4% In Agreement 36.4% Needs more 27.3% Not in Agreement</p> <p><u>DOE Plan to Provide Oversight/Quality to SAUs:</u> 36.4% In Agreement 45.5% Needs more 18.2% Not in Agreement</p> <p><u>How Private Providers Will Be Utilized:</u> 18.2% In Agreement 63.6% Needs more 18.2% Not in Agreement</p>	

Transition of Part B §619 Services from CDS to SAUs					
Steps/Requirement	DOE Plan	DOE Rationale	Inclusion in Draft Language?	Advisory Committee Agreement/Comments	EDU Member Questions/Comments
Provide transition steps which includes examination of capacity	Formalize the transition process and transition resources for SAUs, including mapping and readiness assessments for SAUs to access and prepare for the transition of children in Section 619 to SAUs	Increasing numbers of SAUs have indicated their willingness to take on the responsibility of the provision of special education and related services with time and support in the transition. There have been bills proposed in prior sessions that were supported by MSMA, MPA and MADSEC to transition in a similar phased in approach with support being provided over time.	Not specifically, but could be added to the department's transition rulemaking Proposed 20-A MRSA §7211 also lists other resources available for services regarding facility upgrades, instructional space, including shared space with community providers, seat belts and car seats, and any other administrative/technical support	<u>State's Understanding of Resources SAUs Will Need For Transition:</u> 18.2% In Agreement 45.5% Needs more 36.4% Not in Agreement <u>DOE's Plan to ensure LRE:</u> 27.3% In Agreement 36.4% Needs more 36.4% Not in Agreement <u>Transportation:</u> 18.2% In Agreement 45.5% Needs more 36.4% Not in Agreement	- How will the State ensure age appropriate physical plant, recreation, and materials for Part B? - What is the rubric to assess SAU capacity including but not limited to staffing, space, transportation, professional development, and age appropriate curriculum? Will programs require OCFS approval? Why or why not? - How will the State ensure safe transportation of Part B children -Should we specify the caution about kids in regionalized care being guaranteed education with their non-disabled peers
Plan for support of Part B CDS System employees	Implement staffing support and transition process for CDS staff, including individual transition planning	The CDS staff have critical expertise in the coordination and implementation of services that will be supported in the transition process.	Transition provisions provide that CDS Part B employees shall be offered the following beginning July 1, 2022: 1. Career counseling through the DOL; 2. Coursework and expedited certification pathways to obtain certification in early childhood special education; 3. Retraining in early intervention services to serve in the SIEU; and 4. Retirement options.	<u>CDS Employees During/After Transition:</u> 54.5% In Agreement 9.1% Needs more 36.5% Not in Agreement	- What is the plan to protect CDS workers' pensions/retirement if they move to work in public schools? -Certification and professional development plan for transition from child care to Education and timing, capacity at MCCS/UMS - Psychologist certification and possibly others intersected with Chapter 115 - Protections through MSEA-SIEU contracts preserved? - Retirement protections from WEP, GPO, MePERS

Transition of Part B §619 Services from CDS to SAUs					
Steps/ Requirement	DOE Plan	DOE Rationale	Inclusion in Draft Language?	Advisory Committee Agreement/Comments	EDU Member Questions/Comments
Provide a plan for funding through the State and MaineCare	<p>Fiscal preparation considerations:</p> <ul style="list-style-type: none"> Centralized billing system Administrative support for billing State funding process for Part B, high-cost students Fiscal formula developed, independent of EPS to support provision of special education and related services. <p>School administrative units will receive state subsidy for every child with a disability ages 3 to under age 6 for whom the SAU assumes responsibility for FAPE. Additionally, the State shall provide 100% of the funds beyond what the SAU receives through the school funding formula necessary for FAPE to children with disabilities from their third birthday until they no longer qualify for Section 619 services, including for fiscal 2024,2025 and 2026.</p>	<p>The Department is undertaking examination of the current process of Maine Care billing by the CDS State IEU, the current subsidy for the public preschool programs in the SAUs, and the current rates of expenditure by the CDS system for services provided by staff and contracted providers. Thoughtful consideration of all the aforementioned fiscal information will inform the development of an integrated funding formula as well as determination of a MaineCare billing system.</p>	<p>MaineCare billing (LD 1775)</p> <p>Funding is proposed in §7211, sub-§4 (page 12). Transition provisions (page 16) include that funds appropriated to CDS for Part B, §619 services may be reallocated as necessary to SAUs effective July 1, 2023; and that DOE shall develop a budget for SAUs</p>	<p><u>Centralized Billing:</u> 72.7% in Agreement 27.5% Need more</p> <p><u>CDS Maintains Fiscal Responsibility for Full Cost First 2 Years Ending July 2, 2525 (sic):</u> 45.5% In Agreement 46.5% Needs more 9.1% Not in Agreement</p> <p><u>Fully Fund SAU Part B§619 until July 1, 2026</u> 9.1% In Agreement 63.6% Yes, but concerned about what happens after 9.1% Needs more 18.2% Not in Agreement</p>	<p>- How is DOE/CDS addressing low billing of private insurance and does anything need to be done statutorily or in rules/regs to facilitate increased billing of private insurance? - Please explain why CDs has not been billing for targeted case management and what can be done to facilitate billing for TCM within CDS and possibly SAUs - Will the State commit to paying 100% of the costs of Part B when SAU's take responsibility of FAPE? - What will be the mechanisms utilized for funding the new costs? - What is required to ensure that MaineCare covers developmental therapy services? - Funding formula? And how to protect CDS kids from being bumped by private \$?</p>

Additional Outstanding Questions/Issues

Committee member questions/concerns:

- How many eligible children are not receiving services in Part C and Part B? The committee was informed that lack of providers was a major contributor to the waitlists. What is being done to address that in Part C and how would transferring FAPE to SAUs alleviate the issue for Part B? If moving FAPE to SAUs doesn't alleviate the issue, what will the State do to protect SAU's from liability of not providing services to the children now in their care?
- Has a Child Find committee been established? If yes, who are the members and if no, will a committee be formed?
- Child Find – do improvements translate to a measurable increase in success with earliest intervention after birth? Plan for continuous monitoring?
- How many children are served that are under one year of age for past five years?
- How do proposed DHHS rules for school-based services impact Part B (CDS & SAUs if Part B is moved)?
- How does Part B program approval relate to yearly school approval? What is the process for approval and what are accountability mechanisms?
- How can steps, benchmarks, and milestones for the transition be built into statute and rulemaking
- Staffing:
 - How actively are efforts being made to reach full staffing?
 - Governance Structure: who should be advising on staffing levels if not DOE? Are student/teacher ratios clearly defined? Square footage?
 - Assessing what is the current staffing level for each region/site?
 - Who posts job vacancies both internally and externally? How often updated?
- If parent choice process is more permissive than current superintendent agreements for Part B, what might unintended consequences be beyond number of slots in sending or receiving program?

Advisory Committee member questions/concerns:

- Curriculum/Assessments for Part B 619
 - LD 386: 63.6% In Agreement, 27.3% Needs more Information/Discussion, 9.1% Not in Agreement
- Families will be able to navigate/understand rights
 - LD 255: 25% In Agreement; 25% Needs more information; 50% Not in agreement
 - LD 286: 18.2% In agreement; 27..3% Need more information; 54.5% Not in agreement

Drafting Considerations if the Committee Wants to Move Forward with the Department's Draft (in whole or in part)

- Under [20-A MRSA §7209](#), the provision of services for Part C and Part B §619 are intermingled under the umbrella of CDS. Statutory changes to either provision of services will necessarily require revisions to the other
- Effective Dates
 - Effective dates for parts of the legislation include 90 days after statutory adjournment, July 1, 2023, and July 1, 2026. How those effective dates are implemented will depend on how the committee wants to move forward (for example, the committee could an effective date clause for all or portions of the bill, or enact the language now, but include either “beginning on...” or “this section is repealed on...” accordingly).
 - Between July 1, 2023, when the new, proposed 20-A MRSA §7211 and July 1, 2026 when current 20-MRSA §7209 is repealed, these two sections will be conflict – this will need to be addressed
 - A recent federal court decision held that special education and related services under IDEA must remain available until a student’s 22nd birthday. This change has already been implemented, and this draft makes this change, which could be effective 90 days after statutory adjournment (see notice from DOE from January 21, 2021 [here](#))
 - Because CDS is currently the State’s intermediate educational unit under 20-A MRSA §7209, this change can occur now and will still mean CDS as it currently exists and will mean the new SIEU structure when it comes into being. This avoids complications with enacting distant effective dates
 - The draft corrections most cross-references this way, but there could be others that we missed, that would be something staff would examine if the bill moves forward, and any substantive questions would come back to the committee to address (time permitting)
 - The statutory provision requiring the department to pursue the Extended Part C option will not go into effect until July 1, 2026 – if the committee wants the committee to pursue that option sooner, the committee should do so explicitly
- SIEU Board: Do you want appointments to this Board to be subject to review by the Legislature and confirmation by the Senate?
- Reports
 - The draft requires annual reports during the transition
 - 20-A MRSA §7209, sub-§4, ¶E requires extensive reporting from CDS annually; how much of that does the committee want to require from the new SIEU?
 - What reporting, if any, does the committee want from the department based on reporting from SAUs to the department on the Part B §619 services
- Rulemaking Authority
 - MUSER currently covers both Part C and Part B §619
 - The draft proposes major substantive rulemaking authority for rules related to the transition, to be submitted no later than January 13, 2023 (the end of the major substantive rule acceptance period). The committee may want to consider:
 - Are there specific components the committee wants to require that the department include in their rulemaking?
 - Does the committee want to include that the committee may report out a bill based on the provisionally adopted rules in case amendments to or additions are need for the statutory language?
- Funding/Mandate: the draft provides for “100% of the funds beyond what the school administrative unit receives through the school funding formula necessary to provide FAPE to children with disabilities from their third birthday until they no longer qualify for services under the federal IDEA Part B Section 619, including, for fiscal 2024, 2025, and 2026 only, the cost of providing compensatory education for students previously served by Child Development Services.” If the committee moves forward with any legislation that could require SAUs to “expand or modify activities so as to necessitate additional expenditures” the legislature will need to fund either 90% of those expenditures or exempt the legislation from the requirement pursuant to the Constitution of Maine, Article IX, Section 21 by a vote of two thirds of all of the members elected to each house.