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Requirement	Recommendations	DOE's Rationale
<p>A plan for early intervention services that includes:</p> <p>1. The establishment and appointment of an independent governing board for the quasi-independent government agency.</p>	<p>SIEU established a quasi-independent government agency <i>20-A §7104. State Intermediate Educational Unit</i></p> <p>Board established with representatives from parents, providers, school units, state agencies <i>20-A §7104 Board of Directors</i></p> <p>Chair elected by Board <i>20-A §7104 Board of Directors (3) Chair</i></p> <p>Four-year Board terms (staggered with 2-term limit) <i>20-A §7104 Board of Directors (2) Term</i></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. 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>2. Current or proposed memoranda of understanding between the Department of Education and the Department of Health and Human Services.</p>	<p>Departments are currently working collaboratively under an MOU from 2017</p> <p>Revised memorandum is in the drafting/review process</p>	
<p>3. How the plan addresses each of the 16 minimum required</p>	<p>Department of Education, as Lead Agency for Part C (10), is responsible for:</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</p>

<p>components under the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1435(a) for a statewide, comprehensive system of early intervention services for infants and toddlers with disabilities.</p>	<ul style="list-style-type: none"> a. Oversight/monitoring of SIEU to ensure provision of Part C services (10(A)) (child find, assessment, IFSP, provision of services, procedural safeguards) b. Public Awareness Program (6) c. System of Personnel Development (8) d. Identification/coordination of all state resources (10(B)) e. Assignment of financial responsibility among agencies (10(C)) f. Addressing interagency disputes/ensuring services provided pending resolution of disputes (10(D),(E)) g. Interagency Agreements (10(F)) h. Establishing system for data collection (14) i. State Interagency Coordinating Council (15) j. M/S Rulemaking, to include: <ul style="list-style-type: none"> i. Definition of developmental delay (1) ii. Definitions of early intervention services (2) iii. Qualifications of early intervention service providers (9) 	<p>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. 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>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>
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	<p style="text-align: center;">iv. Procedural safeguards (13) v. Natural environments (16)</p> <p style="text-align: center;"><i>20-A §7103 Department of Education</i></p> <p>SIEU is responsible for:</p> <ul style="list-style-type: none"> a. Provision of Part C services (2), (3), (4), (5), (13) (16) (child find, assessment, IFSP, provision of services, procedural safeguards) b. Data collection (14) c. Training/assuring qualified personnel provide services (9) <p><i>20-A §7104. State Intermediate Educational Unit</i> DHHS responsible for the central directory (7) as part of the 211 system.</p>	
<p>Analysis of the Federal Extended Part C Option:</p>	<p>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> <p><i>20-A §7103(4)(B) Extended Part C Option application</i></p>	<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</p>

		<p>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>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. <i>20-A §7211 Child Find and FAPE responsibility</i></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>Department to draft suggested legislation,</p>	<p>Revision of Maine statute to develop a separate section related to the Part C structure within a State</p>	<p>Clarity of the Part C system within State statute</p>

which could include a new chapter of law	IEU with a board, the responsibilities of the Department of Education as lead agency and the programmatic responsibilities of the SIEU for the implementation of Part C	
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<u>Requirement</u>	<u>Recommendations</u>	<u>Rationale</u>
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.
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 <i>Draft statute Section 28. Transition provisions</i>	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.
Steps to initiate transition	SAUs shall take responsibility for child find and FAPE for children with disabilities	A specific date was needed to begin the administrative transition of the federal responsibility for FAPE and the

	<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><i>20-A §7211 Child Find and FAPE responsibility</i></p>	<p>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>Revision of Maine statute related to the provision of Part B Section 619 services</p> <p><i>An Act To Reorganize the Provision of Services for Infants, Toddlers, and Children with Disabilities from Birth to 6 Years of Age and Extend the Age of IDEA Eligibility to 22</i></p>	<p>Clarity of the Part B, Section 619 program within the Part B section of State statute.</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:</p> <ul style="list-style-type: none"> 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>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</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,</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>service to meet the individualized education program plan of a child with a disability</p>	<p>special education services, related services, transportation, and administrative tasks.</p> <p>Hybrid model in place until July 1, 2026</p> <p><i>20-A §7211 Special education and related services for children with disabilities ages 3 to under 6 And Section 28 of draft statute Transition services</i></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>Provide transition steps which includes examination of capacity</p>	<p>Formalize the transition process and transition resources for SAUs, including resources mapping and readiness assessments for SAUs to access and prepare for the transition of children in Section 619 to SAUs</p> <p><i>20-A §7211 Special education and related services for children with disabilities ages 3 to under 6 And Section 28 of draft statute Transition services</i></p>	<p>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.</p>
<p>Plan for support of CDS System employees</p>	<p>Implement staffing support and transition process for CDS staff, including individual transition planning</p> <p><i>Draft statute Section 28 Transition services, item #7 Positions</i></p>	<p>The CDS staff have critical expertise in the coordination and implementation of services that will be supported in the transition process.</p>
<p>Provide a plan for funding through the State and MaineCare</p>	<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.</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>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><i>20-A §7211 Special education and related services for children with disabilities ages 3 to under 6</i></p> <p><i>#4 Funding</i></p>	