

Senator Rotundo, Representative Sachs and members of the Joint Standing Committee on Appropriations and Financial Affairs. Senator Rafferty, Representative Brennan and members of the Education and Cultural Affairs committee. My name is Colleen Brown and I come to you as a taxpayer and concerned citizen of Washington County. I am writing this testimony on my own time.

My education and employment experience is in early childhood special education and I am currently employed as an IEP Team Administrator for Child Development Services (CDS). You may or may not have seen CDS in the news lately as Governor Mills and Education Commissioner Makin have rolled out a proposal to the legislature to have our local school districts accept the responsibility of implementing FAPE (free appropriate public education) or special education for our preschool population (3-5 year olds). While some may believe this is inevitable because the headlines state CDS is such a failure, I want to bring a few things to your attention in hopes that you will see this scenario for what it truly is- THIS is the states cowardly and devious way of getting out from under something THEY screwed up! Make no mistake... the system has some flaws for sure, but it has been and can be successful with stronger leadership and investments.

Once upon a time, thereabout 2010-2011 each county had its own CDS office, its own director and local control over said office. It paid its own bills including rent, payroll, service providers, etc... It was responsible for its own contracts, leases, supply bids, etc... It had a board of directors that included parents, public health nurses, and educators as well other stakeholders who were the boots on the ground so to speak that brought information from the schools and community to the local CDS office on what was working and what wasn't. Each county was allotted a budget from the DOE and they were responsible for operating within the budget and the local site director worked closely with its staff to be resourceful and make good use of those funds. I can't even imagine this today as the CDS I know and have been experiencing is far from this.

I have been told by a fellow employee who has been with this agency for 30 years, as well as a former employee is that due to several factors that include an increase in the number of children needing services, as well as an increase in the costs of delivering these services coupled with an inadequate budget for recruiting and retaining services providers, the recurring supplemental budget requests for the program over the course several years prompted the Legislature to agree to regionalize the CDS offices, thus giving the local control to Augusta. This should require no further explanation but nonetheless, I will carry on. Since the regionalization, the Legislature has kept a careful eye on CDS and a comprehensive review of its operations completed in 2012 by the Office of Program Evaluation & Government Accountability (OPEGA) identified key areas of concern for the newly regionalized system that had been anticipated to result in a savings of several millions of dollars in the General Fund and thus a reduction in appropriations. Unfortunately, this was not the case.

These areas include:

- Organizational structure and limited capabilities in key management functions hinder comprehensive management, transparency and oversight of programs.
- MDOE and CDS have not placed sufficient emphasis on ensuring efficient and cost-effective use of resources in the implementation of the CDS program.
- MDOE has not adequately monitored CDS' finances nor ensured that CDS' biennial budgets reflect projected actual resource needs.
- CDS does not track actual service units provided by its direct service staff against children's Plans and does not consistently monitor staff productivity.

- Electronic data necessary, or useful, for managing the program is not always reliable or captured in a consistent manner.
- Contract management is decentralized and professional administrative services are not always competitively procured.
- Program revenue sources have not been maximized.
- Lack of coordination between MDOE, CDS and DHHS creates risk of potential fraud and abuse in the MaineCare program associated with billing for CDS program services.

It is a no-brainer that an organization as complex as a STATE WIDE SAU could not be effectively managed by a single state director even with the help of 9 site directors that cover multiple counties. This system was designed to fail and it has been effectively doing so for nearly two decades despite valiant attempts to problem solve and be more efficient. As most are aware, when you don't have local control, transparency diminishes as does the oversight.

Maine is a diverse state. Trying to fit each of Maine's counties and their unique differences in geographics and resources into a one size fits all system was the start of this epic failure. Providing special education services in an itinerant way in Washington County is not as cost effective as providing the same model services in Cumberland or York Counties.

To further break down where the system has started to fail I want to draw you back to this finding:

"MDOE has not adequately monitored CDS' finances nor ensured that CDS' biennial budgets reflect projected actual resource needs." READ THAT AGAIN! Maine's DOE... neglected THEIR responsibility for monitoring CDS' finances and assessing our needs. They bit off more than they could chew and have been neglecting us, neglecting Maine's children who need our services.

I also want to provide you with some of the other points made in the OPEGA report, noting that the DOE has had adequate time, nearly 12 years to fix this system, but to date have ignored these issues much like they have ignored their employees 96% vote of no confidence in the current state Director.

The current data system CDS uses still isn't adequate, however it does allow us to track services provided against planned services. This particular system is very flawed and not user friendly but there are reasonable, albeit costly solutions to this dilemma. Had any of the people who actually utilize this program been asked for input prior to entering an expensive and lengthy contract, some of these flaws could have been averted - Augusta needs to begin and continuously engage with and ask the folks actually doing the work what they think! Imagine how much more efficient and effective we could be.

Contract management is somewhat centralized now that the DOE is handling it, however, the timeline for completing a contract is lengthy and we frequently lose interested providers due to the tedious hoops they have to jump through and in the time it takes for them to become contracted providers. Their schedules often fill up with other obligations leaving little, if any capacity for them to provide services to CDS clients. For this reason, we have a difficult time securing service providers because they do not want to deal with the state, wait long periods for their money, and accept a universal payment amount when in some counties, the service costs more to deliver than other counties. Again, this could be easily resolved if this responsibility was shifted back to each individual county and local control.

Program revenue sources have not been maximized- I am sorry to sound like a broken record here but LOCAL CONTROL, LOCAL CONTROL, LOCAL CONTROL. Counties could apply for and utilize grants and

other local funding sources to help defray some of the cost of delivering services. The ability to collaborate and make the best use of resources was lost when all decision-making powers were taken over by micromanagement in Augusta.

Lack of coordination between MDOE, CDS and DHHS creates risk of potential fraud and abuse in the MaineCare program associated with billing for CDS program services. THIS is occurring folks, and it is probably one of the grossest misuses of our tax dollars in this state. It's also one of the main reasons why many children are not able to receive services because multiple providers are bogged down with providing the same services to the same children and often at the expense of MaineCare.

Here is an example: In order to qualify for special education services, a child has to be moderate to severely delayed. This is determined through an evaluation that yields standardized scores. A child who is only considered mildly delayed, that could be determined by clinical opinion, can receive these services through the medical model using MaineCare or private insurance. In some cases, children who are considered moderate to severely delayed can receive BOTH medical model services and educational model services simultaneously, also at the expense of MaineCare and/or private insurance. Some children are attending Washington County's only specialized preschool program despite not qualifying for an Individualized Education Plan (IEP). There are several problems with this but systematically "where" a child receives their special education services is for the child's IEP team to determine and it is one that is made with consideration of the child's unique and individualized needs. When a doctor or parent refers a child to these programs without a comprehensive evaluation, or an IEP, it is difficult for the IEP team to make an informed decision on the child's least restrictive environment because they don't have any data to determine if a child could be successful in the general education system with appropriate supports and services, thus thwarting the child's educational outcome. Maine has one of the highest (perhaps the 2nd highest if I am remembering a quote from the Commissioner correctly) placements in preschool specialized programming in the country.

Commissioner Makin suggested that ALL children should have an opportunity in the general education setting before being sent to specialized, but with MaineCare not requiring the IEP for specialized, children are not only being sent to these settings unnecessarily but children who DO need to be in these programs are often on year long waitlists. Transportation is another major barrier we have with regard to getting kids where they need to be in Washington County in order to provide services.

If you have made it this far, THANK YOU. I wanted to provide you with some background information and knowledge about how our program works so you will understand when I say that annexing these responsibilities onto the local school districts is a BAD IDEA! It is not going to fix the problem for our children as our local school districts are facing the same challenges with shortages of service providers and staff to support children who are struggling to be successful in the classroom. We acknowledge this problem together. Allowing this DOE proposal to pass will only shift the blame for who can't provide these services, while the root of the problem remains the same. We need more staff, stronger leadership, and better incentives to retain qualified workers who dedicate their careers to serving the needs of Maine's children.

We need our State, I need my state to take charge in bringing us training opportunities for those who want to become services providers such as Speech Pathologists, Occupational Therapists, Physical Therapists, and educators without having to leave Washington County or compete to get into a masters program needed in order to practice.

We need each county to have its own CDS site and local control of that site back!

We need the legislature to acknowledge that their hasty decision back in 2006 (?) is what got us in this predicament, and they must stop immediately and indefinitely at putting us on the chopping block every two years as it is exactly what is deterring people from working for us.

We need adequate funding from the state and federal government to clean up this mess that the MDOE made after they deceived the Legislature into thinking they can do better than the local communities and we need the legislator to be vigilant in NOT allowing this to happen again!

We need Washington County representation on the educational and cultural affairs committee in Augusta!

We need our own 50/50 preschool program in Washington County funded by the DOE and staffed by qualified early childhood special educators.

We need leadership that is trained and qualified to lead our local sites. Unlike local school districts where the state requires their Director to be certified, child development services site directors are often not certifiable in educational leadership or special education directors. I believe this lends to the disparity in how funds are allocated amongst sites because let's face it - if the coach doesn't know how to play the game, he can't coach the team, right?

We need to restore collaborative relationships with service providers who bailed on us when the state took over and we need to regain the trust and faith of our families and community members and finally and most importantly we need Augusta to invest in, and stop messing around with Maine's most precious and vulnerable population.

Thank you,

Colleen Brown