

Testimony of Elizabeth Deliso

Senator Rafferty, Representative Brennan, members of the Education and Cultural Affairs Committee, my name is Elizabeth Deliso from Alna, and I am writing on my own time with respect to Maine's Child Development Services. I am submitting testimony neither for nor against LD 345. While I desperately want change to our system, my major concerns with LD 345 bulleted below are described in depth in the testimony that follows:

- Leadership (lack of knowledge, lack of input or effort to gain knowledge)
- LD 345 Does Not Create More Preschool Placements
- LD 345 Does Not Improve Preschool Contracts
- **Extended Part C Option:**
 - Stakeholder Input
 - Funding Considerations
 - Reporting Requirements
 - IFSPs
 - Providers and Training
 - Caseloads
 - Transition and Workflow

My dream is for all children in Maine to have access to the education they need to thrive. I believe we can realize that vision through an inclusive and collaborative process that yields a carefully considered plan. All the questions raised below must be answered. The procedural infrastructure must be built to sustain a robust and solid system of supports. Do not let our littlest learners fall through the cracks of another broken system. You have the power to demand that we create meaningful change. You have the power to expect more from our institutions in service of children.

Background

I have been employed by Child Development Services since 2015, first as an Early Child Special Educator for Part B / 619 (preschool children ages 3-5), and since 2017 as an Early Intervention Provider in Part C (birth – 3). I love the work that I do to help young children and their families learn and grow together. I want nothing more than to see a well-functioning, equitable, and easy-to-navigate system of educational support for our youngest children.

I would like to share my concerns about the plan put forth by the Commissioner of Education. This plan represents “a technical solution to an adaptive problem,” meaning a performative top-down action that does not consider the complexity of the problems it

purports to solve. This plan, as written, fails to address the systemic failures that are harming our state's most vulnerable children and families. To develop an adaptive solution, people with various perspectives must work together to identify and discuss the causes of these failures and collaboratively develop creative solutions that advance a common goal.

Leadership Concerns Regarding Recommendations in LD345

Every interaction with DOE Leadership highlights their lack of understanding of the work that CDS carries out every day. The Commissioner does not understand the differences between Part C and Part B services, which are many and important (i.e. the environments, the delivery models, the timing, the providers, IFSP / IEP etc.), or how and when children transition from C-B services. She recently asked CDS staff at her recent Town Hall meeting what happens when children turn 3 in the middle of the school year. She asked how children get transported to services. She did not seem to realize that Part C staff work with families all year round and not on a school year schedule. She did not seem to know how preschool contracts work, the difference between preschool and pre-K, or why universal pre-K, as amazing as it would be for all 4- and 5-year-olds, would still not meet the needs, or legal rights, of our 3-year-olds with developmental delays and disabilities. Despite her complete lack of knowledge, by the time she spoke with staff she had already formulated this plan. If the people in the highest positions of leadership do not know even the most basic aspects of our work, they certainly do not know how to improve upon it.

This plan was crafted in haste without the fundamental understanding and detailed knowledge required to create a successful system. When the CDS staff asked the Commissioner how the plan would improve our current situation, she responded that it wouldn't be any worse than it is now. That cannot be the guiding vision! We owe it to children and families to describe a future where our system meets their needs, and they deserve a plan that details the steps to manifest that vision.

LD 345 Does Not Create More Preschool Placements

One of the biggest problems I have seen in recent years is that when the children on my caseload turn 3, they have no place to go for preschool. I encourage them to start calling preschools to get on every waitlist possible as soon as they enter Part C services, but right now many in my area are being told there are no openings until 2025. Without a preschool placement they will not get services once they turn 3, even with a beautifully crafted IEP.

Moving FAPE (free appropriate public education) to the public schools sounds like it might address this, but in fact it will not. LD 345 states that the public schools will be responsible for finding placements for children, but it does not say that they will serve

them directly. The public schools are not equipped to serve all 3- and 4-year-olds with delays and disabilities in their own facilities, so they will also be contracting with private preschools, just as CDS does now. If there are currently not enough private preschools to serve our children, why would there suddenly be more just because the public schools will be the ones requesting placements? The number of preschool openings will not change – it will just be different administrators' problems. Many children with IEPs will still not receive services.

LD 345 Does Not Improve Preschool Contracts

What *would* actually make a difference? Fixing CDS' dysfunctional contract process by incentivizing preschool programs to work with CDS, for CDS to complete the administrative tasks efficiently. Many preschools do not want to contract with CDS because there is no incentive for them to do so. From what they say, they can easily fill all their slots without dealing with a burdensome bureaucratic process run by an agency that consistently pays them late. They need to keep their businesses afloat. On the other hand, some preschools actually do want to contract with CDS because they care about serving children with developmental delays and disabilities. However, many of them cannot despite their best efforts because CDS does not complete the paperwork in a reasonable timeframe. A family on my caseload was hoping to attend a preschool in Boothbay and the school wanted to contract with CDS. However, a year after starting the contract process it still had not been completed. The preschool had done their part, but the CDS administrative office had not done theirs. When staff reached out to Augusta to find out why, they did not get any answers.

When staff talk to families about preschool options, it's a confusing discussion. The process is so opaque that staff do not even know which preschools CDS contracts with at any given time. Families ask for a list of their preschool options – a totally reasonable request -- and we cannot provide one. Part C staff ask Part B staff who say they do not have access to that information. If staff reach out to Augusta, they may or may not receive a response and even when they do, they are told it may not be accurate.

Families are allowed to choose a non-contracted preschool, but CDS will not pay for it (CDS will provide services but won't pay for the placement). This is not feasible for many families, nor is it fair or legal as they are entitled to **free** education. That means if the only school with an opening does not contract with CDS, families are put into a position where they are forced to choose between giving up their legal right to a free education and their child not receiving services. How can a system function like that?

Would the public school system have a more efficient and effective process for contracting with private preschools? If so, what is it? Why will private preschools choose to contract with them? Will it be equitable across the state?

Extended Part C Option

Another major concern with the plan is its reliance on implementation of the Extended Part C Option of IDEA as soon as March 2024, which is next week. This single, quietly embedded, component of the plan represents a **major systems level change** that requires a great deal of forethought, preparation, and planning to implement. Only six states currently offer it, and there is much to learn from their experiences. I highly encourage all members of the committee to learn as much as they can about the legal, financial, structural, and systemic implications of this change (*start here*: https://ectacenter.org/partc/partc_option.asp#implementing).

While offering the Extended Part C Option is a great long-term goal that might better serve some families, the state has not yet done the requisite work to deliver this significant change. New systems first must be created, and many questions need to be answered. Here are a few things to consider:

- **Stakeholder Input:** One of the key takeaways described by the state of Maryland in adopting the Extended Part C Option was the importance of spending a year collecting broad stakeholder input. No aspects of LD 345 reflect even the most minimal effort to collect any stakeholder input. Why not? Do you feel that it would be important to consider the voices of families, CDS staff, contracted providers, preschools, childcares, therapists, medical professionals, and the community when creating a systems level change impacting children?
- **Funding considerations:** Offering Extended Part C can change the funding formulas, and other states have reported that it increased their overall budget. Do you know the financial ramifications of this change in the state of Maine?
- **Reporting requirements:** OSEP will require more monitoring and information. They will require specific data reports including Extended Part C information. To comply, new data systems need to be created to capture information not only at Part C (ARPs) & Part B Indicators, but also to be able to separate out data in Extended Part C. Also, different IFSP outcome data will need to be collected on children using this option. What are the financial reporting requirements to OSEP? Do you know exactly what data across all areas (educational, participation, legal, financial etc.) will need to be collected and how?
- **IFSPs:** Other states report needing to change their IFSP templates to include new sections for Extended Part C children in order to comply with OSEP. All Part C Coordinators would need training and new forms would need to be created. Who will thoughtfully decide what changes would need to be made, make those changes, and roll them out to staff?

- **Providers & Training:** If a child will stay with their Part C provider and Part C Service Coordinator past the age of 3, these providers will need to be trained in writing, working on, and collecting data on age-appropriate school readiness outcomes (which are different from the under age 3 outcomes). Providers need to realize that while their setting and child might remain the same, their responsibilities will shift or at least expand. Who will provide this training to Part C staff?
- **Caseloads:** Will retaining more children in Part C reduce provider (both Primary Service Provider and Service Coordinator) capacity in Part C? Will it result in waitlists in both Part C and Part B?
- **Transition Process & Workflow:** Currently CDS has a multi-step process for transitioning kids from Part C – B which involves a great deal of coordination between Part C & Part B and has specific time frames based on the child's age. This makes it easy for both teams to anticipate when the transition will happen and initiate the process, which includes three separate team meetings that staff from both Parts must attend: 1) Transition Conference 2) Initial Referral Meeting for IEP and 3) Initial Eligibility Meeting for IEP.

Offering this Extended C Option will require a new process to be developed which allows for transitioning at any time. If a family chooses Extended Part C, they can transition at the next school year as stated in the plan, but they also have a right to transition any time before that. They may initially choose the following school year, but after a few months may decide to transition sooner. Who will develop this complex, flexible new process and then train all staff in its adoption?

If every child who turns 3 from October to May has the option to delay their transition until the following school year, CDS could see a huge increase in the number of Transition Conferences and IEP meetings that occur all at the same time just before each new school year begins. With many Part B staff not working over the summer, it is conceivable that this glut of Transition Conferences and IEP meetings will coincide or at least overlap with Kindergarten Transition meeting season (late spring), which is a hugely difficult time for Part B staff, or it will cause a second difficult time soon after. Trying to schedule any additional meetings during this time period would be next to impossible. Who is going to develop this new workflow? How are they going to ensure its feasibility and that staff will be able to meet the federal timelines?

- **Communication:** There needs to be an extensive communication campaign explaining this option. It is a significant departure from how CDS normally operates, so all staff Part C & B need to be well educated in understanding the nuances. The public and the families CDS serve need accurate information about all their options. Families who did not have this option and who are currently not getting services because the child has an IEP but lacks a preschool placement will be angry. Is this option going to be offered to them as well? If not, is it equitable? Who is going to lead this communication campaign? Has the messaging been developed?

I ask that the legislature carefully consider the many concerns that I have raised here and that others in the CDS workforce are bringing to your attention. We do the work every day. We know the system inside and out. Maine cannot make short-sighted decisions when it comes to providing vital education for children in their most formative years. Thank you for your thoughtful attention to this matter.

I am available for further discussion at any time.

Sincerely,

Elizabeth Deliso, Alna ME

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Resources:

Early Childhood Technical Assistance Center: Part C Extension Option

https://ectacenter.org/partc/partc_option.asp#implementing

This is a fantastic resource that explains the complexity of implementing the Extended Part C Option. It includes an informative video from Maryland and Washington DC explaining their processes for implementation.

§ 303.211 State option to make services under this part available to children ages three and older.

URL: <https://www.ecfr.gov/current/title-34/section-303.211>

Citation: 34 CFR 303.211