

Dr. Debora Murphy |

RSU#2 serving communities of Dresden. Farmingdale. Hallowell. Monmouth

E| dmurphy@kidsrsu.org c| 207.458.9811

Testimony in Support of LD 345: An Act Regarding Educational Policies and Programs

Senator Rafferty, Representative Brennan, and Esteemed Members of the Education and Cultural Affairs Committee, my name is Dr. Debora Murphy. I am the Vice President for the Maine Administrators of Services for Children with Disabilities (MADSEC). I am also the Special Education Services Administrator from RSU2 representing over 300 students and families receiving special education services in the communities of Dresden, Farmingdale, Hallowell, and Monmouth. On behalf of the individuals in the field of public education - I am providing testimony in support of LD 345 with suggestions for your consideration.

As a special educator in the state of Maine for 38 years, I started as an Ed Tech III, became certified in Special Education (282), earned a Master's in Counselor Education, and 3 years ago earned a doctorate in Special Education and have shared the transition of hundreds of families transitioning from CDS to public school.

Our district has over 95% of identified 4 year olds through CDS - NOT receiving the specially designed instruction as determined eligible and included in the development of the individual education program through the current barriers in place. Today and for the past 2 school years young learners are beginning public school without receiving expected services. There is an assumption that public school special education (282) teachers require specialized certification from early learning. Currently, our special educators are meeting young learners in schools who may be 5 years old - yet developmentally are below 2 years old. Special educators meet students at their instructional level in both academic readiness and functional skills. Our teachers work with early childhood standards everyday and support individual student progress, in our schools TODAY!

Although the Department and CDS have made continued efforts to meet the needs of young children with disabilities, our state is seeing nearly 20% of eligible children under Part B Section 619 not receiving some or all of their required services through their Individualized Education Program (IEP).

Our district has over 95% of identified 4 year olds NOT receiving the specially designed instruction as determined eligible and included in the development of the individual education program through the current barriers in place. Today, these young learners are beginning public school without receiving services. There is an assumption that public school teachers require specialized certification from early learning. Our teachers today

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are meeting young learners in our schools who may be 5 years old - yet developmentally are below 2 years of age in academic readiness and functional skills. Our teachers work with early childhood standards everyday and support individual student progress, in our schools TODAY! Research shows that the lack of early intervention services leads to a lack of school readiness. Special education administrators have shared they are seeing both a greater need for and higher level of special education services upon entry into kindergarten. The identification rates of our elementary schools are 33%, 24% and 23% respectively, which is significantly higher than the state average of 19.49% (2022), which is already higher than the national average.

During a recent work session, Ms. Rissler referred to the “Advocacy Bill”, this red lined language was discussed as available to the committee, although not found as a public document. During the public comments of public hearing Feb 27, 2024 participants again referenced this document again not presented to the public as language of LD345. This public reference led to confusion and questions for those of us in the field and following this important transition impacting public special education and the beginning of many future leaders' public school journey.

LD 345 outlines a plan to address the repeated concerns with the current system of the provision of FAPE in the least restrictive environment (LRE) under Part B Section 619 through the transition of said services to SAUs from CDS. Specific to the bill, as a 20 year administrator in special education I strongly support:

- The inclusion of the Extended Part C Option to provide parent choice in electing to have their 3 year old child continue to receive early intervention services through an Individualized Family Service Plan (IFSP) in their “natural setting”, such as daycare, rather than transition to Part B 619 where special education and related services are provided through an Individualized Education Program (IEP) in an “educational” environment (FAPE).
- The reorganization of current CDS sites to align with Superintendent regions across the state for consistency and to best assist SAUs and families with this transition of child find and the provision of FAPE, Part B 619 services and restructuring of CDS into said resource hubs to provide supports and services to SAUs based on each SAU’s level of need.
- Language that provides the needed flexibility for SAUs to assume child find and FAPE responsibility, providing the required special education and related services to children aged 3-5 based on their own unique local needs.
- Language that is not so restrictive such that it would lead to unintended

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consequences, barriers, or hurdles for SAUs to assume above mentioned responsibilities

- A 4-year transition period before full implementation and transfer of child find and FAPE under Part B Section 619 and outlined transition schedule and supports
- The option for SAUs to provide FAPE under Part B Section 619 with or without accessing supports and services through the CDS regional service hubs or entering into a MoU with CDS.
- Levels of funding to include (1) a per pupil cost outside of GPA and at 100% state share, (2) an allocation for special education and related services outside of the EPS formula and calculated at per pupil operating allocation multiplied by 1.5 at 100% state share on a quarterly basis with adjustments for each quarter, and (3) separate allocations for a variety of high-cost IEP placements and the establishment of a Preschool Special Education Fund.

The following recommendations to further enhance LD 345 and empower SAUs to assume the responsibilities of child find and FAPE under IDEA Part B Section 619:

- Section W-1. 20-A MRSA §7001 1-A3. CDS Regional Service Hub: Addition of Section A: Each CDS Regional Service Hub shall, at minimum, make the following supports and services available to SAUs in need of such services:
 - Direct bill for MaineCare and private insurance for the provision of FAPE under Part B Section 619 with assumption of responsibility of risk for all audits, along with technical assistance and training in accessing and billing MaineCare and private insurance for the provision of FAPE under Part B section 619 for SAUs billing in-house. Clarify where the revenue goes when collected, back to the school district or to the CDS service hub.
 - Training and professional development to support students with disabilities under Part B Section 619, including, but limited to, curriculum, screening and assessment, child find, and developmentally appropriate practices
 - Assistance with child find duties, referrals, transportation needs, and applicable special education administrative tasks and paperwork under Part B Section 619
 - Recruitment and connections with private related service providers, evaluators, and local community pre-kindergarten programs to assist the SAUs in the fulfillment of their FAPE duty under Part B Section 619
- Section W-6. 20-A MRSA §7209, sub §9
 - Addition of 9.C: To address past, present and future unmet needs for children with disabilities under Part B Section 619, CDS shall assume responsibility for

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any and all compensatory education during the time period in which the agency (CDS) was responsible for the provision of child find and FAPE for children ages 3-5

- As part of the transition of responsibility for ensuring FAPE in the LRE for children eligible under IDEA Part B Section 619 from CDS to SAUs, direct the State Board engage in rulemaking for Chapter 115, Part II 282 endorsement to expand from Kindergarten to Pre-Kindergarten to ensure the provision of FAPE services to children eligible under Part B Section 619

Thank you for your commitment to serving the public schools of Maine and practitioners in the field of delivering FAPE in our public schools.

Yours in education,

Debora Murphy EdD.

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degrees in Early Childhood Education and have experience in working with children within this age group.

- Bill Text: The language in LD 345 is of the utmost importance. Words matter. Requirements within the bill text that would cause barriers and complexities in this transition, such as the requirement of specific additional human resources | positions within the CDS regional hubs, a separate monitoring system, and a separate service plan, and CDS provision of services and supports to other programs.

C: Cost, Compensatory Education, Certification, and Change

- Cost: Currently, CDS bills MaineCare and private insurance for reimbursement of eligible services for Part B Section 619 and the majority of SAUs do not bill MaineCare for eligible services. It is imperative that a key service of the CDS regional hubs be that of billing MaineCare and private insurance for interested SAUs, along with technical assistance for those SAUs who wish to manage their own billing to defray costs. There is great concern that without assistance for insurance billing, a significant funding source for 3-5 year olds will be lost which may result in cost being shifted to local share. Additionally, given the concern with funding, if LD 345 requires specific, additional positions within each of the CDS regional service hubs, the amount available for distribution to SAUs will be reduced, furthering the risk of passing the cost of required special education services onto local taxpayers. It would not be fiscally responsible to funnel money, needed by SAUs for the provision of special education and related services under Part B Section, to CDS (a system that has been acknowledged as not effective or sustainable for providing FAPE services under Part B Section 619) for additional, required, specific positions at each regional service hub.
- Compensatory Education: The current, past, and future unmet need must be addressed by identifying that CDS, not the SAU, is responsible for any and all compensatory education in which they were the responsible party for child find and the provision of FAPE under Part B Section 619.
- Change: If we have acknowledged and accepted the current system for providing FAPE in the LRE under Part B Section 619 is a broken system and it is time for a change, then we must change not only who is responsible for FAPE, but also our mindsets from a CDS model to a school | educational model.

In closing, special education administrators recognize SAUs are in varying stages of readiness for this transition and we would be remiss if we did not share that there are still questions and concerns at the school district level, as always when a significant change occurs, but we recognize that a change is needed. Our young students deserve better. We know there is both hesitation and opposition to this change, but as Representative Lyman

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recently shared, there were questions and concerns with transitioning kindergarten from half day to full day and I think we can agree that has been successful for our 5 year olds.

Thank you for your time and your service. I am available for any questions you may have and can be available for the work session.

Please feel free to contact Dr. Deb Murphy - 207.458.9811