



BREWER SCHOOL DEPARTMENT

Brewer, Maine 04412

February 27, 2024

Dear Senator Rafferty, Representative Brennen, and Esteemed Members of the Education and Cultural Affairs Committee, my name is Angela Moore. I am the Director of Special Education and Section 504 services for the Brewer School Department in Brewer, Maine, and Secretary to Maine Administrators of Services for Children with Disabilities (MADSEC). I am providing testimony in support of LD 345.

I began my professional career working for Child Development Services (CDS) as an Early Intervention Specialist over twenty years ago - screening, identifying and coordinating early intervention services for children Birth to school age five, under Part C and Part B of the Individuals with Disabilities Education Act (IDEA). I know from my time with CDS, as an interventionist and as an administrator, that staff turn-over, provider shortages, and unmet student needs are persistent challenges our system faces.

As an early interventionist, special education teacher, consultant and administrator, I am fully aware of the need to transition FAPE responsibilities to local SAUs, and I am deeply committed to the work that sits before us to ensure all Maine children are located, identified, and served, to ensure their access to a Free Appropriate Public Education (FAPE) through least restrictive learning opportunities.

The Brewer Community School has a long-standing collaborative partnership with Penquis Child Development. We work closely with our colleagues at CDS to ensure all 4 year olds have access to inclusive learning opportunities. We also have a collaborative partnership for site-based services through the Maine Education Center for the Deaf and Hard of Hearing (MECDHH), supporting students who are deaf and hard of hearing throughout our region, from Pre K to grade 12.

It is through our partnership with CDS and the agencies noted that we are able to seamlessly screen, evaluate, and identify children with disabilities prior to entering kindergarten. However, despite our collaborative partnership, and the exhaustive efforts of our friends at CDS, far too many children with identified disabilities are entering public school with unmet needs as outlined in their IEPs. Under the current structure of CDS, Maine is seeing nearly 20% of eligible children *not* receive some or all of their entitled IEP services under Part B Section 619. Yet, this is not at all the story for our school age eligible five year olds served under Maine's local SAUs. Every spring, during our CDS transition meetings, we inevitably transition multiple students into kindergarten, with established IEPs, who are still awaiting one or more providers to *begin* services. In recent years, we've experienced an increase of more and more children entering kindergarten, from outside our Pre K program, with no IEP and no evaluations - these students have clear and evident needs upon arrival, and we're scrambling to get them what they need. Surprise enrollment of students with disabilities is burdensome to districts and unfair to children. A broad Child Find system with timely evaluations and early identification is the key component to a successful kindergarten transition and education program for individual learners.

Our CDS system is exhausted. Our colleagues and providers at CDS are spread too thin, challenged with an inefficient regional model. Our families with unmet needs are frustrated, our local preschools are asking for help, our students need more and they, above all, deserve better. I am in full support of transitioning the responsibility of Part B / FAPE services into local SAUs. Through the collaborative relationships we have established with our regional CDS site, our local preschools, and our public Pre

K program, I am confident in our ability to work through the challenges ahead in support of a transition that includes the expertise of our local early intervention specialists at CDS, and their contracted providers, to ensure the provision of a FAPE to all identified children.

Local SAUs need the good people at CDS, and they need us.

In my early conversations with our neighboring towns, they too, are interested in a collaborative opportunity to ensure their 3 and 4 year olds with IEPs have the same opportunities as our mutual students with IEPs who attend public school in grades K-12. Full access to IEP services should not vary by age or grade. We need to work together to improve the provision of services, to improve transition experiences for children entering kindergarten, and to improve the short-term and long-term education outcomes for individuals with disabilities.

I am in agreement with my colleagues from MADSEC who have shared supportive testimony. 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, 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 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.

It is critical for all of these items to be outlined in the bill text to ensure that SAUs can provide the most seamless transition for students and families.

I ask you to please also consider the following suggestions to 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.
- 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 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 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.

It is essential for each item above to be outlined in bill text to ensure SAUs *can* assume the responsibility of FAPE and provide the necessary services and supports under IDEA Part B Section 619. Please also clarify the date in which SAUs are responsible for child find and FAPE under Part B Section 619. In Sec. W-6. 20-A MRSA §7209, sub §9 the date is listed as July 1, 2028 and in the summary (#2), it is listed as July 2029.

As you know, SAUs are in varying stages of readiness for this proposed transition and, as with any significant change, there are questions and concerns that need to be processed. Let's work through these questions to ensure an effective and collaborative change *actually* occurs. A substantial and meaningful change is needed to ensure Maine's youngest students have equally accessible learning opportunities as all other individuals served under IDEA. A collaborative effort between CDS and SAUs is a long overdue solution to Maine's wait lists and unmet needs. LD 345 contains many details and decisions that are complex, but entirely manageable when children are in focus. Please keep the needs of our students at the forefront of this decision making process, and recognize that *every moment matters* in their young development and intervention process. Maine's children with disabilities deserve better, they deserve equitable access, they are entitled to a FAPE. Please *make* a change through the pathway of LD 345.

I am available for any questions you may have, and would be glad to share more about the successful collaboration our district has experienced with CDS and our Pre K programs as well as our own readiness assessment.

Thank you for your time and dedicated service.