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Testimony in Support of LD 2114: An Act Regarding Public Preschool Programs Serving Children Who Are 3 Years of Age

Senator Rafferty, Representative Murphy, and Distinguished Members of the Joint Standing Committee on Education and Cultural Affairs. My name is Gay Anne McDonald and I am the Executive Director for the Maine Administrators of Services for Children with Disabilities (MADSEC), representing over 400 professionals for special education across the state.

MADSEC is in support of LD 2114, which includes the expansion of the definition of public preschool and the accompanying funding opportunities for three-year-olds. MADSEC appreciates the expansion and funding opportunities this bill creates for three-year-old learners, including the provision that allows the State, beginning in the 2026-2027 school year, to provide start-up funding for the allowable costs of operating programs for three-year-olds identified as having a disability. This financial flexibility is vital for any School Administrative Unit (SAU) that is in a position to create or expand their preschool program now or in the future toward ensuring Maine's young children have a strong educational foundation.

Specific to children with disabilities, Part B of the Individuals with Disabilities Education Act (IDEA) compasses children beginning at the age of three. Two main principles of IDEA include free, appropriate public education (FAPE) and least restrictive environment (LRE). With the passing of LD 345 in the 131st Maine Legislature, SAUs are responsible for the provision of FAPE within the least restrictive environment for children aged three to five by July 1, 2028. It is imperative that policies are in place that address public education for three-year-olds with and without disabilities. LD 2114 recognizes this need, the critical importance of early intervention, and the foundation of LRE- *the education of students with disabilities alongside their 'non-disabled' peers.*

It is important to note that MADSEC shares concern with Sec. 13 (20-A MRSA §5201, sub-§2, ¶D) and possible confusion regarding enrollment of a three-year-old without a disability and programming availability. Current language states that a person who is at least three years of age and not identified as having a disability may enroll in a public



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preschool program "if it is available and the program provides instruction to children who are 3 years of age". There is a concern that this could be interpreted to mean that a school providing specialized instruction to any three-year-old (such as a child with a disability), would be required to enroll any three-year-old without a disability who applies regardless of whether there is program availability. To prevent this confusion, we recommend adding the phrase "without a disability" to the end of that sentence to clarify that the program must be specifically designed to serve the general three-year-old population for this enrollment provision to apply.

In closing, MADSEC recognizes the concerns regarding the potential impact of this bill on private preschool providers. This bill provides a framework for SAUs to create or expand public preschool programs without mandate, which allows for continued coordination with other early childhood programs in the community to maximize resources and provide comprehensive services, especially for three- and four-year-olds with disabilities. MADSEC values a community approach in serving Maine's youngest children and their families. LD 2114 provides a necessary pathway to early intervention through public preschool programming as part of the community model. By refining the language to include all three-year-olds, we can better serve Maine's youngest students.

Thank you for your service and dedication to the education of Maine children.
Please feel free to contact me with any questions you may have.

Respectfully,

Gay Anne McDonald

Gay Anne McDonald
Executive Director
MADSEC

