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Alliance for Addiction and Mental Health Services, Maine *The unified voice for Maine's community behavioral health providers*

Malory Otteson Shaughnessy, Executive Director

Testimony in Support of LD 1309

An Act to Clarify Requirements for Payment of Tuition for Children with Disabilities by the Department of Education's Child Development Services System

Sponsored by Representative Drew Gattine

April 13, 2023

Good afternoon Senator Rafferty, Representative Brennan, and members of the Joint Standing Committee on Education and Cultural Affairs. I am Malory Shaughnessy, a resident of Westbrook, and the Executive Director of the Alliance for Addiction and Mental Health Services. The Alliance is the statewide association representing the majority of Maine's safety net community based mental health and substance use treatment providers. The Alliance advocates for the implementation of sound policies and evidence-based practices that serve to enhance the quality and effectiveness of our behavioral health care system.

On behalf of the Alliance, I am here today to speak in support of LD 1309, "An Act to Clarify Requirements for Payment of Tuition for Children with Disabilities by the Department of Education's Child Development Services System."

This bill requires the CDS System within the Department of Education to provide payments for special purpose private schools and private general-purpose agencies that provide both educational and behavioral health services to children with disabilities who have not attained 6 years of age. The bill requires that the CDS System work with these private schools and general-purpose agencies to establish, prior to the beginning of the 2023-2024 school year, appropriate daily rates for payments for the educational component of their services. These daily rates should rely on the current daily rate methodology now used. These daily rates must then be used to calculate payments for educational services.

Currently, these special purpose private schools and private general-purpose agencies that provide both educational services and medically necessary behavioral health services to children with disabilities who have not attained 6 years of age do not have access to tuition payments for educational services and are receiving only MaineCare payments for medically necessary behavioral health services, even though they also perform the educational component.

This is not equitable, nor is it sustainable.

This type of specialized, early intervention is vital for these children and families. It gives these children the best chance to develop cognitive, physical, social and emotional skills to prepare them for future education and life's challenges ahead. Yet, the ongoing lack of tuition payments for educational services threatens the continued economic viability of these schools and agencies. As Federal Medicaid rules require that the only allowable costs for Medicaid are costs related to medically necessary rehabilitation, these critical services are at risk.

Maine must step up and provide the educational costs to stabilize and sustain these essential programs. Please vote yes on this legislation for our children's future.