



**Testimony of Laura Cordes
In support LD 2120**

*An Act to Fund the Delivery of Educational Services to Children with Special Needs as Required by
State and Federal Law in Special Purpose Preschools*

Joint Standing Committee on Education and Cultural Affairs

January 31, 2024

Good afternoon, Senator Rafferty, Representative Brennan, and members of the Committee on Education and Cultural Affairs. Thank you for the opportunity to offer testimony in support of LD 2120 *An Act to Fund the Delivery of Educational Services to Children with Special Needs as Required by State and Federal Law in Special Purpose Preschools*.

My name is Laura Cordes. I am the Executive Director of the Maine Association for Community Service Providers (MACSP). MACSP is the statewide association of more than 90 individual, mission driven agencies providing person centered and individualized educational, vocational, residential and community supports, as well as specialized services and care to several thousand of Maine's children and adults who have either intellectual disabilities, autism spectrum disorder, or brain injuries, so that they may live full and meaningful lives in the community.

I want to thank Representative Gattine for bringing this bill forward, as well as the entire Education and Cultural Affairs committee for taking the first step last session to establish an equitable payment for one of our association's most critical and life changing programs, special purpose preschools.

As you know, these preschools provide federally required therapeutic and educational supports to 3-5 year olds with the highest and most complex behavioral and developmental disabilities so that they may thrive in the least restrictive environment. The early intervention and support they receive in these classrooms increases their likelihood of being integrated into public classrooms with their peers.

Child Development Services (CDS) contracts with special purpose preschools to support the children whom they refer. They also approve each child's IEP (Individualized Education Plan). Up until just a few months ago however, if the child they referred to the preschool was also approved for therapeutic and medically necessary supports under MaineCare, CDS did not offer a daily rate, tuition payment or financial support to the school for the educational costs or services provided.

As a result, providers have incurred unsustainable financial losses for years leading to fewer schools, shuttered classrooms, reduced census and longer waitlists for families with children who have a right to Free and Appropriate Public Education (FAPE) as defined and required under the federal

Individuals with Disabilities Education Act (IDEA).

As it stands today, based on a January 2024 MACSP survey of 12 special purpose preschool providers, the combined waitlist for these schools is larger than the total number of children these same schools are serving.

Last session, with unanimous support and leadership from this committee and that of your colleagues on the Appropriations Committee, one year of funding was allocated in the budget for a CDS per child, per-day "intermediate payment" for the specially designed instruction (SDI) provided by each special purpose preschool providing both educational and medically necessary behavioral health services to children with disabilities in accordance with a child's individualized education program.

The budget also directed CDS to work with providers to develop a daily rate for the 2024 -2025 school year. The intermediate payment was thus only intended and funded for this current school year.

Throughout late summer and fall, MACSP stayed in touch with representatives from the Department seeking information about the intermediate payment and development of the daily rate and offering assistance in ongoing communication and planning with our provider community.

In early November, CDS shared instructions for how schools should invoice for the "intermediate payments", and early last week, to the great relief of providers, special purpose preschools began receiving their first payments retroactive to the start of the 2023-2024 school year.

In December, the Department began collecting sample Cares Package reports, to help determine the daily rate. The request for providers to complete this complex report came later than they had initially indicated, and the short initial four day deadline created distress among providers. The Department did extend the deadline and offer assistance in how to complete the report, which providers greatly appreciated, but the overall process so far has been unclear.

Last week, on January 25, this committee received a report and presentation from the Department of Education about the development of the Daily Rate for the 2024-2025 school year. It was during this time that MACSP and our provider members learned of meetings that will be held in February and March to "review models and to finalize the rate setting procedure," and that "the new rates will be determined by May 1 for each SPPPK."

We were glad to learn of this timeline, and greatly appreciate the Department's work. Unfortunately May 1, 2024 falls out of the legislative session and there is no current funding for the next fiscal year to continue the intermediate payments should this time line change or delays occur.

At a time when Maine is out of compliance with the Individuals with Disabilities Education Act and hundreds of families and children remain on waitlists for specialized early education services, we

cannot afford to take a step back or jeopardize the stability of well-respected programs and hundreds of spots that could change the lives and trajectory for children with disabilities.

The promise of the 2023-2024 interim payments and development of the forthcoming CDS daily rate has already kept many programs from further collapsing or closing. Half of the schools responding to our most recent survey report keeping a special purpose preschool open that they would have otherwise closed this year without the intermediate payment and promise of the daily rate. Additionally, if the daily rate is secure for the 2024 – 2025 school year, special purpose preschools estimate that they can increase the number of children and families in their schools by nearly 40%.

LD 2120 provides the support and extends the promise to special purpose preschools at this important juncture. It will ensure that the intermediate payments continue into the next school year or until such time that the daily rate is developed and implemented.

We urge your support.

Thank you for your consideration.

I welcome your questions. Please contact me if you need additional information.

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