



Maine Developmental Disabilities Council

February 21, 2024

Testimony Neither For Nor Against LD 2214 Section W which Reorganizes oversight and updates practices for serving infants, toddlers and children with disabilities from birth to 6 years of age.

Senator Rotundo, Representative Sachs, Senator Rafferty, Representative Brennan and the distinguished members of the Committee on Appropriations and Financial Affairs and the Committee on Education and Cultural Affairs:

My name is Nancy Cronin and I am the Executive Director of the Maine Developmental Disabilities Council¹.

We are aware that the system of services for young children with disabilities, overseen by the Department of Education, whose work is conducted by Child Developmental Services is failing. We agree with the Department of Education that they are out of compliance of multiple laws and many of our young children are not receiving the services that they need. We know that there will be another public hearing specific to

¹ Councils on Developmental Disabilities were created through the Developmental Disabilities Assistance and Bill of Rights Act (DD Act) in 1970. Maine's DD Council has been advocating for individuals with developmental disabilities for nearly 50 years. The DD Council is a federally funded, independent organization with members from across the state, including persons with disabilities, family members, and representatives of public and private agencies which provide services and/or funding for services for individuals with developmental disabilities. As required in federal law, we are involved in advocacy, capacity building and systemic change activities, with the goal that individuals with developmental and other disabilities of all ages are fully included, integrated, and involved in their communities and the decisions impacting their lives.

this issue so we will focus this testimony on the 10,000 foot view today and go deeper into the plan next Tuesday with the Education Committee.

Are schools ready? Is the Department?

We are aware that some school districts want to take on this responsibility as soon as possible. They are tired of finding young children who haven't had their needs met until kindergarten and know that they can do better for their children. That is wonderful and we think they should be allowed to do so. But what about the rest of the schools? I am concerned that they don't have the knowledge and resources. I am the School Board Chair of the Fayette School Department and I know we are very concerned. We don't have the space. Our staff doesn't have the capacity. And our staff is concerned that they don't understand the job that they are being asked to do. For example, how will we conduct ChildFind for 3-year-olds who are **not** in our school building. This is not an enrollment process, this is an active finding process. Once found will we be sending our staff into homes to observe? That is something schools don't do. What do they look for? Who will evaluate these young children? And there are no child care centers near our little town, will we be sending one of our two busses to pick up a child and drive them 30 minutes to the least restrictive environment? That will be the best thing for the child but how will we manage the resources?

Funding

The funding structure proposed provides 100% State Share. But many of the questions I raise will not be truly covered within that slice of the pie of what is being called the "State Share." How is there a "State Share" when local school districts have not been responsible to pay any of the share? There is also supportive language to provide additional dollars for some. And while I appreciate the initiative will pay outside the EPS formula the language provided indicates using the same methodology. Which is not 100%. This is not 100% of costs.

For over twenty years I have watched these two Committees struggle to understand the costs of providing Part B 619 services. We know that we have underutilized Medicaid dollars but we have yet to implement a solution. I fear that this does meet the definition of an unfunded mandate. I fear that this is a cost shift of not only an

enormous policy change that will tax resources, but it will shift costs from this body to the property owners of our local towns.

Instead I proposed a different strategy. The State's pockets are deeper than many local towns. For a while, the State should pay for existing children's needs already in the hopper and 100% of costs to school districts who take this on for at least a while. This budget offers a limited amount of money – which likely won't be enough.

The proposed regional hubs (which we are in full support of) should be invoiced monthly by SAUs with actual costs for reimbursement. Then the State can manage billing Medicaid and private insurance. How insurance works, to my understanding, is through negotiated fees between insurance companies and providers. If the State moves this to local schools, then to access private insurance they will need to not only get parent consent but they will also then need to negotiate with each insurance company. Regional hubs can represent the entire State at once and get those funds easier. The State picks up the rest as it is doing now.

Lastly the regional hubs can track costs and report it back. Then you will have a better sense of what we are asking local taxpayers to take on. If not, it is passing a bill onto local tax payers without an upper limit.

Oversight and Accountability

Regardless of whether or not this plan goes through I strongly recommend that we mandate and implement a formal oversight model. The State's that have 3-5 year olds serviced in schools also have a process to monitor the services using quantifiable indicators in order to adequately measure performance in SAU's provision of FAPE in the least restrictive environment, child find, and other components of IDEA (in accordance to IDEA 300.600) Today the Department cannot even give us a number on how many children are waiting for services. They cannot tell us about waitlists because, while they know there are many children waiting, the exact number is not easily accessible. This goes against IDEA. Our Department should promulgate formal rules define a Monitoring Process. Through the development of that process I suspect we will define many of the key criterion that we need to be able to conduct functional oversight of our system.

If I could wave a magic wand

If I could wave a magic wand, I would implement this change very differently. Instead of transferring just 3-5 year olds with disabilities to public schools I would fund Universal Pre K which includes 4 and 5 year olds. Then all those children, with or without disabilities, would be served. Inclusive environments would be developed and it would be a win for our young children. Work through those kinks first. Develop a clear Part B 619 readiness assessment. (I was alarmed when I heard that we are using a Pre-K expansion readiness assessment to measure readiness. That doesn't include the metrics necessary for school districts to prepare for this service.) I would support funding to develop the programs through the local school districts for those who want to serve kids now. But not everyone.

Lastly, and most importantly, I would ensure that children who have unmet needs get those needs met. I would ensure that the laws of IDEA and ADA stop being broken. We cannot afford to look into how we will pass the torch until our youngest children are served adequately.

If this plan goes through as written there will be 3 groups of losers and 1 real winner. The losers will be the children, the families, and our elderly on fixed income who just can't afford another property tax increase. The only real winner that I can see will be the lawyers.

Thank you for this opportunity to provide input.

A handwritten signature in black ink, appearing to be 'John' followed by a stylized surname.