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L.D. 345 An Act Regarding Educational Policies and Programs

Senator Rafferty, Representative Brennan, and members of the Educational and Cultural Affairs Committee.

My name is Cathy Dionne. I live in Greene; I am the parent of a 29-year-old autistic adult and a grandparent of an autistic 3-year-old. I am testifying on behalf of the Autism Society of Maine (ASM) Board of Directors as the Executive Director. I have been working in the field of Autism serving Maine families for 28 years at ASM and the society has been serving Maine families for 48 years.

I am here to offer neither for nor against of L.D. 345 An Act Regarding Educational Policies and Programs

There is a long-standing history reflecting the failure of the current provision of Part B 619 services, and the need for a change away from the current Child Development Services (CDS) model. There also is widespread agreement with the idea of such services being provided within the public school system.

Currently there are children who are on a waitlist or have unmet needs. These two issues are very different. If a child is on a waitlist that means they are not receiving any services at all. If a child has unmet needs that means that they are entitled to services through IFSP or IEP that they are not receiving in full. Example: My grandchild is 3 years old, and his IEP is written that he receives speech 3 times a week and occupational therapy 3 times a week. He only receives speech and OT once a week. He has an unmet need. There also was no mention of the hundreds of children who currently are on a waitlist. What about them.

The supplemental budget (LD 2214) includes Part W – Reorganizes oversight and updates practices for serving infants, toddlers, and children with disabilities from birth to 6 years of age which appears to be a response to the DOE commissioner's report and the proposed DOE language concerning LD 345. Meanwhile, LD 345 has not yet been developed beyond the concept draft; and the proposed language by the DOE concerning the transition of responsibility for Part B 619 services from CDS to the public school system reflects a concept that is far from fully developed.

In the DOE proposed language for LD 345 (and as reflected in the supplemental budget Part W) A free and appropriate education (FAPE) is defined to mean "special education and related services that are provided at public expense, under public supervision and direction and without charge; meet the standards of the department (emphasis added)..." without reference to the OSEP (Office of Special Education Programs) guidance as cited in the LD 1528 report from the DOE Commissioner.¹ There is no provision for accountability (or associated cost) to address current and future unmet needs of children currently (and during the transition) unable to receive the FAPE to which they have a right; and those entering or who will enter kindergarten having never received such services and are at risk for more restrictive settings due to such unmet needs.

There is not an outlined plan for the transition of the current CDS structure to one of regional hubs, and no mention of standards that will be required of each hub. While certain regional characteristics may need to be reflected in the MOU for a given region, all hubs should have a common set of standards and expectations concerning roles, staff qualifications, etc. It is unclear whether the proposed funding aligns with cost, especially given the staffing and training needs already existing within the public schools. Without more definitive planning and implementation for public schools to incorporate capacity to provide pre-K services along with an outline for the redesign of CDS (including standards regarding such factors as staff qualifications, knowledge of best practice, etc.), it seems the transition will do no more than shift responsibility for FAPE from one failing entity (CDS) to a woefully unprepared one (the public school system). Just as CDS has been unable to find qualified staff, the public school system already is struggling due to staff shortages especially of ed techs.¹¹ Without corresponding remedies (including teacher and ed tech compensation and a transitional restructuring of CDS to make sure the proposed hubs are a true resource to schools before schools are tasked with responsibility for Part B 619) schools' stretched capacity will be further strained.

Absent adequate understanding of early intervention/pre-K education and sufficient resources, including capacity for better pay of school personnel, the transfer of responsibility for Part B 619 to the public school system seems likely not to induce greater provision of FAPE in the least restrictive setting as required by IDEA (and arguably under the ADA), but rather to align with the intention in some circles to rely on segregated or otherwise separate (regional) special pre-K programs. This seems ironic at a time when universal pre-K is by default intended to be an integrated approach that has evidence regarding its effectiveness for children with and without disabilities. Perhaps more investment in universal pre-K would be a great alternative.

Sincerely,
Cathy E. Dionne
Executive Director

¹ Recent guidance [emphasis added] from OSEP (Office of Special Education Programs) reiterates and clarifies the expectation that all children with IEPs be educated in the least restrictive environment, alongside their typically developing peers. (*Report on Child Development Services Agency and Successful Delivery Models for Children, ages 3-5, in SAUs*, Maine DOE Commissioner, February 15, 2024, page 6)

¹¹ See data presented in the Maine Education Association (MEA) 2024 report *Raise the Pay for Maine's Educators: A Solution to Our Staffing Shortage*