

DISABILITY RIGHTS MAINE

February 27, 2024

Hand Delivered

Senator Joseph Rafferty, Chair
Representative Michael Brennan, Chair
Joint Standing Committee on Education and Cultural Affairs
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

Re: LD 345 as amended to include proposed CDS transition language

Senator Rafferty, Representative Brennan, and members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Atlee Reilly and I serve as the Legal Director of Disability Rights Maine (“DRM”), Maine’s protection and advocacy agency for people with disabilities. DRM provides this testimony neither for nor against LD 345, which we understand has been amended to include the CDS transfer language from Part W of the Supplemental Budget, which proposes a fundamental change in how Maine delivers special education and related services to children with disabilities, ages 3-5.

DRM has testified neither for nor against similar CDS transfer proposals during the 128th, 129th, and 130th Maine Legislatures. And, as you know, we sent a letter to this Committee the day after the current proposal was released, outlining the problems that families and children currently face in obtaining legally required services from CDS. In all this prior testimony, and in our recent letter and subsequent testimony during the joint hearing with AFA last week, we have consistently supported the concept of transferring the obligations to serve 3-5 year old children with disabilities to the local schools.¹ But we have also consistently raised some version of the following question:

¹ We incorporate our 2/21/2024 testimony and our 2/14/2024 letter regarding CDS into our testimony here. These documents have been posted by AFA and are available here:
<https://legislature.maine.gov/backend/app/services/getDocument.aspx?doctype=test&documentId=181494>

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How will MDOE ensure that two hundred plus local education agencies succeed in delivering legally required special education and related services to children ages 3-5 with disabilities, in the most integrated settings appropriate to their needs, when, for years, CDS has failed to do so?

After reviewing the new CDS transfer proposal, which we understand is the “starting point” for LD 345, our position has not changed in any significant way. CDS is not working. And the transition away from CDS needs to take place. But the question above is not answered by the transfer language included in Part W and now in LD 345.

On 2/20/2024, this Committee was provided with some potential additional language for LD 345 that grew out of conversations that included DRM as well as the Centers for Community Inclusion and Disability Studies, Maine Parent Federation, Maine Children’s Alliance, and the Maine Developmental Disabilities Council. DRM has reviewed and endorses this proposed language, which would go much further in addressing the questions we have about this proposed transition.

The proposed language expands on the regional support hub model proposed by MDOE and provides detailed minimum requirements for the hubs. The proposed language would require specific and targeted support regarding inclusive practices in early childhood and pre-k settings.² And the proposed language would require CDS to address past failures to provide legally required services to individual students before transferring the responsibility for the provision of the future provision of these services to a local school. Finally, the proposed language would ensure increased access to advocacy services, which will be especially important during any period of transition. Making these and other proposed changes would significantly enhance the current proposal.

Please reach out to either myself (areilly@drme.org) or Jeanette Plourde (jplourde@drme.org) if you would like any additional information about these issues going forward. DRM can ensure that someone is available for the work session(s) on LD 345 and Part W of the budget later this week.

Respectfully,



Atlee Reilly
Legal Director
Disability Rights Maine

² Among other things, the proposed language defines “high-quality, inclusive early childhood programs,” drawing on the November 2023 federal policy recommendations of the U.S. Department of Education and the U.S. Department of Health and Human Services, for the provision of Part B Section 619 services under the IDEA. The report is available here: <https://sites.ed.gov/idea/files/policy-statement-on-inclusion-11-28-2023.pdf>.