



# Maine Children's Alliance

Advocating for the well-being of all Maine families.

Testimony of Rita Furlow  
Senior Policy Analyst Maine Children's Alliance  
Before the Joint Standing Committee on Education and Cultural Affairs  
on LD 345  
An Act Regarding Educational Policies and Programs  
February 27, 2024

Good afternoon, Senator Rafferty and Representative Brennan, and members of the Joint Standing Committee on Education and Cultural Affairs. My name is Rita Furlow. I am the Senior Policy Analyst at the Maine Children's Alliance. We are a statewide non-partisan advocacy organization whose mission is to promote sound public policies and best practices to improve the lives of Maine children, youth, and families.

I offer testimony today neither for nor against as it relates to LD 345, proposed legislation regarding changes to Maine's Child Development Services (CDS) system. First, we would like to commend and thank Commissioner Makin for reaching out and meeting with stakeholders. The Department's proposal to improve and Maine's early intervention and preschool special education services has been informed by reports, workgroups, and previous legislation. We are pleased that the Commissioner initiated a process early in the legislative session that can provide the Committee with the time to thoroughly consider the proposal, gain input, and make any necessary changes.

There are several elements of the bill that we are encouraged to see in the proposal from the Department of Education. First, by retaining and using existing CDS employees the Department is recognizing the years of knowledge and experience that they can provide to support a redesigned system. We support the idea of transitioning the CDS sites to a regional hub model. The hubs can support inclusive, developmentally appropriate practices, assist in locating needed providers, provide technical assistance, and other service needs of local school districts. The hubs could also facilitate needs relating to placements in child care or Head Start. We are also supportive of the proposal to provide families with the option to remain in Part C services until the age of four.

## Existing Needs

As the Committee works together to improve the Department's proposal, we urge you to consider the immediate needs of children who are not receiving the services they need. We hope to see the development of more specific language to support the compensatory services that will be required in the short and longer term for these children.

## Workforce

We all recognize that children are not receiving the services they are entitled to primarily because of a lack of available providers. We urge the committee to develop a specific plan, based on assessment data from CDS and schools, that includes necessary funding, to address the significant workforce shortages that impact the lack of services. In addition to higher wages, we urge the committee to consider the development of apprenticeship programs that could support specific early intervention staff. Funding could be provided to pay for college or student loan debt.

## Medicaid Billing

We urge the members of the Education Committee to review the Public Consulting Group's cost report from September of 2020<sup>1</sup> as it relates to recommendations related to Medicaid utilization. One of the most significant statements of the PCG report was that Maine is leaving millions of federal dollars on the table that could be supporting our early intervention and preschool special education services.

- *CDS to develop a centralized service capture and claims processing system to maximize MaineCare revenue. This system could also be used to process claims for K-12 special education to maximize MaineCare revenue by reducing the administrative burden for SAUs. This would also help to reduce the chance of having to pay back MaineCare funding due to audit findings as the services, procedure codes and documentation would be aligned with MaineCare guidance prior to launch of the system.  
Note: the policy would also need to address the current disincentive to bill MaineCare because SAUs currently receive 100% funding for any special education and related services through a budget adjustment after 2 years anyways.*
- *MaineCare to develop and clearly communicate a process to include appropriate modifiers  
'TL' for Individualized Family Service Plans (IFSP) under IDEA Part C and 'TM' for Individualized Education Program (IEP) under IDEA Part B-619 Note: These were proposed in Sec 106 'School Based Services' that was withdrawn. This would enable utilization and billing data to:*
  - *o accurately distinguish between IDEA and ITP services*
  - *o distinguish between Part C, Part B-619, and Part B Special Education children*
  - *o allow for accurate and transparent calculation of state match (Seed)*

*There can be increases in MaineCare revenue through:*

- *Billing efficiencies realized if billing Medicaid is done through a central billing and claims process, that automatically checks the child's Medicaid enrollment. Central billing systems*

---

<sup>1</sup> Public Consulting Group. (2020). Maine Early Childhood Special Education Services Cost Study Report, A Subcomponent of the Maine Independent Review of Early Childhood Special Education Services. <https://legislature.maine.gov/doc/4556>

## Data

We urge the committee to consider the need to collect and analyze data relating to the transition from CDS to SAUs. Moving the collection of data from nine regional CDS districts to the over 200 school districts in Maine will require new data collection systems. We hope you address the need for data collection now in order to enable effective oversight and monitoring of the transition by the Department and the Committee.

## Eligibility for Part C

Finally, we urge the committee to consider that Child Development Services also represents the needs of children from birth through age three. As we have shared with the Committee, Maine needs to improve the identification of children at an earlier age. We recommend that the committee address Maine's restrictive eligibility that limits the early identification of our youngest children. We would note that while the summary language in LD 345 describes an expansion of eligibility for Part C, we are unable to locate any related language in the statutory proposal.

Thank you for your attention and consideration. We look forward to working with the Committee as you work to craft legislation that will benefit children and families.