



# WAYPOINT

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**Testimony Neither For Nor Against: LD 345 regarding Part B 619 services transitioning from CDS to SAU's**

**Joint Standing Committee on Education and Cultural Affairs  
February 27, 2024**

Good afternoon, Senator Rafferty, Representative Brennan and esteemed members of the Educational and Cultural Affairs Committee. Thank you for the opportunity to come before you today to speak neither for nor against transitioning Preschool special education services to local School Administrative Units (SAU's).

My name is Tiffany Haskell, I am a Special Education Director and School Psychologist, and I serve as Clinical Director for Waypoint (formerly Waban) in Sanford. For decades now, one of our primary services has been serving preschool aged children with disabilities at our special purpose preschool (SPPK). Our special education staff and therapists have helped hundreds of children with autism and other disabilities to develop critical skills that enable them to lead healthy and productive lives and overcome significant learning and behavioral challenges. We are an integral part of the continuum of special education services.

The Individuals with Disabilities Education Act (IDEA) makes clear that every child with a disability must receive their education alongside students without disabilities *to the maximum extent appropriate*. This fundamental promise within the law is known as the "least restrictive environment" (LRE) requirement. The IDEA requires that removal from the general education environment should occur only when, due to the nature and severity of a child's disability, education in a general education setting with supplementary aids and services cannot be achieved satisfactorily. Thus, districts must have a continuum of services and placements available for the small minority of students whose unique needs justify an alternative placement. This continuum of placement options includes the general education setting, the general education setting with supplementary aids and services, a resource room for some learning activities, a separate special education classroom, a separate special education school, with a small number of students needing the most restrictive residential, homebound, or hospital settings.

Special purpose preschools offer a placement option on the continuum of special education placements that is available for those children whose needs cannot be met in a less restrictive setting. A concern with this proposal arises on the "general education setting" end of the continuum. FAPE is the IDEA requirement to ensure a Free and Appropriate Public Education, i.e., "at public expense". As SAU's take on the FAPE responsibility for preschool aged children in the absence of offering Universal PreK within the district, they cannot directly offer the least restrictive general education setting. If they do not provide a general education (Universal PreK) to typically developing peers, they cannot directly offer the least restrictive educational setting (LRE) to those children whose IEP's (Individual Education Program) call for an education with



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non-disabled peers in a general education setting. Recently, the Universal PreK Commission presented its report to this committee, calling for Universal PreK access for all Maine children within 3 years; and for a model of implementation where SAU's partner with existing community-based providers such as licensed childcare & preschool facilities, and Headstart for example. This model takes into account these long-standing high-quality existing early learning environments where Maine's children are served in these natural environments.

The MDOE refers to 152 SAU's that operate preschool services under an MOU (memorandum of understanding) with CDS (Child Development Services), by listing the names of these SAU's. The questions that arise when I see this list include: "What services does the SAU actually provide? Are they providing space and CDS provides the staff and services? Are they providing a teacher? The OT? A Speech Therapist? Do they have universal PreK? Is it the minimum of 10 hours or is it full day? Do they serve preschool children within the SAU or do they contract with community providers? How do SAU's directly provide the LRE without Universal PreK? What is the cost of providing Universal PreK and moving CDS children with disabilities to SAU's? With CDS only just this year beginning to pay SPPK's for educational services, is that cost accounted for in the total cost of providing special education and medically necessary services? What is the landscape, where are the gaps, and how close are they to taking on the responsibility of providing the full continuum of educational services?

I appreciate the opportunity to come before you today with these considerations.

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