CHAPTER 1065

FIRST 4 ME EARLY CARE AND EDUCATION PROGRAM

§3931. First 4 ME Early Care and Education Program

1. Program established. The First 4 ME Early Care and Education Program is established under the department to provide funding to projects in order to achieve efficiencies, create opportunities and improve social, emotional, educational and health outcomes for children under 6 years of age and the children's families through the provision of comprehensive, high-quality early child care and education by funding a holistic, whole family approach that integrates comprehensive resources and services into traditional child care center and family child care settings that improve outcomes for children, families and early childhood educators.
[PL 2021, c. 457, §2 (NEW).]

2. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "At risk" means, with regard to a person, that the person is a member of an economically disadvantaged family, a recipient or former recipient of services under the child protection or child welfare system of the State, in foster care, homeless, a member of a family exposed to substance use disorder, identified as having special needs, identified as having a physical or mental disability or identified as having limited English proficiency. [PL 2021, c. 457, §2 (NEW).]

B. "Child" means a person under 6 years of age who has not entered kindergarten. [PL 2021, c. 457, §2 (NEW).]

C. "Child care center" has the same meaning as in section 8301-A, subsection 1-A, paragraph A. [PL 2021, c. 457, §2 (NEW).]

D. "Community" means a geographical area represented by a community coalition and served or to be served by a project. [PL 2021, c. 457, §2 (NEW).]

E. "Community coach" means an employee of or contractor with a community contractor who is trained under subsection 11 and performs administrative functions in carrying out the duties of a project. [PL 2021, c. 457, §2 (NEW).]

F. "Community coalition" means a group of stakeholders, service providers or other members within a community under subsection 7 that sponsors and collaborates in the implementation and administration of a project. [PL 2021, c. 457, §2 (NEW).]

G. "Community contractor" means a nonprofit organization that is the applicant and responsible lead member of a community coalition for a project. [PL 2021, c. 457, §2 (NEW).]

H. "Community provider" means a child care center, family child care provider or other service provider that has entered into a contract with a community contractor to provide services as part of a project. [PL 2021, c. 457, §2 (NEW).]

I. "Comprehensive, high-quality early child care and education" means supportive, intergenerational, age-appropriate, research-based interaction and teaching practices provided by a licensed provider of child care under section 8301-A that focus on all domains of learning, and includes embedded professional development, family engagement in a child's learning and progress toward family goals, using data to inform teaching practices and a holistic approach to a child's physical, mental and dental health. [PL 2021, c. 457, §2 (NEW).]

J. "Economically disadvantaged" means having a family income not exceeding 185% of the federal poverty level as defined in section 3762, subsection 1, paragraph C. [PL 2021, c. 457, §2 (NEW).]

K. "Embedded professional development" means an activity performed by a community coach to encourage rule-specific knowledge, skills and dispositions to support responsive caregiving and developmentally appropriate teaching practices implemented for learning that is integrated into the work day, consists of assessing and finding solutions for authentic and immediate problems of practice as part of a cycle of continuous improvement and is grounded in day-to-day teaching practice designed to enhance a teacher's or caregiver's practices with the intent of improving children's social, emotional and cognitive development. [PL 2021, c. 457, §2 (NEW).]

L. "Family" means a child, the child's parent and all people living in the household of the child who are supported by the income of the child's parent and related to the child or child's parent by blood, marriage or adoption. [PL 2021, c. 457, §2 (NEW).]

M. "Family child care provider" has the same meaning as in section 8301-A, subsection 1-A, paragraph C. [PL 2021, c. 457, §2 (NEW).]

N. "Homeless" has the same meaning as in the federal McKinney-Vento Homeless Assistance Act, 42 United States Code, Section 11302. [PL 2021, c. 457, §2 (NEW).]

O. "Home visitor" means a person who provides services to a participant in the participant's home. [PL 2021, c. 457, §2 (NEW).]

P. "Home visitor services" means interactions between a home visitor and a parent that on the part of the home visitor are nurturing, responsive and intentional and that support the parent in the parent's role as the primary teacher of the parent's child and assist the parent in using the parent's home and the community as the child's learning environment. [PL 2021, c. 457, §2 (NEW).]

Q. "Parent" means the parent or parents of a child or the child's legal guardian, primary or authorized caregiver or foster parent or a person with whom the child has been placed for purposes of adoption pending a final adoption decree. [PL 2021, c. 457, §2 (NEW).]

R. "Participant" means an eligible child under subsection 5 who has been accepted to participate in a project. [PL 2021, c. 457, §2 (NEW).]

S. "Program" means the First 4 ME Early Care and Education Program established under subsection 1. [PL 2021, c. 457, §2 (NEW).]

T. "Project" means the program as implemented in a community by a community contractor. [PL 2021, c. 457, §2 (NEW).]

[PL 2021, c. 457, §2 (NEW).]

3. Application requirements. A community contactor shall submit an application for approval by the department to establish a project. An application for a project must include:

A. Sponsorship by a community coalition under subsection 7; [PL 2021, c. 457, §2 (NEW).]

B. A provision for enrollment of an eligible person under subsection 5 who resides within the community of the community coalition under paragraph A; [PL 2021, c. 457, §2 (NEW).]

C. An assessment evaluating data on and the demographics of the community of the community coalition under paragraph A to determine the needs of the population of eligible persons in the community regarding care, health care and education, the resources available in the community to address those needs and the ability of the project to address those needs using the project components under subsection 4; [PL 2021, c. 457, §2 (NEW).]

D. An action plan based upon the assessment in paragraph C that states objectives, goals and intended outcomes and responds to the needs of the community using the available resources and incorporating the project components under subsection 4; and [PL 2021, c. 457, §2 (NEW).]

E. A proposed 3-year budget to implement the action plan under paragraph D and operate the project. [PL 2021, c. 457, §2 (NEW).]

[PL 2021, c. 457, §2 (NEW).]

4. Project components. Project components must include the following:

A. Service delivery as provided by:

(1) A child care center or family child care provider, for at least 48 weeks per year, 5 days per week excluding state holidays, available 10 hours per day and with up to 10 days of staff training; or

(2) Home visitor services, including group socialization activities that include a child and the child's parent, for at least 48 weeks per year. Services must focus on the parent-child relationship and be culturally and linguistically responsive.

A participant may receive service delivery under subparagraph (1) or (2) or both. [PL 2021, c. 457, §2 (NEW).]

B. Screening and ongoing child assessments conducted in a manner that is responsive to a child's home language and culture. Screening must include an initial assessment of developmental, behavioral, motor, language, cognitive and social and emotional skills to identify a delay in development in a child's skills or identify a disability that may require further evaluation. Ongoing assessment must monitor a child's development and progress toward individual goals with input from the child's family to determine a child's strengths and needs and possible adjustment of child care center and family child care provider teaching practices and home visit strategies and to support a referral to the Child Development Services System under Title 20-A, section 7209, subsection 3 when necessary; [PL 2021, c. 457, §2 (NEW).]

C. Specialized support for participants, including for cultural and linguistic needs and for children with diagnosed or who have physical or mental disabilities or developmental delays. Support may include access to and participation in learning and social experiences and activities; [PL 2021, c. 457, §2 (NEW).]

D. Family engagement practiced at all levels of the project, focusing on culturally and linguistically responsive relationship building within the family, including:

(1) Communicating effectively with members of a family;

(2) Forming positive goal-focused relationships with members of a family;

(3) Involving a parent in decision making, teaching practices, including screening, assessment and planning for interactions and learning environments, and implementing project services;

(4) Ensuring consistency between a child's home and comprehensive, high-quality early child care and education; and

(5) Ensuring project practices are responsive to a family's needs, including providing connections to employment and education supports; [PL 2021, c. 457, §2 (NEW).]

E. Support for a child's immunization and preventive health and dental care by providing encouragement for a parent to comply with the department's early periodic screening, diagnosis and treatment program under section 3173; and [PL 2021, c. 457, §2 (NEW).]

F. Transportation options to assist a family to travel to or from health care, child care or education services. [PL 2021, c. 457, §2 (NEW).]

[PL 2021, c. 457, §2 (NEW).]

5. Participant eligibility. A participant in a project must be a child who is at risk and:

A. Who is receiving care in a facility licensed under section 8301-A; or [PL 2021, c. 457, §2 (NEW).]

B. Whose parent requests home visitor services. [PL 2021, c. 457, §2 (NEW).]
[PL 2021, c. 457, §2 (NEW).]

6. Suspension; expulsion. In accordance with rules issued by the department, if a child's behavior threatens the health or safety of a participant, project staff member or other person, a project must follow the suspension and expulsion procedures under 45 Code of Federal Regulations, Section 1302.17.
[PL 2021, c. 457, §2 (NEW).]

7. Community coalition; membership. A community coalition shall assist and support a community contractor in sponsoring, developing and submitting a project application under subsection 3, including a community assessment and supporting comprehensive, high-quality early child care and education in the community. Membership of a community coalition must include the community contractor, who is the lead member of the community coalition, and at least one:

A. Representative of the local business community; [PL 2021, c. 457, §2 (NEW).]

B. Child care center; [PL 2021, c. 457, §2 (NEW).]

C. Family child care provider; [PL 2021, c. 457, §2 (NEW).]

D. Parent of a child using early childhood services; [PL 2021, c. 457, §2 (NEW).]

E. Home visitor; [PL 2021, c. 457, §2 (NEW).]

F. Mental health care provider; [PL 2021, c. 457, §2 (NEW).]

G. Public school administrator; [PL 2021, c. 457, §2 (NEW).]

H. Health care provider; [PL 2021, c. 457, §2 (NEW).]

I. Representative of an organization that supports workforce development; [PL 2021, c. 457, §2 (NEW).]

J. Provider of services under the federal Individuals with Disabilities Education Act, Part B or Part C; [PL 2021, c. 457, §2 (NEW).]

K. Provider of professional development to early child care and education professionals; and [PL 2021, c. 457, §2 (NEW).]

L. If available in the community, a faculty member of a career and technical center or higher education institution specializing in early childhood. [PL 2021, c. 457, §2 (NEW).]

A member of a community coalition must be located or operate within the community represented by the community coalition. A community coalition may include a local government staff member or a representative of an agency that provides services to or a local judicial staff member who has engaged with an at-risk population, a library or local literacy program staff member, an elementary school teacher, a representative of adult education or other similar member of the community.
[PL 2021, c. 457, §2 (NEW).]

8. Community contractor. A community contractor shall have adequate infrastructure and qualified and credentialed staff to carry out the duties under this subsection. Duties of a community contractor include:

A. Representing and being the responsible member for the community coalition; [PL 2021, c. 457, §2 (NEW).]

B. Submitting an application under subsection 3; [PL 2021, c. 457, §2 (NEW).]

C. Being the lead member and coordinator of a community coalition and the coalition's activities; [PL 2021, c. 457, §2 (NEW).]

D. Contracting for and ensuring implementation of high-quality services with community providers; [PL 2021, c. 457, §2 (NEW).]

E. Employing or contracting for all required services; [PL 2021, c. 457, §2 (NEW).]

F. Implementing and maintaining a data system to collect and report aggregate data regarding child, family and provider information, activities and outcomes; and [PL 2021, c. 457, §2 (NEW).]

G. Participating in a collective, Internet-based system that captures data from all project locations in a manner that protects the confidentiality of information of participants. [PL 2021, c. 457, §2 (NEW).]

[PL 2021, c. 457, §2 (NEW).]

9. Community contractor staff requirements. Community contractor staff requirements include:

A. For education services supporting a child care center or family child care provider, a bachelor's degree or advanced degree in early childhood education or a related field with equivalent course work and experience in early childhood development; [PL 2021, c. 457, §2 (NEW).]

B. For health-related services supporting a child care center or family child care provider, training and experience in public health, nursing, health education, maternal and child health or health administration and:

(1) If the staff member performs a health care procedure or provides health care services, licensure or certification authorizing the member to perform the procedure or provide the service;

(2) If the staff member provides nutrition services, licensure, registration or certification as a dietitian or nutritionist; and

(3) If the staff member provides mental health services, licensure or certification as a mental health professional and experience in serving young children and families; [PL 2021, c. 457, §2 (NEW).]

C. For family and community partnership services, training and experience in a field related to social, human or family services; [PL 2021, c. 457, §2 (NEW).]

D. For disability services, a bachelor's degree and training and experience in securing and individualizing services for children with physical and mental disabilities; and [PL 2021, c. 457, §2 (NEW).]

E. For home visitors, a bachelor's degree in human services or a related field and experience in the provision of home visitor services and knowledge of infant and child development. [PL 2021, c. 457, §2 (NEW).]

A staff member, including a community coach under subsection 11, may be an employee of the community contractor or another person who contracts with the community contractor to provide services under this subsection.

[PL 2021, c. 457, §2 (NEW).]

10. Community provider. A community provider:

A. Shall enter into a contract with a community contractor to provide services to a project; [PL 2021, c. 457, §2 (NEW).]

B. Must be in good standing with the department's division of licensing and certification; [PL 2021, c. 457, §2 (NEW).]

C. Shall agree to meet the highest level of requirements for the department's quality rating system established pursuant to section 3737, subsection 3; and [PL 2021, c. 457, §2 (NEW).]

D. Shall agree to provide the community contractor with data on a participant or provider consented to under subsection 12 as requested by the contractor. [PL 2021, c. 457, §2 (NEW).]

[PL 2021, c. 457, §2 (NEW).]

11. Community coach. The community contractor shall employ or contract with a community coach to provide information and training to a community provider. A community coach must receive training from a research-based early childhood program with experience in a comprehensive, high-quality early child care and education program.
[PL 2021, c. 457, §2 (NEW).]

12. Consent to data. A community provider or community contractor may not use personally identifying data derived from services provided to a participant without the consent of a participant's parent. A community provider or community contractor may not use the personally identifying data derived from services provided to the family of a participant without the consent of the parent.
[PL 2021, c. 457, §2 (NEW).]

13. Funding. The department shall seek and apply for available federal funds or funds from any other sources to pay the costs of projects. To the maximum extent possible, the department shall use state funds received for the projects to maximize its receipt of federal funds to be used for the projects. A community coalition may accept grant funding or other funding as appropriate from the Federal Government, a department, agency or office of State Government or a political subdivision of State Government or a private entity such as an individual, foundation or business.
[PL 2021, c. 457, §2 (NEW).]

14. Administration. The department may design program implementation in consultation with an independent evaluator that has experience or expertise in early care and education. In determining program outcomes and measures, the department shall craft guidelines to ensure the development of a common set of measures of core elements of evidence-based practices. Outcome data must include reports on specific subpopulations of children, including by gender, race, disability and dual language learners. The department and the Children's Cabinet established in Title 5, section 19131 shall facilitate data linkages relating to outcome data with the Department of Education to measure ongoing school outcome data.
[PL 2021, c. 457, §2 (NEW).]

15. Rules. The department may adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2023, c. 567, §2 (AMD).]

SECTION HISTORY

PL 2021, c. 457, §2 (NEW). PL 2023, c. 567, §2 (AMD).

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