



Maine Developmental Disabilities Council

May 18, 2021

Testimony Regarding Services of Children with Disabilities through IDEA Part C and IDEA Part B §619

Senator Rafferty, Representative Brennan and the distinguished members of the Joint Committee on Education and Cultural Affairs. My name is Nancy Cronin and I am the Executive Director of the Maine Developmental Disabilities Council (DD Council)¹.

Thank you for the work you have put into determining the best way of providing early intervention and education services for our youngest children with disabilities. I also want to thank you for the opportunity to serve as the previous advisory committee chair. Until now I have tried very hard to represent the whole conversations that the advisory committee had. Today I will not testify from the point of view of the advisory committee, but instead, I testify for the MDDC.

I know that you are fully aware that the system has been in limbo for quite some time. Frustrations with budgeting, staff issues, and child unmet needs. It is important to move from limbo to a road. It is not possible, in my opinion, to get it all right – but it is possible to set us on a road to move from limbo to action and progress. This is necessary work as providing the right service early could alleviate and can even eliminate developmental issues. By far early intervention and education is the most cost effective intervention, but it does require investment.

¹ Councils on Developmental Disabilities were created through the Developmental Disabilities Assistance and Bill of Rights Act (DD Act) in 1970. Maine's DD Council has been advocating for individuals with Developmental Disabilities (DD) for over 40 years. The DD Council is a federally-funded, independent organization with members from across the state, including persons with disabilities, family members, and representatives of public and private agencies which provide services and/or funding for services for individuals with developmental disabilities.

As required in federal law¹, our purpose is to promote systems change to ensure that all individuals with developmental disabilities are able to live and fully participate in their communities of choice. Working in partnership with people with disabilities, parents, advocates, and policy makers, Maine's DD Council works to promote the independence, integration, and inclusion of all people with disabilities through advocacy, capacity building, and systems change activities throughout the state of Maine and on the national level. The DD Council's mission is **to create a Maine in which all people are valued and respected because we believe communities are stronger when everyone is included**. The Maine DD Council employs four full-time staff who are responsible for all of the internal projects, external grants, and business of the Council.

I would like to take this opportunity to offer a few more suggestions.

Part C 0-3: Move Part C services to be overseen by the Department in the same vain as outlined in the PCG Phase 2 report. It is important that the Department take the role of overseer to ensure that children receive the services that they need. In the same vain, the Department should not be the provider of services because, as provider, they will not be able to act as the overseer. This is true for a great many reasons including lack of objective perspective of how service provision is matching need and the lack of a clear due-process structure where parents and providers can go to challenge services.

Extend Part C services through the age of 3: Some children will likely do very well in Part C services and the best option for them might be to continue. IDEA provides an extension should a State opt to do so. I suggest that you put in statute that Maine should make that an option. This will provide parents whose children are in Part C and eligible for Part B§619 the required flexibility to either remain in the Part C system or move onto whatever is available in the Part B §619 system.

Part B §619: Move the remaining 3-year-olds and all the 4-5-year-olds to be served through their community school systems. This will dissolve Child Developmental Services at the end of the transition process, which I will address below.

Part B §619, 3-year-olds: Unfortunately, every family will not have the opportunity to stay in Part C even if they want to. Some children will be identified at the age of 3 and IDEA will not allow us to go backwards, only forwards. Those 3-year-olds will also need a stable system and the law that requires service provision for those children is Part B §619.

MDDC does not believe that most schools are ready to provide services for 3-year-olds, at this time. However, we have complete confidence that our schools could manage the IEP process for these children. But schools will need clear guidance on how to work with service providers, such as speech therapists, and child care providers to who will provide services in other settings. The setting that that is least restrictive and most inclusive. That means they will need to depend on contracting out services. This is largely what the PCG report suggested, maximize community resources. MDDC recommends that you add legislative language to direct the Department of Education to use current CDS staff and develop regional guidance to help school districts know who to conduct ChildFind, find and contract services, and measure success for 3-year-old Part B §619 services.

Part B §619, 4&5-year-olds: Most schools have public pre-k and for those who don't, they should. Use this vehicle to support Universal public pre-k in Maine. This will create a place for children with and without disabilities to receive the needed early education programs which have proven best for all kids. Of course, IDEA, in general, is a brilliant piece of legislation. It is based on the Individual need – not the service model. For example, if a child needs to continue in a special purpose program because that is what the team deems best for that child, there will be nothing stopping that team decision.

3 year Transition to the New Early Intervention and Education Model. Make these changes over 3 years.

1. The first year should be a planning year. Direct the Department to work collaboratively, with clear stakeholders and develop a transition plan for CDS to dissolve and Part C and Part B §619 services to be moved as suggested above. That plan should be detailed with clear milestones and timelines. Direct the Department to present the two separate plans to you by February 15, 2022.
2. Year 2 this Committee should receive updates on the plan
3. Year 3 is the same as the second year, of course all years allow the provision for the Committee to introduce legislation as needed so that should unforeseen circumstances occur they can be addressed by this body in a timely fashion.

Transition Advisory Committee: Authorize a transition advisory committee to the Education Committee. Ask the committee to provide advice on both Part C and Part B §619 system progress. Expect recommendations or comments annually to you throughout the process in a way that presents benefits and negatives to the plan and process. It is critical that Stakeholders have a voice. This will allow that to happen.

Centralized Billing System: Consider working with either MaineCare to provide the centralized billing system or the Division of Administration and Finances (DAFS). The billing will be complex and will require negotiations with multiple insurance companies. DHHS uses the DAFS to manage their contracts through the “DHHS Service Center.” Consider asking the DOE to collaborate with MaineCare, or DAFS to run a “DOE Service Center” so that accountants and insurance specialists can handle the intricacies of Medicaid and insurance billing for DOE.

ChildFind: We are in complete support of the resolve regarding ChildFind.

Thank you for providing an opportunity to weigh in about these critical systems. I am happy to answer questions and I will be available for the Work Session.

Nancy Cronin