

**Testimony Regarding**  
**L.D. 135 An Act To Address Issues in Funding Prekindergarten Programs, L.D. 255 An Act To Ensure Student Success, and**  
**L.D. 386 An Act To Improve Operations at the Department of Education**

**Committee on Education and Cultural Affairs**  
**Tuesday, May 18, 2021**

Good afternoon, Senator Rafferty, Representative Brennan, and members of the Committee on Education and Cultural Affairs. Thank you for the opportunity to offer consolidated testimony in regard to the bills being drafted to adopt recommendations from the PCG [\*Independent Review of the State's Early Childhood Special Education Services\*](#) Report: to include L.D. 135 *An Act To Address Issues in Funding Prekindergarten Programs*, L.D. 255 *An Act To Ensure Student Success*, and L.D. 386 *An Act To Improve Operations at the Department of Education*.

It is my understanding that the Committee is considering three bills utilizing the draft language discussed in the Committee and last circulated Thursday, May 13. That is the language and concepts that I will address here in my consolidated testimony and remarks today.

My name is Tiffany Haskell, I'm the Clinical Director at Waban in Sanford, Maine. I am a certified Special Education Director, Nationally Certified School Psychologist, and Board Certified Behavior Analyst. I have worked with children with special needs for over 25 years. As part of my role at Waban, I oversee program operations of the Fraser~Ford Child Development Center, our special purpose preschool, where we provide intensive educational and medically necessary behavioral health services for preschool aged children referred to us by CDS of York County. These services are provided by certified Special Education Teachers, Behavioral Health Professionals, master's level clinicians, master's level behavior analysts, as well as occupational, speech, and physical therapists. These services require several program approvals, including requirements that we hold a Child Care License, Mental Health License, and school program approval by CDS. Taken together, each of these licensing bodies require high levels of staff certification, supervision, and training. In a BHP's first year at our program alone, they receive roughly 100 hours of training. This helps ensure robust program delivery, quality evidence-based services, and excellent results for children and families.

Special purpose preschools provide services to children with intensive behavioral and special education needs all across the state and represent part of the core fabric of the system of care for this vulnerable population. CDS serves children in a variety of least restrictive environments (i.e "LRE") including the child's home, typical childcare settings, head starts, their own classrooms, as well as more clinically intensive center-based services when that child's needs require a greater level of support and intervention. Each child's placement, at any level on the continuum of services, takes the LRE into account on an individual basis, as is required by federal IDEA law and state regulation.

I ask you to consider several questions as Maine plans for a transition of 4&5 year-olds out of a CDS system and to the local SAU.

**1. How do we ensure continuity of services for these children throughout the transition?** It is critical that the system of care be supported and that the opportunity for collaboration at the community level between SAU's and the existing local community providers including special purpose preschools, be expressly included in a transition plan. Community partnerships that take advantage of existing

evidence-based programs, clinical staff, and expertise in service delivery should be expressly encouraged and planned.

**2. Are SAU's ready for this? Do they have the capacity, infrastructure, and staff?** In addition to recent changes in special education eligibility up to age 22 and the increased expectations and requirements around serving children for two additional years at the highest age range, SAU's will now also be responsible for two additional years at the lowest age range in serving 4&5 year-olds. It is critical that comprehensive school readiness assessment be included in a transition plan. It is likely that some districts are eager for the opportunity, perhaps they already provide universal Pre-K and opportunities for that LRE. Or perhaps they do not have the capacity, the staff, or typical aged peers. Perhaps they are also questioning the funding.

**3. Do we know the actual costs of providing these services?** For years the reimbursement rate for services through CDS has been low and unchanged. For years there has been an expectation for, and reliance on, MaineCare billing for any and all covered services. The system of care for this preschool special education population relies heavily on billing private insurance and MaineCare and it is worth asking critical questions about any proposed transition that would involve simply "moving" CDS money to the local SAU. It's also important to note that the PCG report did not represent special purpose preschools fairly when it suggested that our place on the continuum of special education services, "the LRE" was questionable, or when it compared our costs to typical preschools vs our actual counterparts which would be K-12 special purpose private schools.

**And one final question for today: How do we ensure we get this right?** We must ask the critical questions and convene the advisory committee and ensure it reports to the legislature. We must assess school readiness and ensure SAU preparedness. We must ensure the continuity of the system of care and encourage community-based partnerships that meet the needs of children and families. We must ensure the timeline for a transition is careful and thoughtful, that progress or barriers are monitored, and that allows for meaningful adjustments as needed to ensure success. These children and families deserve our best.

Thank you for your consideration. I would be happy to answer any questions you may have or provide additional information.

Respectfully submitted,

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Consolidated testimony for all 3 bills will be uploaded 3 times (once per bill) because I'm thinking it's required. Apologies for duplicate submissions if so.