

TESTIMONY *Neither for Nor Against* **LD386** An Act to improve Operations at the  
Department of Education  
May 18, 2021

From: Dewey Meteer; unattached; Nobleboro

Senator Rafferty, Representative Brennan, members of the Education and Cultural Affairs Committee, my name is Dewey Meteer. From 1999-2010 I was the Child Development Services Site Director for Waldo County and from 2005-2010 I was also site director in Hancock County.

First, I would like to thank current and former members of the Education Committee for commissioning the study by Public Consulting Group and for working during the pandemic to understand the intricacies of early childhood special education and for trying to make the system serve families better. The same sentiment goes out to the Advisory Council.

While working at CDS and in the years following my departure I have followed the various legislative initiatives addressing CDS, including the study completed in 2020 by the Public Consulting Group and the associated meetings of the EDU's work group.

I would like here to make an historical observation. Since 2005 the Department of Education has tried on a number of occasions to move responsibility for Part B of IDEA (Individuals with Disabilities Education Act) from CDS to public schools. Trying to persuade legislators and others to their cause they have made two arguments consistently.

The first argument was that Maine's B-5 system for early intervention and special education was unique in the U.S. Every other state administered Part B (3-20) of IDEA through their public schools, and therefore so should Maine. I was thus surprised to learn that the solution contained in the bill being considered would move Maine from being not only unique, but also a bit odd. No other state splits Part B into 3-year-olds and children 4-and-above. If 3-5 was not OK, how can age 3 but not 4 be OK?

The Department's second argument was that moving Part B to public schools would mean that there would only be one transition for families, i.e., from Part C to Part B. Under the proposed bill, however, with DOE serving three-year-olds, there will still be two transitions. By 34CFR 303.209 and 303.211, as a child nears age three, a transition meeting must be held to inform parents of their rights and choices. Even if a child remains under Part C after turning three, parents may choose Part B services at any point thereafter. Then, when the child approaches four years of age a second transition meeting will need to be held with the SAU that is to receive the 4-year-old for services. Thus, two transitions will still be the norm. They will just be closer together.

#### SUGGESTIONS

I support the committee's direction to DOE to develop a centralized Medicaid billing system. I support your direction to DOE to develop a plan to improve Childfind.

However, I suggest that in the "Whereas" statements preceding the bill text you add the reasons why the legislature launched its extensive effort to improve special education B-5. For example:

*"Whereas Maine ranks last in the nation in identifying infants and toddlers with disabilities";*

*"Whereas Child Development Services has had unacceptably long wait lists for services for children with disabilities throughout Maine".*

Citing why the legislation is being put forth might convey the urgency of the matter to your colleagues now and in the future.

Circling back to the issue of splitting Part B at 4 years of age, the apparent reason would be because pre-K programs are for 4-year-olds and SAUs anticipate serving children with disabilities in their pre-K programs. If true, this would be a red flag. If children identified with disabilities are already enrolled in a program, be it child care, or Head Start, that program would be their Least Restrictive Environment. That is where children should receive their services. Children should not be transported from one preschool program to a pre-K program to make service delivery more convenient for the school. The service should be delivered, not the child. I suggest that the committee find a place in legislation to make that expectation clear.

My last suggestion is that the deadlines for the Department's reports be moved forward to no later than December 1, 2021. If the reports are not submitted until 2022 the legislative session will already have begun and new legislation arising from the reports will go to the back of the due in the revisor's office and will only be considered hastily by the legislature, if at all. Parents, children with disabilities, and other stakeholders deserve to have time to consider proposals and to have their voices heard in a deliberate process.

Thank you for listening

Dewey Meteer