



# Maine Developmental Disabilities Council

April 7, 2021

## Testimony Neither For Nor Against LD 854 “An Act To Ensure Continued School-based Services for Children with Disabilities”

Senator Claxton, Representative Meyer and the distinguished members of the Joint Committee on Health and Human Services. My name is Nancy Cronin and I am the Executive Director of the Maine Developmental Disabilities Council (DD Council)<sup>1</sup>.

In the Spring of 2019 the 129<sup>th</sup> legislature passed Public 46 Law 2019, chapter 343, Part VVVV, which authorized funding of an independent review of Maine’s early education system. An advisory committee was named to assist the Executive Director’s Office of the Maine Legislature in the provision of the contracted study and provide advice to the Education Committee, recommending our proposed changes to improve the early intervention system. I acted as the chair of that advisory committee.

After the reports were complete and digested, the Advisory Committee recommended 4 pathways for the Education Committee to consider. The reasons for these recommendations would be a report unto itself and I would be more than happy to elaborate but in deference to your time I will just state the recommendations and answer any questions you might have.

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<sup>1</sup> 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 law<sup>1</sup>, 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.

We recommended that the Education Committee:

1. Submit legislation to move 0-2-year-old special education services, required under IDEA Part C, from current Child Developmental Services to under the Department of Education.
2. Formally choose whether the system of special education services for 3-5-year-old should be delivered by school systems or Child Developmental Services, codify the will of the Legislature, and set some dates by which the Department of Education must report back on the progress of this work.
3. Write a letter to the Department of Education requesting that they implement the suggested tasks to identify children who may need special education and report on their efforts to that Committee in 2022.
4. Work with the Health and Human Services Committee to create a centralized billing system so that education IDEA funds can seamlessly be braided with Medicaid funds and schools can correctly receive reimbursement. This is a critical recommendation in that early intervention is both part of IDEA and Medicaid's Early Periodic Screening Diagnosis and Treatment (EPSDT) requirement. This recommendation spans both Departments and the oversight of both legislative committees. Currently, because billing is fragmented, schools and providers often do not access one of the two funding sources leaving millions of federal dollars on the table and overburdening State coffers and property owners' tax burdens. It also creates uncoordinated, less-efficient early intervention services leading to lost opportunities for a child's future success.

This bill is confusing. It is asking the Health and Human Services Committee to ensure that school-based services are provided for young children. I understand, and agree, that the early intervention 0-5 system in Maine is tattered, demoralized, broken, and many children are not getting their needs met. But the answer is not to shift Committees.

That said – I would ask you to take a hard look at what this Committee could do to implement the Advisory Committee's suggestion of a centralized billing system. The Division of Administration and Finances (DAFS) currently has a DHHS Contract Service Center. It would be logical to have a Service Center for Medicaid/IDEA billing that both school districts could use and providers could choose to use. I think it is important that providers have a choice as they are a private industry – but public-school districts should utilize the service center to minimize public tax spending.

If nothing else, a couple years ago MaineCare proposed Section 106, a rule to streamline and merge school based services paid for by Medicaid. For school districts,

the rule is desperately needed. I encourage this Committee to ask DHHS the status of that work, and where they are in the process.

I appreciate the opportunity to speak with you today. I am more than happy to answer questions about the current issues and processes of early intervention in Maine and provide whatever insight that I can.