

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

Date: (Filing No. H- )

**EDUCATION AND CULTURAL AFFAIRS**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 270, L.D. 386, “An Act To Improve Operations at the Department of Education”

Amend the bill by striking out the title and substituting the following:

**'Resolve, Directing the Department of Education To Establish the Process for Transitioning the Provision of Early Childhood Special Education Services for Children with Disabilities from 4 Years of Age to under 6 Years of Age from the Regional Child Development Services System to School Administrative Units'**

Amend the bill by striking out everything after the title and inserting the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this resolve directs the Department of Education to establish the process for transitioning the provision of early childhood special education services for children with disabilities from 4 years of age to under 6 years of age from the regional Child Development Services System to school administrative units; and

**Whereas,** the work must be initiated before the 90-day period expires in order that the work may be completed and a report submitted in time for the next legislative session; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Department of Education to establish the process for transitioning the provision of early childhood special education services for children with disabilities from 4 years of age to under 6 years of age from the regional Child Development Services System to school administrative units. Resolved:** That the Department of Education shall establish a process, timeline and implementation plan for transitioning the provision of early childhood special education services for children with disabilities from 4 years of age to under 6 years of age from the regional Child

**COMMITTEE AMENDMENT**

1 Development Services System to school administrative units. The process, timeline and  
2 implementation plan established by the Department of Education must:

3 1. Include the implementation plan components as presented in the Public Consulting  
4 Group's independent review of the State's early childhood special education services,  
5 "Maine Early Childhood Special Education Implementation Plan," dated December 1,  
6 2020;

7 2. Define a role for the department and regional offices to contract with private  
8 providers in situations in which a school administrative unit is unable to provide the  
9 appropriate level of service to meet the individualized education program plan of a child  
10 with a disability;

11 3. Address at a minimum:

12 A. School administrative unit capacity, staffing and physical space;

13 B. Administrative oversight;

14 C. Transportation;

15 D. Curriculum and assessments;

16 E. Data systems; and

17 F. Health and safety-related considerations;

18 4. Provide specificity regarding funding through the State and the MaineCare program  
19 that does not flow through the essential programs and services funding formula pursuant to  
20 the Maine Revised Statutes, Title 20-A, chapter 606-B;

21 5. Include a plan to protect current Child Development Services System employees  
22 from any negative or unintended consequences related to retirement and pensions and the  
23 federal windfall elimination provision and government pension offset;

24 6. Provide steps, benchmarks and milestones for the department, the Child  
25 Development Services System and school administrative units to meet before and during  
26 any transition period, including but not limited to the components under subsection 3, and  
27 an independent project manager not employed by the Department of Education;

28 7. Provide a detailed plan of the evaluation and assessment tools to be developed to  
29 determine whether the department, the Child Development Services System and school  
30 administrative units are meeting steps, benchmarks and milestones, which must include  
31 that, if progress towards implementation is not being met, the transition must cease until a  
32 solution can be determined; and

33 8. Include a recommendation regarding whether to provide services to children with  
34 disabilities who are 3 years of age through a quasi-independent agency or through school  
35 administrative units or a hybrid system and a description of the necessary additional  
36 resources, steps and benchmarks and barriers to any transition of services.

37 The Department of Education shall consult and meet with the advisory committee  
38 established under section 2 on the process, timeline and implementation plan.

39 **Sec. 2. Advisory committee established. Resolved:** That the Department of  
40 Education shall establish an advisory committee to advise the department on matters related  
41 to developing the implementation plan pursuant to section 1. No later than 30 days after

1 the effective date of this resolve, the Commissioner of Education shall invite the following  
2 members to join the advisory committee:

- 3 1. The Commissioner of Health and Human Services or the commissioner's designee;
- 4 2. One member who is a contracted service provider of early intervention and free,  
5 appropriate public education services;
- 6 3. One member who is a representative of a Head Start agency or program in the State;
- 7 4. One member who is a teacher in an early childhood education program for children  
8 4 years of age that includes coordination of programs and services for eligible children  
9 within a public elementary school from a large school administrative unit;
- 10 5. One member who is a principal of a public elementary school of an urban school  
11 administrative unit that has implemented an early childhood education program for children  
12 4 years of age that includes coordination of programs and services for eligible children;
- 13 6. One member representing and recommended by the Maine Developmental  
14 Disabilities Council established under the Maine Revised Statutes, Title 5, section 12004-I,  
15 subsection 66;
- 16 7. One member representing and recommended by the Maine Speech Language  
17 Hearing Association;
- 18 8. Two members who are parents of children with disabilities between 3 years of age  
19 and 5 years of age recommended by the Maine Parent Federation, Inc.;
- 20 9. One member who is a representative of a child care program recommended by the  
21 Maine Association for the Education of Young Children;
- 22 10. One member who is a special education director from a small school administrative  
23 unit recommended by the Maine Administrators of Services for Children with Disabilities;
- 24 11. One member who is a superintendent of a rural school administrative unit that has  
25 implemented an early childhood education program for children 4 years of age that includes  
26 coordination of programs and services for eligible children recommended by the Maine  
27 School Superintendents Association;
- 28 12. One member representing and recommended by the Maine Occupational Therapy  
29 Association;
- 30 13. One member representing and recommended by the Maine Association for  
31 Community Service Providers; and
- 32 14. One member representing and recommended by the Maine Children's Alliance.

33 The advisory committee shall elect a chair from among its members. Meetings of the  
34 advisory committee are public and the Department of Education shall provide to the  
35 members of the Joint Standing Committee on Education and Cultural Affairs notice of the  
36 meetings of the advisory committee so that members of the joint standing committee may  
37 attend.

38 **Sec. 3. Report. Resolved:** That the Department of Education shall submit a report  
39 to the Joint Standing Committee on Education and Cultural Affairs no later than February  
40 1, 2022 on the process, timeline and implementation plan established pursuant to section 1  
41 and any suggested legislation necessary to implement the plan. The suggested legislation

1 must address the timeline for implementing the plan, including but not limited to transition  
 2 periods and effective dates for the various elements of the plan. The report must identify  
 3 and address contingencies necessary to implement the suggested legislation and the plan.  
 4 The report must address each of the components listed in section 1 with specificity. The  
 5 report must also include recommendations on whether the appropriate provision of services  
 6 for children 3 years of age is through a quasi-independent agency, school administrative  
 7 units or a hybrid system. The Joint Standing Committee on Education and Cultural Affairs  
 8 may submit legislation related to the report to the Second Regular Session of the 130th  
 9 Legislature. The advisory committee may also report to the Joint Standing Committee on  
 10 Education and Cultural Affairs on the advisory committee's role in the department's  
 11 development of the process, timeline and implementation plan.

12 **Sec. 4. Appropriations and allocations. Resolved:** That the following  
 13 appropriations and allocations are made.

14 **EDUCATION, DEPARTMENT OF**  
 15 **Special Services Team Z080**

16 Initiative: Provides one-time funds for the staffing, technology, legal and meeting costs  
 17 associated with the establishment of a process to transition the provision of early childhood  
 18 education services for children with disabilities from 4 years of age to under 6 years of age  
 19 from the regional Child Development Services System to school administrative units.

20 <b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
21 All Other	\$177,144	\$0
22		
23 GENERAL FUND TOTAL	\$177,144	\$0

24 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
 25 takes effect when approved.'

26 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
 27 number to read consecutively.

28 **SUMMARY**

29 This amendment, which is the majority report of the committee, replaces the bill, which  
 30 is a concept draft, with a resolve. It directs the Department of Education to establish a  
 31 process, timeline and implementation plan for transitioning the provision of early  
 32 childhood special education services for children with disabilities from 4 years of age to  
 33 under 6 years of age from the regional Child Development Services System to school  
 34 administrative units. It requires the department to establish an advisory committee to  
 35 advise the department and requires the department to report to the Joint Standing  
 36 Committee on Education and Cultural Affairs no later than February 1, 2022. The joint  
 37 standing committee is authorized to submit legislation related to the department's report to  
 38 the Second Regular Session of the 130th Legislature. The amendment also allows the  
 39 advisory committee to report to the joint standing committee regarding its role in the  
 40 development of the process, timeline and implementation plan.

41 **FISCAL NOTE REQUIRED**  
 42 **(See attached)**