



In Support of LD 1309

An Act to Clarify Requirements for Payment of Tuition for Children with Disabilities by the Department of Education's Child Development Services System

Joint Standing Committee on Education and Cultural Affairs

April 13, 2023

Good afternoon, Senator Rafferty, Representative Brennan, and members of the Committee on Education and Cultural Affairs. Thank you for the opportunity to offer testimony in support of LD 1309.

My name is Laura Cordes. I am the executive director of the Maine Association for Community Service Providers (MACSP). MACSP is an association of more than 85 individual agencies providing a wide and diverse range of educational, vocational, residential and community supports services to thousands of Maine children and adults with intellectual and developmental disabilities so that they may live full and meaningful lives in the community. While only 10% of our members provide the specialized preschool programs addressed in LD 1309, I'm proud to share that 100% of our members support this bill as we know what a critical difference early intervention and education can make in a child's life into adulthood.

I want to thank Representative Gattine for sponsoring and introducing this bill today and extend our appreciation to the committee co-sponsors of LD 1309 and other legislators who have spoken in support of developing an equitable payment for the critical educational services that special purpose preschools provide to hundreds of Maine's most vulnerable children.

Right now in Maine, there are hundreds of families waiting for life changing special education services for their 3-5 year old child.

While they wait, the future of the specialized community based preschools they are counting on to help their children, known as Special Purpose Preschools, hangs in the balance.

In a state without universal pre k, an often overlooked component of the state's special education system, Special Purpose Preschools are the programs providing the federally required therapeutic and educational supports to preschoolers with behavioral and developmental disabilities so that they may thrive in the least restrictive environment and have an increased likelihood of being integrated into public kindergarten classrooms.

These schools are rapidly shrinking in census and many may close due to a longstanding and significant inequity between the reimbursement methods used for Special Purpose Preschools and those in place for K-12 Special Purpose Schools.

K-12 Special Purpose Schools receive both MaineCare reimbursement, for each child's approved medically necessary therapeutic services, as well as tuition reimbursement, from school districts, often referred to as the "sending school," for the costs of educating each child that they refer.

Pre-K Special Purpose Schools however, only receive MaineCare reimbursement for each child's medically necessary therapeutic services, and do not receive financial support from the MDOE Child Development Services (CDS), which serves as the state "sending school," for the costs of educating each child that they refer, when that child is approved for MaineCare.

This is the case for nearly 100% of our kids.

As a result, providers have incurred unsustainable financial losses for years and are at a breaking point.

A MACSP survey conducted last summer of twenty-four Special Purpose Preschool programs serving nearly 600 children found that:

- Every school has a long waitlist.
- Even when including schools that have *capped* their waitlist, the total number of children waiting for services from these schools alone exceeds 350
- 73% of programs had reduced their census last year and 64% report further reducing their census for the current 2022-2023 academic year due to inequitable funding
- 20% reported recently closing a special purpose preschool and another 20% report that they were considering closing a school in the near future

The reduced capacity and loss of programs represents a significant step backward from our state's goal of ensuring that every child has Free and Appropriate Public Education (FAPE) as defined and required under the federal Individuals with Disabilities Education Act (IDEA).

Educators and advocates know that children who receive appropriate early intervention services, beginning at age 3, are significantly more likely to live independently when they are older than children whose programming begins at 5 or older.

We simply can't afford to lose well established and respected programs and hundreds of spots that could change the lives and trajectory for children with disabilities in our state.

The good news is with equitable funding for pre-school children with special needs, providers from this same survey report a capacity to serve an estimated 45% more children than they are currently supporting. That's upwards of an additional 300 children. And, we have a bill to fix this.

LD 1309 will direct CDS to work with providers to establish and provide payments of an appropriate daily rate for the educational services provided by Special Purpose Preschools by the start of the next school year, thus ensuring that that our schools are reimbursed just like our K-12 counterparts, for both the educational and medically necessary services provided to each child.

We urge its passage.

Thank you for your consideration. Please reach out with any questions you may have.

Respectfully Submitted,

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Don't Leave Our Youngest Children With Special Needs and Their Families Behind **Provide Equitable Funding for Preschool Programs for Children with Disabilities**

Support LD 1309

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What is a Special Purpose Preschool?

Community based Special Purpose Preschools are a critical and often overlooked component of the state's special education system, providing the federally required critical therapeutic and education services to hundreds of 3-5 year olds with disabilities so that they may thrive in the least restrictive environment and have an increased likelihood of being integrated into public kindergarten classrooms.

Early intervention and education services for children with disabilities make a significant difference in a child's ability to develop social, behavioral, adaptive functioning, communication, as well as foundational academic skills.

The Problem - Inequitable funding is leading to reduced census, the collapse of programs and long waitlists

While Maine school districts reimburse Special Purpose K-12 programs for the education provided to students with special educational needs, they are not responsible for the educational costs for 3-5 year olds, as Maine does not require school districts to provide preschool education. The responsibility for payment for the *educational* needs of preschoolers with disabilities falls to the Maine Department of Education, Child Development Services (CDS) which contracts and approves Special Purpose Preschools and makes referrals for children and families to individual programs throughout the state.

CDS, which serves as the state "sending school," only provides tuition reimbursement for educational services for children who are not covered by MaineCare, leaving Special Purpose Preschools *without* the tuition payments made to K-12 community based special purpose schools from school districts to cover the costs of providing educational instruction in a school setting. These payments are essential to cover the costs of everything from specialized teachers and supplies to school building utilities and playgrounds.

MaineCare payments made to Special Purpose Preschools and school districts are only approved for a child's therapeutic & medically necessary support, not for educational support services.

SURVEY FINDINGS

A MACSP survey conducted in late summer of 2022 of twenty-four Special Purpose Preschool programs educating nearly 600 children found that 100% of programs are carrying waitlists and nearly 75% reduced their census last year. Programs report being often short staffed, due to an inability to compete with wages offered by both public K-12 schools and K-12 Special Purpose Schools.

GROWING WAITLISTS

Of 24 schools, 100% have a waitlist. Even with those who have *capped* their waitlist, the total number of children waiting for services from these schools alone now exceeds 350.

REDUCED CENSUS

73% of special purpose preschools report having reduced the number of 3-5 year olds they supported last year and 64% have *further* reduced the number of children in their preschools this year due to inequitable funding.

CLOSINGS

20% of providers surveyed have closed a special purpose preschool and another 20% are considering closing.

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Joint guidance from Maine DOE and DHHS issued in 2021 reinforces this, *“MaineCare reimbursement is only available for services and assessments that are medically necessary and provided by qualified and enrolled MaineCare providers. Reimbursement is not available for non-medical services such as Specially Designed or other Academic Instruction.”*

As waitlists for families with children with special education needs continue to grow, a chronic lack of adequate and equitable funding has resulted in longstanding and successful Special Purpose Preschool programs decreasing their census or closing altogether.

The reduced capacity in these programs represents a devastating loss of access to federally required services for hundreds of Maine’s children and their families, and a significant step backward from our state’s goal of ensuring that every child has Free and Appropriate Public Education (FAPE) as defined in the Individuals with Disabilities Education Act (IDEA).

Agencies that have worked to solve this problem with CDS for years are now at a breaking point. Without tuition reimbursement, several programs have closed or plan to close if a resolution is not found.

What will LD 1309 do?

LD 1309 will fix this long-standing problem by directing CDS to work with providers to establish and provide payments of an appropriate daily rate for the educational component of services provided by Special Purpose Preschools.

At a time when our state is out of compliance with IDEA/FAPE and when hundreds of families and children are on waitlists for early educational services, we cannot afford to lose well established and respected programs and hundreds of spots that could change the lives and trajectory for children with disabilities.

Equitable payments for Special Purpose Preschools will expedite our state’s ability to comply with IDEA/FAPE and will help ensure that the state is supporting the critical early childhood supports required under federal law.

