

§7209-A. Transition of responsibility for ensuring a free, appropriate public education for children eligible under Part B, Section 619

In order to meet the requirement that, beginning July 1, 2028, all school administrative units are designated as responsible for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619 pursuant to section 7006, the following transition schedule and supports apply. [PL 2023, c. 643, Pt. W, §17 (NEW).]

1. Transition year one. Beginning July 1, 2024, school administrative units may be approved by the commissioner to assume the responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619. The department shall approve readiness plans in accordance with subsection 8 and shall provide professional learning in working with young children and their families and technical support throughout the planning and implementation of the first year to assist school administrative units to prepare to meet the standards of the readiness plans. Funding must be provided to school administrative units on a quarterly basis in accordance with section 7303. Prior to a school administrative unit assuming responsibilities for child find activities and for ensuring a free, appropriate public education, the department shall establish a memorandum of understanding with the school administrative unit to determine the services to be provided by the department and the regional support and service hub. The memorandum of understanding must be reviewed and updated in response to unanticipated needs each month. The department shall contract with a national expert to regularly monitor funding and programming and recommend changes to be considered as part of the transition year one activities. [PL 2023, c. 643, Pt. W, §17 (NEW).]

2. Additional transition years. During the 2025-2026, 2026-2027 and 2027-2028 school years, the commissioner shall approve school administrative units in addition to those approved under subsection 1 to assume responsibility for child find activities and for ensuring a free, appropriate public education. The department shall provide professional learning, funding and technical assistance in the same manner as provided to school administrative units in subsection 1. [PL 2023, c. 643, Pt. W, §17 (NEW).]

3. Additional time for certain school administrative units. If the commissioner determines that a school administrative unit is not able to assume responsibility for child find activities and for ensuring a free, appropriate public education by July 1, 2028 because the school administrative unit requires additional time and support in regions where related services and staffing are not available to support the transition, the commissioner shall provide that school administrative unit with necessary resources and an additional year to assume responsibility for child find activities and for ensuring a free, appropriate public education. If the school administrative unit cannot assume responsibility for child find activities and for ensuring a free, appropriate public education, as determined by the commissioner, the school administrative unit may qualify for a modified plan for managing children eligible under Part B, Section 619 in accordance with section 7006, subsection 4. [PL 2023, c. 643, Pt. W, §17 (NEW).]

4. Service provision. A school administrative unit that has assumed responsibility for child find activities and for ensuring a free, appropriate public education may directly provide special education and related services to children eligible under Part B, Section 619, may contract with public and private providers to provide special education and related services and may access the school administrative unit's regional site or regional support and service hub to provide certain services as delineated in the memorandum of understanding between the school administrative unit and the department. [PL 2023, c. 643, Pt. W, §17 (NEW).]

5. Transition of Child Development Services System regional sites to regional support and service hubs. When a school administrative unit is responsible for child find activities and for ensuring a free, appropriate public education, the Child Development Services System site in that region shall

transition to serve as a regional support and service hub to meet the requirements of section 7211 and to make necessary services and supports available in accordance with a memorandum of understanding developed between the department and the school administrative unit before the transition of responsibility occurs. The regional support and service hubs must be aligned with the 9 superintendent regions established by the statewide association of superintendents.

[PL 2025, c. 390, Pt. A, §35 (AMD).]

6. Annual report. Beginning March 1, 2025 and in each subsequent year of the transition phase in subsections 1 to 3, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over education matters. The report must include data and information regarding the number of school administrative units that have assumed responsibility for child find activities and for ensuring a free, appropriate public education and progress on the implementation of the transition under this section. During the transition, this report must include the annual report requirements under section 7006, subsection 5. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill related to the report to the session of the Legislature in which the report is received.

[PL 2023, c. 643, Pt. W, §17 (NEW).]

7. Due process and compensatory services; review. The Child Development Services System is responsible for ensuring due process and shall pay 100% of costs for compensatory services for children eligible under Part B, Section 619 who have been underserved through the Child Development Services System. The Child Development Services System shall conduct a review of the files of children eligible under Part B, Section 619 to determine whether legally required special education and related services have been provided. The review must be conducted for children eligible under Part B, Section 619:

A. Who are entering kindergarten; and [PL 2023, c. 643, Pt. W, §17 (NEW).]

B. For whom responsibility for a free, appropriate public education is being transferred to a school administrative unit. For children eligible under this subsection, the review must be conducted prior to the school administrative unit assuming responsibility for child find activities and for ensuring a free, appropriate public education. [PL 2023, c. 643, Pt. W, §17 (NEW).]

If legally required special education and related services have not been provided or have only partially been provided, the Child Development Services System shall schedule an individualized education program meeting to determine the compensatory services that are warranted and to develop a plan to provide necessary compensatory services.

[PL 2023, c. 643, Pt. W, §17 (NEW).]

8. Readiness plans; assessment. Before a school administrative unit may be approved by the commissioner to assume the responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619, the department shall assess the school administrative unit's readiness plan. The school administrative unit's readiness plan must include, but is not limited to:

A. The requirements for basic approval standards for public preschool programs established by applicable department rule; [PL 2023, c. 643, Pt. W, §17 (NEW).]

B. Whether the school administrative unit has an existing public preschool program and, if so, whether the school administrative unit has plans to expand that program; [PL 2023, c. 643, Pt. W, §17 (NEW).]

C. Prior, ongoing and future professional development on early learning and development and best practices for district administrators, leadership, staff and educators; [PL 2023, c. 643, Pt. W, §17 (NEW).]

D. Assurance of providing special education and related services in the least restrictive environment; and [PL 2023, c. 643, Pt. W, §17 (NEW).]

E. A preschool enrollment policy, if any. [PL 2023, c. 643, Pt. W, §17 (NEW).]
[PL 2023, c. 643, Pt. W, §17 (NEW).]

9. Parental advisory committees. The Child Development Services System may establish parental advisory committees at each of the 9 regional support and service hubs.

A. The majority of each of the parental advisory committee's membership must be parents. The rest of the membership of the parental advisory committees must reflect representatives from the regional support and service hubs, school administrative units and statewide associations dedicated to assisting parents and families of persons with disabilities. Members of the parental advisory committees are not entitled to compensation. [PL 2023, c. 643, Pt. W, §17 (NEW).]

B. The parental advisory committees shall seek input and feedback, to the greatest extent possible and from a broad array of parents from diverse geographic regions of the State, on the implementation of child find activities and the provision of special education and related services to children eligible under Part B, Section 619. The Child Development Services System shall assist the parental advisory committees in establishing a method for parents to communicate directly with the parental advisory committees to provide feedback. [PL 2023, c. 643, Pt. W, §17 (NEW).]

Beginning March 1, 2025 and annually thereafter, the Child Development Services System shall submit a report to the joint standing committee of the Legislature having jurisdiction over education matters, which must include, but is not limited to, the number of parental advisory committees that have been formed, how often they met during the prior year and the number of individuals who have participated. The report may also include findings and recommendations from the parental advisory committees regarding the implementation of child find activities and the provision of free, appropriate public education for children eligible under Part B, Section 619. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill related to the report to the session of the Legislature in which the report was received.

[PL 2023, c. 643, Pt. W, §17 (NEW).]

10. Coordination. The department shall designate an individual to coordinate the concurrent transition of responsibility for ensuring a free, appropriate public education for children eligible under Part B, Section 619 and for children participating in universal public-preschool consistent with the goals outlined in section 4501. This individual shall facilitate coordination and outreach to increase public-preschool partnerships and shall assist in the coordination of the regional support and service hubs that support the transition of the responsibility for ensuring a free, appropriate public education to school administrative units. This individual shall support school administrative units in contracting with public or private providers and with Child Development Services System regional sites to ensure the provision of a free, appropriate public education for any preschool-aged child.

[PL 2023, c. 643, Pt. W, §17 (NEW).]

SECTION HISTORY

PL 2023, c. 643, Pt. W, §17 (NEW). PL 2025, c. 390, Pt. A, §35 (AMD).

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