

## MEMORANDUM

TO: Senator Matthea Daughtry, Senate Chair  
Representative Michael Brennan, House Chair  
Joint Standing Committee on Education and Cultural Affairs

FROM: Advisory Committee on the Independent Review of the State's Early Childhood  
Special Education Services

DATE: December 28, 2020

RE: **The Phase II Report of the Independent Review of the State's Early  
Childhood Special Education Services**

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The Advisory Committee for the Independent Review of the State's Early Childhood Special Education Services ("Advisory Committee") was established pursuant to Public Law 2019, Chapter 343, Part VVVV, section VVVV-4 to advise the Executive Director's Office and the Joint Standing Committee on Education and Cultural Affairs on matters relating to the development of the request for proposals and subsequent contract for the independent review of the State's early childhood special education services.

The Advisory Committee received a draft of the Phase II Report on November 23, the final Phase II Report on December 1, and held a virtual meeting on December 8, 2020 to review the Phase II report and make substantive recommendations and comments. Unfortunately, a majority of its members were not able to attend the Advisory Committee meeting on December 8; the members who were present included Nancy Cronin, who served as Chair of the Advisory Committee, Pete Plummer, Crystal Arbour, Dr. Roberta Lucas, and Kim Feeney. Erin Frazier, MDOE's State Director of Special Services Birth to 20, was also present and participated in the meeting, but is not officially designated as a member. Accordingly, what follows is a summary of the main points of discussion from that meeting and does not represent any formal vote taken by the Advisory Committee. The contents of this memo have been provided to all members of the Advisory Committee and no objections have been raised.

### **Advisory Committee Discussion**

The overall consensus of the Advisory Committee members present at the December 8, 2020 meeting is that Maine needs to move forward in regard to early childhood special education services. Members of the Advisory Committee expressed the opinion that doing nothing is not an option, and that it is important that the Education and Cultural Affairs committee progress forward in some way. However, members expressed specific points of concern regarding the transition of services for both Early Intervention (Part C) and Early Childhood Special Education

(Part B-619) individually. For that reason, summaries of the primary concerns for each program are addressed separately below.

One general recommendation expressed by the members present at the meeting was that, due to the amount of legislation that will be necessary to move forward with any implementation plan, the Education and Cultural Affairs committee should consider using separate legislative vehicles for legislation related to Early Intervention (Part C) and legislation related to Early Childhood Special Education (Part B-619) services.

### Early Intervention (Part C)

The general consensus among members present was the implementation plan contained in the Phase II report is comprehensive and mapped out the next steps well enough to move forward with the transition of Part C services. Committee members did express concerns related to the implementation timeline, in particular the sequence of events that takes into consideration the necessary timelines for statutory changes, regulatory changes and any other of the multi-faceted variables, but also oversight of the new structure and management of any contracted providers, including in regard to consistency throughout the State. Even with these concerns, however, the members of the Advisory Committee who were present ultimately felt moving forward on Part C should be a priority.

Members present at the meeting all agreed that it would be good for public hearings on any legislation necessary to implement the transition to be held jointly between the Education and Cultural Affairs Committee and Health and Human Services Committee because of the overlap in responsibilities for this population falls into the jurisdiction of both committees and the legislation would impact both the Department of Health and Human Services and the Department of Education. For example, treatment costs for this population is typically included in the Department of Health and Human Services budget and some current rulemaking that would affect this population is being conducted by the Department of Health and Human Services.

### Early Childhood Special Education (Part B-619)

Although there was less consensus about the implementation plan contained in the Phase II report for the transition of Part B services, members present at the meeting still agreed it was important that there be some movement forward. Members present had the same concerns for Part B as discussed in the Part C provision regarding the timeline for transition, but also tried to focus on areas of consensus that the Committee on Education and Cultural Affairs should seriously consider moving forward on. Members present at the December 8<sup>th</sup> meeting specifically encourage the Education and Cultural Affairs committee to act on the following:

1. Utilization of centralized billing and maximization of seed money through braided funding;

2. Implement the low/no-cost recommendations to improve ChildFind (highlighted by members present to be of critical importance as a developmental service); and
3. Regardless of which path forward the Education and Cultural Affairs committee chooses, examine the specific details of each part of the transition timeline and work with SAU's, service providers, Department of Education, and a family representative to create a clear sequence of steps rather than having everything happen simultaneously, with a focus on avoiding the loss of key resources, such as current staff and providers.