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Drafter: HAR

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New Title? Yes

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Date: 3/21/24

LD 345

Vote: OTP-A/ONTP

Majority Report

Committee Amendment “ ” to LD 345, An Act Regarding Educational Policies and Programs

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

‘An Act to Transition the Responsibility for Child Find and for ensuring a Free, Appropriate Public Education for Eligible Children from the Child Development Services System to School Administrative Units’

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 20-A MRSA §7001 as amended by PL 2023, c.405 is further amended to read:

§7001. Definitions

As used in this subpart, unless the context otherwise indicates, the following terms have the following meanings:

1. Agency. "Agency" means ~~an~~ a public, quasi-governmental or private agency, school, organization, facility or institution.

1-A. Child Development Services System. "Child Development Services System" means the state intermediate educational unit under section 7209, subsection 3, ~~and any regional sites it chooses to establish and maintain,~~ to ensure the provision of child find activities, early intervention services and, where designated by the commissioner, free, appropriate public education services to eligible children.

1-B. Child with a disability. "Child with a disability" means:

A. For children from birth to under 3 years of age:

(1) A child who needs early intervention services because the child has a significant developmental delay, as measured by both diagnostically appropriate instruments and procedures, in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development; or

(2) A child with a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay, with the condition being such that the child needs early intervention services; or

B. For children at least 3 years of age and under 22 years of age evaluated in accordance with the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1414, subsections (a) to (c) as measured by both standardized, norm-referenced diagnostic instruments and appropriate procedures with delays or impairments such that the children need special education:

(1) A child at least 3 years of age and under 6 years of age with a significant developmental delay, at the discretion of the intermediate educational unit or school administrative unit, as defined in rules adopted by the department, in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; adaptive development; or

(2) A child with at least one of the following:

- (a) Intellectual disability;
- (b) Deafness, including hearing loss;
- (c) Speech or language impairment;
- (d) Visual impairment, including blindness;
- (e) Emotional disability;
- (f) Orthopedic impairment;
- (g) Autism;
- (h) Traumatic brain injury;
- (i) Other health impairment;
- (j) Specific learning disabilities;
- (k) Deaf-blindness; and
- (l) Multiple disabilities.

1-C. Early intervention services. "Early intervention services" means developmental services that are provided under public supervision; are provided at no cost except where federal or state law provides for a system of payments by families, including a schedule of sliding fees; are designed to meet the developmental needs of a child with a disability, as identified by the individualized family service plan team, in one or more areas including physical development, cognitive development, communication development, social or emotional development and adaptive development; meet the standards of the State; are provided by qualified personnel; to the maximum extent appropriate, are provided in natural environments, including the home, and

community settings in which children without disabilities participate; and are provided in conformity with an individualized family service plan.

1-D. Child eligible under Part B, Section 619. “Child eligible under Part B, Section 619” means a student who is at least 3 years of age and under 6 years of age who has not entered kindergarten and who requires special education and related services in order to access a free, appropriate public education in the least restrictive environment.

2. Exceptional student.

2-A. Free, appropriate public education. “Free, appropriate public education” means special education and related services that are provided at public expense, under public supervision and direction and without charge; meet the standards of the department; include an appropriate preschool, elementary school or secondary school education in the State; and are provided in conformity with the individualized family service plan or individualized education program. The Child Development Services System shall provide free, appropriate public education to a preschool child with disabilities who reaches 5 years of age between July 1st and October 15th if that child is already receiving free, appropriate public education through the Child Development Services System and the child's individualized education program team determines, in accordance with rules adopted by the commissioner, that it is in the best interest of the child not to enroll that child in kindergarten until the start of the following school year.

2-B. Intermediate educational unit. “Intermediate educational unit” means an entity that meets the definition of intermediate educational unit in the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1402, (23) as in effect prior to June 4, 1997 and that is a public authority, other than a local educational agency, under the general supervision of the department, that is established for the purpose of providing free public education on a regional basis and that provides special education and related services to children with disabilities within the State. An intermediate educational unit is considered a local educational agency under federal law. In this State, a local educational agency is a school administrative unit. For purposes of this chapter all references to school administrative units include intermediate educational units.

2-C. Individualized education program team. “Individualized education program team” means the group of individuals composed in accordance with Part B of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1414(d)(1)(B) to determine the individualized education program for a child with a disability.

2-D. Individualized family services plan. “Individualized family services plan” means a plan to provide early intervention services in accordance with Part C to an infant or toddler with a disability or to the infant's or toddler's family in the natural setting.

2-E. Natural setting. “Natural setting” means the infant or toddler with a disability's home, childcare or other community setting. “Natural setting” does not include a preschool setting.

3-A. Part B, Section 619. “Part B, Section 619” means Part B, section 619 of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq..

3-B. Part C. "Part C" means Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq. under which early intervention services are provided in the natural setting for infants and toddlers with disabilities.

3-C. Extended Part C option. "Extended Part C option" means the option under Part C that allows the family of an eligible child to continue early intervention programing after the child's 3rd birthday by remaining in the natural setting and continuing to receive services through an individualized family services plan.

4-B. Related services. "Related services" means special education transportation and such developmental, corrective and other related services, as defined by the commissioner, as are required to assist children with disabilities to benefit from their special education programs.

4-C. Regional support and service hub. "Regional support and service hub" means a support and service hub established by the Child Development Services System in accordance with section 7211. [Note: see section 7211 (page 10 for the full description, minimum requirements, and guiding principles for the regional support and service hubs)]

5. Special education. "Special education" means specially designed instruction, at no cost to parents, to meet the unique needs of children with disabilities, as defined by the commissioner, including:

- A. Instruction conducted in the classroom, in the home, in hospitals and institutions and in other settings; and
- B. Instruction in physical education.

6. Special education facility. "Special education facility" means a public or private school, or portion of a public or private school, intended for use in meeting the educational and related needs of children with disabilities.

6-A. State intermediate educational unit. "State intermediate educational unit" means the Child Development Services System under section 1-A.

7. State licensed agency. "State licensed agency" means an institution or facility licensed by the State to provide education, emotional or mental health services, alcohol or drug rehabilitation, boarding care or other child care services to a person between the ages of 5 and 20 years. It includes:

- A. Facilities under Title 22, chapter 1661; and
- B. Community mental health services under Title 34-B, chapter 3, subchapter 3
- C.
- D.

8. Children's residential care facility. "Children's residential care facility" is a facility defined in Title 22, section 8101, subsection 4.

9. Special education program. A "special education program" is a full-time or part-time educational program designed to provide an equal educational opportunity to children with disabilities through the delivery of special education services by qualified individuals.

10. Special education services. "Special education services" are educational services provided by qualified individuals as defined by the commissioner. Special education services must be provided by qualified individuals employed or contracted by the school administrative unit.

Sec. 2. 20-A MRSA §7006 as enacted by PL 2005, c. 662 §A20 is amended to read:

§7006. Responsibility

The Department of Education is designated as the state education agency responsible for carrying out the State's obligations under the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended. The department and every school administrative unit, intermediate educational unit, public school or other public agency that receives federal or state funds to provide early intervention or free, appropriate public education services to children with disabilities shall comply with the federal Individuals with Disabilities Education Act, as amended, and all federal regulations adopted under the Act.

1. Responsibility for Part C. The commissioner shall designate responsibility for ensuring child find activities and early intervention services under Part C for children from birth until 3 years of age, or until the start of the school year in which the child is 4 years of age if the extended part C option is selected by the family, to the Child Development Services System.

2. Responsibility for Part B, Section 619. Until June 30, 2028, the commissioner shall designate responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619 to the Child Development Services System or to school administrative units in accordance with the transition schedule and supports under section 7209-A. Beginning July 1, 2028, the commissioner shall designate responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619 to school administrative units.

3. Service provision. A school administrative unit that has been designated for having responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619 may directly provide special education and related services and may contract with public and private providers to provide special education and related services. A school administrative unit may also access the school administrative unit's regional support and service hub to provide certain services as delineated in a memorandum of understanding between the department and the school administrative unit.

4. Exception. Notwithstanding subsection 2, if the commissioner determines that a school administrative unit is unable to assume responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619, the commissioner may establish a modified plan for that school administrative unit in managing those children.

5. Annual report. The department shall report annually by March 1st to the joint standing committee having jurisdiction over education matters. The report must include, for school administrative units, each of the components required of the Child Development Services System pursuant to section 7209, subsection 4, paragraph E. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill related to the report. *[Note: I assumed you want this language where each report-back requirement is – if not, I can take it out].*

Sec. 3. 20-A MRSA §7209, sub-§3 as amended by PL 2011 c.655, Part OO, §4 is further amended to read:

3. State intermediate educational unit establishment; administrative functions. The commissioner shall establish and supervise the state intermediate educational unit. The state intermediate educational unit is established as a body corporate and politic and as a public instrumentality of the State for the purpose of conducting child find activities as provided in 20 United States Code, Section 1412 (a) (3) for children from birth to under 6 years of age, ensuring the provision of early intervention services for eligible children from birth to under 3 years of age and for eligible children until the start of the school year when they are 4 years of age, if the extended Part C option is selected by the family. ~~and ensuring~~ The state intermediate educational unit shall also ensure ~~ensuring~~ a free, appropriate public education for eligible children at least 3 years of age and under 6 years of age, ~~where designated the responsible agency by the commissioner.~~ The state intermediate educational unit shall perform the following statewide coordination and administration functions:

Sec. 4. 20-A MRSA §7209, sub-§3-A as amended by PL 2017 c.284, Part AAAAAA, §§1 is further amended to read:

3-A. State intermediate educational unit; program functions. The state intermediate educational unit established pursuant to subsection 3, through a network of regional sites as ~~appropriate~~ where designated by the commissioner, shall:

- A. Engage in child find activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;
- B. Engage in child count activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;
- C. Engage in appropriate data collection, training, staff development and direct service provision to eligible children with disabilities, from birth to under 3 years of age, or until the start of the school year when a child is 4 years of age if the extended Part C option is selected by the family, in accordance with Part C ~~of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.~~;
- D. Ensure that eligible children with disabilities, from birth to under 3 years of age, receive early intervention services, in accordance with the payment provisions established by the State;

E. Ensure that eligible children with disabilities, from 3 years of age to under 6 years of age, receive free, appropriate public education services and where a local school administrative unit has assumed responsibility for child find activities and for ensuring a free, appropriate public education, provide services to support schools in carrying out that responsibility in accordance with a memorandum of understanding between the department and the school administrative unit;

F. Coordinate with eligible families the development of individualized family service plans for children with disabilities from birth to 2 years of age, or until the start of the school year when the child is 4 years of age if the extended Part C option is selected, or, where designated by the commissioner, coordinate an individualized education program for a child 3 years of age to under 6 years of age;

G. Ensure that children from birth until 6 years of age who are referred to the Child Development Services System also receive appropriate referrals for support outside of the system, including appropriate public and private programmatic resources, regardless of a child's eligibility for early intervention or free, appropriate public education; and

H. Engage in appropriate training and staff development for identification of and to provide intervention services for children with autism.

Sec. 5. 20-A MRSA §7209, sub-§4, ¶G is enacted to read:

G. To aid in the transition of responsibility for child find activities and for ensuring a free, appropriate public education in the least restrictive environment from the Child Development Services System to school administrative units and to coordinate services to be provided through memoranda of understanding between the department and school administrative units in carrying out responsibilities under Part B, Section 619.

Sec. 6. 20-A MRSA §7209-A is enacted to read:

§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 shall be 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.

1. Transition year 1. 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 provide readiness plans in accordance with subsection 8, 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 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 the school administrative unit assuming responsibilities

for child find and for ensuring a free, appropriate public education, the department shall establish a memorandum of understanding with each 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 1 activities.

2. Transition years 2 and 3. During the 2026-27 and 2027-28 school years, the Commissioner shall approve additional school administrative units to assume responsibility for child find and for ensuring a free, appropriate public education. The department shall provide professional learning and technical assistance in the same manner as provided to school administrative units in subsection 1.

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 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 and for ensuring a free, appropriate public education. If the school administrative unit cannot assume responsibility 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.

4. Service provision. A school administrative unit that has assumed responsibility for child find and for ensuring a free, appropriate public education may directly provide special education and related services, may contract with public and private providers and may access their regional site or regional service and support hub to provide certain services as delineated in the memorandum of understanding between the school administrative unit and department.

5. Transition of child development services regional sites to regional support and service hubs. Where the school administrative unit is responsible for ensuring 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 7212 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.

6. Annual report. Beginning March 1, 2025 and in each subsequent year of the transition phase, the department shall submit a report to the joint standing committee 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 having jurisdiction over education matters may report out a bill related to the report to Legislative session in which it is received.

7. Due process and compensatory services; review. The Child Development Services System is responsible for 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 who:

A. Are entering kindergarten; and

B. For whom responsibility for a free, appropriate public education is being transferred to the school administrative unit. For eligible children under this paragraph, 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.

If legally required special education and related services have not been 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.

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 department's assessment must include, but is not limited to *[Question: Does this capture the intent? Or was the intent to get rid of the assessment entirely and instead direct the school administrative unit or the department to develop the readiness plans, which must include, but are not limited to...]*

A. The requirements for basic approval standards for public preschool programs established by applicable department rule;

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;

C. Prior, ongoing and future professional development on early learning and development best practices for district administrators, leadership, staff and educators;

D. Assurance of providing special education and related services in the least restrictive environment; and

E. A preschool enrollment policy, if any.

9. Parental advisory committees. The Child Development Services system may appoint parental advisory committees at each of the 9 regional service and support hubs as follows.

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 service and support 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; and

B. The parental advisory committees shall seek input and feedback, to greatest extent possible and from a broad array of parents from diverse geographic regions of the State, on the implementation of child find and the provision of special education and related services to eligible children under Part B, Section 619. The Child Development Services System shall assist the advisory committees in establishing a method for parents to communicate directly with the parent advisory committees to provide feedback.

Beginning March 1, 2025 and annually thereafter, the child development services system shall submit a report to the joint standing committee 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 meet 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 and the provision of free, appropriate public education for children eligible under Part B, section 619. The joint standing committee having jurisdiction over education matters may report out a bill related to the report in the Legislative session at which is received.

Sec. 7. 20-A MRSA §7211 is enacted to read:

§7211. Regional support and service hubs.

The Child Development Services System shall establish 9 regional support and services hubs that are aligned with each of the 9 superintendent regions established by the statewide association of superintendents. The regional support and service hubs shall provide supports and resources to school administrative units that have assumed the responsibility for child find activities and for providing a free, appropriate public education to children eligible under Part B, Section 619 and other high quality early childhood programs partnering with or otherwise contracted by a school administrative unit to fulfill the school administrative unit’s responsibilities under Part B, Section 619 as determined through memoranda of understanding between the department and school administrative units.

1. Minimum requirements. Each regional service hub shall, at a minimum, offer the following supports, assistance and resources to the school administrative units within the superintendent region to which the regional service hub is aligned:

A. Assistance with child find activities;

B. Training and other professional development opportunities and technical assistance with the implementation of developmentally appropriate practices for young children including, but not limited to, curriculum, screening and assessment selections aligned with Maine’s early learning developmental standards, understanding of and requirements to meet free, appropriate public education and least restrictive environment standards and best practices for inclusive learning;

C. Assistance with establishing and strengthening community partnerships with existing inclusive, high-quality early childhood programs to help school administrative units meet federal obligations under Part B, Section 619. High quality early childhood programs include, but are not limited to, Head Start, private prekindergarten and child programs and other community-based programs;

D. Assistance with locating transportation services;

E. Assistance with administrative tasks associated with the assumption of responsibility for a free, appropriate public education under Part B, Section 619; and

F. Maintenance and coordination of access to credentialed educators and service providers who are available to school administrative units on a contractual basis including, but not limited to, supportive educational technicians, speech, occupational and physical therapists, assistive technology experts and board-certified behavioral experts.

2. Guiding principles. In providing supports and resources to school administrative units that have assumed the responsibility for child find activities and for ensuring a free, appropriate public education to eligible children under Part B, section 619 in the least restrictive environment, the regional support and service hubs shall:

A. Ensure that parents of eligible children are recognized as collaborative partners, experts and decision makers;

B. Provide written information to parents that include, but is not limited to, regional and local services and service providers, other early childhood resources such as child care providers, Head Start programs, community-based approaches to improving access to quality early care and education, resources available through the department or Department of Health and Human Services and other community partners and resources. Such information must also be made available on any publicly available website associated with the Child Development Services System or the regional support and service hub;

C. Emphasize federal and State requirements regarding inclusion and least restrictive environment;

D. Encourage coordination with community partnerships to maximize resources and provide comprehensive services to meet the needs of children;

E. Support and encourage the use of evidence-based supports, including but not limited to behavior analysts and assistive technology;

D. Support and encourage the use of a strength-based approach in the support and provision of services to eligible children;

E. Facilitate parental support groups and provide resources for parents dealing with bullying, difficulty family dynamics and behavioral challenges; and

F. Convene and assist the parental advisory committees under section 7209-A, subsection 9.

Sec 8. 20-A MRSA §7212 is enacted to read:

§7212. Early childhood special education pathways project

The department shall establish the early childhood special education pathways project as an accelerated graduate program developed around early childhood education to support teachers in obtaining a master's degree and to provide reimbursement for coursework and support in obtaining an endorsement on a teacher certificate for teachers of children with disabilities for children from birth to 5 years of age. The program must be designed to accommodate 50 participants. *[Note: there was a question at the AFA report-back about the cost of this project – DOE has indicated it would be an additional 1 million, which would likely be reflected in the fiscal note].*

Sec. 8. 20-A MRSA §7303 is enacted to read:

§ 7303. Per-pupil rate for children eligible under Part B, Section 619.

Funding for school administrative units that assume responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619 may not be appropriated to or allocated through general purpose aid for local schools and must be provided at 100% state share. This funding must be calculated by the commissioner as follows.

1. Per-pupil operating allocation. The per-pupil operating allocation for children eligible under Part B, Section 619 must be calculated on a per pupil basis in the same manner by which operating allocations are generated in sections 15674, 15675 and 15681.

2. Preschool special education and related services per-pupil allocation. The per-pupil special education and related services allocation must be calculated annually for children eligible under Part B, Section 619 at the EPS per-pupil rate for each school administrative unit under section 15676, multiplied by 1.5, for each eligible resident student. This allocation must be paid at the start of each quarter, based on the estimated student count on July 1 and adjusted to reflect actual counts on October 1, with additional adjustments in subsequent quarters.

3. High-cost placements. A separate allocation must be determined for high-cost special education placements for children eligible under Part B, Section 619 in accordance with this subsection.

A. For high-cost, in-district placements, additional funds must be allocated for each student estimated to cost more than 2 times the statewide special education pre-school per-pupil rate. The additional funds for each student must equal the amount by which that student's estimated costs exceed 2 times the statewide special education preschool per-pupil rate.

B. For private school placements, additional funds must be allocated for each student estimated to cost 4 times the statewide special education preschool per-pupil rate. The additional funds for each student must equal the amount by which that student's estimated costs exceed 4 times the statewide special education preschool per-pupil rate.

B. For public school out of district placements, additional funds must be allocated for each student estimated to cost 3 times the statewide special education preschool per-pupil rate. The additional funds for each student must equal the amount by which that student's estimated costs exceed 3 times the statewide special education preschool per-pupil rate.

C. For public regional special education program placements, additional funds must be allocated for each student estimated to cost 2 times the statewide special education preschool per-pupil rate. The additional funds for each student must equal the amount by which that student's estimated costs exceed 2 times the statewide special education preschool per pupil rate.

Sec. 9. 20-A MRSA §7304 is enacted to read:

§7304. Preschool Special Education Program Fund

1. Fund established. The Preschool Special Education Program Fund, referred to in this section as “the fund,” is established as a nonlapsing fund within the department to provide funding for general education and special education and related services for eligible children under Part B, Section 619. The department shall distribute funds through a quarterly allocation.

2. Eligibility requirements. Beginning in fiscal year 2024-25, school administrative units that have assumed responsibility for the free, appropriate public education of children eligible under Part B, Section 619 are eligible to receive allocations from the fund.

3. Purposes. Allocations from the fund may be made to school administrative units that have assumed the responsibility for child find and for ensuring a free, appropriate public education for special education and related services as outlined in each child's individualized education program and for general education costs for children eligible under Part B, Section 619.

Sec. 10. 20-A MRSA §7305 is enacted to read:

§7305. MaineCare billing system.

The department shall establish a centralized MaineCare billing system to assist school administrative units with MaineCare billing for children eligible under Part B, section 619. School administrative units may opt out of participation in the centralized billing system.

Sec. 11. Expanded Part C eligibility criteria. The Department of Education shall convene a workgroup to review and recommend expansion of the State’s eligibility criteria under Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq. and submit, a report including findings, recommendations and suggested legislation, to the joint standing committee having jurisdiction over education matters no later than March 1, 2025. The joint standing committee having jurisdiction over education matters may report out a bill related to the report to the 132nd Legislature in 2025.

Sec. 12. Department of Health and Human Services to adopt rules regarding school related services. No later than December 31, 2024, the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual to establish a new section containing the requirements for the provision of school-related services.

Sec. 13. Department of Education to disseminate information on MainePERS retirement. The Department of Education shall collaborate with MainePERS to develop and disseminate guidance for school administrative units, child development services, and child development services employees regarding the capacity of school administrative units to participate in the Participating Local District Consolidated Retirement Plan and the potential impacts on Social Security benefits of teacher plan or participating local district plan participation for potential school administrative unit employees. School administrative units and the child development services system regional sites and support and service hubs shall, to the maximum extent possible, include this information on their publicly accessible websites.

Sec. 14. Department of Education to review child development services reporting requirements. The Department of Education shall review the legislative reporting requirements related to child development services system and submit a report, no later than March 1, 2025, including findings, recommendations and suggested legislation, to the joint standing committee having jurisdiction over education matters on reporting requirements that must continue for child development services and revised reporting requirements for the department as school administrative units assume responsibility for child find and free, appropriate education for eligible children under Part B, section 619. The joint standing committee having jurisdiction over education matters may report out a bill related to the report to the 132nd Legislature in 2025.

Sec. 15. Appropriations and Allocations. The following appropriations and allocations are made.

Preschool special education

Initiative: Provides ongoing funding to establish the preschool special education program fund supporting special education and related services for preschool children ages 3-5.

General Fund

2023-24

2025-26

All Other	<u>\$0</u>	<u>\$10,000,000</u>
GENERAL FUND	\$0	\$10,000,000

SUMMARY

This amendment changes the title and replaces the concept draft. The amendment reorganizes oversight and updates practices for serving infants, toddlers and children with disabilities from birth to 6 years of age. The amendment:

1. Establishes the extended Part C option to continue individualized family services plans until the start of the school year when the child is 4 years of age, if the family chooses.
2. Provides that, beginning July 1, 2028, all school administrative units are responsible for child find activities and for ensuring a free, appropriate public education for resident children eligible under IDEA Part B, section 619.
3. Provides that, until June 30, 2028, the Commissioner of Education shall designate responsibility for child find activities and for ensuring a free, appropriate public education for eligible children to the Child Development Services System or to school administrative units in accordance with a transition schedule. During the transition, the commissioner may approve school administrative units to assume the responsibility for child find activities and for ensuring a free, appropriate public education. The school administrative units must be provided readiness plans, professional learning and technical support. The amendment adds to the duties of the director of early childhood special education within the department to support the transition. The department is required to contract with a national expert to regularly monitor funding and programming, and report annually in March to the joint standing committee having jurisdiction over education matters. The amendment also allows the Child Development Service System to appoint parental advisory committees at each of the regional service and support hubs.
4. Establishes that school administrative units may provide services directly or may contract with public or private providers to provide services and school administrative units may also access their Child Development Services System regional site or regional support and service hub to provide certain services. A memorandum of understanding must be developed between the school administrative unit and the Department of Education to determine the services to be provided by the regional support and service hub.
5. Provides that where school administrative units assume responsibility for child find activities and for ensuring a free, appropriate public education, the Child Development Services System will transition from a regional site to a regional support and service hub aligned with the

9 superintendent regions. The amendment establishes the minimum requirements and guiding principles for the regional support and service hubs.

6. Allows the Commissioner of Education to grant an additional year to school administrative units who require additional time and support to assume responsibility for child find activities and for ensuring a free, appropriate education, and provides that if the commissioner determines that a school administrative unit is unable to assume responsibility, the commissioner may establish a modified plan for that school administrative unit in managing Part B, Section 619 students.

7. Requires the Department of Education implement a funding formula to fully fund school administrative units for the assumption of responsibility for child find activities and for ensuring a free, appropriate education for eligible children. Funding for school administrative units who assume responsibility for child find activities and for ensuring free, appropriate public education for children eligible under IDEA Part B, section 619 may not be appropriated to or allocated through general purpose aid for local schools and must be provided at 100% state share. The funding formula includes, for each school administrative unit, a per-pupil operating allocation, a per-pupil special education and related services allocation and additional allocations for high-cost placements. Funding must be provided quarterly.

7. Establishes a Preschool Special Education Program Fund and provides an ongoing General Fund appropriation of \$10 million to support general education and special education and related services funding for eligible children.

8. Provides that the Child Development Services System is responsible for due process and for paying 100% of the costs for compensatory services for children who were underserved through the Child Development Services System and establishes a review procedure for eligible children entering kindergarten or whose school administrative units are assuming responsibility for child find activities and for ensuring a free, appropriate education.

9. Requires the Department of Health and Human Services to amend its MaineCare benefits manual rules regarding school related services.

10. Requires the Department of Education to establish the early childhood special education pathways project, establish a centralized MaineCare billing system, convene a workgroup to review and recommend expansion of the State's Part C eligibility criteria, develop and disseminate information on MainePERS retirement and review the Child Development Services annual legislative reporting requirements.