



# LD 255

Advisory Committee Meeting  
January 11, 2022

# Group Norms

## **Norms of Collaboration**

- Promoting a spirit of inquiry
- Pausing, Paraphrasing, Probing for specificity
- Putting ideas on the table
- Paying attention to self & others
- Presuming positive intentions

## **Technical Process**

- Use chat to ask questions/share responses
- Raise hand if you prefer to speak
- Start and end on time
- Silence electronics and disengage from them throughout the presentation

# Chaptered Law: Our Shared Task

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**H.P. 176 - L.D. 255**

**Resolve, Directing the Department of Education To Develop a Plan for the  
Provision of Early Intervention Services**

# Resolved: Advisory Committee

**Sec. 1. Advisory committee established. Resolved:** That the Department of Education shall establish an advisory committee to advise the department on the development of a plan for the provision of early intervention services for children from birth to under 3 years of age through a quasi-independent government agency structure, advise the department on the option of pursuing the federal Extended Part C Option under 34 Code of Federal Regulations, Section 303.211, referred to in this resolve as "the Extended Part C Option," and make recommendations to the department on the provision of services for children 3 years of age. No later than 30 days after the effective date of this resolve, the Commissioner of Education shall invite the following members to join the advisory committee:

Shall include invitation to 12 representative bodies. Request: please circulate a list of committee member names, representative body, and contact information

# Resolved: Develop a Plan for Early Intervention Services

**Sec. 2. Department of Education to develop a plan for early intervention services; legislation. Resolved:** That the Department of Education shall develop a plan for the provision of early intervention services through a quasi-independent government agency structure, with the Department of Education providing oversight as the lead agency pursuant to 20 United States Code, Section 1435, in accordance with this section.

Details of the required plan to follow

**2. Consultation with the advisory committee.** The Department of Education shall consult and meet with the advisory committee under section 1 on the development of the plan.

**3. Legislation.** The Department of Education shall draft suggested legislation to implement the plan developed, including but not limited to a new chapter of law in the Maine Revised Statutes, Title 20-A for the provision of early intervention services for children with disabilities from birth to under 3 years of age.

# Resolved: DOE Conduct Analysis

**Sec. 3. Department of Education to conduct an analysis of the federal Extended Part C Option and make recommendations for services for children 3 years of age with disabilities. Resolved:** That the Department of Education shall conduct an analysis of the Extended Part C Option, including but not limited to its methodology, how it could be implemented and any unintended consequences that would need to be avoided if the State pursues the Extended Part C Option. The Department of Education shall also develop recommendations on the provision of services for children with disabilities who are 3 years of age, including but not limited to whether children 3 years of age should receive services through the quasi-independent government agency structure under section 2, school administrative units or a hybrid system. The Department of Education shall consult and meet with the advisory committee under section 1 as part of its analysis and development of recommendations under this section.

# Resolved: Report Due February 1, 2022

**Sec. 4. Reports. Resolved:** That the Department of Education shall submit a report, no later than February 1, 2022, on the plan for early intervention services under section 2, subsection 1, including suggested legislation and a detailed analysis of any additional resources or statutory or regulatory changes necessary to implement the plan, the analysis of the Extended Part C Option and recommendations on the provision of services for children with disabilities who are 3 years of age under section 3, to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The Joint Standing Committee on Education and Cultural Affairs may submit legislation to the Second Regular Session of the 130th Legislature related to the report. The advisory committee may also report to the Joint Standing Committee on Education and Cultural Affairs on the advisory committee's role in the development of the plan under section 2.

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

# Charge: Advise on:

- The Development of a plan for the provision of early intervention services for children **birth to under 3 years of age** through a quasi-independent government agency structure. (Details to Follow)
- Pursuing the Extended Part C Option
- Provision of Services for children 3 years of age.

*What kind of information will the Advisory Committee need to be able to provide this advice to the Department?*



# Charge: Advise on:

*What kind of information will the Advisory Committee need to be able to provide this advice to the Department?*

# Implementation Plan to include 4 Components

- 1 Establishment and appointment of an independent governing board for the quasi-independent government agency;
2. Current or proposed memoranda of understanding between DOE and DHHS
3. How the plan addresses each of the 16 minimum required components under the federal IDEA Section 1435(aa) for a statewide, comprehensive system of early intervention services for infant and toddlers with disabilities; and
4. A detailed timeline for implementation, including but not limited to:
  - Resources needed
  - Any necessary statutory or regulatory changes
  - Any other information necessary to implement the plan

# #1: Establishment and appointment of an independent governing board for the quasi-independent government agency with oversight to by the Department;

- Structure: (Draft statute proposal)
  - Quasi-Independent Government Agency
  - Oversight DOE
- DOE update, dialogue, data or information requests, questions, feedback.

# #1: Establishment and appointment of an independent governing board for the quasi-independent government agency with oversight by the Department;

- DOE update, dialogue, data or information requests, questions, feedback.

## #2: Current or proposed memoranda of understanding between DOE and DHHS

- DOE update, dialogue, data or information requests, questions, feedback.
- MOU will be sent as soon as green light
  1. Examples of other quasi government agencies in Maine
  2. Any legislation that could impact the DHHS/CDS MOU (specific to MaineCare)
  3. Input from CDS on things that are working and things that aren't working on the MOU

3. How the plan addresses each of the 16 minimum required components under the federal IDEA Section 1435(aa) for a statewide, comprehensive system of early intervention services for infant and toddlers with disabilities

- DOE update, dialogue, data or information requests, questions, feedback.

**data or information requests, questions, feedback.**

- How is Help Me Grow woven into the 16 components.

## #4: A detailed timeline for implementation, including but not limited to:

- Resources needed
- Any necessary statutory or regulatory changes
- Any other information necessary to implement the plan
- DOE update, dialogue, data or information requests, questions, feedback.



#### **#4: A detailed timeline for implementation, including but not limited to:**

- **Resources needed**
- **Any necessary statutory or regulatory changes**
- **Any other information necessary to implement the plan**
- **DOE update, dialogue, data or information requests, questions, feedback.**
- Certification could impact the provision of these services
- Is there any flexibility in collecting data around transitioning 4 year olds to SAUs and can that help us understand how to transition 3 year olds
- Projected birth rates
- Impact of COVID? Part C child find that needs to be looked for children born in the pandemic
- What about CDS eligibility requirements?
- How many contracted Part C providers?
- Data on where there is a gap or lack of providers
- Are there anticipated costs? Can we delineate cost buckets?
- Is there data on the time associated with training for Part C staff?
- What is the impact of existing offices and regional sites?
- Data related to CAPTA and the substance exposed Maine referrals

## **The Extended Part C Option**

***The Extended Part C Option only applies to children served in Part C who turn three, transition and are determined eligible for Part B.*** It provides early intervention services, in lieu of FAPE, from children's third birthday until those children enter, or are eligible under State law to enter, kindergarten.

Each state determines the applicable age/duration of extended option (OSEP has provided guidance that it can also be applied to a subset of children turning three such as children turning three over the summer)

- (i) From age three until the beginning of the school year following the child's third birthday;
- (ii) From age three until the beginning of the school year following the child's fourth birthday; or
- (iii) From age three until the beginning of the school year following the child's fifth birthday.

Parents choose either the Part C Option, or to transition to Free Appropriate Public Education in the Part B system. Services in the Part C Option are continued on an IFSP, with the addition of an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills.

***Families can request a change to FAPE at any time.***

**There are two states who currently implement the Extended Part C Option – both to age 4.**

MD – data from 2009 to 2017 showed the percent of children served in the Part C Option compared to the Oct 1 count was between 11.03-15.09%. 15.09% was the highest percentage that occurred in 2011.

DC – data from 2014 – 2017 showed the percent of children served in the Part C Option compared to was between 9.29 – 14.87%.

**There are some federal funds available for Extended Part C Option through OSEP. Funds are divided amongst the states approved for this option. The next application deadline is May 2022.**

### Eligible Children in Part B - C-B Transition Children

Eligibility Date between 10/1/2020-10/1/2021

Eligible for Part B 352

C-B Transition Children 791

Eligibility Date between 10/1/2019-10/1/2020

Eligible for Part B 458

C-B Transition Children 600

Eligibility Date between 10/1/2018-10/1/2019

Eligible for Part B 580

C-B Transition Children 704

15% of the parents who have eligible children for part B (580) choose this option according to data provided by other States = Approximately 87 children statewide eligible for Part C Extension. There were 900-1000 three-year-old children in 2018-2019

## Considerations of the Part C Extended Option

### **PROs**

No gap in services between Part C ending and Part B beginning  
Individualized  
Offers parents options  
Offers a natural transition time (beginning of the school year)  
Parents can change their mind at any time.  
Provides parent support for a longer period of time

### **DELTA**s

Delay of FAPE (6 hours preschool education)  
No clear expectation for pre academic skills  
Potential lack of preparation for school aged services  
Limits peer to peer opportunities  
Lack of staff preparedness to provide pre academic skills in Part C  
Budgetary implications for staff training and acquiring additional staff

Are there any further questions before we answer this question?

Should we advise DOE to apply to OSEP for a Part C Extended Option?

To what age?

- (i) From age three until the beginning of the school year following the child's third birthday;
- (ii) From age three until the beginning of the school year following the child's fourth birthday; or
- (iii) From age three until the beginning of the school year following the child's fifth birthday.

# Where should 3-year-olds Part B 619 receive FAPE? What do you want to make sure that DOE considers?

## OPTION 2 **Hybrid Model**

- FAPE obligation on SAU
- Oversight by Maine DOE
- Individualized by SAU
- Choice in the following:
  - Provision of service
  - Staffing
  - Administrative oversight
  - Eligibility requirements including evaluation, child find, eligibility meeting
  - Transportation
  - Data system choice
  - Support referrals
  - Coordinate services
  - Case Management
  - Facilitate transition from Part C to Part B



## OPTION 3 **SAU Responsible**

- FAPE obligation on SAU
- Maine DOE monitors SAU
- SAU responsible for enrolled children in catchment area
- Each SAU would determine how to provide services for 3-year-old children
- Could create regional preschools
- Continue to contract with preschool providers for services
- Provide staffing
- Provide transportation
- Facilitate transition from Part C to Part B

- Data or Information Requests
- Questions
- Feedback

# Next Meetings – Process Check