

**Education and Cultural Affairs Committee**  
**LD 345**  
**CDS Plan Question and Response Document**

**Regional Hubs / Regional Service Centers / Relationships with SAUs**

**1) Question:** When will realignment / regionalization of CDS hubs be complete?

**Response:** *The transition from the CDS regional sites to regional hubs aligned with the superintendent regions will occur throughout the transition and will be complete by July 2028.*

**2) Question:** Please provide the MOU template.

**Response:** *A template is in development and will be shared at the earliest opportunity.*

**Services / Waitlists**

**1) Question:** Please describe the work being done to help alleviate the current issues around children and families struggling to find services?

**Response:**

- *An increase in funding from \$700,000 to \$3.5 million to fund positions and services to directly support CDS children in public schools.*
- *Opening 13 CDS-run preschool classrooms to expand services for children.*
- *\$1.5 million in grant funding to certify CDS staff as Early Special Education Teachers with 30-40 staff expected to obtain this certification.*
- *Providing professional development and training to CDS staff in order to improve their understanding of special education laws.*
- *Increasing CDS staff salaries and benefits to build the workforce.*
- *\$1.75 million in preschool expansion grant funding for CDS.*
- *Engaging multiple stakeholder groups to inform recommendations for CDS.*
- *Offering the partnership of DOE's Early Learning Team to support CDS in the provision of special education services as preschool expands in the Maine.*
- *Providing recommendations to the Legislature for long-term solutions to CDS.*
- *Initiating partnerships between CDS and 60 local public schools to expand special education services provided by SAUs for these children, more than doubling the number from the 2018-2019 school year.*
- *IEP meetings provided every 30 days to provide any service that becomes available, even outside of preschool programming*
- *Compensatory education provided by CDS to children who are unable to access services.*

**2) Question:** How many CDS children are being served, and are on waitlists? How does that compare to what you are estimating for your pilot year? Where are the longest waitlists and the greatest need right now? Is that aligned with the earliest adopter SAUs for this plan?

**Response:** *There is unmet need across the state given the shortage of preschool programming. This is most acute in our biggest sites, York and Reach, which cover the lower part of the state.*

	Child Count as of 10/1/2023		
CDS Site	Part B-619	Part C	Total
Aroostook	108	70	178
Reach	681	327	1008
First Step	265	146	411
Two Rivers	254	109	363
Midcoast	247	123	370
Opportunities	146	63	209
PEDS	219	121	340
Downeast	82	41	123
York	543	351	894
<b>Total</b>	<b>2545</b>	<b>1351</b>	<b>3896</b>

*\*Data from the 2024 CDS Annual Report*

*For the first pilot year, we planned for up to 1,000 3- and 4-year old children with IEPs to be in SAUs assuming the FAPE responsibility. Now that the plan includes a pilot year and extends the roll-in period, there may be fewer SAUs in the pilot year and, thus fewer than 1,000 students in the pilot year. While we have had outreach from Superintendents and Special Education Directors indicating interest in participation, the pilot SAUs have not yet been identified.*

## **Funding Plan**

**1) Question:** How would the funding mechanism would work?

**Response:**

*(\$9,600 is the statewide operating allocation average cost; \$7,300 is a typical per pupil EPS rate. These numbers are offered for this case study and vary SAU to SAU)*

*SAU X is responsible for 13 preschoolers with IEPs*

- *Operating allocation:  $13 * \$9,600 = \$124,800$*
- *Special Education Subsidy:*
  - *1.5 weight =  $\$7,300 * 1.5 = \$10,950/\text{student}$*
  - *$\$10,950 * 13 = \$142,350$*

**Total: Operating allocation + Special Ed Allocation:  $\$124,800 + \$142,350 = \$267,150$**

**2) Question:** Why are regional special education program placements receiving 2 times the statewide special education EPS per pupil rate when regional programs are supposedly organized to achieve efficiency and cost savings?

**Response:** *While this administration was not a part of those discussions, previous administrations sought to incentivize regionalization.*

[Title 20-A, §15681-A: Other subsidizable costs \(mainelegislature.org\)](https://www.mainelegislature.org/Title%20A,%20%2415681-A%3A%20Other%20subsidizable%20costs%20(mainelegislature.org)) *High cost out of district is 2-E.*

**3) Question:** Section W-8 says that in school year 2024-2025 only funds may also be used for general education costs through per pupil allocation using pupil count. Does this contradict section W-7 where it says DOE shall ensure that operating allocations for all eligible students under Part B?

**Response:** *Thank you, we are discussing.*

**4) Question:** What is the difference between operating costs and general education costs?

**Response:** *Operating costs are the cost of providing a general education setting.*

**5) Question:** Please explain the rationale behind budgeting for up to 1,000 preschool students.

**Response:** *Our analysis is derived from multiple conversations, focus groups, and think tanks over the past two years with school board members, supe, and sped directors, and Ed Org leaders. One thousand preschool students equal roughly one third of the identified preschool students with IEPs.*

## **CDS Program / CDS Structure / CDS Staffing**

**1) Question:** How will staffing change with the shift from CDS to service hubs? How will roles change?

**Response:** *All CDS employees, including employees who work directly with children and those who work in administrative functions, will have the ability to retain their jobs at CDS as they transition into the regional hub model. Administrative work will remain largely the same, as these employees are key experts who will have expertise that SAUs will rely on as they transition to assuming FAPE responsibilities. CDS staff who work directly with children will continue to do so during the transition years in locations where SAUs have not yet taken on FAPE responsibility for Part B children, along with all Part C children. After the full transition has been completed, there will still be Part C children who need these services, and these providers will still be needed at CDS. It is also, of course, possible that these direct service providers choose to work directly at an SAU, but there will be ongoing need for these important roles at CDS during and after the full implementation of this plan.*

**2) Question:** What is the staffing plan for CDS, especially if you're planning on expanding Part C eligibility?

**Response:** *In FFY22, 17 vacant positions were successfully filled, and 11 new positions were added. 22 positions remained vacant at the end of the reporting period.*

*In FFY21, 10 vacant positions were filled, and 11 new positions added. 8 positions remained vacant at the end of the reporting period. In both FFY21 & 22, 11 professionals exited their positions during the reporting period.*

*Recently, it has been reported by site-level leadership that sites have recruited highly qualified staff from the medical field, likely drawn to early intervention by the unique nature of the work, including the opportunity to impact children's developmental trajectory in their natural environment and collaborate with their entire family system.*

*As current practice requires that new and existing positions are justified based on caseload numbers and provider productivity, accommodating an increased number of eligible children as a result of eligibility expansion would require careful planning.*

*Once the eligibility threshold has been determined, a data analysis of the evaluation results of a sampling of children must be conducted to estimate how many more children may be served under different scenarios. Then, justification for new positions must be approved prior to an influx of eligible children to ensure that infants and toddlers can continue to be evaluated (within 45 days) and served (within 30 days of parental consent) in a timely manner.*

**3) Question:** Please provide the number of "specialists" by category (ie. Speech therapists, etc) within CDS. Will these individuals continue to be employed by CDS/hubs?

**Response:**

Category	CDS-Employed (FTE)	Private Providers (# providers contracted with by CDS)
Speech Language Pathologist	23.21	382 providers
Occupational Therapist	28.55	215 providers
Physical Therapist	7.53	58 providers

\*Data from 2024 CDS Annual Report

*All CDS employees, including our key employees in specialist fields such as Occupational Therapy, Physical Therapy, and Speech Therapy, will have the ability to retain their jobs at CDS as they transition into the regional hub model. Currently, there is far greater need for these services than can be met by solely CDS employees, necessitating contracts with outside private providers. During the transition phase, there will still be needs for these services in SAUs who have not yet taken on FAPE responsibility. With ongoing needs in Part C beyond the transition plan for Part B services, these services will still be in great demand, and the need for these valued CDS employees will continue.*

**4) Question:** Please provide the organizational improvement plan for CDS.

**Response:** *The organizational improvement plan identified four action steps that were required immediately for CDS. We will review the progress in April.*

**5) Question:** Are any of the CDS-operated schools providing services in the least restrictive environment?

**Response:** *The CDS preschool classrooms were originally designed to support inclusive environments, serving both students with IEPs and without. Unfortunately, these programs have not been successful in attracting typically developing children. These CDS preschool classrooms were opened to address the service shortfalls and immediately open up classroom slots for Part B children, and to provide services to as many of these in-need students as possible in the quickest timeframe possible.*

	# Preschool programs	# Children Enrolled	# Children with IEP	% of enrollment with IEP
CDS Midcoast	2	40	37	92.5%
CDS Opps - Oxford	1	10	10	100%
CDS Opps - Rumford	1	11	11	100%
CDS Two Rivers - Brewer	1	8	8	100%
CDS Two Rivers - Dover	1	6	6	100%
Arundel PS	1	10	10	100%
Biddeford PS	1	14	14	100%
Brunswick PS	1	11	9	81.8
Gray PS	1	12	12	100%
Lewiston PS	1	5	5	100%
Totals	12	126	123	99.25%

*\*Data from the 2024 CDS Annual Report*

**6) Question:** Given the CDS Pathway Project resulted in 40 new special education teachers and the much identified workforce issues, why doesn't the budget include funds to continue the project?

**Response:** *The CDS annual report follows [Title 20-A, §7209: General administration and supervision \(maine.gov\)](#). The Pathways Project was paid for through federal emergency relief funds, which are separate from the CDS budget. This project will end by September 30, 2024.*

*A summary of this project can be found in the CDS Annual Report on p. 20: To increase workforce for preschool aged children, CDS applied for a Federal Emergency Relief State Reservation Grant and was awarded a grant totaling 1.5 million dollars to support staff development. There are two goals of the project: 1) create a graduate program developed around early education within CDS to support obtaining a 282 B Special Education Birth to 5 teaching certificates, and 2) reimbursing for any coursework that supports increased certification, including participation in graduate programs to become a related service provider or school psychologist. The graduate program, titled "CDS Pathways Project" is an accelerated program that is completed in one year. The first cohort graduated 12 candidates and there are 26 individuals signed up for the final year of the offering. Most have obtained master's degrees through this opportunity. At the end of the program, there will be an additional 40 special education teachers in Maine certified with a 282B.*

**7) Question:** What information can the DOE provide about a possible workaround for current CDS employees to protect their retirement benefits? This is specifically regarding an arrangement made in Lewiston and the union covering CDS workers, for covering FICA.

**Response:** *This proposed legislation would not require a plan for changing retirement benefits for CDS workers. There is not a plan for a reduction in force. That said, SAUs currently have some positions that are eligible for social security, instead of MainePERS. Each SAU has different collective bargaining agreements that cover positions and identify the benefits associated with them.*

## **Part C**

**1) Question:** Does expanding Part C eligibility require a statutory change? If not, how is this being done?

**Response:** *Expanding eligibility for Part C Services will require a change to MUSER. The Department is considering two significant changes to Part C: extended Part C option and expanding eligibility. This bill proposes to offer extended Part C option. We plan to engage experts and key stakeholders throughout the pilot year in determining a plan for expanding eligibility.*

## **Readiness / Certification / Training / Monitoring**

**1) Question:** Please provide the readiness indicators the department utilizes to determine a SAU's ability to assume FAPE.

**Response:** *The Department provides tiered supports to SAUs. Typically, starting in January, CDS and the Department work with SAUs to review existing case loads in CINC to identify the needs of the children in an SAU's catchment area. They identify the staffing necessary to meet the service needs outlined in the children's IEPs.*

*When SAUs seek to provide pre-K programming for children with disabilities, they work with members of the DOE's Early Learning team as well as with CDS's pre-K specialist. Through these meetings, SAUs receive guidance and technical assistance related to:*

- *Staffing needs*
- *Standards and educational resources*
- *Physical plant requirements, including playground spaces*

*The Department offers an optional continuous improvement tool found here: [Self-Assessment and Continuous Quality Improvement Tool](#). This is used by established programs to evaluate how they are doing, identify strengths and their areas for growth in their work to be a high quality preschool. Chapter 124 is the basis for preschool approval. The [Public Pre-K Guidebook 1.pdf \(maine.gov\)](#) is also available and provided to SAUs.*

**2) Question:** Which staff positions in DOE will be responsible for providing technical assistance and professional learning to SAUs about working with young children and their families?

**Response:** *The Office of Special Services & Inclusive Education (OSSIE) currently monitors CDS as part of its federally mandated responsibility in Maine's general system of supervision. The Director of this office is responsible for services birth to 22 and will continue to oversee these services. Dispute resolution for CDS is handled in the OSSIE team. Additionally, the Director of State Agency Clients and State Agency Programs has a role for this age group. Finally, the Early Learning Team at the DOE has deep knowledge and expertise in helping SAUs engage with Maine's youngest learners and their families, and they would also have a role in providing training and technical assistance through this Community of Practice model.*

**3) Question:** Please share the thinking of the department regarding whether SAUs will be opening more classrooms.

**Response:** *For the SAUs that have expressed interest in participating in the pilot, some are expanding pre-K which would include increasing the number of classrooms. In addition, other SAUs that have not previously provided pre-K classrooms have reached out to express interest in starting pre-K programs. In both instances this represents additional pre-K seats. Further, the Department is working to compile a database of providers currently contracting with CDS by region which could be used by SAUs for partnerships and contracting purposes.*

**4) Question:** Please provide which currently contracted public schools are providing services in a least restrictive environment.

**Response:** *The SAUs that currently are operating public pre-Ks and have contracted with CDS for supporting those children with IEPs, are all operating in the least restrictive environment, as their public pre-K programs are not self-contained or special education specific classrooms. We provided this list in the previous Q & A document.*

**5) Question:** What do we require for early childhood education certification vs 286 and 282?

**Response:** *The certification team has completed a document comparing the certification pathways for 081 early childhood vs 286 and 282. We also included 029 Early Elementary Teacher because it covers Pre-K as well. Link: [240228 - PreK Certifications Comparison Guide.docx](#)*

**6) Question:** How will the Department hold SAUs accountable for FAPE of Part B children?

**Response:**

*The Office of Special Services & Inclusive Education has a robust monitoring and compliance plan. Federal IDEA requires the following monitoring activities:*

- *The collection and analysis of data to inform decision-making, support continuous improvement, and complete state and federal reporting.*
- *The protection of the educational rights of children with disabilities through the provision of due process.*
- *The distribution of federal special education funding and the assurance that those funds are used appropriately, effectively, and efficiently.*
- *The General Supervision and monitoring of Maine's provision of special education in order to improve educational results and functional outcomes and to ensure that public agencies meet requirements.*
- *The development and distribution of policies, procedures, and technical assistance to the education community.*
- *A compensatory education meeting is held for every child not getting their services. These meetings are held to determine the services that children should receive to build the skills they need to compensate for not receiving their services. Subsequent to this compensatory education meeting, meetings are held every 30 days to review progress.*

**7) Question:** What is the plan for oversight of progress of implementation? What is the data that should be collected?

**Response:** *The Department plans to use the following criteria to monitor the progress of implementation:*

- *Number of SAUs assuming FAPE responsibilities*
- *Location of the SAUs, by region*
- *Number of preschool seats and percentage of children with IEPs in those seats*
- *Unmet need*
- *Partnerships by SAU and by region*
- *Access to and participation in professional development opportunities and technical assistance*

*The OSSIE federal monitoring team works closely with all SAUs and provide tiered monitoring, support and technical assistance and other professional development in meeting obligations under IDEA Part B (e.g, understanding and meeting FAPE and LRE requirements; child find requirements and techniques; conducting the IEP process; development of individualized ESY goals; following due process procedural safeguards and in complying with components of any preschool or other monitoring processes established by the Department of Education.*

*This team is responsible for gathering data for the general supervision of each system, which includes IDEA and MUSER compliance.*

*This would also be an opportune time to review the CDS annual report requirements as outlined in statute.*

**8) Question:** Does the DOE monitor Part B and how would that change for schools with the transferring of FAPE responsibilities?

**Response:** *DOE already engages in robust monitoring for Part B, Section 619. IDEA Part B supports students 3-22, therefore the procedures, resources, and supports are already in place and familiar to our SAU partners. Our general supervision system has been monitoring CDS on a cycle similar to SAUs. SAUs would not struggle to include monitoring for special education for preschool students because they are already monitored on Part B and they are familiar with this process.*

*The monitoring process is described explicitly on the [OSSIE](#) web page, which provides ongoing training opportunities for SAUs, concrete timelines for monitoring activities, and resources for SAUs such as sample forms. Furthermore, OSSIE has a dedicated team for monitoring SAUs. More detail and information can be found on OSSIE's webpage on the DOE website, linked above.*

## **Bill Language**

**1) Question:** Where is language that will hold SAU's harmless for current children not receiving services or are underserved?

**Response:** *This language has been added to a revised draft, on page 8.*

**2) Question:** Please provide the sections before and after where the language in subsection 4-A in W-5 would be placed.

**Response:**

### **§7209. General administration and supervision**

*4. Director of early childhood special education. The commissioner or the commissioner's designee shall supervise a director of early childhood special education. The director has the following powers and duties:*

*A. To administer the state intermediate educational unit established under [subsection 3](#) and programs established pursuant to [subsection 3-A](#). The director shall develop operating policies and establish organizational and operational procedures that include supervision, monitoring, data and accountability structures;*

*A-1. To oversee the operation of the regional sites;*

*B. To develop statewide policies and procedures for carrying out federal and state laws and rules relating to child find, early intervention services and the provision of a free, appropriate public education to children from birth to under 6 years of age;*

*C. To provide training in federal and state laws, regulations, rules and policies relating to child find as provided in 20 United States Code, Section 1412 (a) (3), early intervention services and the provision of a free, appropriate public education to children from birth to under 6 years of age and to conduct regular file reviews to determine compliance with federal and state laws, regulations, rules and policies and conduct training and provide technical assistance where deficiencies are found;*

*D. [PL 2013, c. 338, §1 (RP).]*

*E. To report annually by February 15th to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the performance of the Child Development Services System. This report must be posted on the publicly accessible website of the department.*

## **Pre-K and Childcare Centers**

**1) Question:** In section 1-D the term “pre-k classroom” seems to limit where services can be provided to only pre-k classrooms. Is that the intent of the department?

**Response:** *The Department sought and received guidance from the federal Office of Special Education Programs (OSEP) to learn about whether childcare settings that are not preschool programs can be considered educational placements for purposes of FAPE. OSEP clarified that, while the natural setting (any setting, including childcare programs) is an appropriate setting for providing services through an IFSP, the provision of FAPE (free appropriate public education) to children with IEPs requires an approved pre-k program. OSEP also directed the Department to the following guidance:*

An LEA’s obligation to serve children aged three through five under the equitable services provisions depends on whether a child is enrolled in a private school or facility that meets the definition of “elementary school” in the IDEA and its implementing regulations. “Elementary school” is defined in 34 C.F.R. § [300.13](#) as a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined under State law.

*Any childcare or other facility may certainly also offer an approved pre-k program and that would, of course, be an appropriate setting for provision of FAPE. Recognizing that many families are happy with their current childcare settings, we are offering the extended Part C option.*

**2) Question:** One of the department’s answers stated, “special education’s main purpose is to support access to general education curriculum.” Does the department now include Part B in that purpose? If so, what curriculum does DOE want Part B children to access?

**Response:** *Yes, that would also include children age 3-5 in Part B. The main purpose of special education is to enable a child to benefit from general education. Decisions about curriculum are locally determined. Preschool programs should be using the Preschool/Maine’s Early Learning & Development Standards when adopting their curriculum.*

## **MaineCare**

**1) Question:** If the state is providing 100% funding, shouldn’t the state be billing for MaineCare?

**Response:** *Yes, excellent point.*