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House of Representatives, January 15, 2013

**An Act To Implement the Recommendations of the Government
Oversight Committee and the Office of Program Evaluation and
Government Accountability Regarding Child Development Services**

Reported by Representative MacDONALD of Boothbay for the Office of Program Evaluation and Government Accountability pursuant to the Maine Revised Statutes, Title 3, section 997, subsection 2.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed pursuant to Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §7209, sub-§4**, as amended by PL 2011, c. 655, Pt. OO, §4,
3 is further amended to read:

4 **4. Director of early childhood special education.** The commissioner shall appoint
5 and supervise a director of early childhood special education. The director has the
6 following powers and duties:

7 A. To administer the state intermediate educational unit established under subsection
8 3 and programs established pursuant to subsection 3-A. The director shall develop
9 operating policies and establish organizational and operational procedures that
10 include supervision, monitoring, data and accountability structures;

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

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

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

21 ~~D. To report annually to the council and to the joint standing committee of the~~
22 ~~Legislature having jurisdiction over education and cultural affairs on the performance~~
23 ~~of the Child Development Services System. This report may include information on~~
24 ~~any expansions of the connections of child find and service delivery with school~~
25 ~~administrative units, with the Department of Health and Human Services and with~~
26 ~~medical providers. This report may include information on any expansion of the~~
27 ~~connection of child find with nurse midwives. This report may include information~~
28 ~~on the number of children screened in the programs in Title 22, sections 1532, 8824~~
29 ~~and 8943, the number of such children referred to the Child Development Services~~
30 ~~System who were found eligible for early intervention and the number of such~~
31 ~~children referred to the Child Development Services System who were found~~
32 ~~ineligible for early intervention. This report may also include information on annual~~
33 ~~performance over at least a 5 year period of each individual regional site and of the~~
34 ~~entire Child Development Services System; may benchmark performance against~~
35 ~~state and national standards; may include information about performance in child~~
36 ~~find, service delivery, service coordination, eligibility and exit data for children~~
37 ~~leaving the Child Development Services System; and may describe strategies that the~~
38 ~~Child Development Services System has undertaken to maximize the usage of a~~
39 ~~broad base of community resources including private providers, public schools,~~
40 ~~resources from other agencies and other available resources serving children and~~
41 ~~families. The report must be publicly posted on the website of the department.~~

42 E. To report annually by February 15th to the joint standing committee of the
43 Legislature having jurisdiction over education and cultural affairs and the joint

1 standing committee of the Legislature having jurisdiction over appropriations and
2 financial affairs on the performance of the Child Development Services System. This
3 report must be posted on the publicly accessible website of the department. The
4 report must include:

5 (1) The following financial information for the Child Development Services
6 System in total and separately for the services provided to eligible children from
7 birth to under 3 years of age and at least 3 years of age and under 6 years of age
8 when the information can be separated for these age categories:

9 (a) Actual expenditures compared to the budget for each of the last 3 fiscal
10 years for each regional site, the central office and the total Child
11 Development Services System by function, including case management,
12 direct services and administration;

13 (b) Actual expenditures compared to the budget for each of the last 3 fiscal
14 years for each regional site, the central office and the total Child
15 Development Services System by expense type, including salaries, benefits,
16 contracted services and transportation;

17 (c) Actual revenues received compared to the budget for each of the last 3
18 fiscal years by revenue source; and

19 (d) The total dollar value of MaineCare claims paid through the Department
20 of Health and Human Services for each of the last 3 fiscal years for services
21 provided pursuant to children's individualized education programs or
22 individualized family service plans that were billed directly to the MaineCare
23 program by contracted service providers;

24 (2) The following data for the Child Development Services System in total and
25 separately for the services provided to eligible children from birth to under 3
26 years of age and at least 3 years of age and under 6 years of age, including
27 descriptions of any notable variations in these data among regional sites and any
28 notable year-to-year trends over the past 5 years:

29 (a) The number of children referred to the Child Development Services
30 System in the prior year by referral source, including the screening programs
31 in Title 22, sections 1532, 8824 and 8943, and the percentage of children
32 referred found eligible for services;

33 (b) The number of children who entered the Child Development Services
34 System in the prior year, categorized by primary disability;

35 (c) The number of children who exited the Child Development Services
36 System in the prior year, categorized by primary disability and the reason for
37 exit;

38 (d) The number of children who transitioned in the prior year from early
39 intervention services for children from birth to under 3 years of age to special
40 education and related services for children at least 3 years of age and under 6
41 years of age;

- 1 (e) The unduplicated count of children who received direct services as of
2 December 1st in the prior year;
- 3 (f) The number of children who received direct services in the prior year by
4 regional site and in total for the Child Development Services System,
5 categorized by primary disability;
- 6 (g) For each primary disability category, the number of children who
7 received, in the prior year, each primary type of therapy or service; and
- 8 (h) The percentage of children who received direct services in the prior year
9 who had MaineCare coverage for all or some of the services specified in their
10 individualized education programs or individualized family service plans and
11 the percentage of children who received direct services in the prior year who
12 had private insurance coverage for all or some of the services specified in
13 their individualized education programs or individualized family service
14 plans;
- 15 (3) A listing of the regional sites and their locations and the following data for
16 the Child Development Services System in total and by regional site, including
17 descriptions of any notable variations in these statistics among regional sites and
18 any notable year-to-year trends over the past 5 fiscal years:
- 19 (a) The total number of employees by function and the number of new
20 employees hired in the prior fiscal year by function;
- 21 (b) The number of private providers that contracted with the Child
22 Development Services System to provide direct services, including
23 transportation services, and the number of contracted providers delivering
24 each type of service in the prior fiscal year;
- 25 (c) The number of children who received direct services provided by Child
26 Development Services System employees in the prior fiscal year and the
27 number of children who received direct services provided by contracted
28 private providers in the prior fiscal year;
- 29 (d) The number of preschool or day care programs operated by each regional
30 site, the average enrollment in each program, the percentage of enrollees that
31 are children receiving services under individualized education programs or
32 individualized family service plans and expenses and revenues for the prior
33 fiscal year associated with the programs in each site; and
- 34 (e) The number of children who received direct services in the prior fiscal
35 year while placed in preschool programs operated by public school systems;
- 36 (4) Statistics and analysis of the following Child Development Services System
37 performance measures for the prior fiscal year, including descriptions of any
38 notable variations in these measures among regional sites and any notable year-
39 to-year trends over the past 5 fiscal years:
- 40 (a) Measures of compliance with key federal requirements related to
41 timeliness, quality and effectiveness of service as set out in required annual

1 federal reporting under the federal Individuals with Disabilities Education
2 Act;

3 (b) Measures of compliance with key state requirements related to
4 timeliness, quality and effectiveness of service as set out in statute and rules;

5 (c) Measures of productivity for Child Development Services System
6 employees providing case management and direct services to children;

7 (d) Measures of per unit costs, including the average cost of delivered
8 services per child by primary disability type, the average cost per unit of each
9 type of therapy or service delivered by Child Development Services System
10 staff and the average cost per unit of each type of therapy or service delivered
11 by contracted providers; and

12 (e) Any other performance goals and measures established by the Child
13 Development Services System to monitor effectiveness, efficiency and the
14 cost of the Child Development Services System, which may include results
15 of surveys of parents and guardians on the quality and effectiveness of
16 services;

17 (5) A description of efforts the Child Development Services System has
18 undertaken to coordinate with other entities and maximize the use of a broad base
19 of community resources, including private providers and public schools,
20 resources from other agencies and other resources serving families and children
21 from birth to under 6 years of age; and

22 (6) A description of current and emerging trends and challenges that are having
23 an effect on or are expected to have an effect on costs, services or service
24 delivery methods of the Child Development Services System; and

25 F. To provide the following data by the 20th day of each month to the Office of
26 Fiscal and Program Review, either in a monthly report or by providing the office
27 electronic access to the computer systems and applications by which the raw data are
28 stored, for each regional site and the central office:

29 (1) Monthly actual and budgeted revenue by funding source for the prior month;
30 and

31 (2) Monthly actual and budgeted expenditures by funding source and by
32 expenditure category for the prior month.

33 For the purposes of this subsection, "direct services" includes evaluations; therapies;
34 special instruction; the use of specially designed materials for instruction, screening and
35 testing; the use of assistive technology devices; and transportation and use of physical
36 space associated with providing other direct services.

37 **SUMMARY**

38 This bill implements recommendations of the Government Oversight Committee
39 stemming from the report on child development services issued by the Office of Program
40 Evaluation and Government Accountability in July 2012. The purpose of this bill is to
41 require improved reporting to the Legislature on key financial and performance aspects of

1 the Child Development Services System and the programs it administers, in order to
2 enhance transparency, accountability and legislative oversight. The system is an entity
3 established in statute with responsibility for administering federal programs for eligible
4 children from birth to under 6 years of age under the federal Individuals with Disabilities
5 Education Act. The system and its programs receive some federal funding but are
6 primarily supported by the General Fund.