



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1760

S.P. 592

In Senate, May 21, 2019

### **An Act To Support Children's Healthy Development and School Readiness**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by President JACKSON of Aroostook.  
Cosponsored by Speaker GIDEON of Freeport and  
Senators: CARPENTER of Aroostook, CARSON of Cumberland, CLAXTON of  
Androscoggin, DESCHAMBAULT of York, MILLETT of Cumberland, MOORE of  
Washington, SANBORN, L. of Cumberland, Representative: GATTINE of Westbrook.

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

2 **Sec. 1. 22 MRSA c. 1065** is enacted to read:

3 **CHAPTER 1065**

4 **FIRST 4 ME EARLY CARE AND EDUCATION PROGRAM**

5 **§3931. First 4 ME Early Care and Education Program**

6 **1. Program established.** The First 4 ME Early Care and Education Program is  
7 established under the department to provide funding to achieve efficiencies, create  
8 opportunities and improve social, emotional, educational and health outcomes for  
9 children under 6 years of age and the children's families through the provision of  
10 comprehensive, high-quality early child care and education by funding a holistic service  
11 approach that integrates the Head Start program's comprehensive resources and services  
12 into traditional center-based and family child care settings that improve the outcomes for  
13 children, families and early childhood educators.

14 **2. Definitions.** As used in this chapter, unless the context otherwise indicates, the  
15 following terms have the following meanings.

16 A. "At-risk" means, with regard to a person, that the person who is a member of an  
17 economically disadvantaged family, a recipient or former recipient of services under  
18 the child protection or child welfare system of the State, in foster care, homeless, a  
19 member of a family exposed to substance use disorder, identified as having special  
20 needs or identified as having a physical or mental disability or limited in English  
21 proficiency.

22 B. "Child" means a person under 6 years of age who has not entered kindergarten.

23 C. "Child care center" has the same meaning as in section 8301-A, subsection 1-A,  
24 paragraph A.

25 D. "Community" means a geographical area represented by a community coalition  
26 and served or to be served by a project.

27 E. "Community coach" means an employee of or contractor with a community  
28 contractor who is trained under subsection 11 and performs administrative functions  
29 in carrying out the duties of a project.

30 F. "Community coalition" means a group of stakeholders, service providers or other  
31 members within a community under subsection 7 that sponsors and collaborates in  
32 the implementation and administration of a project.

33 G. "Community contractor" means a nonprofit organization that is the applicant and  
34 responsible lead member of a community coalition for a project.

35 H. "Community provider" means a child care center, family child care provider or  
36 other service provider that has entered into a contract with a community contractor to  
37 provide services as part of a project.

1 I. "Comprehensive, high-quality early child care and education" means supportive,  
2 intergenerational, age-appropriate research-based interaction and teaching practices  
3 provided by a licensed entity under section 8301-A that focus on all domains of  
4 learning, and includes embedded professional development, family engagement in a  
5 child's learning and progress toward family goals, using data to inform teaching  
6 practices and a holistic approach to a child's physical, mental and dental health.

7 J. "Economically disadvantaged" means having a family income not exceeding 185%  
8 of the federal poverty level.

9 K. "Embedded professional development" means an activity performed by a  
10 community coach to encourage rule-specific knowledge, skills and dispositions to  
11 support responsive caregiving and developmentally appropriate teaching practices  
12 implemented for learning that is integrated into the work day, consists of assessing  
13 and finding solutions for authentic and immediate problems of practice as part of a  
14 cycle of continuous improvement and is grounded in day-to-day teaching practice  
15 designed to enhance a teacher's or caregiver's practices with the intent of improving  
16 children's social, emotional and cognitive development.

17 L. "Family" means a child under 6 years of age, the child's parent and all people  
18 living in the household of the child who are supported by the income of the child's  
19 parent and related to the child or child's parent by blood, marriage or adoption.

20 M. "Family child care provider" has the same meaning as in section 8301-A,  
21 subsection 1-A, paragraph C.

22 N. "Homeless" has the same meaning as in the federal McKinney-Vento Homeless  
23 Assistance Act, 42 United States Code, Section 11302.

24 O. "Home visitor" means a person who provides services to a participant in the  
25 participant's home.

26 P. "Parent" means the parent or parents of a child under 6 years of age or the child's  
27 legal guardian, primary or authorized caregiver or foster parent or a person with  
28 whom the child has been placed for purposes of adoption pending a final adoption  
29 decree.

30 Q. "Participant" means an eligible child or family of an eligible child under  
31 subsection 5 who has been accepted to participate in a project.

32 R. "Program" means the First 4 ME Early Care and Education Program established  
33 under subsection 1.

34 S. "Project" means the program as implemented in a community by a community  
35 contractor.

36 T. "Working full time" means spending at least 30 hours per week performing one or  
37 a combination of the following activities: working, receiving education in a  
38 classroom or other learning setting, studying pursuant to a course of education or  
39 volunteering for a nonprofit organization. For purposes of this paragraph, one hour  
40 of studying equals 2 hours of another activity.

41 **3. Application requirements.** An application for a project must include:

- 1           A. Sponsorship by a community coalition under subsection 7;
- 2           B. A provision for enrollment of an eligible person under subsection 5 who resides  
3           within the community of the community coalition under paragraph A;
- 4           C. An assessment evaluating data on and the demographics of the community of the  
5           community coalition under paragraph A to determine the needs of the population of  
6           possible participants in the community regarding care, health care and education, the  
7           resources available in the community to address those needs and the ability of the  
8           project to address those needs using the project components under subsection 4;
- 9           D. An action plan based upon the assessment in paragraph C that states objectives,  
10           goals and intended outcomes and responds to the needs of the community using the  
11           available resources and incorporating the project components under subsection 4; and
- 12           E. A proposed 3-year budget to implement the action plan under paragraph D and  
13           operate the project.

14           **4. Project components.** Project components must include the following:

15           A. Service delivery in a nurturing, responsive, interactive and engaging environment,  
16           including:

- 17                   (1) At a child care center or family child care provider, for at least 48 weeks per  
18                   year, 5 days per week excluding state holidays, 10 hours per day and with up to  
19                   10 days of staff training. A child care center or family child care provider shall  
20                   provide a well-organized and managed learning environment, social and  
21                   emotional support for children, intentional teaching practices and materials  
22                   designed to stimulate a child's thinking, development and skills. Curricula must  
23                   be developmentally appropriate, be research-based and implement best practices,  
24                   including curriculum enhancements that have been adopted to meet the needs of  
25                   specific populations and provide content-rich learning experiences to support the  
26                   children's growth in key areas of development, including approaches to learning,  
27                   language, literacy, cognitive development and physical development, and are  
28                   based upon developmental progressions and how children learn; or
- 29                   (2) Through home visiting services, for at least 48 weeks per year, once a week,  
30                   90 minutes per visit and with 2 group socialization activities per month that  
31                   include children and the children's parents. Home visitation services must  
32                   include interactions between the home visitor and a parent that are nurturing,  
33                   responsive and intentional and that support the parent in the parent's role as the  
34                   primary and most important teacher of the parent's child and assist the parent in  
35                   using the parent's home and the community as the child's learning environment.  
36                   Curricula must focus on the parent-child relationship and be culturally and  
37                   linguistically responsive.

38           A participant may receive service delivery under subparagraph (1) or (2) or both;

39           B. Screening and ongoing child assessments conducted in a manner that is  
40           responsive to a child's home language and culture. Screening must include an initial  
41           assessment of developmental, behavioral, motor, language, cognitive and social and  
42           emotional skills to identify a delay in development in a child's skills or identify a

1 disability that may require further evaluation. Ongoing assessment must monitor a  
2 child's development and progress toward individual goals with input from the child's  
3 family to determine a child's strengths and needs and possible adjustment of child  
4 care center and family child care provider teaching practices and home visit strategies  
5 and to support a referral to the Child Development Services System under Title 20-A,  
6 section 7209 when necessary;

7 C. Specialized support for participants, including for cultural and linguistic needs  
8 and for children with diagnosed or who have physical or mental disabilities or  
9 developmental delays. Support may include access to and participation in learning  
10 and social experiences and activities;

11 D. Parent and family engagement practiced at all levels of the project, focusing on  
12 culturally and linguistically responsive relationship-building within the family,  
13 including:

- 14 (1) Communicating effectively with members of a family;
- 15 (2) Forming positive goal-focused relationships with members of a family;
- 16 (3) Involving a parent in decision making, teaching practices, including  
17 screening, assessment, planning for interactions and learning environments and  
18 implementing curricula;
- 19 (4) Ensuring consistency between a child's home and comprehensive,  
20 high-quality early child care and education; and
- 21 (5) Ensuring project practices are responsive to a family's needs;

22 E. Support for a child's immunization and preventive health and dental care by  
23 providing encouragement for a parent to comply with the department's early periodic  
24 screening, diagnosis and treatment program under section 3173;

25 F. Transportation options to assist a family to travel to or from health care, child care  
26 or education services; and

27 G. A requirement that a participant attend or receive at least 85% of project activities  
28 and services designed for that participant.

29 **5. Participant eligibility. A participant in a project must:**

- 30 A. Be a child who is at-risk and:
  - 31 (1) Who is receiving care in a facility licensed under section 8301-A; or
  - 32 (2) Whose parent requests home visits;
- 33 B. Reside in the community of the project; and
- 34 C. Be the child of a person who is:
  - 35 (1) Involved or have been involved as a subject, victim or witness within the  
36 judicial system; or
  - 37 (2) A refugee.

1 A project must ensure that at-risk children, including children with a diagnosed or  
2 suspected mental or physical disability, and the children's families within the community  
3 are provided an opportunity to participate in the project. Except as provided under  
4 subsection 6, a child who is accepted for the project remains eligible until the child attains  
5 6 years of age or enters kindergarten. A parent's participation in any project activity is  
6 voluntary, including consent for data sharing under subsection 12, and is not required as a  
7 condition for a child's eligibility under this subsection.

8 **6. Suspension; expulsion.** If a child's behavior threatens the health or safety of a  
9 participant, project staff member or other person, a project must follow the Head Start  
10 program's suspension and expulsion procedures under 45 Code of Federal Regulations,  
11 Section 1302.17.

12 **7. Community coalition; membership.** A community coalition shall assist and  
13 support a community contractor in sponsoring, developing and submitting a project  
14 application under subsection 3, including a community assessment and supporting  
15 comprehensive, high-quality early child care and education in the community.  
16 Membership of a community coalition must include at least one:

17 A. Community contractor;

18 B. Leader or prominent person who resides in the community;

19 C. Child care center;

20 D. Family child care provider;

21 E. Health care provider;

22 F. Mental health care provider;

23 G. Home visitor;

24 H. Representative of a public school located within the community;

25 I. Parent;

26 J. Representative of an organization that supports workforce development;

27 K. Provider of services under Part B or Part C of the federal Individuals with  
28 Disabilities Education Act; and

29 L. A provider of professional development to early child care and education  
30 professionals.

31 A member of a community coalition must be located or operate within the community  
32 represented by the community coalition. A community coalition may include a local  
33 government staff member or agency that provides services to or local judicial staff who  
34 have engaged with an at-risk population.

35 **8. Community contractor.** A community contractor must be a nonprofit  
36 organization with experience in providing Head Start comprehensive, high-quality early  
37 child care and education program services that has adopted a multigenerational approach  
38 to service delivery. A community contractor shall have adequate infrastructure and

1 qualified and credentialed staff to carry out the duties under this subsection. Duties of a  
2 community contractor include:

3 A. Representing and being the responsible member for the community coalition;

4 B. Submitting an application under subsection 3;

5 C. Being the lead member and coordinator of a community coalition and the  
6 coalition's activities;

7 D. Contracting for and ensuring implementation of high-quality services with  
8 community providers;

9 E. Employing or contracting for community coaches;

10 F. Providing community providers with training and technical assistance;

11 G. Implementing and maintaining a data system to collect and report aggregate data  
12 regarding child, family and provider information, activities and outcomes; and

13 H. Participating in a collective, Internet-based system that captures data from all  
14 project locations in a manner that protects the confidentiality of information of  
15 participants.

16 **9. Community contractor staff requirements.** Community contractor staff  
17 requirements include:

18 A. For education services supporting a child care center or family child care  
19 provider, a bachelor's degree or advanced degree in early childhood education or a  
20 related field with equivalent course work and experience in early childhood  
21 development and training as a community coach;

22 B. For health-related services supporting a child care center or family child care  
23 provider, training and experience in public health, nursing, health education, maternal  
24 and child health or health administration and:

25 (1) If the staff member performs a health care procedure or provides health care  
26 services, licensure or certification authorizing the member to perform the  
27 procedure or provide the service;

28 (2) If the staff member provides nutrition services, licensure, registration or  
29 certification as a dietitian or nutritionist; and

30 (3) If the staff member provides mental health services, licensure or certification  
31 as a mental health professional and experience in serving young children and  
32 families;

33 C. For family and community partnership services, training and experience in a field  
34 related to social, human or family services;

35 D. For parent involvement services, training, experience and skills in assisting  
36 parents of young children in decision making and advocacy;

37 E. For disability services, a bachelor's degree and training and experience in securing  
38 and individualizing services for children with physical and mental disabilities; and

1           F. For home visitors, a bachelor's degree in human services or a related field and  
2           experience in home visitation and knowledge of infant and child development.

3           A staff member, including a community coach under subsection 11, may be an employee  
4           of the community contractor or another person who contracts with the community  
5           contractor to provide services under this subsection.

6           **10. Community provider.** A community provider must:

7           A. Enter into a contract with a community contractor to provide services to a project;

8           B. Be in good standing with the department's division of licensing and certification;

9           C. Agree to meet the highest level of requirements for the department's quality rating  
10           system established pursuant to section 3737, subsection 3; and

11           D. Agree to provide the community contractor with data on a participant or provider  
12           consented to under subsection 12 as requested by the contractor.

13           **11. Community coach.** The community contractor shall employ or contract with a  
14           community coach to provide information and training to a community provider required  
15           by the community contractor. A community coach must receive training from a research-  
16           based early childhood program with experience in implementing a high-quality early  
17           childhood program by intentionally and comprehensively combining data utilization,  
18           embedded professional development, high-quality teaching practices and family  
19           engagement.

20           **12. Consent to data.** A community provider or community contractor may not use  
21           personally identifying data derived from services provided to a participant without the  
22           participant's or, if the participant is a minor, the participant's parent's consent.

23           **13. Funding.** The department shall prioritize funding to a project that serves a  
24           community with high numbers or a high percentage of children living in poverty or that  
25           effectively involves a wide variety of providers or other entities in the community  
26           including school administrative units.

27           **14. Rules.** The department shall adopt rules to carry out the purposes of this chapter.  
28           Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5,  
29           chapter 375, subchapter 2-A.

30           **Sec. 2. Pilot projects.** The Department of Health and Human Services shall  
31           request proposals for a pilot project to commence June 1, 2020 to carry out the purposes  
32           of the First 4 ME Early Care and Education Program established in the Maine Revised  
33           Statutes, Title 22, chapter 1065. The department shall select up to 10 pilot projects from  
34           proposals submitted under this section. On October 2, 2023, a pilot project selected  
35           under this section shall report to the department on the progress toward objectives, goals  
36           and outcomes of the project detailed in the project's proposal. On or before February 1,  
37           2024, the department shall report to the joint standing committee of the Legislature  
38           having jurisdiction over health and human services matters regarding the project reports  
39           received under this section along with any recommended legislation. The committee may



1 report out legislation based upon the department's report to the Second Regular Session of  
2 the 131st Legislature.

3

### **SUMMARY**

4 This bill creates the First 4 ME Early Care and Education Program under the  
5 Department of Health and Human Services to provide comprehensive, high-quality early  
6 child care and education services for at-risk children under 6 years of age who have not  
7 entered kindergarten and the children's parents by funding projects that integrate  
8 comprehensive resources and services with traditional center-based and family child care  
9 settings. The projects are sponsored by coalitions of stakeholders, providers and other  
10 community members within the communities that the projects serve. Each project is led  
11 and coordinated by a community contractor who staffs the project's operations and  
12 contracts with community providers to provide health care, education or parenting  
13 services, which may include services provided in a licensed child care center or by a  
14 licensed family child care provider, in a home visit or by an individual providing services  
15 to a family member within the individual's or family member's residence. The  
16 community contractor employs or contracts with community coaches who train and  
17 provide support to community providers. This bill also directs the department to request  
18 proposals for up to 10 pilot projects to implement the program and to report to the  
19 Legislature on the progress of the pilot projects toward the objectives, goals and intended  
20 outcomes of the projects in 2024.