



# Media Release: Mills Administration Releases Plan to Transform CDS and Improve Special Education Services for Young Children

*The Plan Presented to the Legislature by the Maine DOE Would Transition Oversight of Educational Services for Young Children With Disabilities From CDS to Local School Systems over a 3-Year Phase-In*

The Maine Department of Education (DOE) delivered a report today to the Joint Standing Committee on Education and Cultural Affairs of the Maine Legislature detailing recommendations to solve decades-long structural challenges that have limited Maine's ability to successfully provide special education services to preschool-aged children. The recommendations include a proposal to transition oversight of educational plans for preschool-aged children with disabilities

from the Child Developmental Services (CDS) agency to local public school systems.

Today's recommendations were previewed by Governor Mills in [part one of her State of the State Address](#) earlier this week. She declared that Maine's use of a quasi-governmental organization to provide special education services to preschool-aged children "just isn't working for Maine kids," and that "every other state in the nation educates pre-k children with disabilities through their public school systems. Maine should do the same." Mills urged the Legislature to work with her Administration to fix Child Development Services.

"The Department of Education is proud to offer a plan that, if implemented by the Legislature, will dramatically improve the services and education that Maine provides to our youngest learners with disabilities. This plan reflects best practices and the priorities expressed by educators and school leaders, parents, CDS staff, experts, private providers, and advocates, and it's the right thing to do. We look forward to working with the Legislature to transform the structures that have held a failed system in place for decades and do right by some of the most vulnerable children in our state," **said Maine Education Commissioner Pender Makin.**

Since CDS was established more than 30 years ago, there have been dozens of statutory revisions and proposed bills to transition oversight of services to public schools, but the laws driving insufficient services have remained in place. Maine is the only state that requires an independent organization, separate and apart from public schools, to oversee the state's obligation to ensure special educational services

for preschool children who require these supports and services. Most other states designate local public schools as responsible for overseeing the provision of educational services for young students with disabilities, either directly or through contracts with local private providers and regional sites.

The Maine DOE's report recommends a three-year phase-in of the responsibility of educational services for preschool-age children with disabilities from the CDS agency to local school administrative units (SAUs). A pilot year would begin July 1, with several willing SAUs receiving both the funding and the responsibility for the provision of services to preschoolers with disabilities. All SAUs would assume these responsibilities by the fall of 2026. Under this plan, students may be served directly in local public pre-K classrooms or may continue in current placements, with the goal always leading toward full inclusion in the general education setting.

The proposal does not require the establishment or expansion of pre-K programs in local schools, nor does it displace CDS workers or private providers, as all service providers are important partners in ensuring services are available to every child who is eligible. CDS regional service hubs and private community providers who are willing to work with the public schools to ensure services in accordance with federal laws will be critically needed partners to support a successful education system for pre-K students with disabilities.

The State is committed to providing funding to support the transition and to sustain special education services for young children. The

Department's recommended funding model is informed by the Essential Programs and Services (EPS) formula, with allocations for student subsidy counts flowing through the formula, but with the special education and related services funding remaining outside of the formula, paid upfront in quarterly payments requiring no local share. During the pilot for fiscal year 2025, the funding generated by the formula would be provided outside of the formula at 100 percent state share, since the mill rate and total cost of education have already been established and local budgets are in process. \$10 million will be included in the supplemental budget request to cover the costs for special education and related services for these children. The State's budget will also include \$4 million for renovation projects for schools looking to start up or expand pre-k programs.

The Maine DOE developed the proposal after engaging in multiple meetings, focus groups, and individual interviews with stakeholder representatives, including parent advocacy groups, superintendents, school board members, educators, public school service providers, private schools and community-based providers, special education directors, and other state experts. It was also developed based on the recommendations from a Public Consulting Group, Inc. (PCG) report commissioned by the Legislature, findings and priorities from the legislated LD 255 and LD 386 advisory groups that met in 2022, U.S. Department of Education Office of Special Education Programs (OSEP) guidance, existing data, national experts, and a thorough examination of the current needs and capacities in our state.

Intensive training and technical support will be provided for schools in developmentally appropriate practices for working with young children and their families and in inclusive educational practices that allow all children to learn together and to receive necessary supports.

The proposal would ensure that Maine is in line with recent [guidance](#) from the US Department of Education's Office of Special Education Programs which reiterates and clarifies the expectation that children with disabilities be educated in the least restrictive environment, alongside their typically developing peers. Under current Maine statutes, public schools are responsible for children with and without disabilities in grades K-12 and for nondisabled pre-K students. Pre-K students with disabilities, however, must enter special education through a separate system for evaluations, individualized educational program (IEP) development, and educational programming – 80 percent of which is currently provided outside of the public school setting.

Maine's pre-K system is second only to Arkansas in the percentage of students with disabilities who are excluded from the general education settings in local public schools. 12.5 percent of pre-K students in Maine receive education in private, special purpose programs, the most restrictive environment, according to the federal government. The national average for these most restrictive placements is between 1 to 2 percent.

The proposal would also expand the availability of services to children. The current structure makes it difficult for CDS staff members to meet growing needs and find placements in pre-school education classrooms and related special education services due to the overreliance on

private providers, pervasive shortages of childcare settings in Maine and nationwide, and the fact that providers are able to choose which students they serve, leaving some children without access to education.

The Maine DOE's proposal to the Legislature today builds on unprecedented efforts by the Department to improve the services provided by CDS despite current legal constraints. Recent achievements include:

- In just three years, the Department has supported public schools in serving preschoolers with disabilities so that now more than 20 percent of these children, who were previously excluded from the general education classrooms, are educated in their local schools, in the least restrictive environment, alongside their typically developing peers.
- The Department has used grant funding to support community readiness assessments and to foster partnerships between local public schools and community-based service providers, childcare settings, and private schools.
- Trainings and technical assistance in best practices for working with very young students and their families have been provided statewide, with ongoing opportunities for educators, school leaders, and CDS staff to build greater capacities.
- Preschool startup and expansion grants have been provided to schools statewide, funding plans that implement inclusive practices and strong community partnerships.
- The Department has supported CDS by increasing staffing, offering workers free

college courses toward teacher certification, and increasing wages and benefits.

- CDS leadership has been provided with a comprehensive organizational improvement plan to bring their student data, accounting systems, and other operations in line with state expectations.

The Maine DOE provided this report to the Legislature as a result of [LD 1528](#) directing the Department to submit a report to the Joint Standing Committee on Education and Cultural Affairs regarding services provided by the CDS System to include a plan for oversight of a free, appropriate public education for eligible children from 3 years of age to under 6 years of age in SAUs. Read the full report [here](#).

Posted on February 1, 2024

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As part of the February #ReadtoME Challenge, Maine DOE Pre-K Expansion Consultant Julie Raymond had fun reading, "Frog on a Log" to the Pre-K class at Geiger Elementary School in Lewiston and thinking of rhyming words! <https://t.co/Uc099N86Yr>



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We know that Maine schools are doing amazing things to cultivate the social and emotional learning of all of their students and we want to share that collective success with the... See more



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“We are proud of our school and our students and are incredibly thankful for the opportunity to provide this for them,” commented

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