



131st MAINE LEGISLATURE

LD 345

LR 719(02)

An Act Regarding Educational Policies and Programs

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Commitment to future funding

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$0	\$10,000,000	\$10,000,000	\$10,000,000
Appropriations/Allocations				
General Fund	\$0	\$10,000,000	\$10,000,000	\$10,000,000

State Mandates

Required Activity

Requires local school administrative units to assume responsibility for child find activities and for ensuring a free appropriate public education (FAPE) for children ages 3 through 5 who are eligible for services under the Individuals with Disabilities Act, Part B, Section 619 beginning July 1, 2028.

Unit Affected

School

Local Cost

Significant statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

This bill transfers the responsibility for child find activities and FAPE for children ages 3 through 5 who are eligible for services under the Individuals with Disabilities Act, Part B, Section 619 from the State to local school administrative units (SAUs) effective July 1, 2028. The bill requires the Department of Education to implement a funding formula, separate from the Essential Program and Services model, to fully fund the cost for SAUs to assume the responsibility for FAPE and child find activities. The cost to the State to fund 100% of the cost to SAUs once the transition is complete in July of 2028 cannot be estimated at this time but will be significant.

Until the transition is completed, SAU's may assume this responsibility on a voluntary basis if approved by the Commissioner of Education. The Department of Education will provide those approved SAU's with professional learning opportunities and funding to support the costs of child find activities and providing FAPE for these children. This bill includes ongoing General Fund appropriations of \$9,000,000 per year beginning in fiscal year 2024-25 to a newly established Preschool Special Education program within the department to fund up to 900 children statewide that approved SAUs may oversee during the transition period.

This bill also includes ongoing General Fund appropriations of \$1,000,000 per year beginning in fiscal year 2024-25 to a newly created Early Childhood Special Education Pathways Project program within the department for one Education Specialist III position and related All Other funding to manage and support the pathways project established as an accelerated graduate program to support teachers in obtaining a master's degree and to provide reimbursement for coursework and support in obtaining an endorsement on a teacher certificate for teachers of children with disabilities for children from birth to 5 years of age.

Additional costs to the Department of Education and the Maine Public Employees Retirement System to develop and disseminate guidance for SAUs, child development services and child development services employees regarding the capacity of SAUs to participate in the Participating Local District (PLD) Consolidated Retirement Plan and the potential impacts on Social Security benefits of the teacher plan or the PLD plan for potential SAU employees can be absorbed within existing budgeted resources. Additional costs to the Department of Education to convene the required workgroup and to review the legislative reporting requirements related to the child development services system can be absorbed within existing budgeted resources.