

From: Maine Department of Education
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Department of Education <communications.doe@maine.gov>
Sent: Thursday, October 05, 2017 1:37 PM
To: Paul Perzanoski
Subject: {Disarmed} PRIORITY NOTICE: Maine DOE's path forward with respect to Chapter 134
(Regulations for Awarding a High School Diploma)

Priority Notice from the Maine Department of Education

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Maine DOE's path forward with respect to Chapter 134 (Regulations for Awarding a High School Diploma)

After careful review of all oral and written comments received by the Maine DOE regarding proposed rule [Chapter 134](#), Regulations for Awarding a High School Diploma, the Maine DOE has made the decision to withdraw the current proposed rule and restart the rulemaking process after a brief pause for conceptual conversations. The conceptual conversations will provide an opportunity to explore areas needing greater clarity in the current proposed rule Chapter 134. The Maine DOE remains committed to the proficiency-based diploma law (20-A MRS 4722-A) and remains committed to drafting a proposed rule that supports the implementation of a diploma based on evidence of proficiency.

The Department intends to start a new rulemaking process for proposed rule Chapter 134 once the following steps have been taken:

1. During the month of October, Maine DOE's Proficiency-based Education (PBE) Specialist will reach out to professional organizations to invite representatives from each of their stakeholder groups (superintendents, principals, curriculum leaders, teachers, parents, and school board members) to engage in small (approximately 15 participants), role-alike, conceptual discussions regarding equitable access to a high school diploma and student readiness for entering career and college

opportunities after high school. A randomly selected high school from each superintendent region will be contacted to engage in small (approximately 15 participants) conceptual conversations with students. These conceptual discussions will be facilitated by the Maine DOE PBE Specialist and guided by the following discussion prompts. (The Commissioner and other Maine DOE members may join the conversations as their schedules allow.):

a.) To what degree do you agree or disagree with this statement and why: The knowledge, required skills, and qualifications required for entrance into post-secondary opportunities in industry, trade, business, and higher education vary.

What do you see is needed to prepare students for their post-secondary next step?

b.) To what degree do you agree or disagree with this statement and why: The transcript and diploma are inseparable companion documents that together articulate a student's readiness for the postsecondary next step she or he has chosen.

What do you see is needed to clearly articulate a student's readiness for the postsecondary next step she or he has chosen?

c.) To what degree do you agree or disagree with this statement and why: The high school transcript must clearly communicate the student's proficiency across the grade span progressions (preschool-grade 2; grades 3-5; grades 6-8; grades 9-12) thus providing a clear, accurate communication of what the student has achieved and what the diploma based on proficiency represents for each student.

What do you see is needed to clearly articulate what a student has learned?

d.) To what degree do you agree or disagree with this statement and why: Every student needs a personal learning plan and a small team whose primary goal is to understand the student's aspirations, strengths, challenges, contexts of his or her life. The team works collaboratively with the student and others to provide the student access to learning experiences that support her or him so that she or he may learn as close to full potential as humanly possible. The focus on the team is always on the student developing competencies that will support her or his

aspirations and development of efficacy towards these aspirations as well as the student's ability to reach the highest grade span proficiency level possible while eligible to attend our public schools.

What do you see is needed to increase the probability that a student will graduate ready for his or her postsecondary next step?

e.) To what degree do you agree or disagree with this statement and why: Statewide agreement regarding what proficiency means or looks like in each grade span progressions (preschool-grade 2; grades 3-5; grades 6-8; grades 9-12) is necessary to support student opportunity to learn and demonstrate proficiency.

What do you see is needed to support opportunity to learn and demonstrate proficiency across the state?

f.) Would you be willing to share a final thought as a result today's conversation

2. Taking into consideration the insights gained from the upcoming conceptual discussions and the September public comments, the Maine DOE staff will write a new proposed rule Chapter 134 and begin again the Maine Administrative Procedures Act (A.P.A.) routine technical rule process pursuant to 5 MRS §8052 (public notice of filing, public hearing, open public comment period). The Maine DOE is working diligently to honor the integrity and vision for the high school diploma and transcript articulated in Maine education statute 20-A MRS §4722-A as well as the routine technical rulemaking pursuant to section §4722-A subsection 7. Maine DOE believes public input is a critically important.

It is clear from the oral and written comments submitted on proposed rule Chapter 134 that there is commitment in Maine to provide opportunity for all students to learn as much as they can the entire time the students are eligible to attend our public schools. It is also clear that the diploma has great social meaning and currency in our society. Clearly evident in the comments is that equity sits at the heart of the debate regarding what constitutes sufficient evidence for proficiency. We have provided links below to both the oral and written comments received by the September 8th deadline.

Recorded public hearing and the written comments received by September 8, 2017 for proposed rule Chapter 134 submitted by September 8, 2017.

For more information on proposed rule Chapter 134 and the diploma based on proficiency, contact Maine Department of Education Proficiency-Based Education Specialist, Diana Doiron at diana.doiron@maine.gov



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STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND SEVENTEEN

S.P. 554 - L.D. 1576

**An Act To Enable Earlier Introduction of Career and Technical Education in
Maine Schools****Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 20-A MRSA §8301-A, sub-§1, as amended by PL 2003, c. 545, §1, is further amended to read:

1. Affiliated unit. "Affiliated unit" means a school administrative unit that is affiliated with another school administrative unit that operates a center. An affiliated school administrative unit may have its secondary students and middle school level students served by a center operated by a school administrative unit with which it is affiliated. An affiliated school administrative unit may also operate career and technical education satellite programs.

Sec. 2. 20-A MRSA §8301-A, sub-§2-A, as enacted by PL 2003, c. 545, §1, is amended to read:

2-A. Career and technical education. "Career and technical education" means a course or program of education designed to create or improve job-related skills that is part of a secondary school or middle school level curriculum and approved by the commissioner according to this chapter. A school administrative unit shall make career and technical education available to persons residing in the school administrative unit who are eligible to receive free public secondary and middle school level education.

Sec. 3. 20-A MRSA §8301-A, sub-§3, as amended by PL 2003, c. 545, §1, is further amended to read:

3. Center. "Center" means an administrative entity established pursuant to this chapter that provides career and technical education to secondary students and middle school level students. Unless otherwise specifically provided for by this chapter, a center is governed, operated and administered by a single school administrative unit. A center shall make its programs available to serve secondary students and middle school level students from school administrative units with which it is affiliated. A center may

include within its administrative structure career and technical education satellite programs operated by school administrative units with which it is affiliated.

Sec. 4. 20-A MRSA §8301-A, sub-§3-A is enacted to read:

3-A. Middle school level. "Middle school level" has the same meaning as in section 15672, subsection 20.

Sec. 5. 20-A MRSA §8301-A, sub-§§6 and 8, as amended by PL 2003, c. 545, §1, are further amended to read:

6. Region. "Region" means a quasi-municipal corporation established by the Legislature to provide career and technical education to secondary students and middle school level students that is comprised of all the school administrative units within the geographical boundaries set forth for each career and technical education region in section 8451. A region is governed by a cooperative board formed and operating in accordance with this chapter.

8. Satellite program. "Satellite program" means a program providing career and technical education to secondary students and middle school level students that is operated, under section 8403-A, by a school administrative unit affiliated with a center.

Sec. 6. 20-A MRSA §8305-A, sub-§1, as amended by PL 2011, c. 679, §7, is further amended to read:

1. General right. A person eligible to receive free public secondary and middle school level education may, consistent with this section and department rules:

A. Receive career and technical education from a center, satellite program or region that serves the person's residence; or

B. Receive career and technical education from a center, satellite program or region outside of the geographical area that serves the person's residence, subject to the approval of the governing bodies of the sending unit and receiving center, satellite program or region.

Sec. 7. 20-A MRSA §8305-A, sub-§2, as corrected by RR 2003, c. 2, §43, is amended to read:

2. Admission standards. A region, center or satellite program shall determine, in accordance with its published admission standards, whether to admit a person to such a region, center or satellite program. Unless otherwise specifically provided for in this chapter, priority to enroll in any career and technical education course of study offered by a region, center or satellite program must be given first to persons eligible to receive a free public secondary or middle school level education who are residents of municipalities served by that region, center or satellite program.

Sec. 8. 20-A MRSA §8451, sub-§1, as corrected by RR 2003, c. 2, §60, is amended to read:

1. Legislative intent. It is the intent of the Legislature that each career and technical education region shall provide career and technical education in accordance with this chapter and shall function as an extension of the secondary schools and middle schools located within the region's boundaries.

Sec. 9. 20-A MRSA §8451, sub-§2, ¶H, as repealed and replaced by PL 2011, c. 679, §17, is amended to read:

H. Region 9. NORTHERN OXFORD COUNTY. Units located in this region include:

- (1) Albany Township;
- (2) Gilead;
- (3) Mason Township;
- (4) Milton Township;
- (5) Riley Township;
- (6) Upton, as long as it sends its secondary students and middle school level students to schools operated by administrative units within the region;
- (7) The portion of Regional School Unit No. 10 comprising the municipalities in the former units of Hanover, Peru, School Administrative District No. 21 (Canton, Carthage and Dixfield) and School Administrative District No. 43 (Byron, Mexico, Roxbury and Rumford); and
- (8) Regional School Unit No. 44 doing business as School Administrative District No. 44 (Andover, Bethel, Greenwood, Newry and Woodstock).

Sec. 10. 20-A MRSA §8451, sub-§3, ¶A, as amended by PL 1991, c. 518, §17, is further amended to read:

A. Public secondary schools and middle schools located at: Ashland; Caribou; Easton; Fort Fairfield; Limestone; Mars Hill; Presque Isle; and Washburn are served by centers located in Presque Isle and Caribou.

Sec. 11. 20-A MRSA §8451, sub-§5, ¶A, as amended by PL 2011, c. 679, §18, is further amended to read:

A. Public secondary schools and middle schools located in the school administrative units of Madawaska, School Administrative District No. 10 (Allagash), School Administrative District No. 27 (Eagle Lake, Fort Kent, New Canada, St. Francis, St. John Plantation, Wallagrass and Winterville Plantation) and Regional School Unit No. 33 doing business as School Administrative District No. 33 (Frenchville and St. Agatha) are served by a center located in Frenchville (St. John Valley Technology Center), as long as the school boards of former School Administrative District No. 27 (Eagle Lake, Fort Kent, New Canada, St. Francis, St. John Plantation, Wallagrass and Winterville Plantation), former School Administrative District No. 33 (Frenchville and St. Agatha) and Madawaska enter into a cooperative agreement pursuant to section 8401. Career and technical education students from Regional School Unit No. 88 doing business as School Administrative District No. 24 (Cyr Plantation,

Hamlin and Van Buren) must be permitted to attend that center on a tuition basis to the extent that there are unused slots available in the career and technical education programs at the center.

Sec. 12. 20-A MRSA §15672, sub-§1-D, as enacted by PL 2011, c. 679, §27, is amended to read:

1-D. Career and technical education costs. "Career and technical education costs" for subsidy purposes means all costs incurred by the career and technical education regions, centers or satellites in providing approved secondary school and middle school level career and technical education programs, excluding transportation, capital costs and debt service.

Maine DOE Newsroom

Proposal of a new model for Child Development Services (CDS)

Child Development Services (CDS) is currently responsible for the state-wide administration of special education services for children with disabilities who are ages 3 to 5 years (or in the school age range) under Part C and Part B 619 of the Individuals with Disabilities Education Act (IDEA). Recently, the Department of Education has developed a new model for providing these services, the intent of which is to move the provision of children with disabilities ages 3 years to school age range (Part B 619) from current State run programming to the public schools systems. Under this model, all aspects of special education services for this age group would become the responsibility of the local district. This includes case management, child find, evaluation, eligibility determination, IEP development, and the provision of special education and related services.

The impetus for this change is to transform the current model to better address the needs of children with disabilities by decreasing their transitions between programs at an early age, providing more frequent, appropriate and timely services closer to home, and introducing an earlier integration into their local schools.

Under the current model, flat state funding, rising costs in special education and inadequate management of resources have caused not only a multimillion dollar deficit within the CDS program, but also a shortage in state level special education service which has impacted hundreds of Maine children who are currently not receiving the services they need.

Also under the current model, children and families experience two transitions within the State's CDS program: the first from CDS' early Intervention program to CDS' program for children ages 3 to 5/school age range, and then another transition to the public kindergarten program. Under the legislation, children and families would experience only one transition – from CDS' early intervention program to the public school system. Also, unlike the current model, eligible children will have the opportunity to attend their local, neighborhood school rather than being transported, sometimes significant distances, to attend out-of-district, center-based programs.

The transformation is anticipated to address these issues by providing earlier integration into local districts, and by better use of resources already in place within districts, including existing district-employed special education teachers, therapists, human resource and finance staff, and transportation infrastructure.

The Department is currently working with one district that will take over special education services for children ages 3 to school age in their district, and a number of other districts have approached the Department eager to take on the responsibility as well.

At this point in time, Maine is one of the only states in which the public school does not assume responsibility for eligible children upon their 3rd birthday.

The Department recognizes that the proposed transition presents a significant paradigm shift, and that there is a need for a measured, tiered implementation, as well as ongoing fiscal and technical support.

This change will be reflected in proposed departmental legislation submitted for the Legislature's consideration during the 2018 short session.

While this proposed transition may present some initial challenges, the Department is confident that it is ultimately the right choice for the best interest of Maine's children with disabilities.

Posted on [September 15, 2017](#) by [Maine Department of Education](#) Posted in [Dispatches](#), [News & Views](#), [Special Populations](#)

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[Notice of Proposed Rule Change: Chapter 101, Maine Unified Special Education Regulation Birth to Age TwentyIn "Dispatches"](#)
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Under Proposal, State Would Not Be Responsible For Providing Services For Students With Disabilities

By [ROBBIE FEINBERG \(/PEOPLE/ROBBIE-FEINBERG\)](/PEOPLE/ROBBIE-FEINBERG) • SEP 19, 2017

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Under Proposal, State Would Not Be Responsible For Providing Services For Students With Disabilities

The state Department of Education is proposing to shift the responsibility for providing services for 3- to 5-year-old children with disabilities back to local school districts.

The state says the current system isn't working, but critics of the proposed change say it could place a larger financial burden on local schools.

Until they're 5 years old, Maine children with disabilities currently get services like speech therapy and other assistance through a program called Child Development Services. The model is relatively unique to Maine. But Jan Breton, the Department of Education's director of special services, says it's not working for some kids, and that's why the department is proposing that those services become the obligation of local districts.

"The primary reason is we believe it'll be better for children," she says. "They won't have as many transitions. They'll be served by the people in their community. The public school."

Breton says Child Development Services routinely runs multimillion dollar deficits, and that the agency has struggled to fill positions due to low pay. That has left some students waiting a long time for services, which she says is against the law.

Some school officials across the state see the benefits of the proposed change. At RSU 10 in Rumford, Superintendent Deb Alden says barriers such as transportation costs and staff shortages keep some students with disabilities from getting the services they need.

“And even though they may be qualified for services, they weren’t able to get the services,” she says.

Alden says that’s why RSU 10 agreed to become a pilot site for this new model. But she says she is worried about the proposal’s quick timeline.

She’s unsure how her district will find the staff and space to take on these new students and get it approved by the local school board in less than a year.

“To say it’s going to happen by July 1, 2018, is really rushing it,” Alden says.

She and other officials are even more concerned about where the funding for this new plan will come from. The state Department of Education says federal funds cover much of the costs under the current model, and the state picks up the rest. But it’s unclear whether the state will continue to pay that cost under the new system.

Rita Furlow, a senior policy analyst with the Maine Children’s Alliance, says she’s concerned that the state might try to shift the costs back to local taxpayers.

“I hope that this isn’t just a shift to the property tax,” she says. “Because that’s just not going to be helpful in the long run for Maine families and kids.”

And others fear that while the state might continue to fund these services, they could distribute them under the statewide school funding formula.

Democratic state Sen. Rebecca Millett of Cape Elizabeth, a co-chair of Maine’s Legislative Children’s Caucus, says that would hurt some communities.

“That’s very concerning for me,” she says. “Because for some districts, that means they’re going to get no money, practically.”

Breton says the department is still working out how funds will be distributed under the new proposal.

“Our intent is to make this as painless as possible, financially,” she says. “We’re talking about how to make it fit in the funding model in a way that supports schools financially. And doesn’t create a huge financial burden for them.”

The department is expected to forward a formal proposal to the Legislature for consideration next year.

This story was originally published Sept. 18, 2017 at 4:37 p.m. ET.


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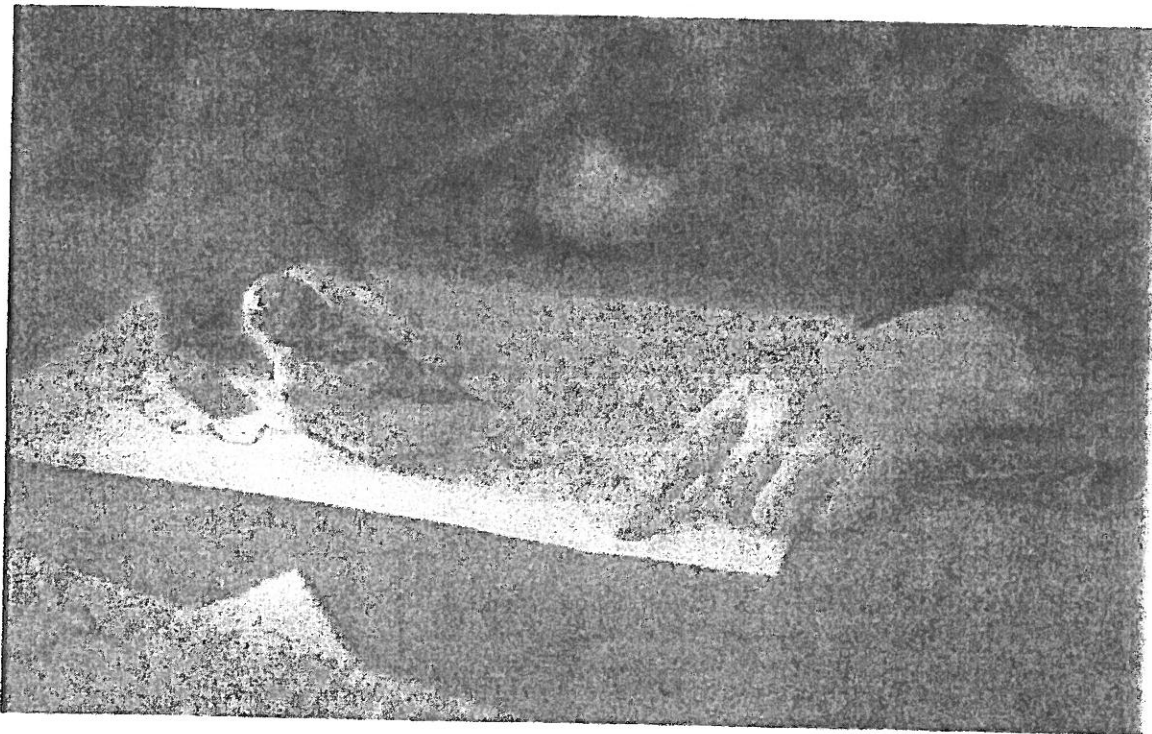
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Maine Focus

LePage wants schools to take over special ed services for preschool kids

By Matthew Stone, BDN Staff • September 15, 2017 6:22 pm
Updated: September 16, 2017 5:16 pm



The LePage administration wants local school districts to start providing special education services for about 2,500 3- to 5-year-olds with disabilities and developmental delays who currently receive the support through a \$39 million state program. Stock photo | BDN

The LePage administration wants local school districts to start providing special education services for about 2,500 3- to 5-year-olds with disabilities and developmental delays who currently receive the support through a \$39 million state program.

Under a bill the Maine Department of Education plans for next year's legislative session, the state's Child Development Services program would eventually stop providing services such as speech and occupational therapy, psychological services and others to young children with disabilities, autism or other needs that, left unaddressed, could grow into more significant problems once they reach school.

School districts would have to add to their existing special education programs to serve the 3- to 5-year-olds, while the state would retain the responsibility of serving infants and toddlers.

Maine is among the only states where school districts don't provide special education services to children once they reach age 3, so the change would bring Maine more into the national mainstream. But it would be the first time Maine public schools would have this responsibility, raising major questions for local districts that currently lack the staff and, often, the space needed to serve a new population of kids.

"If you take RSU 22, how many children would this be for us?" said Rick Lyons, superintendent of Regional School Unit 22, which serves Hampden, Winterport, Newburgh and Frankfort. "Do we have the accommodations for the children? Do we have to absorb the fiscal responsibility of the children's educational needs? So, what's the landscape for us? Those are very significant questions."



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Staff from Child Development Services and the state Department of Education started informing local school officials about their restructuring plan late this week, taking many school officials by surprise.

"There should have been a dialogue before this initiative was advanced," Lyons said.

The department hasn't yet laid out a plan for transferring the responsibility of early intervention services to local schools, and it hasn't developed a plan for funding the services once they leave the state-run Child Development Services, a program with a history of cost overruns. The fate of about 400 Child

Development Services employees located around the state is also unclear.

“We’ve talked with some of the districts over the past week,” said Jan Breton, director of special services at the Department of Education. “What we’re trying to tell them is, ‘It’s very early in the process in terms of exactly what the transition would look like.’”

Breton said she expects the transition would take place over the course of a couple years, and she said the state funding that’s currently allocated to Child Development Services through the state budget would instead flow to local school districts through the public school funding formula.

Article continues below highlights

Reorganizing the way the services are delivered, she said, could address a number of problems affecting Child Development Services in recent years. Those include a shortage of service providers, a waitlist for services and cost overruns.

“We don’t have enough personnel. We don’t have enough money,” she said. “I’m just optimistic that we can make a dent in some of this.”

In addition to providing services to 3- to 5-year-olds, school districts would also become responsible for screening children at those ages to determine if they’re eligible for services.

“For me, personally, I really support the notion of schools being more involved with 3- to 5-year-olds, but it really does come down to funding,” said Jim Hodgkin, superintendent of the Central Lincoln County School System, which covers seven midcoast towns in Lincoln County, many of which receive the lowest potential amount of state aid because of their high property values. “Most of my towns are minimum receivers. It could potentially place an undue hardship on the local taxpayers.”

One advantage to local schools providing special services to young children, he said, is the potential for continuity. Young children receiving services wouldn't have to switch to new providers and an entirely new system when they reach school.

"It's a better model than we have currently," said Breton of the Department of Education.

The state spent \$39 million on Child Development Service in 2016 to cover services for children from birth to age 5, which exceeded the amount lawmakers had budgeted for the program by \$2.1 million. While the federal government covered about 15 percent of Child Development Services costs in 2016 and the program can recoup some costs by billing health insurance providers and the state's Medicaid program, the state General Fund covers the largest portion: \$28.5 million in 2016.

The state relied on contractors, not state staff, to provide about 68 percent of services in 2016, according to the Child Development Services annual report.

Shifting much of the responsibility for Child Development Services to local school districts would mark the second major restructuring of the program in the last decade.

Child Development Services provides services through nine regional sites located throughout the state. Before the state asserted more centralized control over the program in the final years of the Baldacci administration, those regional sites largely operated independently of each other, with boards overseeing each one, said Jim Rier, a former Maine education commissioner who previously oversaw school finance at the Department of Education. The different regional sites often paid different rates for the same services, and they rarely collaborated with each other.

"It begged for more consistent oversight and organization," Rier said. "That is

still, I'm sure, a challenge now."

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BRIEF

Districts in Maine might begin serving preschoolers with special needs

By Linda Jacobson • Sept. 19, 2017

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Dive Brief:

- Maine Gov. Paul LePage is proposing that the state's school districts begin providing special education services for 3-to-5 year olds, as school districts do in most states.
- Currently, the state education department contracts with the state's Child Development Services program to provide early intervention, such as psychological services and speech and occupational therapy.
- Funding that currently flows to that program to serve young children would likely be redirected to school districts, but questions remain about whether districts currently have the staff and resources to serve that population of students, according to Bangor Daily News.

Dive Insight:

Districts that don't currently offer preschool programs would likely have to make changes to their facilities to accommodate younger children. According to the article, the transition could take a few years, but districts would also need to implement communications plans to make sure parents knew where to get

their children screened for services.

School district officials would also have to hire educators with expertise in special education and in early-childhood education, possibly working with the state's higher education system to see if there are enough pre-service programs to meet the demand.

Some districts operate "inclusive" preschool programs, which enroll children without special needs in the same classrooms as those requiring special education services. Researchers have found that children with delays benefit by learning alongside typically developing children. In addition, children without special needs benefit by learning interpersonal skills, as well as maturity, self-confidence and compassion.

Recommended Reading:

 Bangor Daily News

LePage wants schools to take over special ed services for preschool kids 