



Senator Rafferty
Representative Brennan
Members of the Educational and Cultural Affairs Committee

RE: LD 98 An Act to Update the Special Education Laws

My name is Carrie Woodcock I am the parent of two children with different abilities (disabilities) and the Executive Director for Maine Parent Federation (MPF). As a point of clarification, I am personally and intentionally using the term different abilities as opposed to disabilities to acknowledge that every individual has different abilities. MPF is the federally funded Parent Training and Information Center (PTI), Family to Family Health Information Center (F2FHIC) and Statewide Family Network. We assist families of children with different abilities to navigate all systems of care including schooling. I am submitting this testimony in support of LD 98 An Act to Update the Special Education Laws, specifically the extension of a Free and Appropriate Education for those with different abilities to the age of 22.

The Individuals with Disabilities Education Act (IDEA) is the federal law providing special education to individuals ages 3 through 21. L.D. 98 proposes to extend the Maine Unified Special Education Regulations (MUSER) from the age of 20 to the age of 22, bringing Maine into alignment with the IDEA. Additionally, it would bring Maine into compliance with a recent 2nd circuit ruling A.R. versus CT State Board of Education (No. 20-2255, 2021 WL 2833031 July, 2021) and 1st circuit decision K.L versus RI Council on Elementary and Secondary Education (907 F.3d 639, 652-653 (2018)). In both these rulings the court upheld that denying a public education until the age of 22 to students with different abilities while providing adult education to individuals without different abilities in the same age range a violation of the IDEA. In response to these rulings, because Maine falls into the same category of providing adult education, and to avoid litigation of their own the Maine Department of Education issued an immediate letter of action instructing all schools to extend a Free and Appropriate Public Education to students with different abilities to the age of 22.

L.D. 98 does not delay eligibility for services under Maine's adult waiver programming through the Office of Aging and Disability Services (OADS). Individuals can still apply for eligibility at the age of 17.5. If determined eligible they can participate in Adult Case Management and be placed on the waitlist for services while still participating in their public education. If their number on the waitlists comes up prior to completing their public education they will be able to take advantage of some of the waiver services while still enrolled in public education. It is true that some services may require a decision to terminate their public education in order to participate. That is a personal decision made by the individual and their supports.

MPF believes that every student regardless of ability deserves the same right to a Free and Appropriate Public Education. The access to public education for individuals with different abilities through the age of 22 can increase more positive outcomes by increasing opportunities for independence through employment and post-secondary experiences. It is for these reasons that MPF strongly urges the committee to support LD 98.

Thank you for your consideration.
Carrie Woodcock
Executive Director
Maine Parent Federation