



Support of LD 79: An Act to Ensure High-quality Education for Students with Disabilities by Clarifying the Definition of “State Agency Client” and Who Provides Special Education Programs and Services

Senator Rafferty, Representative Brennan, and Distinguished Members of the Joint Standing Committee on Education and Cultural Affairs. My name is Gay Anne McDonald and I am the Executive Director for the Maine Administrators of Services for Children with Disabilities (MADSEC).

On behalf of MADSEC, I am providing testimony in support of LD 79.

LD 79 seeks to clarify the definition of “state agency client” and the entity obligated to provide special education services and related services as outlined in a student’s Individualized Education Program (IEP). Such clarification assists school administrative districts and other educational entities with their understanding of “state agency client”. MADSEC supports language in LD 79 to clarify the definition of and obligation to in order to best assist school administrative districts in supporting and providing appropriate services to students with disabilities.

Of note, LD 79 includes language “under 22 years of age” which MADSEC understands aligns with LD 98: An Act to Update the Special Education Laws and the January 21, 2021 Administrative Letter stating “... the Department has concluded that terminating eligibility to a free, appropriate public education at the end of the school year in which a student turns 20 years pursuant to 20-A M.R.S. § 5201(1) is inconsistent with the IDEA as interpreted by the First Circuit in *K.L. v. Rhode Island Board of Education*, 907 F.3d 639 (2018)”.

Given Maine’s current practice of providing FAPE to students up until their 22nd birthday per the Department’s January 21, 2021 Administrative Letter, it is imperative that state funding continue for special education costs pursuant to Sec. 8. 20-A MRSA §15689-A, sub-§1 for any Maine child or adult student aged 3 to 22 who meets the definition of “state agency client” as defined in LD 79.

I am happy to answer any questions that you may have. Thank you for your time and consideration.

Respectfully,

Gay Anne McDonald

50 Industrial Drive, Augusta, ME 04330 • (207) 626-3380 • FAX (207) 626-3347
Web: www.madsec.org • E-Mail: info@madsec.org • gmcdonald@madsec.org

2022-2023 Officers: President Susan Fossett; President-Elect Kathleen Hamblen; Vice President, Lesley Snyder; Secretary Sandy Flacke; Treasurer Cheryl Mercier; Past-President Timothy O’Connor **Staff:** Executive Director Gay Anne McDonald; Administrative Assistance Pamela W. Ouellette

McDonald_G_MADSEC testimony_LD 79
February 09, 2023