



Testimony in Opposition of LD 220:

An Act to Establish the Hope and Inclusion Scholarship Program in Order to Provide Funding for Students Attending Certain Private Schools and Students Receiving Home Instruction

Senator Rafferty, Representative Murphy, 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).

Thank you for the opportunity to provide testimony on behalf of the MADSEC Legislative Committee pursuant to LD 220: An Act to Establish the Hope and Inclusion Scholarship Program in Order to Provide Funding for Students Attending Certain Private Schools and Students Receiving Home Instruction. MADSEC provides testimony in strong opposition to this piece of legislation.

LD 220 poses significant risks to students with disabilities and undermines the principles of equity and inclusion that our public education system upholds. Efforts, such as those outlined in LD 220, disproportionately harm students with disabilities. Generally speaking, private schools often have mission-driven entrance policies that can discriminate against students with disabilities, either directly through selective admission procedures or indirectly by failing to provide necessary specialized services, accommodations, and supports through certified personnel.

Specifically, LD 220 makes reference to a student with an individualized education plan stating that the student “must have met minimum educational standards established by the department by rule either by achieving specified results on a national norm-referenced achievement test or by certification by a certified teacher”. This requirement fails to account for the individualized progress of students with disabilities, as it prioritizes standardized testing or teacher certification over the unique goals set in a student’s IEP. Measuring achievement solely by these standards disregards the diverse ways students with disabilities demonstrate progress, potentially denying them fair assessment and access to appropriate educational opportunities. At its core, the IEP is individualized in its design with goals and standards to specifically address the unique needs of each individual student. Additionally, would the “certified teacher” hold a 282 or 286 and be providing special education services to the student?

MADSEC is committed to ensuring that all students with disabilities in Maine receive the high-quality, individualized educational services to which they are entitled under the Individuals with Disabilities Education Act (IDEA). Public schools are legally obligated to provide a Free Appropriate Public Education (FAPE) to all students with disabilities, ensuring access to specialized instruction, related services, and other critical supports under the Individuals with Disabilities Education Act (IDEA). Private schools, however, are not bound by these requirements, meaning students with disabilities may be left without the highly specialized instruction, services, and supports they need for skill development and in preparation for postschool outcomes.

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Maine Administrators of Services for Children with Disabilities



IDEA guarantees that every student with a disability is entitled to FAPE. The "P" and "E" in FAPE stands for "public education," reinforcing the responsibility of the public school system to provide and oversee the education of students with disabilities. This ensures not only accountability in educational outcomes, but also adherence to the procedural safeguards and individualized supports that IDEA mandates. By diverting public resources toward alternative educational placements that may not be held to the same standards as public schools, LD 220 risks compromising the quality, accessibility, and oversight of special education services.

IDEA requires that students with disabilities be educated in the Least Restrictive Environment (LRE), meaning they should be placed in the general education setting with their non-disabled peers to the greatest extent possible. Public schools are designed to provide inclusive educational opportunities, ensuring that students with disabilities have access to the same curriculum, extracurricular activities, and peer interactions as their non-disabled classmates. LD 220 threatens this essential principle by promoting educational placements that may not prioritize inclusion. Many alternative settings lack the integrated services and inclusive environments that public schools offer, ultimately increasing the segregation of students with disabilities rather than fostering their participation in the general education community.

MADSEC acknowledges parental choice and the right to enroll their child in homeschool instruction or private education, however, strongly believes public tax dollars should be invested in strengthening our public schools, where all students - regardless of ability- are entitled to equitable access to education. Education is not a business; it is a fundamental right and a public good designed to foster growth, equity, and opportunity for all students. Treating education like a business risks prioritizing efficiency and financial gain over the individual needs, well-being, and development of students.

MADSEC strongly urges the Committee to vote 'ought not to pass' LD 220 and continue the focus on policies that enhance public education for all students, particularly those with disabilities. We remain committed to working collaboratively on solutions that prioritize inclusion and compliance with federal and state special education laws within Maine's public school system.

Thank you for your time, consideration, and support of Maine's educational system. I am happy to answer any questions or collaborate further to ensure that all Maine students receive the education they deserve.

Respectfully,

A handwritten signature in dark ink that reads "Gay Anne McDonald". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Gay Anne McDonald

Executive Director

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