

Jeffrey Porter  
MSAD 51  
LD 1098

Senator Rafferty, Representative Murphy, and Members of the Education and Cultural Affairs Committee,

I am writing to provide testimony in opposition to LD 1098: "An Act to Ensure Equal Access to a Full School Day for All Students." My name is Jeff Porter, Superintendent of Schools for MSAD 51. Here's some points to consider:

- The use of abbreviated school day is already highly regulated in Maine Unified Special Education Regulations (MUSER) \*if the student has not returned to a full day within the 45 calendar days, MUSER requires that the IEP team, which includes the parent, meet every 20 school days to review the student's progress and setting. Current special education regulations prohibit the use of an abbreviated school day as a form of discipline or punishment.

- Decisions about school day length are not made lightly. Parents are involved, plans are reviewed frequently, and changes are made when appropriate to ensure progress toward full-day access.

- Under special education regulations, parents already have procedural safeguards / due process rights should they disagree

- LD 1098 restricts IEP team authority and flexibility: This bill limits the ability of IEP teams, which includes the parent, to make data-driven, individualized decisions, which is a foundational principle of IDEA.

- The bill could lead to more restrictive placements: Without the option of a reduced school day only when absolutely needed, IEP teams may be forced to consider more restrictive, out-of-district placements that remove students from their community / local school

- Abbreviated days are sometimes necessary and appropriate. For some students, shortened school days can be a temporary, therapeutic support, which provides the opportunity for the student to reintegrate at a manageable pace reducing stress and anxiety.

- LD 1098 suggests the use of abbreviated school day program is being used due to lack of school resources, including staffing - it is not the intent of the law to use this practice as such and decisions on the use of an abbreviated day are to be based on the individual student's unique medical or educational needs. If, in particular cases, abbreviated day is being overused due to staffing shortages, such cases should be addressed individually rather than through legislative changes, as this is not common practice in schools across the state.

Please vote "no" on LD 1098. Thank you.