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Portland
LD 1098

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

I am writing to provide testimony on LD 1098: An Act to Ensure Equal Access to a Full School Day for All Students. My name is Mallory Orzechowski, and I am an Assistant Principal at Mabel Wilson School in MSAD 51. I appreciate the opportunity to share my perspective on this important piece of legislation.

I oppose this bill.

The use of abbreviated school day is already highly regulated in Maine Unified Special Education Regulations (MUSER) to include:

- (a) Address how the child will meet the system of learning results (which may include a core of standards in English language arts and mathematics for kindergarten through grade 12 established in common with other states), and receive full access to the general curriculum and services on the IEP, as determined by the individual child's need;
- (b) Address how the child will participate in local and statewide assessments;
- (c) Develop a revised IEP with a re-entry plan for the child to return to a full-time school day within a reasonable period of time, no longer than 45 calendar days; and,
- (d) Delineate in the revised IEP with the re-entry plan the actions the SAU will take to assist the child to participate in a full day of school; and
- (e) Document in the Written Notice the basis for the determination of an abbreviated school day and how the determination is based on the individual needs of the child.

Of note, 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 have procedural safeguards / due process rights should they disagree

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.

Revocation of abbreviated school day by the parent at any time could adversely impact the progress made by the student resulting in an increase in student needs - why the abbreviated day was determined as necessary in the beginning.

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.

In conclusion, I urge the committee to reject this bill.

Thank you for your consideration.