



72B Main Street, Winthrop, ME 04364
Phone: 207.377.9603 or
1.800.273.5200
Fax: 207.377.9434
Email: asm@asmonline.org
Web: www.asmonline.org

LD 1098 - An Act to Ensure Equal Access to a Full School Day for All Students

Dear Representative Murphy, Senator Rafferty, and Representatives Cloutier, Crafts, Dodge, Kuhn, Moonen, and Pierce, and members of the Committee on Education and Cultural Affairs,

My name is Jennifer Frey. I am the Autism Information Specialist for the Autism Society of Maine (ASM) and mother of Elliana who is autistic and has ADHD. My daughter has been negatively impacted as a result of being placed on an abbreviated school day and I have heard from other parents through my work who have had similar experiences with the same negative results. I am submitting testimony in favor of LD 1098 both personally and professionally on behalf of Myself, my daughter, ASM, and the families we support.

Elliana attended public school for full days successfully with her peers from pre-k through the 2nd grade. We moved to a new district before her 3rd grade year and part way through 3rd grade found ourselves homeschooling. We came back to public school for her 5th grade year because she was lonely and missed being with kids. I also felt it would be best for her to be taught by professionals because she is very smart and I didn't want to hold her back academically.

When I contacted the school about enrollment on July 29th, I asked if we could attend partial days while still homeschooling with the goal of enrolling full time as she got more comfortable with the transition. The school seemed very supportive and we worked out a schedule that had her there for 2 hours a day with peers and also in the special education department. Elliana has had an IEP since kindergarten so a date was set for Sept 9th to update the IEP now that she was going back into public school. At the time I was grateful and relieved to be offered a partial day and looked forward to working with the school. We had a nice tour before the start of the year and met her teachers, after that it was suggested that Elliana try full days. She liked this idea and we decided to try it although there was no schedule or plan in place to help with the transition. She started a few days after her peers because school did not have a schedule ready for her and was trying to determine where to put her. She started on Sept 3rd. During this time she was with her regular ed class and almost completely mainstreamed. This was a surprise to me since we had discussed being in the special education room to first find out where she was at academically. But, she was coming home happy to be in class and telling me about the friends she was making so I was happy for her and didn't object.

She attended full days of school from Sept 3-6. A total of 4 days. On Friday the 6th there was an incident on the playground and I was called to pick her up. No restraints or seclusion were documented, and I was initially given a fairly benign version of events so I didn't think it was a big deal.

At the IEP meeting on Monday September 9th, I expected to discuss her transition and support needs. Instead, I was blindsided by a recommendation for outside placement. The team had already secured a spot for her at an outside placement, citing the sunglasses incident and concerns about her behavior. I was told her size was intimidating and the staff didn't want to "walk on eggshells." Terms like "break her" and "compliance" were used, and I was alarmed by the tone of the meeting. I reminded them that she had only attended for four days and had been doing well overall. I reiterated my opposition to outside placement. They had already had their minds made up though and didn't want her at their school. During the meeting I had mentioned that she was only there for 4 days and the majority of the time she was participating in class, doing her work, and being a good student. I said I wished we would have stuck with the original plan to go for 2 hour days and then that was briefly discussed and ultimately written in the IEP. I left the meeting with no explanation of what a shortened day would look like and no plan for re-entry to full days. We had previously talked about using the shortened day to help her transition back into school and now it is being used as a backup plan to address an isolated incident that the school is using to predict future behavior. No other plan or supportive measures to keep her in this placement had been attempted and deemed insufficient, nor were there any other options. If I didn't want my child to be sent to an outside placement I would have to take this 2 hour day breadcrumb being offered. To me this didn't seem like an appropriate use of the shortened day and I was not on board with it after only trying for 4 days, to me the data wasn't there to support this decision.

During this IEP I also agreed to testing which included an FBA. I was told the FBA would be helpful in getting her back to full days because it would be used to help faculty determine areas where she may need help and that the BCBA would offer strategies for them to use to help her be successful in class. I didn't know at the time that it would become a weapon used against her to keep her in shortened days.

That day, after the IEP when I went to pick her up at school she came running out with 2 friends telling me about what a great day it had been. They asked if Elliana could go to one of their houses to play. I agreed since I wanted her to have that time with friends and feel like she was part of school for just a little longer. Later that day when she got home I told her about the new plan and that she would go for only 2 hours a day. She was disappointed by this and it affected her sense of belonging. She didn't understand and felt it was unfair. I tried my best to explain it and make it sound positive although I didn't understand myself. A few days (9/11) later I sent this email to the school:

I tried calling earlier to discuss Elliana's schedule. I am disappointed in the way the IEP meeting went and was under the impression we were meeting to discuss her schedule at school and how to help her succeed. I was surprised when it seemed that everyone was there to remove her from school after only attending 4 days.

She had another good day on Monday too and was upset when I told her she could only go to school for 2 hrs. a day and that she couldn't be with her class. I wanted to see if you would allow her to participate in art, music, and library with her class? She said she saw her class leaving art and it made her really sad because she liked that class and class time. I believe specials are at 10:30 and she is coming in at 10:30-12:30 but I could drop her off earlier or we could have her finish the day there and I could pick her up at 2:45 so there is time to be included in specials and get testing done. Let me know what you think and how we can make this work.

I also signed paperwork to do testing. I wanted to make sure that this wasn't going to take place during lunch or

recess since that is the only time she gets with her class. I was hoping you'd consider trying for a longer day to include the upcoming testing and to add the 3 specials. Let me know

I received a call the next day from the head of special education who said that testing wouldn't interfere with lunch or recess. She said she wants her to comply with adult requests before offering her more time and doesn't think enough time has gone by to show that she can be compliant. She said we could talk again Friday Sept 20th and see how it goes until then and then maybe she can go to specials.

The meeting on the 20th came and went and she was able to add another hour giving her 3 hours at school. She was also allowed to participate in specials again and this would be the last time the school moved forward with integration. At this point the damage had been done. The abbreviated days didn't go unnoticed, her peers started asking why she wasn't at school all the time. She no longer got the time with her peers to develop the friendships she had started in the beginning and they stopped developing. She was seen as different and treated as such. The FBA resulted in a reintroduction and modified day plan that had ed techs keeping data every 15 minutes rather than supporting and teaching her. They used this data to keep track of how often she kept a safe body, said no, and followed directions. We continued to meet every 30 days for a program review and at each meeting they either changed standards to make it harder for her to reach the goals set against her, tried to take away time in the general ed classroom, and although I made it clear that I wouldn't consider an outside placement it was still brought up at every meeting. In each of these meetings I would express my concern over the partial day and say that I thought she could do better in a full day. During one meeting, after getting the Psychological Evaluation back I brought up that in the recommendations it stated, *"Elliana should transition to full days at school as soon as she is capable, as the longer she does not attend full days, the more difficult it will likely be for her to do so and the further she may fall behind (academically and socially)"*. I assured them she was capable and motivated to be there full days but they still said no. I told them how her mental health was declining and she was losing self esteem but they kept saying the data wasn't there to put her back into full days which is absurd to me considering the data was never there to shorten her days. At these meetings I was also continuously told that they were keeping her separate from peers to maintain her dignity and not further alienate her when in fact it was clear to me that they were stripping her of her dignity and showing by example that it is ok to exclude her.

At school Elliana was continuously told by teachers that she would not be hitting her marks for the day and reminded that she was working towards earning her way back into full time days. This pressure is too much for any student and she did not progress in academics as much as I know she could have with proper support. She would go to school and hear, "you're not going to meet your goal today" and they would sit and watch her while taking data every 15 minutes. I send her to school thinking she's going to be supported in a learning environment not constantly judged and made to feel like she has to earn her way back into school while being held to, at times, higher standards than her peers. This constant judgment gradually eroded her self-esteem and turned school into a high-pressure environment. It was no longer a place to learn or connect with peers—it became a source of stress and exclusion.

On March 21st during the last meeting, after asking if they could send her to an outside placement yet again, the “team”, which I no longer consider that I’m a part of, proposed a plan to take her out of all general ed classes and work solely on social emotional learning and preparing for middle school. I initially turned this down and stated that at this point in the year I have accepted that she will not be allowed to go to school for more than 3 hours. It was clear to me that it didn’t matter how hard she tried or how much I objected, she was not going to be allowed to go full days. That day there was also a bullying incident on the playground where Elliana and a few friends were being called weird and some other names by a group of kids who had bullied her prior. We had addressed bullying concerns with the school over previous incidents and as far as I know nothing had ever come of it. This time we were told that they would speak to the bullies and that they couldn’t let us know the outcome of that but that they could let us know when it happened. The next day she did not want to go to school and I felt fine with not sending her. I told her about the transition plan the school had proposed and asked if she wanted to try that. She agreed and I called to ask if we could meet on that and include Elliana. They agreed and we waited to hear back. I followed up a few times over the next few days with no progress. I was calling her out of school each day and the more she stayed home the harder it was to go back. A week and a half went by and I received a truancy letter from the principal who had no idea what was going on, she rarely attended any meetings. An email was sent explaining why we were home in which I CCd the “team” and explained to the principal what we were waiting for. Over the course of the next few days the “team” started to respond with their own input regarding our situation. Seeing that we were snowballed, I eventually said I would be going back to homeschooling and asked if we could still work with the school on Elliana’s transition to middle school and was told by staff: *I’m sorry to hear that. Unfortunately, if she is unenrolled with us our efforts to work on transitioning to middle school will have to cease. We will discuss programming again when she is re-enrolled.* – I believe they could have still helped us if they had wanted to.

I’m now deeply concerned about Elliana’s transition to middle school and that her 5th grade experience will be used to justify further exclusion going into 6th grade. As a result we are in the process of filing a complaint with the DOE in hopes that it will help her receive a free and appropriate education next year. A shortened school day can be used in many positive ways. However, In this case a shortened day became a means of control, compliance, and exclusion. By using it as a tool to try to get her to conform to a standard that does not fit her, they taught that conformity is a precursor to inclusion, and this is not something I want my child to believe. Elliana wanted to be at school. She deserved to be supported where she is at, not shut out and made to feel that she didn’t belong. My hope is that no other child has to go through what my child went through. That is why I am submitting my testimony today to ask that you ensure equal access to a full day of school for all students.

Thank you,

Jennifer Frey
Autism Society of Maine

Some Thoughts From Elliana:

When speaking with Elliana she expressed a desire to attend school for full days. Part days seem unfair to her because *“everyone else gets to go full days and there’s no reason she shouldn’t”*. She described the experience of being placed on shortened days as feeling like a *“personal attack”* and believed it stemmed from a lack of genuine care from the school staff, who she felt treated her as *“dumb”* and undeserving of respect because of the way they *“treated her like she was an idiot and because she happens to have a disability”*.

Elliana shared that being pulled from school early affected her social interactions—some peers were curious and asked questions about it, some were dismissive, and one was outright rude. She valued the friendships she had, especially toward the end of her time at school.

She felt hurt and demoralized by staff members she described as rude, unreliable, and emotionally flat and disconnected from her. Elliana said she didn’t feel that she was *“treated as a human”* in the school environment, with staff offering responses that felt *“scripted and AI generated”* instead of like they were actually listening to her. (NOTE FROM MOM: They would often say in meetings that they would have to get “language” from the BCBA to use with her so they are all on the same page). Motivational tactics like reminding her of unmet goals or threatening to contact her mom were perceived as manipulative and disheartening, increasing her stress and making it harder for her to succeed.

She believed that full-day attendance, particularly in a general education setting rather than a segregated special education program, would have improved her learning, confidence, and sense of normalcy. Instead, the shortened days contributed to declining mental health, feelings of *“being below others”*, and frustration with how she was treated.

Looking ahead, Elliana said, *“I want to be treated like other kids and have a regular middle school experience”*. She believes she can succeed in a general education setting if given the opportunity, rather than being placed in a restrictive special education program.