



BREWER SCHOOL DEPARTMENT

Brewer, Maine 04412

April 30, 2025

Written Testimony Opposing LD 1098

Senator Rafferty, Representative Murphy, and Distinguished Members of the Joint Standing Committee on Education and Cultural Affairs, my name is Angela Moore and I am the Director of Special Education and 504 Services for the Brewer School Department, and Secretary for the Maine Administrators of Services for Children with Disabilities (MADSEC). I write to you in opposition of LD 1098: An Act to Ensure Equal Access to a Full Day for All Students.

As a certified Special Education Teacher, Special Education Consultant and Administrator, I have dedicated my entire career to identifying and serving students with disabilities as intended by the Individuals with Disabilities Education Act (IDEA) and the Maine Unified Special Education Regulations (MUSER) through least restrictive and rightful means. I fully support the rights of students and individuals with disabilities and I am deeply dedicated to ensuring all students with disabilities are accessing a free, appropriate public education (FAPE), through *their* least restrictive environment (LRE). It is imperative to recognize all students - as individuals - and the autonomy intended for Individual Education Program (IEP) teams to determine what a FAPE and LRE may look like for respective individuals. LD 1098 strips the IEP team of that (federally established) process with a broad assumption that all students *must* entirely access what their non-disabled peers access and to do so equally. LD 1098 contradicts the very intent of IDEA by suggesting that all students with disabilities have equal needs rather than recognizing and emphasizing individuality. Students with disabilities are unique; their circumstances are unique. We must capture their individuality and their unique set of needs through the IEP process, as set forth in IDEA and MUSER - *through the IEP team process, not sweeping legislation*. It is through this well regulated, and protected process that IEP teams make individualized decisions, while also protecting the rights of students with disabilities, and their parents. Under special education regulations, parents are provided and informed of their procedural safeguards and due process rights should they disagree with any proposal presented by the IEP team.

Additionally, through MUSER, Maine special education rules clearly direct IEP teams to do the following when an alternative or abbreviated day has been deemed necessary (again, by the team, which includes the parent):

- (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**.*

It is important to note that if a student has not returned to a full day within the 45 calendar days, MUSER requires the IEP team to meet every 20 school days to review the student's progress and strides toward accessing a full school day and the least restrictive setting. Current special education regulations appropriately prohibit the use of an abbreviated school day as a form of discipline or punishment. Decisions regarding the length of a student's school day are not made lightly. Parents are involved, clinical therapists/providers are involved, plans are reviewed frequently, and changes are made when appropriate to ensure regular and timely progress toward full-day access and successful reintegration.

Although the intent of LD 1098 represents the importance of equality. Equality does not translate to sameness when considering the varying needs of students with disabilities. LD 1098 would pose several challenges to parents and schools, which, in the end, would negatively impact Maine's students with disabilities. Here are several examples for how students with disabilities may be negatively impacted by LD 1098.

- LD 1098 could lead to more restrictive placements. Without the option of an individualized school day, when absolutely necessary, IEP teams may be forced to consider more restrictive, out-of-district placements that remove students from their neighborhood school. Through the Brewer School Department, I have seen first hand, a number of success stories where, because of the individualized design of an alternative or abbreviated school day schedule, students were able to experience "manageable doses" of school, where, through a therapeutic approach, students were able to build upon their success, incrementally increasing the school day, and reshaping their experience and outlook on what successful reintegration can look like.
- LD 1098 requires written parent consent. Parent written consent can be very difficult to obtain due to lack of parent engagement resulting in situations in which the parent has verbally agreed, yet the parent does not follow through on signing (this is often the case for basic forms that require signatures, resulting in school resources being dedicated to the pursuit of parent signatures, taking away from serving student needs).
- The Bill also allows for parent revocation. Revocation of an abbreviated school day by the parent, at any time, could adversely impact any progress the student may have made to date, in turn, resulting in an *increase* in student needs (which is why the abbreviated day may be determined as necessary in the first place).
- As suggested in LD 1098 pertaining to *the use of abbreviated school day program due to lack of school resources, including staffing, it is not the intent of the law to use this practice as such and decisions regarding 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 in some schools, such situations should be addressed with individual schools rather than through swooping legislative changes. I represent a district that does not suffer from staffing shortages. Rather, we are fortunate to have clinical staff on hand (BCBA, LCSW, Psychologist), guiding and advising teams regarding appropriate considerations to help students: develop a positive sense of self, adaptive and

pro-social skills, and a positive outlook on *their* school experiences. Matters pertaining to staffing shortages in Maine's schools ought to be addressed directly, and not through a broad stroke of emergency legislation that risks harming the emotional and psychological well-being of students with disabilities, who, for *individual* reasons, are not able to access a full school day -- *yet*.

- Abbreviated days are sometimes necessary and appropriate. For some individual students, an alternative school day schedule can serve as a therapeutic support, which provides the opportunity for the student to reintegrate at a manageable and personalized pace reducing stress and anxiety, with oversight and consultation from clinical staff - as afforded to them through their IEP services. Again, the entire decision making process for IEP teams (including the parent) is well regulated and designed as temporary. An abbreviated school day, through a therapeutic approach, and in consultation with with clinical professionals, students are able to:
 - **Build Stamina and Confidence:** Gradually increasing the length of the school day allows students to build their endurance and confidence to handle the academic and social demands of a full school day.
 - **Improve Attendance and Engagement:** When the school day feels more achievable, students are more likely to attend consistently, participate actively, build positive habits, adaptive routines, develop life skills, and a positive sense of self.
 - **Make Academic Progress:** With targeted, manageable and personalized workloads during abbreviated days, students can focus more effectively, which helps them stay on track academically while also avoiding burnout.

In conclusion, I urge the committee to reject LD 1098, maintaining with the intent of IDEA and MUSER, allowing IEP teams, who know their students best, to make individualized decisions regarding their educational needs, and in collaboration with families, who are entitled and informed of their procedural safeguards and due process rights.

Thank you for your time, for your service, and for your commitment to Maine's students.

Sincerely,



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