

## TESTIMONY IN OPPOSITION TO

L.D. 1098

### AN ACT TO ENSURE EQUAL ACCESS TO A FULL SCHOOL DAY FOR ALL STUDENTS

May 1, 2025

Senator Rafferty, Representative Noonan Murphy, and members of the Joint Committee on Education and Cultural Affairs, I am Steven Bailey, the Executive Director of the Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and the Maine School Superintendents Association in opposition to L.D. 1098, An Act to Ensure Equal Access to a Full School Day for All Students.

While Maine school districts fully believe in ensuring every student receives the same learning opportunities and support, we believe L.D. 1098 could make it more difficult for special educators and administrators to provide the appropriate programming that will ensure each student will return to the classroom and succeed when they get there.

L.D. 1098 is a response to the use of abbreviated school days, and we acknowledge that this is a difficult, delicate issue. A school district never wants to keep a child out of school, but it occasionally may be required and coordinated in conjunction with a full IEP team.

Already, Maine has specific guidelines on the use of this practice in [Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty-Two \(MUSER\)](#). These rules require that an abbreviated school day must only be initiated by an IEP team for individual medical or educational needs. Teams must make every effort to keep students in full day programs. They must continue to revise the IEP with a re-entry plan and must continually meet to assess progress.

The goal of this work is to help a student who is unable to maintain a whole day within a school, and to gradually increase their time at school until they can thrive within a classroom every single day. The goal is always to bring a student back into school, full-time, and districts must still provide compensatory education services for any missed time.

Any use of an abbreviated school day requires careful work between educators, clinicians, and families. We always want these stakeholders to work together, and if there is disagreement over an abbreviated school day plan, that can be appealed through a Due Process hearing. Under L.D. 1098, though, the parent would have the ultimate authority in these situations, taking away the knowledge, expertise, and authority from the professionals and educators involved in the IEP process.

The IEP process was created to make decisions in the best interest of children, and to encourage collaboration between schools and families. We worry that the changes in L.D. 1098 could lead to more conflict that could potentially have a detrimental effect on a child's education and development. No one ever wants to use an

abbreviated school day, and it truly is a last resort that districts are trying to use less and less each year – and only in situations where it truly is not safe for a student to be in school for the entire day.

We fully understand how difficult the IEP process can be for parents, but we believe the solution is for the state to provide our schools with robust resources to help build a strong special education workforce – not bills like L.D. 1098.