

Shauna Henry
Fryeburg
LD 1098

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,

I am submitting my testimony in support of LD 1098.

My name is Shauna Henry, my daughter Lillian is 15-years-old. She has an IEP under the category of Autism, and she is a 9th-grader at Fryeburg Academy, a 60/40 school our district contracts with to serve our local high school students (9th-12th). Our home school district is MSAD 72. Lily has diagnoses of autism spectrum disorder, level 3, as well as ADHD (inattentive type). Lillian struggles with communication, and she has a pattern of expressing negative feelings, like frustration, fear, and displeasure using inappropriate language (curses), rude gestures (middle finger), and using language that, while not true threats, takes the form of verbal threats. She sometimes recites scripts from tv and movies as a way to process her experiences. However, despite these manifestations of her disability, before this year (aside from COVID school interruptions), Lily attended full days of school. Until 2023-2024, generally speaking her placement was the special education setting for the majority of time, and she joined typically developing peers for subjects like art and music.

Beginning in October of 2024, my daughter was placed on an abbreviated school day following a behavioral incident. She was no longer allowed to attend school outside of 2 ½ hours a day, four days a week. Since then, there have been three minimal increases in the amount of time she is allowed to attend school (a fifth 2 ½ hour day was added to her school week in November; her days were increased by 15 minutes in December; and her days were increased by 30 minutes in February). Space and staff have been repeatedly cited as reasons to limit the time Lillian has been allowed at school. For the vast majority of the time my daughter has been at school since October, she has been in an isolated, non-classroom space apart from any peers, with two educational techs. Tutoring services we not provide for the times Lily was not permitted to attend, though I did ask multiple times. After repeatedly asking for a meaningful re-entry plan; the district finally, after nearly five months, provided a “timeline” that fails to account for actions the district will take to assist my daughter to participate in a full day of school but instead places the burden of “earning” a right to full Re-entry on my daughter. On March 6th 2025 my daughter was suspended following another behavioral incident at school. A manifestation determination meeting was held on March 13th, during that meeting all team members agreed the behaviors were a manifestation of her disability. After this was determined, Fryeburg Academy completely blindsided the district and myself when they unilaterally decided my daughter could no longer attend programming on their campus. When a behavior is determined to be a manifestation of a child’s disability, the child should be returned to placement and an FBA conducted. We were in the process of conducting a second Functional Behavioral Assessment at the time of the incident, target behaviors were being observed. The first FBA conducted in November was “inconclusive” due to insufficient data because Lily was in isolation on an extremely abbreviated day during the FBA, the target behaviors were not observed and a Behavioral Intervention Plan was not created. Lillian was not “expelled” but she is not allowed anywhere on Fryeburg Academy’s campus at any time. I have not been told what Lily has to demonstrate to be permitted to receive programming at Fryeburg Academy again.

Lillian spent an entire month, from March 7th to April 7th at home with zero programming. The district has now offered my daughter programming in a district elementary school (k- 4th), three hours per day five days per week with 3 educational techs. An initial behavioral intervention plan was finally created during the month-long programming gap. We are in the process of a DOE complaint investigation.

This entire year has been extremely difficult for Lillian and our family. I have attended over a dozen IEP meetings this school year. I have been unable to work outside of two days per week, these are Lily's father has off of work and is available to be with her. This has caused much stress and financial hardship for our family. Lily has been denied a FAPE in my opinion, she has been secluded from peers on an extremely abbreviated day for the entire year. This has adversely affected Lily's education, social skills, and quite frankly her self-esteem. Using an abbreviated day; as a disciplinary measure, because the school doesn't have the staff or space to accommodate or simply so the school does not have to deal with a disabled child's behaviors is wrong and detrimental to the student and their families. Putting my daughter on an abbreviated day did not teach her the functional communication and emotional regulation skills she needs to be successful in the functional life skills program at Fryeburg Academy and life after graduation. Though I did initially agree to a temporary abbreviated day in October, I never would have guessed "temporary" was to be the entire year.

Thank you for your time and consideration,
Shauna Henry