



January 31, 2023

Dear Senator Rafferty, Representative Brennan, and Esteemed Members of the Joint Standing Committee on Education and Cultural Affairs,

I am writing **neither for nor against LD 98, An Act To Update the Special Education Laws**. As Director of Special Services for the Gorham School District and President Elect of Maine Administrators of Services for Children with Disabilities (MADSEC), I am in agreement with these proposed changes, except in regards to the change of the eligibility age to 22 given the lack of clarity that we in the field are already experiencing with this proposal. I understand that there is a federal standard at play due to a First Circuit Court decision in regards to this age out of services change, but I ask that the legislation direct DHHS to support that this change is not to postpone students from accessing adult services, but that it gives an opportunity, if the IEP team has data to support the need, for the school to support a smooth transition to those services by providing transition exercises.

At this time, districts across Maine have already had meetings with families in which the adult service providers are stating they expect students to be in school full time until the student turns 22 and will not be putting them on appropriate service lists until then. Continuing need for education should be an IEP team decision based on transition planning that focuses on moving a student forward into their adult life, not an expectation that any student with an IEP will access full time school until they turn 22 just because.

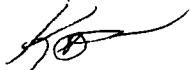
- This act is aligning to a court decision that looks at programming commensurate to adult education, which should mean a focus on a particular skill or goal to assist in community access to vocational opportunities, not full time school that would have an adult student in high school setting for 7-8 years
- The extended service time should be based on supporting a smooth transition to adult services, not a two year period of pushing off age appropriate services outside of the school
- Students would not have same aged non-disabled peers within a school setting
 - I currently have students with significant disabilities who are 20 years of age and they are preparing to graduate this spring. It has been difficult for them to remain in their high school for two years longer than the same aged peers they grew up with. They no longer have the peers in their school that knew them, supported them and included them at lunch or in class. They have expressed that they are bored after 6 years of high school and, even with a bit of fear for the unknown changes in their future, they are ready for the next step. The parents of one of the students had to push their adult service providers to get him on the necessary waiting list for a needed service as the providers were pushing them to keep him at school for a longer period of time, but were unable to determine what the purpose of continuing their education would be for that student.
- Special Purpose Placement Schools
 - Already there is a 9-12 month waiting list for most special purpose placements in the state; if adult students are expected to continue in these placements for an additional two years, then
 - those lists will become much longer and will not have openings for the needed services to younger students
 - these schools will lose funding or will have to increase tuition significantly on sending districts

- they currently bill Mainecare for services at Mainecare rates, which will only cover a student until age 20 years; these Mainecare rates help cover overhead costs
- they will then have to bill districts for those services they can't bill Mainecare for any longer, increasing costs for the districts and will either have to also increase tuition for districts to cover overhead costs or risk closure

My colleagues will share many other points of need for clarity in regards to purpose and FAPE, funding source issues, as well as worries on increased child find responsibilities and litigation for schools. Please consider all of these concerns. Schools cannot continue to take on all responsibilities for all things - we are running out of resources and do not have the staff in Special Education to take on the students we already have. We ask that you direct DHHS to continue to service students into the appropriate adult services as they are ready to leave high school and we can use this act to partner with them to ease the transition as would be determined by the IEP team.

Thank you for your time and consideration. I am available to answer any questions if needed.

Sincerely,



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