

State of Maine  
DEPARTMENT OF EDUCATION

Testimony of Erin Frazier, State Director of Special Services and Inclusive Education

In Support of: L.D. 79

An Act to Ensure a High-quality Education for Students with Disabilities by Clarifying the Definition of "State Agency Client" and Who Provides Special Education Programs and Services

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Representative Crafts

Date: February 9, 2023

Senator Rafferty, Representative Brennan, and Distinguished Members of the Education and Cultural Affairs Committee:

My name is Erin Frazier, Director of the Office of Special Services and Inclusive Education, and I am here today representing the Department speaking in support of L.D. 79, An Act to Ensure a High-quality Education for Students with Disabilities by Clarifying the Definition of "State Agency Client" for purposes of Special Education and clarifies who is entitled to establish or obligated to provide Special Education Programs and Services. This Department bill is a collaborative effort between the Department of Education and the Department of Health and Human Services. LD 79 clarifies the outdated, ambiguous historical definition of state agency client to further refine the eligibility criteria. It identifies the parties responsible for the provision of special education by detailing who is entitled or obligated to provide special education services and programs. These activities include but are not limited to enrollment, state assessments, student attendance and behavior data, as well as fiscal responsibility.

A state agency client is a student that meets one of four conditions (currently) and is identified for special education services. It is a mechanism to provide fiscal support for educational costs from the Maine Department of Education. The proposed changes in statute allow us to align current practice and move away from ambiguous definitions that make it difficult to identify fiscal responsibility for these students. Clarifying the language helps the Departments of Education and Health and Human Services ensure that there is no disruption in coverage and programming for State agency clients.

In addition to providing clarity for the term State Agency Client (SAC), the bill clarifies responsible entities to include intermediate education unit (CDS), public school, and public agency (magnet schools).

For these reasons, the Department of Education is in support of L.D. 79. We are happy to answer any questions and will be available for work sessions on this bill.