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Testimony of Kelly Noonan Murphy Introducing
**LD 1098, An Act to Regulate the Use of Abbreviated School Days for Students
with Disabilities**

Before the Joint Standing Committee on Education and Cultural Affairs

Senator Rafferty and distinguished members of the Education and Cultural Affairs Committee, my name is Kelly Murphy, and I represent House District 125, which includes part of Scarborough. I am pleased to present **LD 1098, An Act to Regulate the Use of Abbreviated School Days for Students with Disabilities**.

This bill was brought forward in response to growing concerns from Maine families, advocates and education professionals who have witnessed or experienced the inappropriate and sometimes prolonged use of abbreviated school days for students with disabilities across our state. These students—who are often among the most vulnerable in our schools—have, in some cases, been sent home early day after day or placed on reduced schedules without the required documentation, without a plan to return to full-day instruction and often without parental consent or understanding.

Under current Maine law, Title 20-A, Chapter 211-A, outlines our commitment to equitable access to the system of learning results. However, we lack clear, enforceable guardrails around the use of shortened school days for students with disabilities. This bill addresses that gap.

Here's what LD 1098 does:

- Defines “abbreviated school day” and “abbreviated school day program” in Maine statute—terms that previously lacked statutory clarity.
- Establishes that such a program may only be used when supported by medical or behavioral documentation, such as:
 - A health care directive.
 - An Individualized Education Plan (IEP) or Individualized Family Service Plan (IFSP), in accordance with the federal Individuals with Disabilities Education Act (IDEA).

- Or a 504 Plan, as outlined under the Rehabilitation Act of 1973 and the Americans with Disabilities Act.
- Requires written parental or foster parent consent, ensuring that parents are informed:
 - Of their child's right to receive the same instructional time as peers.
 - That schools cannot use abbreviated days simply due to resource constraints.
 - And that they may revoke consent at any time.
- Directs schools to review the placement every 45 school days, unless the parent agrees otherwise, reinforcing that this should be temporary and purposeful, not indefinite.
- Specifies that schools must return the student to a full-day schedule within five school days of any written objection or revocation of consent.

Let me be clear: this bill is not intended to be punitive. I recognize the very real pressures our educators and administrators face. But it also affirms what we all believe: that every child in Maine deserves access to a full, appropriate education and that schools must not reduce that access due to lack of staffing, inadequate training or insufficient behavioral supports.

This issue has been documented in states across the country, but Maine has a chance to lead. There are significant negative consequences of reduced school days when they become a long-term default instead of a medically or educationally necessary exception.

This bill aligns with federal requirements established by IDEA and Section 504 but goes further by ensuring local accountability and state level enforcement. It promotes transparency, protects student rights and helps prevent inappropriate segregation or exclusion of students with disabilities from the classroom.

This is about protecting Maine students. It is about ensuring that the promise of equal education is more than just a line in statute—it's something we deliver, every day, to every child.

I respectfully ask you to support the passage of LD 1098 and thank you for your consideration. I would be happy to take any questions you may have.