

MADSEC

Maine Administrators of Services for Children with



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To: Senator Rafferty, Representative Brennan, and members of the Education and Cultural Affairs Committee

My name is Jill Adams and I am the Executive Director of the Maine Administrators of Services for Children with Disabilities, MADSEC. MADSEC is a membership association for the special education administrators across the state of Maine.

MADSEC is offering testimony in opposition of LD 552, An Act to Strengthen the Individualized Education Plan Process. You have received testimony from special education administrators and special educators. I hope that you will read and consider their concerns. They are unable to be here today as they are providing services to students.

Current Maine Special Education Regulation VI.2.I says, The IEP team should work toward consensus, but the SAU has ultimate responsibility to ensure that a child is appropriately evaluated; that the IEP includes the services that the child needs in order to receive FAPE; and that the child's placement is in the least restrictive educational placement. It is not appropriate to make evaluation, IEP or placement decisions based upon a majority "vote." If the team cannot reach consensus, the SAU must provide the parents prior written notice of the school's proposals or refusals, or both, regarding their child's educational program, and the parents have the right to seek resolution of any disagreements by initiating an impartial due process hearing or a state complaint investigation.

The proposed language in this bill creates an issue for SAUs as it is their responsibility to ensure that the IEP includes the services the child needs in order to receive a free appropriate public education in the least restrictive environment. This bill would allow anyone at the IEP meeting to disagree and hold the child hostage in a previous program that will not ensure the child FAPE.

Parents are extremely important to the IEP process. Their input is invaluable. They come with an expertise about their child. The input of the educators and related service providers is also invaluable. They come with an expertise in specialized instruction, interventions, and accommodations for students as well as an understanding of the learning environment where the child attends. Most IEP meetings end with all members of the IEP team in agreement. In those that do not end in agreement it is still the SAUs responsibility to provide FAPE to the student in the least restrictive environment. Under the current system, the parent can stop the implementation of the proposed IEP by requesting a mediation, complaint, or due process but the SAU has done their job in putting forth the IEP that they believe would provide the student with FAPE in the least restrictive environment. This is the SAU's responsibility. The Maine Department of Education monitors SAUs to make sure they are compliant with this responsibility.

We have many parents that are very involved with the development of their child's IEP. We have others, that are not as involved as we would like. SAUs work very diligently to have them involved. There are situations where having a parent sign the IEP is going to create much more work for schools. There are parents that we have to chase for signatures. This already occurs when getting consent for evaluations. Maine at one time, many years ago did require IEPs to be signed by parents. Schools spent a lot of time chasing parent signatures, using both financial resources and human resources that are much better directed at student programming. If this bill passes, during the time that the IEP is not signed by the parent the student would be continuing in a program that is not meeting current needs of the child. How long should we let this go on? There are also times that the 2 parents are in disagreement, one will want the proposed changes and the other will not. This puts schools in the middle. This bill does not address how those situations should be handled.

The second part of this bill will create staffing and programming problems. SAUs need to have the ability to assign staff to make sure all children are safe and continue to learn. Both the Maine Special Education Regulations and Federal Regulations list who are the required members that need to be in attendance for an IEP team meeting to be held. This proposed change would go beyond the federal and state requirements. Current rule allows a parent to invite anyone to the IEP team meeting that the parent has determined has knowledge or expertise regarding the child and the school can do the same. SAUs do not have enough time to have all IEP meeting before and after school. Most schools have a process for gathering information from other educators about the child's progress to bring to the meeting. In this way, the programs of other students are not interrupted while an IEP meeting is being held. SAUs do not have enough substitutes available to cover all the classes.

An IEP clearly delineates the position that is responsible for the student's services. In the case of specialized instruction, it is the special education teacher. If an educational technician delivers some of the services on the IEP, the special education teacher is still the responsible party. An educational technician is supervised by the special education teacher according to the requirements stated in the Maine Special Education Regulations.