



# Maine Developmental Disabilities Council

March 22, 2021

## Testimony in Support of LD 552 “An Act to Strengthen the Individualized Education Program Process”

Senator Rafferty, Representative Brennan and the distinguished members of the Joint Committee on Education and Cultural Affairs. My name is Nancy Cronin and I am the Executive Director of the Maine Developmental Disabilities Council (DD Council)<sup>1</sup>.

LD 552 would improve and strengthen the decision-making part of the IEP process. It would do this by ensuring every expert around the table had a voice. It also would make sure that the educators who work closest with the student has a seat at the table.

IDEA clearly specifies the membership of the IEP team. A special education teacher is there to discuss specially designed instruction. An administrator is there to commit funds. A general education teacher familiar with the student is there to represent the general instruction, and the parent(s), who knows their child best, is there to represent the student. IDEA even includes language that the parents need to have the opportunity to be meaningful participants. It is clear that the spirit of the law is that the process should be collaborative and that all key stakeholders should have voice so they can utilize their individual expertise to create a quality, appropriate educational program for the child.

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<sup>1</sup> Councils on Developmental Disabilities were created through the Developmental Disabilities Assistance and Bill of Rights Act (DD Act) in 1970. Maine’s DD Council has been advocating for individuals with Developmental Disabilities (DD) for over 40 years. The DD Council is a federally-funded, independent organization with members from across the state, including persons with disabilities, family members, and representatives of public and private agencies which provide services and/or funding for services for individuals with developmental disabilities.

As required in federal law<sup>1</sup>, our purpose is to promote systems change to ensure that all individuals with developmental disabilities are able to live and fully participate in their communities of choice. Working in partnership with people with disabilities, parents, advocates, and policy makers, Maine’s DD Council works to promote the independence, integration, and inclusion of all people with disabilities through advocacy, capacity building, and systems change activities throughout the state of Maine and on the national level. The DD Council’s mission is **to create a Maine in which all people are valued and respected because we believe communities are stronger when everyone is included**. The Maine DD Council employs four full-time staff who are responsible for all of the internal projects, external grants, and business of the Council.

I have attended many Individualized Education Planning meetings as an invited advocate of families. But it really wasn't until I became a Mom of a child who needs special education services when I realized how truly imbalanced the process is against the families. It is not a level playing field. Even in my son's situation, and he does have an amazing team, we have experienced conflicts where I have needed every ounce of my skills to advocate for him to get his needs met.

Today decisions are typically made by the special education department professionals and administrators. If a general education teacher disagrees they are placed in a very awkward position. A parent has more rights. They can begin due process proceedings and implement a "stay put" where the current plan continues until the disagreement is resolved or a due process decision is made. This proposal doesn't change things that much. It simply seeks for agreement and if anyone disagrees the current plan stays in place until the disagreement is resolved or due process is filed by any party and a decision is made.

This bill strongly encourages compromise and I believe compromise is at the core of what IDEA was trying to get at when such precise IEP membership was specified. All stakeholders would have the opportunity to come to agreement about an appropriate educational plan for the student.

There is, however, one stakeholder that was not included specifically in IDEA that this bill would include. The educational technicians or paraprofessionals who work extremely closely to the student is, to the detriment of the process, often excluded from the IEP meetings. This has never made sense to me. This bill would ensure that all important educators are included in the IEP meetings. MDDC is in complete support of that.

Unfortunately, for many reasons, here are times in which a parent may be unavailable or disengaged. The student's education should not suffer. If schools are unable to obtain written agreement, or disagreement, after a specified amount of time (some States use 10 school days) it is assumed that the parent agrees and the new plan moves forward. I suggest that the bill be amended to include such a clause.

In summary, many States have consensus based IEP meetings. It makes sense. I believe it will encourage agreement and, honestly, decrease costly, sometimes antagonistic due process. I appreciate the opportunity to speak with you today and would be happy to take any questions.