

March 22, 2021

Representatives,

As a director of special education in two school districts serving Northern Maine, I feel I must contact you regarding LD 552.

The changes proposed in this bill are not in the best interest of students, families and educators. . Further, these proposed changes reach beyond the Individuals with Disabilities Education Act (IDEA).

This bill presents two significant proposed changes:

First, requiring consensus of *all* team members to implement a child's IEP introduces the potential to significantly delay the implementation of appropriate special education services. As a school district, we are responsible for providing a free and appropriate public education (FAPE), in the least restrictive environment. We strive for, and are often able to reach, consensus. There are, however, times that not all team members are in agreement with proposals. In these cases, final decisions rest with the SAU, and parents currently have avenues to address these disagreements if they so choose. Please bear in mind that we encounter scenarios where the educational professionals feel more, less or different services are necessary for a student and parents disagree. If LD 552 goes into effect, in these cases, the student will go without necessary services while the adults work through mediation, and potentially due process. Should this result in an appeal, the entire process could take up to one and a half years before a determination is reached. It should be noted that there is a significant cost when a district engages in mediation and/or due process, both fiscally and mentally. Special educators, already overwhelmed, find these processes draining and these processes remove them from the classroom and students for extended periods of time.

The second proposed change permits any staff member who works with the student to make him or herself a member of the IEP team. IEP teams are composed of, at a minimum, a parent, an administrator, a special education teacher, and a general education teacher. While there are other service providers who often attend IEP meetings, these decisions must rest with the building administration to ensure proper supervision of all students. Currently, parents may invite anyone to the meeting they view as having knowledge or expertise regarding the child; the school may do the same. This proposed rule again reaches beyond federal and state regulations, creating the potential for disruption to student programming.

MAINE SCHOOL ADMINISTRATIVE DISTRICT 70

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IDEA was written for families and parents. The IEP process in the state of Maine is strong, with stay put procedures that go above and beyond those required by IDEA. The proposed changes will weaken a system that is not broken. These changes will leave students in programming that is not in their best interest, and will use additional district resources that are best spent on students. LD 522 is not in the best interest of students. I urge you to vote against this proposed bill.

Yours respectfully,

Dr. Sandy Flacke
Special Services Director
MSAD # 70 & RSU # 29
