

WINDHAM RAYMOND SCHOOL DISTRICT

Regional School Unit #14

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DIRECTOR OF STUDENT SERVICES

Lisa Garneau

March 19, 2021

Dear Education Committee Members,

I am writing to express my concern regarding LD 552, An Act To Strengthen the Individualized Education Program Process, presented by Representative Millett. While I'm sure Representative Millett has good intentions with bringing this piece of legislation forward for consideration, I'm not sure she has a clear understanding of the barriers this would create for students with disabilities and the school districts who support them, if adopted.

The proposal to Sec. 3. has the potential to dismantle and derail the current IEP team process. By requiring signed written consent from the parent of a child with a disability prior to changing the nature or extent of the special education placement or special education and related services creates an exorbitant amount of work for school districts. More often than not it is extremely difficult to get parent signatures on the documents that currently require signatures such as Consent for Initial Placement, Consent to Conduct Evaluations, Consent to Invite Outside Agencies, etc. Not being able to implement special education and related services without a parent or guardian signature is a huge disservice to students with disabilities who need them most. Not all parents are actively involved and supportive of their children's educational programming. Not considered in this bill are students who are Homeless and Unaccompanied Youth under the McKinney Vento Act. These students rarely have an adult, let alone a legal guardian, who could sign permission for the school district to implement services. Many other students have DHHS as their legal guardians. Given the shortages of DHHS case managers and turnover of the ones who take on this important work, this is another population of students that could be adversely affected by the requirement of having written consent to implement special education programming.

Another portion of Section 13 which causes great concern to me, having worked in the special education field for more than twenty-five years, is the requirement of "stay put" if the parent refuses consent for the proposed program or placement. This proposal is already covered in MUSER, which provides a mechanism for parents and/or school districts to file Due Process. MUSER should continue to be the law governing this process on 20-A MRSA. Having been involved with a number of Due Process cases over the years, this process can take anywhere

from six months to several years. It would be a travesty that students would not be able to get the services they are entitled to under FAPE, because the adults who make up the IEP team can't agree.

The third item in this proposal that causes alarm, is the requirement that all special education service providers can be requested to be present at an IEP team meeting. Again, MUSER outlines who the required members of the IEP are. While most districts do their best to have most staff members present at the IEP meetings, it is nearly impossible to have Education Technicians and multiple special education teachers present simultaneously. By requiring team members beyond what is required in MUSER, could also adversely affect other students who should be receiving services during the time the IEP meetings are scheduled. Also not considered in this bill, are the contractual obligations districts are under with both the Teachers Union and the Support Staff Association. Many contracts specify how many hours teachers can be required to stay after school for a variety of reasons, including IEP meetings. Most support staff contracts outline the number of hours in a school day. Support staff cannot be mandated to stay beyond their contracted hours, especially if they work a second job, which is the case with many Education Technicians.

Special Education is a challenging field. As fewer and fewer educators are choosing this avenue within the education profession, my worry is this bill will upend an already precarious balance at a time when the legislature and Maine DOE is looking to have school districts responsible for providing special education and related services to children/students age three to twenty-two.

I know that you have received a number of emails, letters, and phone calls regarding this bill. I urge you not to pass LD 552 for the reasons noted above, as well as the many others that have been brought to your attention.

Thank you for taking the time to read this letter. Please feel free to reach out to me should you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Lisa Garneau". The signature is written in a cursive, flowing style.

Lisa Garneau, Director of Student Services