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Dear Education Committee:
As a Special Education administrator for several years, leading in almost 3000 IEP meetings, I can reassure you that we are providing students and their families with equity, respect, and a voice in the process of planning, services, accommodations, and transitions into adulthood.

I am echoing the same professional concerns as my colleagues. I echo the message below.

As a group, we are very concerned about LD 552.

1) We are concerned that the end result of this change regarding IEP decision-making will be that any time the adults at the meeting are unable to reach agreement, the child will be stuck in programming that may need quick and essential changes but no change can be made. Instead, the matter will go to dispute resolution and due process. Though perhaps rare, this process can take anywhere from a month to 1.5 years (the latter reflecting due process, which takes 3 months, and a court appeal, which takes 9 months to a year)
Although some people do not like that when there is no consensus, the school representative makes a decision, subject to parent appeal, at least this process allows a decision to be made, and not put on hold. Children need decisions to made about them, not put on hold "pending alternative dispute resolution."
It is not always parents who want more services for students. Sometimes the school does, and the parent doesn't. And the child's needs would then be put on hold.
The system must allow decisions to be made, for the sake of children, rather than put on hold.
Again, most of the time, everyone agrees. But when they do not, if no decision can be made, it puts the child's situation on hold. That is wrong.
2) This matter is heightened here, because the law requires agreement by everyone. This means that one staff member, perhaps one regular education teacher, could shut down the development of a plan or the addition of necessary services, for the child. Again, decisions need to get made for the student now, even when everyone is not in agreement. To permit a regular educator to block services otherwise agreed upon is a mistake. Again, this is rare, but the proposed law would permit it.
3) The second proposed change in the law again accentuates the difficulty. It permits any staff member who works with the child to make him or herself a member of the team.
This would add one more person who could block the team from reaching consensus, and put needed changes for the child on hold.

Beyond this, school administrators need to be able to decide where staff needs to be in the building to maintain student safety. If an educational technician decides he or she should attend the meeting, and as a result, a very needy child goes without necessary
support during the meeting, this is of course a very bad thing and could result in under-supervised circumstances for our neediest children. Administrators on the ground in the school building usually know best where and when supervision is required. They should be permitted to make decisions about attendance, as long as the persons who are required by law to be in attendance are in attendance.
The federal law, and Maine law currently, require that a regular educator and special educator for the child be in attendance. Administrators should be able to decide whether others attend, and very often they do attend.