



Kathy Hamblen
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Heather Perry
Superintendent of Schools

Dear Members of the Education and Cultural Affairs Committee,

I am writing against bill LD 552, An Act to Strengthen the Individualized Education Process. As Director of Special Services for the Gorham School District, I have many concerns that this bill will compromise the federal regulations, student progress, and will cause unnecessary costs to districts and the state. The bill calls for two changes: Sec. 3 20-A MSRA §7202, sub-§13 would require that any change to the IEP program be made by full consensus or the students program stays put until mediation is sought by dissenting party; Sec.4, 20-A MSRA §7202, sub-§14 would require that any Special Education staff member that works with a student be allowed to attend an IEP meeting. These changes go far beyond the federal regulations of Individuals with Disabilities Education Act (IDEA).

In regards to the first change, IEP teams always seek consensus - it is important to the team that all voices be heard. We often will make sure to take any extra time needed to have difficult conversations to be sure all members understand where each is coming from, but there are times when consensus isn't met, and an administrative decision is made that follows the regulations. At that point, if in disagreement with the team, parents are already given options for dispute resolution. It is already a strong process and not one that any team member takes lightly.

This bill will put barriers in the way of this dispute resolution process as it allows anyone at the IEP meeting to hold up a necessary change for student programming, ie. a staff member, despite clear data showing readiness, could hold the team from taking the next step toward independence in a skill area. There is also no timeline addressed for the dissenting party to seek out mediation and a student could be held in an inappropriate program for a year or two with this new process, which clearly goes against FAPE, Free and Appropriate Public Education. On top of that, the legal ramifications will be costly to the district as well as the state, who will need to provide these mediators the bill requires.

The second part of the bill takes away the ability of the school district to provide IEP meetings during the school day if the support staff decide they want to attend a meeting. They are needed in the classroom to support student learning and safety so that the legal requirement of the attendance of the Special Education Teacher can be met. That teacher would have already consulted with the support staff around the data collected and ideas for programming, so it is not necessary for the support staff to attend. If hourly support staff decide to attend an after school meeting, the district would be expected to pay overtime hours and these unplanned costs will certainly add up in a district (there are times the team needs this person to attend and the school administration already plans for that need). It is also one more team member that could give a dissenting opinion in a service that they feel may affect their position, ie. if a student is ready to be more independent from adult supports and the team wants to decrease that support, the adult support person may not want to make a change to work with a different student or program and use the new process this bill seeks to deter that change.

We are already experiencing a significant shortage of Special Education Staff across the state. It is a hard job, but they are here because of their love for their students, despite the ever-growing paperwork and increasing litigation challenges. If these changes were to go into effect, I know that we would lose many more of our staff, and administrators, who are already feeling overwhelmed by the expectations put on them. Please do not support this bill.

Thank you for your time and consideration,

Kathy Hamblen

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