

March 18th, 2021

To Members of the Education and Cultural Affairs Committee,

I am writing to you with concerns regarding the Proposed Bill LD 552 "An Act to Strengthen the Individualized Education Program Process". This bill causes great concerns for our students if it was to pass. We work hard to provide a free and appropriate education (FAPE) and create the least restrictive environment (LRE) for all students and this bill could greatly hinder students' rights. The current law allows schools to provide FAPE and LRE for students based on their needs and not the wants/wishes of team members. The current law states:

MUSER VI.2.I. *"The IEP Team should work toward consensus, but the SAU has ultimate responsibility to ensure that a child is appropriately evaluated; that the IEP includes the services that the child needs in order to receive FAPE; and that the child's placement is in the least restrictive educational placement. It is not appropriate to make evaluation, eligibility, IEP or placement decisions based upon a majority "vote." If the team cannot reach consensus, the SAU must provide the parents with prior written notice of the school's proposals or refusals, or both, regarding their child's educational program, and the parents have the right to seek resolution of any disagreements by initiating an impartial due process hearing or a State complaint investigation."*

If LD 552 was to pass, it would take away FAPE and LRE from all students. Our IEP teams currently try to come to a consensus and everyone has a voice during the meeting. At the end of the day, it is the evaluations, data, and student progress that determines eligibility and services. Under LD 552, if a consensus cannot be reached, then the team must go to dispute resolution and/or due process. This is not only costly for districts, but locks a student into programming or lack of programming that denies him/her FAPE and LRE. A school administrator is responsible for spending funds to provide students with the services they need, not wants/desires, and if LD 552 passes this takes away the ability for funding control at the SAU level. Though funding is not the driving concern in an IEP decision, if programming needs are left up to consensus, it could significantly impact the local budget and allocation of resources.

The second piece of the proposed law that is concerning is allowing anyone who works with the student to become an IEP team member. There are several people who work with the student who are only provided limited information about the student due to confidentiality. These people are not necessarily experts in the field and can propose things based on feeling/wants and not needs and professional knowledge. By law, we include all members who are required to attend and those who work with the student may add input by sharing thoughts with the case manager/ teacher. This could also impact the ability for administrators to staff classrooms, provide services, and would restrict our ability to have meetings outside of the regular work day for hourly employees.

Overall, the law that is currently in place allows for a team to make decisions, requires districts to provide FAPE and LRE, while giving parents an opportunity to appeal if they are unhappy with the decision. The proposed law would significantly impact our ability to provide appropriate services to students and would remove control from the school to make data driven decisions for what is best for our students. I urge you to vote against the proposed LD 552 law.

Thank you for taking the time to listen to my concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Horne". The signature is written in a cursive, flowing style.

Michele Horne, Director of Pupil Services RSU3