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Director of Special Education

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Director of Learning

March 19, 2021

Dear Senators and Representatives:

I am writing this letter to encourage you to vote against passage of LD 552, *An Act to Strengthen the Individualized Education Process*. Although the title of the act sounds extremely positive, it in fact will be extremely detrimental to the actual IEP process. I will share a couple of reasons why this is the case. I apologize for not coming to offer in person testimony, but our district is working to reopen full time and this process has required a significant amount of additional meetings and time to best support our students.

As a former long term volunteer of the National Learning Disabilities (LDA) Association and member of the Council of Exceptional Children, I assure you that the IEP process in Maine is stronger than federal law requires and stronger than most other states. Parent and student (with parent permission) at IEP meetings is not only encouraged, but required. Parents receive and are explained their rights and supported to bring advocates to IEP meetings. The wording in this proposed legislation is problematic as it will actually create obstacles to deliver services to students. Most IEP meetings end in a consensus for how services and support will be implemented, but at times, especially in the case of divorce, parents may not agree. Holding up the implementation of services in these cases may be extremely detrimental to the student. I have had specific cases where divorced parents, at times attending the meeting from out of state, have completely disagreed with a plan or request for evaluation, that subsequently, was put in place and helped a student meet success. If this new legislation is passed, all services would be put on hold for the student until parents reached agreement. I am certain this would not be in the best interest of students. Even a disruption for six months or a year could make a huge difference in implementing early intervention services. Currently the law allows parents to disagree, submit their response to the written notice and the IEP team will consider the view point and perhaps reach a new agreement, BUT, during that time, provided one parent agrees, services are in place for the child, allowing early intervention to take place.

Another area of concern in LD552 is the allowance for any staff person to be required to attend an IEP meeting. As a special education director, I always consider parents' requests for any requested team member to be part of an IEP team. However, most often I expect and arrange for the special education teacher to gather information from the educational technician and

present that information so that the educational technician can continue their work with students providing services.

Thank-you for considering my written testimony. Please do not hesitate to reach out to me personally for additional information.

Warm Regards,

*Gene Kucinkas Jr.*

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