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I am writing with concerns around the changes proposed by LD 522 are not positive for children with disabilities. These changes would also go beyond the requirements of the federal Individuals with Disabilities Education Act.

Currently in the state of Maine, the IEP team is required to work toward consensus. We, as professionals, try very hard to work toward consensus but our ultimate responsibility is to the child. We are responsible to develop and implement an IEP focused on the needs of the child that provides FAPE, a free appropriate public education. Our focus is not on the needs of the adults. It is ALL about the child and their needs at that time.

This bill requires consensus of all members of an IEP team agree before a child's IEP can be implemented. This could leave a child in an IEP program that is not appropriate and may cause harm. This is of great concern to us and I feel we would not be meeting our responsibility to the child.

The Maine Unified Special Education Rule (VI.2.I) already indicates that changes to the IEP be made by consensus and clearly states that if consensus cannot be reached there must be prior written notice to the parents of the proposals or refusals and that the parents have the right to access dispute resolution options (mediation, complaint, due process) that are available to them in their procedural safeguards. Other IEP team members (interested parties), due to confidentiality issues (FERPA) could only challenge an IEP decision through the systemic complaint investigation process, not through mediation or due process.

I am deeply concerned that this will cause undue harm to the children that are in our care.

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