



Testimony of Betsy Mahoney, Esq., Community Outreach Liaison, Autism Society of Maine, In Support of LD 552, An Act To Strengthen the Individualized Education Program Process

Senator Rafferty, Rep. Brennan and members of the Education and Cultural Affairs Committee, my name is Betsy Mahoney and I represent the Board of Directors of the Autism Society of Maine. I am also the parent of a 29-year-old son with autism spectrum disorder and intellectual disabilities who received special education services in a Maine school administrative unit.

The Autism Society supports LD 552 because it would allow parents of students receiving special education services to have greater say in their children's Individualized Education Programs.

Under current law, Maine school districts may make material changes to a student's IEP without the parents' consent as long as they provide parents with prior written notice of the changes. If the parents disagree with the school district's proposals, they have to initiate a due process hearing (or other dispute resolution proceeding), within 7 days of written notice of a proposed change in order to stop the change. At the due process hearing or through the complaint process, parents they must then prove the change was not appropriate. This law puts a great burden on parents, who typically do not have the financial resources or legal know-how to make this happen.

LD 552 would not allow unilateral changes in an IEP by a school district. Instead, it would disallow any changes the nature or extent of the special education placement or special education and related services to the IEP unless the parents give their written consent.

If a parent refuses consent for a proposed individualized education program or placement, the child's most recent agreed upon individualized education program or placement must remain in effect unless and until:

- A. The school administrative unit and parent agree otherwise;
- B. The matters are resolved; or
- C. A party files for due process

If the IEP team is unable to reach an agreement on proposed changes, the IEP in effect at the time of the proposed changes would remain in effect.

The bill essentially levels the playing field between school districts and parents. Maine law currently puts the burden on parents to ask for due process and prove that the school's desired changes are inappropriate. LD 552 would require school districts to ask for due process if they don't get their way. Disability Rights Maine did some research on parental consent regarding IEPs and found that at least 12 states require parental consent, or consensus, before changes are made to a student's IEP.

LD 552 includes a second provision that will help the entire IEP team. Currently, parents are often at IEP meetings where the person most able to answer questions they may have about the student's day and progress,— the ed tech — is not in attendance. This bill would solve that problem. It says that the team must allow individuals who regularly work directly with disabled students —usually ed techs—to attend IEP meetings, so long as the request is made within 2 school days from the issuance of the individualized education program meeting notice or as soon as practicable upon notice of an emergency meeting.

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