



TO: The Joint Standing Committee on Education and Cultural Affairs  
FR: The Five Undersigned Superintendents of the County of York  
RE: Opposition to LD 552  
DA: 12, April, 2021

Senator Rafferty and Distinguished Senators and Representatives on the Committee:

The undersigned write today in opposition to LD 552, *An Act to Strengthen the Individualized Education Program Process*. We believe the manifest and latent consequences of the bill will have an adverse impact on school districts' ability to effectively and equitably serve students.

While we appreciate collaboration and processes that seek consensus--especially those that are student-driven and focused on the spirit and letter of existing statute--the proposed revisions will have far-reaching impacts on student programming, staffing, and conflict-based litigation.

The legislation, as written (never mind the rules that will be promulgated by the Commissioner) demands unanimity. In short, when a team of educators, parents, and a student is unable to reach consensus on a change to a child's IEP, the result is *status quo ante*, but any dissenting member of the team can request mediation. The bar is extraordinarily high, and the consequences predictable: utilizing the specter of mediation--a costly and time-consuming legal process--as leverage (see §13 *sicut scriptum est*).

What's more, §14 may require both the attendance by--and the endorsement of--educational technicians which may have neither the time nor credentialing nor expertise to weigh in on the complex legal and pedagogical considerations of an IEP. For IEPs that happen during the day, Education Technicians would be removed from classrooms and compelled to attend IEPs, forcing the district to find already-scant sub coverage. Or, for IEPs held after school, an Educational Technician's contract disallows compulsory meeting attendance, or, requires the proffer of additional compensation.

Finally, in many of our districts, parent participation is woefully inadequate. Should the objection of one team member bind the program or influence legal machinations in the absence of a parent? We think not.

We appreciate the Committee's support, and endorse many of the bills you are considering this session. York County Superintendents share the sponsor and cosponsor's desire for the IEP process to be student-centered and collaborative, but the proposed amendments to §7202 are fraught.

Respectfully submitted,

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Kittery Superintendent of Schools

John Suttie  
RSU 23 Superintendent of Schools

Jeremy Ray  
Biddeford and Dayton Superintendent of Schools

Lou Goscinski  
York Superintendent of Schools

Matt Nelson  
Sanford Superintendent of School