

John Soifer
China

LD 552

To the Chairpersons and esteemed committee persons working for all children in Maine: My name is John Soifer, and I am a retired special education teacher, having worked for twenty-five years working with special education and at-risk students at both the Middle and High school levels in Winslow and Skowhegan, and I am here to encourage your strong support of LD 552, An Act To Strengthen the Individualized Education Program Process. There is an enormous body of special education law and regulation both from the federal and state level, but the reality is there are still many loopholes that leave the neediest of students without the supports they need. My personal experiences that I relate and support for LD 552 are born of the reality that diverges from what most people know to be usual process for IEPs. I thank you in advance for your efforts and willingness to hear my testimony.

Sadly and unfortunately, I have many memories of students needs being based on financial factors as well as minimal or lacking information from people who worked closely or daily with the students and knew their needs much more intimately than a director or administration, who by law are the only ones able to commit district funds. This is a very typical and common scenario for an IEP meeting. Personally, I am thrilled that some steps are being taken to address these failures in the system. While there are many many dedicated and hard working educators, the fact is that there are system problems as well as the pressure of other factors that sometimes

deflect decisions from the needs of the students. It is with difficulty and pain that I remember the times I was forced to file grievances against my employer/district in order to advocate for the needs of students on my caseload and or worked closely with in the classroom.

Additionally, the legal minimal requirements of necessary attendees at meetings often meant that those with the most intimate real knowledge of the needs of the student were not in attendance or did not feel comfortable speaking honestly in contradiction to administrators or other's perceptions.

One incident I was involved with, was a student whose attendance towards the end of the year began to dramatically decline and become a significant factor in his/her already borderline failure of most courses for the year. I was aware of an unstable home situation exacerbating the situation, when I also received a confidential and legally allowable call from the student's physician. The bottomline of the discussion was the doctor's diagnosis of severe depression and suicidal concerns. I did report this to administration, as required, and immediately requested the student minimally be covered for counseling by the school with a person the school used at the time. Again, the bottomline result was a denial of any support or willingness to spend any funds to help the student. This is just one example finances impacting decisions that take place with regular frequency at IEPs, even when it is not as obvious or extreme a situation as I described and encountered. At another time, it was an unwillingness to have a special education bus pick up a student living alone at a homeless shelter in the midst of sub-zero winter weather. Much more common and similar to financial concerns are educators who really don't understand, care or accept the serious impact of a student's disability and the need for appropriate accommodations and supports. This can often be an educator deciding about testing/evaluation settings resulting from depression and anxiety. The educator will often feel it is enabling and he/she just doesn't agree and ignore it. This leaves a special educator in a position of letting it go or antagonizing a colleague.

Another serious factor, which LD 552 should hopefully address, is educators and educational technicians who work closely and often almost entirely with a special education student, especially in one-on-one situations, not attending meetings and being able to speak freely without fear of retribution. The issue often arises since they are hourly employees and the vast majority of meetings are outside of their official workday times. Additionally, they are the most vulnerable employees in the system and feeling safe to speak honestly sometimes in opposition to their supervisors is daunting, even with the amazing support of their educational association (MEA). It is a great first step to recognize the need for these educators to attend the IEP meetings. However, for this to be effective, it is vital that they also be given protections and supports for speaking up. I know first hand from many experiences how difficult it is for staff to speak honestly and openly at these IEP meetings, especially if it involves contradicting or even presenting a different perspective than their evaluators and bosses. They need reassurances similar to whistleblowers if this provision is to have any usefulness.

It has been my experience from facilitating and attending a hundred plus meetings a year for twenty plus years, that many educators feel like they can only say positive, nice comments at the meetings and do not feel comfortable sharing their honest perspective on the educational needs of the students. The effective IEP meetings I was involved with were when people are honest about the student's needs, current level of performance and then work collaboratively to create an IEP that addresses the issues realistically; this model meeting is not the norm unfortunately even though it is what's described in the regulations. Many meetings I attended

were “speed” shows discussing and addressing students entire IEP for a year in under fifteen minutes.

From my personal experiences of working so closely and fighting to advocate for so many needy students over the years it is with relief that I see LD 552 working to correct some of the failures of the system. The vast majority of people involved care deeply and work tirelessly to help all students, but the sad truth is that these are the most vulnerable of our students whose needs often come last when it comes to expenditure of expensive supports and or addressing their needs of accommodations to make their inclusion in regular education and real integration into the school community in order for them to make the critical transition to productive inclusion into our communities. I sincerely applaud the committee for a willingness to try and address some of the flaws in the current system and pass legislation like LD 552, which corrects and improves the IEP process so critical to some of our most vulnerable students and their families.

My sincere thanks to you for your time and efforts, John Soifer

(I apologize for not being able to present my testimony personally. I have appeared several other times to present to the Education Committee and have always valued the respect and seriousness that my remarks were given, and occasional further inquiry with me. Please feel free to contact me with any questions that may arise from my written testimony at johnsoifer@gmail.com or (207-445-4250 after March 28th). Thank you again. John)