

To whom it may concern:

I realize the public hearing for LD 552 has passed. Nevertheless, I feel compelled to share my concerns regarding the proposed bill:

I am concerned that the end result of this change regarding IEP decision-making will be that any time the adults at the meeting are unable to reach agreement, the child will be stuck in programming that may need quick and essential changes but no change can be made. Instead, the matter will go to dispute resolution and due process.

Although some people do not like it when consensus is not reached in an IEP meeting, the school representative makes a decision, subject to parent appeal, and at least this process allows a decision to be made without negatively impacting the student's program. Children need decisions to be made about them rather than putting such decisions on hold "pending alternative dispute resolution."

It is not always parents who want more services for students. Sometimes the school does, and the parent doesn't. And the child's needs would then be put on hold. The system must allow decisions to be made, for the sake of children, rather than put on hold. Again, most of the time, everyone agrees. But when they do not, if no decision can be made, it puts the child's situation on hold, and that is harmful to the child.

This matter is heightened here because the proposed law requires agreement by everyone. This means that one staff member, perhaps one regular education teacher, could shut down the development of a plan or the addition of necessary services, for the child. Again, decisions need to get made for the student as quickly and as efficiently as possible, even when everyone may not be in agreement. To permit a regular educator to block services otherwise agreed upon is a mistake. Again, this is rare, but the proposed law would permit it.

The second proposed change in the law further amplifies the difficulty. It permits any staff member who works with the child to make him or herself a member of the team. This would add one more person who could block the team from reaching consensus and delay needed changes to the child's IEP.

Beyond this, school administrators need to be able to decide where staff needs to be in the building to maintain student safety. If an educational technician decides he or she should attend the meeting, and as a result, a very needy child goes without necessary support during the meeting, this is of course a very bad thing and could result in under-supervised circumstances for our neediest children. Administrators on the ground in the school building usually know best where and when supervision is required. They should be permitted to make decisions about IEP attendance, as long as the persons who are required by law to be in attendance are in attendance.

The federal law, and Maine law currently, require that a regular educator and special educator for the child be in attendance. Administrators should be able to decide whether others attend, and very often they do attend.

Sincerely,

Eric Waddell

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