

MSAD #51

The Schools of Cumberland and North Yarmouth, Maine

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January 30, 2023

To: Education and Cultural Affairs Committee

From: Carla Fancy, Assistant Director of Instructional Support, MSAD #51

I wanted to share concerns regarding the proposed LD 98: An Act to Update the Special Education Laws. While I support appropriate IEP services for students with disabilities as a strong advocate for these students, I have some concerns with the lack of clarity for who is eligible for extended eligibility until age 22 and the FAPE standard. Already, I have witnessed delays by parents and outside case managers in pursuing adult services which are negatively impacting students. I do support the following:

- Pupil evaluation to individualized education program team; Hearing impairment, including deafness to Deafness, including Hearing Loss; and Deaf and Blindness to Deaf-Blindness to align with current and best practices
- Equal educational opportunities to equal opportunities for an appropriate education to highlight appropriate educational programming
- Addition of “by means of appropriate educational programming, including transitional programs” to highlight appropriate transitional programming for post-school outcomes
- Addition of “educational programming may be full- or part-time”. The current language in LD 98 is strong and permits full- or part-time programming. Because programming must be determined by IEP teams and set forth in student IEPs, programming for adult students, aged 20-22, can be completely individualized in length and structure.

I have grave concerns about these proposed changes:

- Lack of clarification of a free appropriate public education (FAPE) standard. There is no educational programming for adult students without disabilities, aged 20-22.
- Lack of funding for general education programming; LD 98 states educational programming “must be equitable to that provided to typically developing same age peers” and “must be educated with children without disabilities” however there is no funding for general education programming for students who fall within the extended eligibility age span nor are there clearly defined educational opportunities for adults aged 20-22 without disabilities
- Lack of funding through MaineCare for adult students falling within the extended eligibility age range as the Maine DOE may not continue to fund this.

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- Perception of eligible adult students for extended eligibility to age 22. The conversations I have had with the DOE assumes a very small number of students would be eligible but the proposed language is written to extend eligibility for any student with a disability who has not yet earned a high school diploma. LD 98 is broader than assumed, and the costs have been underestimated.
- I have grave concerns about deferring adult services. There is no mention of DHHS continuing to provide services for students with disabilities aged 20-22. Already, case managers are advising families that their child can stay in school until age 22 and therefore, should delay seeking adult services. This delay is not in the best interest of the student who is ready to move onto post-secondary options prior to age 22.

Please consider these concerns for LD 98. Those of us who have devoted our careers to educating students with disabilities work tirelessly to ensure that students get the required services and support needed. We need clarity to do the good work that we do daily and program appropriately for student post secondary transitions.

Respectfully submitted,



Carla Fancy