

MSAD #51

The Schools of Cumberland and North Yarmouth, Maine

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Comments On Proposal LD 98

January 28, 2023

To: Education and Cultural Affairs Committee

From: Julie Olsen, Director of Instructional Support MSAD #51

These comments are being submitted to outline concerns regarding the proposed LD 98: An Act to Update the Special Education Laws. As a Director of Instructional Support for a southern Maine district, I support appropriate IEP services and programming for all our students with disabilities and therefore support many components of the language changes outlined in LD 98. My concern lies in the lack of clarity of the FAPE standard and clarity around who is deemed eligible for extended eligibility to age 22. I feel this language delays parents and outside case managers in pursuing adult services. The language pieces I strongly support in the proposed legislation are:

- Changing pupil evaluation to individualized education program team; Hearing impairment, including deafness to Deafness, including Hearing Loss; and Deaf and Blindness to Deaf-Blindness. These all align with current and best practices in the field.
- The addition of “by means of appropriate educational programming, including transitional programs.” This emphasizes the need for appropriate transitional programming for post-school outcomes to continue to occur for all students.

- The addition of “educational programming may be full- or part-time”. This current language in LD 98 is strong and permits full- or part-time programming. It is critical that programming be determined by IEP teams and set forth in student IEPs and this language allows IEP teams to continue to do this job. This language allows programming for adult students, aged 20-22, to be completely individualized in length and structure.

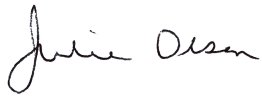
As a Special Education Administrator for 15 years, I have significant concerns with the rest of language changes around extended eligibility in LD 98. It is unclear in this legislation what a free appropriate public education (FAPE) standard is for our 21-22 year old students. LD 98 states educational programming “must be equitable to that provided to typically developing same age peers”, however there is no educational programming for adult students without disabilities, aged 20-22. I, and others in the field, assume this refers to Adult Education programming, yet LD 98 is unclear. Second, there is a 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. Schools are underfunded and this is yet another underfunded initiative if we do not account for the regular education expenses. Third, there is a lack of funding through MaineCare for adult students falling within the extended eligibility age range. Currently the Maine Department of Education is providing funding for special education services, however there is concern of how long this specialized funding will last. If

schools need to absorb these costs with no MaineCare support, that is yet another financial hit. Fourth, I am concerned about the ongoing messaging that this law covers only a very small number of adult students with a high level of need. This is not the case. The law will extend eligibility for any student with a disability who has not yet earned a high school diploma. Schools will continue to have to serve, or attempt to serve, any student who may have stopped attending school regularly, but has not dropped out. The law would also reach any student who may have earned a high school diploma, but the family has filed a legal claim saying that the student's goals have not yet been sufficiently met. The new age eligibility would expand the school's special education "child find" obligation to include students without diplomas who may assert that they have not received a diploma because of an unrecognized disability; the reach of LD 98 is much broader than assumed, and therefore the costs are more extensive than assumed. As a director I am already seeing situations of this in my district. Lastly, I am gravely concerned that we are deferring adult services with LD 98. This legislation does not address the need for adult services in DHHS to continue to serve adults with disabilities between the ages of 20 and 22. Without any mandate for DHHS, there is significant concern that adult services will simply defer support for adults aged 20-22 until the latest possible time, which would then be 22 rather than 20. This deferment is already happening in real cases with real students during IEP team meetings. Simply deferring adult services and the support system that will apply to adults with disabilities for two more years is not in the best interest of our students. I think we need to ask the question, "how can we better fund and prepare our adult service programs?"

I would like to reiterate that I feel passionately about educating all our students and ensuring that they get what they need when they need it. My hope is that we can work together to better ensure proper and timely adult services.

Thank you for your consideration of these concerns and I am available to answer any questions or follow ups on this testimony.

Respectfully submitted,

A handwritten signature in black ink that reads "Julie Olsen". The signature is written in a cursive style with a large initial "J" and "O".

Julie Olsen, Ed.D

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