

March 31, 2021

Chairwoman Daughtry, Chairman Brennan, Distinguished Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Alan Cobo-Lewis. I live in Orono. I am director of the Center for Community Inclusion and Disability Studies at the University of Maine (CCIDS).

CCIDS is Maine's federally funded University Center for Excellence in Developmental Disabilities (UCEDD, pronounced "YOU-said"), authorized by the federal Developmental Disabilities Assistance and Bill of Right Act of 2000 ("DD Act"). The purpose of the national network of UCEDDs is to provide leadership in, advise federal state and community policy leaders about, and promote opportunities for individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life. Part of the federal mandate of CCIDS is to educate and advise policymakers, including members of the state legislature. Consistent with CCIDS responsibilities under the DD Act and consistent with University of Maine Board of Trustees policies [212](#) and [214](#), I am submitting material pertaining to LD 552 for myself and for CCIDS, not for the University of Maine or the University of Maine System as a whole.

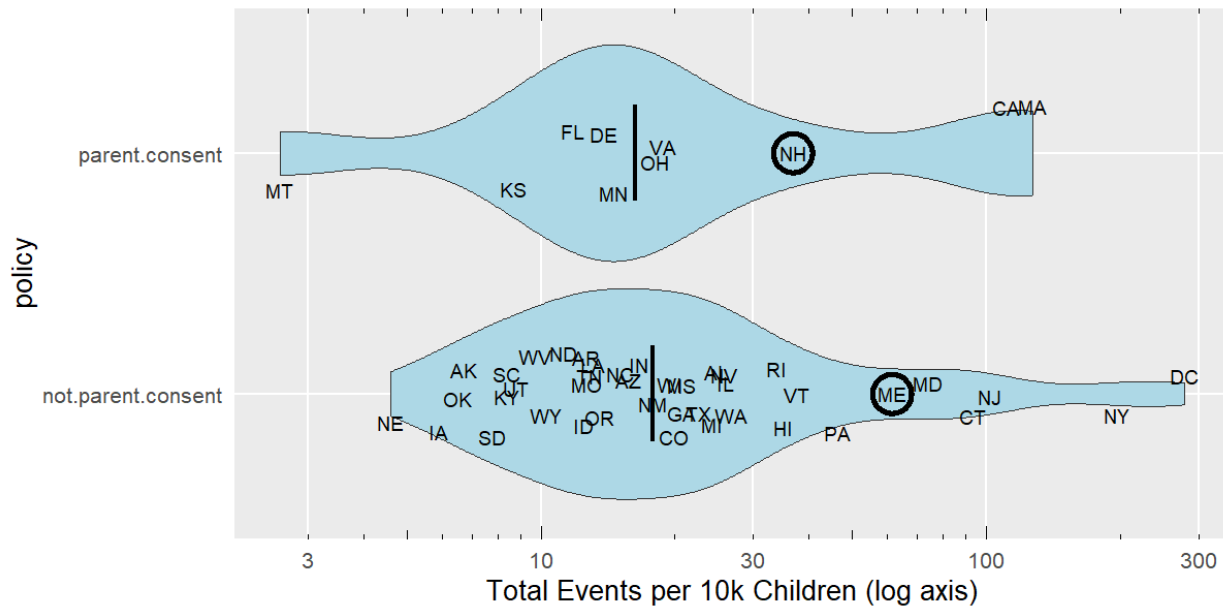


Figure 1. Rate of Dispute Resolution Events in State or District by that State or District's Policy on Parent Consent to IEP Changes, for 2018-19 School Year. Data points are vertically jittered to minimize overplotting. Data sources: https://www.cadreworks.org/sites/default/files/resources/National%20IDEA%20Dispute%20Resolution%20Data%20Summary%202018-19%20-%20Final%20Accessible_0.pdf and <https://www.copaa.org/page/BOP>

LD 552 would, among other things, require IEP Team consensus for a change in services, subject to IDEA dispute resolution processes such as due process hearing or state complaint. This would amount to

making Maine a “parent consent” state. Concerns were raised at public hearing about the cost to school districts of adopting such a policy. Absent data, this concern may be understandable. But there are data that speak to the issue.

Figure 1 plots the number of IDEA dispute resolution events per 10,000 children in the 50 states + DC, categorized by state policy on whether parent consent is required for IEP change. The vertical lines show the median rate of such events for each group of states.

The median rate of dispute resolution event is similar for “parent consent” and “not parent consent” states: 16.3 vs 17.8 events per 10,000 children, respectively. (The figure classifies as “parent consent” those states that require parent consent for only a sub-set of IEP changes, but the picture drawn by the data does not change substantially when those states are moved from the “parent consent” category to the “not parent consent” category. In addition, if New York, New Jersey, and Connecticut, which are not “parent consent” states but which place the burden of proof on the school district in due process hearings, are moved to the “parent consent” group then the picture drawn by the data still doesn’t change substantially, with the medians becoming 18.8 vs 16.2 events per 10,000 children, respectively.)

While Maine does have a high rate of dispute resolution events, the data indicate no obvious association between a state’s rate of dispute resolution events and a state’s policy on parent consent.

My understanding from testimony on the bill is that the [sponsor has offered an amendment](#) to align Maine’s policy on parent consent with that of New Hampshire. You will see in the figure that New Hampshire actually has a somewhat lower rate of dispute resolution events than Maine has (36.8 vs 61.4 per 10,000 children, respectively).

Because the data do not indicate a clear association between state policy and rate of dispute resolution events, I urge the committee to consider LD 554 based on the wisdom of the policies rather than on fears about cost of dispute resolution.

Respectfully submitted,

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