



February 1, 2021

Senator Matthea Daughtry, Chair
Representative Michael Brennan, Chair
Joint Standing Committee on Education and Cultural Affairs
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

Re: February 1, 2021, Committee Orientation and Meet and Greet

Dear Senator Daughtry, Representative Brennan, and Members of the Committee on Education and Cultural Affairs:

My name is Atlee Reilly and I am a Managing Attorney at Disability Rights Maine (DRM), Maine's federally funded protection and advocacy agency for individuals with disabilities. Thank you for the opportunity to appear before you today to introduce you to DRM and discuss our work on behalf of students with disabilities.

Disability Rights Maine is a private non-profit organization, governed by a volunteer board of directors, and designated by the Governor of Maine to serve as Maine's independent protection and advocacy agency for people with disabilities. DRM works to ensure autonomy, inclusion, equality and access for people with disabilities in Maine through education, strategic advocacy and legal intervention. We have over 40 staff, 14 of whom are attorneys, and work under 21 funding sources and across 15 federal and state programs to ensure that Mainers with disabilities: are protected from abuse; are able to control the decisions that affect their lives; receive the services and supports necessary to live independently; have the opportunity to work and contribute to society; and have equal access to the same opportunities afforded other Mainers.

DRM has two attorneys who provide educational advocacy services statewide. Because there are no federal funds earmarked for educational advocacy, the State of Maine supplements our federal funding (through a general fund appropriation in the DHHS budget), which enables DRM to provide free

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MAINE'S PROTECTION AND ADVOCACY AGENCY FOR PEOPLE WITH DISABILITIES

advocacy and support services to students with disabilities. These funds are used to represent students with disabilities who are: placed inappropriately in segregated or unnecessarily restrictive settings; excluded from school for reasons related to their disabilities; victims of abuse or neglect while at school (including the inappropriate use of seclusion and restraint); or receiving an education that is inadequate to prepare them for transition to post-secondary activities.

Over the next two years, we look forward to serving as a resource to this Committee as you address issues impacting students with disabilities. We are particularly interested in providing information and resources to inform any efforts to: a) reduce the use of exclusionary disciplinary practices (an effort that should gain urgency in the wake of the unprecedented COVID-19 related disruptions); b) reduce the use of restraint and eliminate the use of seclusion; c) support students with disabilities in inclusive settings; d) increase access to necessary early intervention services; and e) ensure that students with disabilities receive the support they need to move successfully to post-secondary education, employment and independent living.

We understand that you are particularly interested in hearing about the impact of the COVID-19 related educational disruptions on the individuals we serve. Many students with disabilities and their families have been disproportionately impacted by the COVID-19 pandemic. For some students, remote learning is not a viable option. While other students need significant support, including in person adult support, to access remote learning opportunities. And the supports many students and families need, both community and school based, have been very hard to come by. Some students with disabilities have had significant difficulty complying with face covering requirements, which has presented a barrier to accessing supports in some schools. While some schools have gone to great lengths to individualize responses in many areas to meet the needs of students with disabilities, others have been inappropriately rigid and too quick to say their hands are tied even in the face of evidence that the approach they have chosen is not working for a particular student or group of students.

While the world has changed since March 2020, the law has not. This reality presents some obvious difficulties for schools and has resulted in an increasing amount of confusion and frustration among families. DRM has developed resources to support students and their families in navigating this new landscape (several are provided below), and we have partnered with the Maine Parent Federation to provide online trainings that have reached thousands of people – including students with disabilities and their families, educators, and other professionals. And DRM continues to use individual and systemic advocacy tools, both formal and informal, to ensure that students with disabilities receive equal access to educational opportunities and to enforce their federally protected rights.

As we approach the one-year mark of the pandemic, we want to highlight the following areas of concern which, if addressed for all students, would significantly benefit students with disabilities:

- a) Schools must identify the students who have not been able to benefit from remote instruction and must find ways to deliver the supports that those students need, even if the school as a whole may move to remote learning or continue hybrid learning in the future.

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- b) Schools must begin to identify the impacts of this pandemic on students in order to develop and implement plans to accelerate learning to address education losses. The impacts of the pandemic have not been felt equally.
- c) We need to stop saying that schools should just do the best they can. This messaging has led to significantly different educational responses throughout the state. When we hold students to high expectations, while providing appropriate supports, they generally rise to meet or exceed them. The same should be true of the expectations we have, and the supports we provide, to our schools as we continue to confront this pandemic and as we begin the hard work of recovering from it.

Here are some resources that might be helpful to you or your constituents:

Protecting the Rights of Students with Disabilities During and After the COVID-19 Educational Disruption

(<https://drme.org/assets/brochures/DRM.IDEA.guidance.8.2020.FINAL.docx>)

Face Covering Requirements and the Rights of Students with Disabilities

(<https://drme.org/assets/brochures/Face.Coverings.09.18.2020.pdf>)

Individualized Remote Learning Plans and the Rights of Students with Disabilities

(<https://drme.org/assets/brochures/IRLP.guidance.9.2.20.docx>)

Thank you again for your time. Please think of DRM as a resource to assist you in understanding the potential impacts on students with disabilities of proposals that may come before you. And please contact me with any questions or concerns related to the education of students with disabilities in Maine.

Respectfully Submitted,

Atlee Reilly
Managing Attorney
Disability Rights Maine