

**2025-2026 Officers****President**

Dr. Debora Murphy
RSU 2

President Elect

Jody Raymond
Stillwater Academy

Vice President

Dr. Kathryn Hawes
MSAD 6

Secretary

Angela Moore
Brewer School Dept

Treasurer

Cheryl Mercier
RSU 18

Past President

Lesley Snyer
RSU 87

Staff

Gay Anne McDonald
Executive Director

Tammie L. Hersom
Admin. Assistant

Date: 02.09.2026

To: Maine Department of Education

Re: Public Comment on Draft Master Contractual Agreement

MADSEC appreciates the opportunity to provide public comment on the Draft Master Contractual Agreement and supports the development of two separate contractual documents to clearly delineate expectations for Special Purpose Private Schools and for Private Schools Approved for the Receipt of Public Funds for Tuition Purposes. MADSEC represents over 400 special education professionals serving students with disabilities in both public and private schools. Comments below reflect the organization's strong advocacy for the integrity of IDEA and the IEP team process, the entitlement of due process, and concern that language within the drafts may conflict with federal and state law.

Specifically, MADSEC questions Section 7 of both drafts addressing "Removal or Discharge." As written, this section appears inconsistent with current federal and state law, existing Maine DOE guidance, and recent federal court rulings in Maine.

The United States District Court for the District of Maine has recently signaled that IDEA standards—including standards governing dismissal and the IDEA's "stay-put" provision—apply to publicly funded private schools in Maine. In *Spurwink Services, Inc. v. Doe et al.*, the court's reasoning relied on Maine's existing statutory and regulatory framework, which authorizes the Commissioner to impose such obligations. The decision also aligns with Maine DOE Administrative Letter 28, "IEP Requirements for Out-of-Unit Placements" (November 24, 2021), which states in the event of a dispute, the "stay put" provision is in effect.



MADSEC also holds concern with undefined “criminal activity” within the draft provisions permitting emergency termination. We believe the absence of a clear definition / level of criminal activity, creates the potential for inconsistent interpretation and application. Additionally, the standard, specific to “serious injury” appears looser than those permitted under IDEA and MUSER for emergency removals to an interim alternative educational setting. The draft allows dismissal for “serious injury” that may require a hospital visit, rather than the IDEA’s more specific “serious bodily injury” standard.

In closing, MADSEC appreciates the Maine Department of Education’s responsiveness to stakeholder feedback and recognizes the Department’s efforts to revise the draft Master Contractual Agreement based on public comment received to date. MADSEC remains concerned that key provisions of the Agreement—particularly those governing removal or discharge—present conflicts with current federal and state law and existing Maine DOE guidance. We respectfully urge the Department to give careful consideration to the concerns raised in this comment before finalizing language in the Agreement.

Respectfully,

Gay Anne McDonald

Gay Anne McDonald
Executive Director
MADSEC

