

Testimony in Favor of HB 699 – Special Education Ombudsman
Submitted by: Danielle LeClair, University Park, MD
Position: Support

Thank you for allowing me the opportunity to submit this testimony in favor of HB 699, which would establish the Special Education Ombudsman in the Office of the Attorney General.

I want to especially thank the bill's lead sponsor, Delegate Washington, for his introduction of this important bill.

My 12 year old daughter and I live in University Park, MD. I adopted my daughter as a single parent almost three years ago from the foster care system. She is a smart and kind girl who has made Honor Roll almost every quarter, is a great athlete, plays the trombone in the school band, and loves animals, especially dogs.

She also has a number of significant mental health challenges from the trauma she suffered in her birth and foster homes in the first 9 years of her life that affect her ability to learn. While in her abusive and neglectful birth home, my daughter not only did not go to preschool, but she missed about half of kindergarten as well because her birth mother just didn't send her. Think about the critical building blocks of education that kids learn in kindergarten and what it means to miss those. When in first grade, my daughter entered foster care, and was diagnosed with a number of developmental, emotional, and learning disabilities. Unfortunately, her foster mother did nothing to help my daughter at school or at home. My daughter was socially promoted out of first grade, but thankfully, her wonderful teachers in second grade saw her potential and held her back to repeat the grade, doing tremendous work with her to catch her up in her special education and general education classes.

My daughter came to our home in Prince George's County for the last quarter of second grade, where she started in Ms. Camper's class at University Park Elementary School. My daughter had an IEP from her time in foster care, which typically transfers with a foster child to a new school to ensure a smooth transition, especially in the middle of a school year.

As you may know, an IEP is an Individualized Education Program, which is a plan to provide services in public schools to children with disabilities under the Federal Individuals with Disabilities Education Act, or IDEA. And IEP is a guide to those services for teachers, parents, and the student to ensure that the child receives a Free and Appropriate Public Education as guaranteed by Federal law. My daughter had been tested while in foster care and it was determined that she had a qualifying disability and was found eligible for services for her learning and other disabilities including ADHD.

After two months at her new elementary school, UPES, all of my daughter's general education and special education teachers, the assistant principal, and I agreed that the IEP should remain in place at UPES. However, the principal of UPES was the only IEP team member to vote against continuing my daughter's IEP – giving no reason for her opposition. Thankfully, the rest of the team agreed to continue my daughter's IEP, but I feared at that time we would have trouble down the road getting the accommodations she needed.

During third grade, my daughter was again lucky to have two excellent general education teachers – Ms. Nell and Ms. Roy - and special education teacher Mr. Sacapano. My daughter's grades were the best she'd ever had due to the quality of her teachers and her IEP, which allowed for her to get extra help in reading and speech and spelling in particular.

Unfortunately, toward the end of third grade, my daughter's health worsened considerably. Her doctors added new diagnoses and treatments, but with her anxiety and PTSD and ADHD peaking, she started to have trouble in school.

I requested and received academic and psychological evaluations from UPES/PGCPS to determine how best to address my daughter's disabilities in school. The findings of those tests, conducted by PGCPs staff, confirmed her learning challenges. The testing provided a number of recommendations to be included in her IEP, so I then requested that those be added as additional reasonable IEP accommodations. These were important to my daughter but not majorly burdensome on the school, including:

- Letting my daughter sit next to quiet or less distracting peers
- "chunking" assignments – breaking them down into little pieces
- Provide organizers and other study aids
- Extra time for tests and other assignments
- Less homework or letting her turn in homework weekly vs daily
- Having the teacher ensure her homework materials were in her backpack before leaving school

However, at our next IEP meeting following the results of the school district's testing, the UPES principal denied my request to add these accommodations. She gave little reason why, other than saying they weren't needed, despite the PGCPs evaluations to the contrary.

I didn't know how to challenge the principal's unilateral denial – I was intimidated by her. So I resorted to hiring an educational consultant, because I felt that I needed to do whatever I could to ensure that my daughter received the Free and Appropriate Public Education that she's entitled to under the law. Once the consultant joined the IEP team, that triggered staff from PGCPs to join the IEP team as well.

Long story short, the addition of the PGCPs staff to oversee the IEP process versus the principal being in charge resulted in almost every single accommodation I'd requested months earlier to be added to my daughter's IEP.

That sounds like great news.

But I had to spend \$4,000 for the consultant. That's \$4,000 that could have gone toward my daughter's expensive trauma therapy, which is not covered by insurance. It could have paid for a comprehensive neuropsychological assessment or gone toward a service dog.

Additionally, my daughter missed out on these needed special education services for months. She will never get that time back.

Finally, at the first IEP meeting following the addition of the accommodations, with no notice to me, a different PGCPs staffer came to the IEP meeting. When I raised the question of whether my daughter would be eligible for a non-public private school placement (paid for by PGCPs), the PGCPs staffer actually threatened me with truancy court, despite knowing full well the reason why my daughter was having trouble coming to school was well-documented and related to her disabilities. In other words, PGCPs staff threatened me once I asked for something they didn't want to pay for. This is why it's important that there's a neutral ombudsman in HB 699 – to allow Maryland families to have somewhere to go when they feel threatened by our own school district staff. Somewhat ironically, providing special education services would actually reduce truancy/absences at our schools because if children with disabilities are getting the accommodations that they need, they will be less likely to avoid coming to school, because they will be getting the tools that they need to learn and thrive instead of sitting in a classroom feeling lost.

My family is not alone having challenges at UPES or other Maryland schools as parents of kids with disabilities. I know of at least half a dozen other families who left UPES because of special education accommodation denials. Despite their children being eligible for these services, families often get worn down – or don't have the funds to hire experts – to fight for what their children are legally entitled to. That's why HB 699 is needed. Maryland families of kids with disabilities need help in the form of a neutral ombudsman who is removed from your county's school district to give advice to parents, students, and school staff alike.

HB 699 is a common-sense way to help families navigate the extremely complex and legal special education process by creating an Ombudsman in the Office of the Attorney General so that we parents have someone to go to for help without having to resort to the expensive – and often perceived as hostile – route of hiring an attorney or expensive educational consultant. Many families can't afford these expensive outside resources, so the creation of the Ombudsman will ensure that access to help to secure a Free and Appropriate Public Education for Maryland children with disabilities will be exactly that – free.

I hope that you will move quickly to a vote in favor of this important bill and to also support other legislation to help Maryland families struggling with disabilities, including mental health issues.

Thank you.