



**HB 903: Education - Access to Attorneys, Advocates, and Consultants for
Special Education Program and Fund - Established
February 21, 2024
Position: Support**

The Maryland Down Syndrome Advocacy Coalition (MDAC) is a coalition of the five Down syndrome organizations in Maryland as well as individuals with Down syndrome and their family members who have come together to advocate for improved quality of life for all individuals with Down syndrome throughout the state of Maryland. MDAC works in coalition with other disability and advocacy organizations across the state and supports many legislative and policy efforts.

MDAC supports HB903, which would establish the Access to Attorneys, Advocates, and Consultants for Special Education Program and Fund. This program would provide needed support for low- and moderately low-income Maryland families who have a child with an Individualized Education Program (IEP) and are at odds with their school or district on specific and significant matters related to the special education process.

The Program and Fund will benefit families with children with Down syndrome who meet the income eligibility requirements and would otherwise have difficulty accessing needed legal, advocacy, or consultant support. Many of these families are in conflict with their IEP teams over serious issues that have lifelong consequences for their children. Despite decades of research indicating that students with Down syndrome make the most academic progress and have the best long-term outcomes when they are fully included in general education classrooms,¹ in Maryland only 18% of students with intellectual disabilities are fully included.² Students who take the alternate assessment—about 10% of students with IEPs—are routinely segregated; fewer than 4% are fully included, while 61% are in separate self-contained classrooms and more than 20% attend separate schools with no access to nondisabled peers.³

We frequently hear from families across the state that they are dealing with challenging differences with their IEP teams because they oppose their school team's proposal of a more restrictive placement or reduction in critical instructional or related services like intensive reading interventions or speech therapy. Or they are being threatened with the school filing due process against them because they refuse to consent to IQ testing or to move their student off the diploma track to the alternate assessment and instruction aligned with the alternate academic achievement standards.

Bringing an experienced advocate to the IEP table is often all that is needed to ensure that a student and family's rights and opinions are respected in the process. In other cases, having an expert special education consultant provide an outside lens on a student's program and make suggestions about

¹ https://alana.org.br/wp-content/uploads/2016/12/A_Summary_of_the_evidence_on_inclusive_education.pdf

² U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs, *44th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2022*, Washington, D.C. 2023. Exhibit 65, p.153, <https://sites.ed.gov/idea/files/44th-arc-for-idea.pdf>

³ Maryland State Department of Education, Workgroup Data Overview, Sept. 20, 2023, https://blueprint.marylandpublicschools.org/wp-content/uploads/sites/20/2023/12/WorkgroupDataOverview_8232023_A.pdf

strategies, accommodations, and supports can help an IEP team get “unstuck” and better support a student. The contributions of advocates and consultants could also have impact beyond the single student they are hired to assist by offering new ideas, suggestions, and perspectives to educators, other IEP team members, school administrators, and district staff. In addition, the 25% of the Fund that will be reserved for families who need attorneys for due process proceedings will chip away at long waiting lists for free and low-cost special education legal assistance. We know that without legal representation families lose—100% of the time between 2014 and 2021⁴—making this type of funding the only chance these families have of the dispute being resolved in their favor.

We also are very supportive of the data collection provision in HB903 that would require the annual reporting of additional data about special education disagreements. More information about the nature of the disputes between families and schools/districts, and the grade level, disability category, placement, race, ethnicity, gender, English learner status, and Free and Reduced Meals (FARMS) status of the students caught in these conflicts may lead to ideas for durable solutions that could prevent many disputes, thereby improving the educational experiences of students with disabilities.

While we all work together to improve the educational experiences and long-term outcomes of Maryland’s students with disabilities, including students with Down syndrome, HB903 will provide much needed relief and assistance to some of the most economically disadvantaged students with disabilities.

For these reasons, MDAC supports HB903.

Respectfully submitted,

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⁴ According to data compiled on pro se cases. Also see, AUCD Policy Talk, Aug. 28, 2020, “A Fighting Chance in Due Process Hearings,” <https://aucdpolicytalk.org/2020/08/28/a-fighting-chance-in-due-process-hearings/>