

CRAIG J. ZUCKER
Legislative District 14
Montgomery County

Budget and Taxation Committee

Subcommittees

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Administration

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James Senate Office Building
11 Bladen Street, Room 122
Annapolis, Maryland 21401
410-841-3625 · 301-858-3625
800-492-7122 Ext. 3625
Fax 410-841-3618 · 301-858-3618
Craig.Zucker@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Craig J. Zucker
Senate Bill- 783 – Special Education – Judicial Actions – Attorney’s Fees and Related Costs
Senate Education, Health and Environmental Affairs Committee
February 18th, 2020
1:00pm
Position: SUPPORT

Good afternoon Chairman Pinsky, Vice Chairman Kagan, and distinguished members of the committee. It is my pleasure to testify today in **support of Senate Bill 783 – Special Education – Judicial Actions – Attorney’s Fees and Related Costs.**

Under the 1975 Individuals with Disabilities Education Act (IDEA), students with a disability are entitled to the development of an Individualized Education Program (IEP). When disputes arise between parents and school systems about what exactly should be included in the IEP, parents are entitled to a judicial process to resolve the dispute. Currently, federal law and the Code of Maryland Regulations (COMAR) authorizes courts to award attorney’s fees when a family wins a due process hearing.

As a result of the 2005 Supreme Court decision *Schaffer v. Weast*, parents must present admissible evidence about educational methodology, complex behavioral supports, medical issues, and other technical subjects. Only qualified expert witnesses can present this technical testimony which can easily cost thousands of dollars. This financial stress is underscored by a report from the Coalition of Parent Attorneys and Advocates which states that nearly two thirds of children with disabilities are a part of a household earning under \$50,000 annually.

This legislation authorizes a court to award reasonable attorney’s fees and related costs, including expert witness fees and costs to the parent of a child with a disability. Parents should not face unjust financial barriers to provide their child with quality educational opportunities they deserve.

I urge a favorable report on Senate Bill 783. Thank you for your kind consideration.