

Testimony In Support of SB 371 SPED Extend IEE Tim

Uploaded by: Ceruolo, Rich

Position: FAV

February 3, 2021

Maryland Senate
11 Bladen St.
Annapolis, MD. 21401

In Support of SB 371: Special Education – Individualized Education Plans – IEE Ed. Evaluations.

Members of the Education, Health and Environmental Affairs Committee.

As a parent and advocate for persons with disabilities, I can't help but support a bill like this one being proposed. The special education procedures protected under Individuals with Disabilities Education Act (IDEA) have been under attack by local school systems since the law was first written and implemented nearly 20 years ago. Extending those IEE and Special Education evaluation timelines so that a child can be evaluated, will be helpful to many disabled children and their families. In fact, crucial help to them.

Independent Education Evaluation (IEE) is an eval option that is included into the IDEA law, and allows a parent to request an education evaluation of their child, by a resource outside of their local school system. Many parents new to special education process do not have the resources to fight for an IEE or are taken to Due Process hearings by their local school system for merely requesting an IEE. A very daunting and extremely expensive process. Like many parents, I have been down the Due Process Complaint road with my local school system, and it is not an experience that I or many of us parents would ever like to repeat.

Independent Education Evaluation (IEE), too often our children are denied the services & supports, and the quality education evaluations required to support the need for those SPED services and supports. Our children are seen as expensive burdens being thrust onto local school systems by their parents. They're our kids. Schools are tasked with the legal obligation to educate our children with disabilities by federal law. Illegal gamesmanship by school personnel, playing with the system of Evaluations, IEP processes and IDEA laws to find ways around meeting the obligations of the IDEA law like **Child Find**. A school system's legal duty to identify and service all children with disabilities in their district.

Often delay tactics and feigning ignorance of the federal IDEA laws is just couple of tactics, in a long list, that school system personnel employ against a family to try and slow down the process of identifying and evaluating of their child with disabilities. Hoping that the family will get frustrated by the IEP meeting process and procedures, give up and simply go away. Saving the school district money on evaluations and services for the entirety of that child's education. Directly or indirect action to deny a child with disabilities the services guaranteed to them by federal anti-discrimination laws, is not legal, and certainly is NOT the way forward for the special education process as a whole. Yet it happens in our schools every-single-day. All under the guise of saving tax payer money, our tax money.

Please help to support our students so that they can gain the skills and education so that they can reach their full potential. Please support approaches like Senate Bill 371 in support of our children with disabilities, so that they can get the services they need to be successful today and into the future. Thank you for your time and your consideration of my testimony today.

Mr. Richard Ceruolo

Parent and advocate for persons living with disabilities | Parent Advocacy Consortium

SB371 Support The Arc Maryland.pdf

Uploaded by: Kolp, Ande

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The Arc Maryland
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SB371- Special Education - Individualized Education Programs - Educational Evaluations

Assigned to: Education Health and Environmental Affairs Committee
February 11, 2021

Position: Support

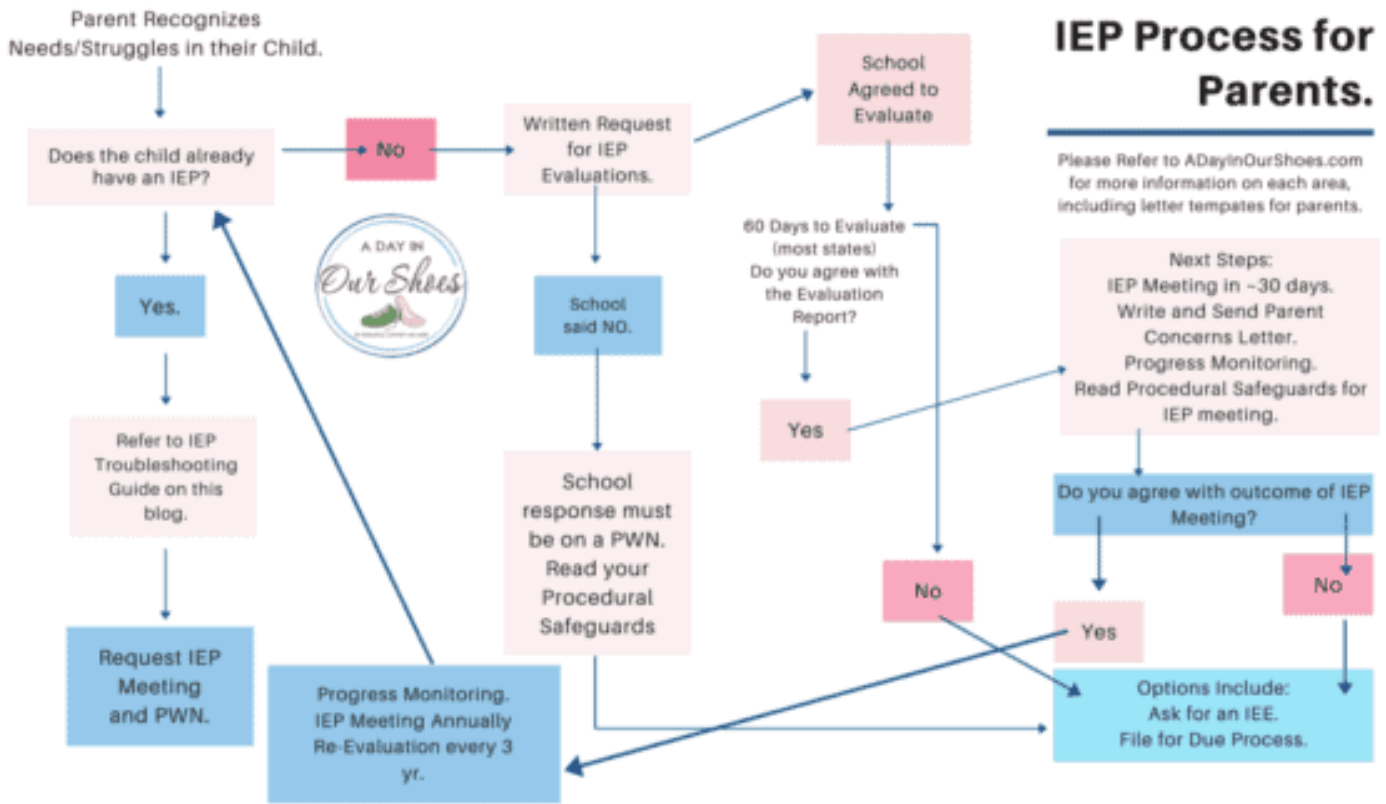
The Arc Maryland is a statewide advocacy organization dedicated to the rights and quality of life of individuals with intellectual and developmental disabilities and we support SB371. If enacted, this bill would expand current law to permit parents of students with disabilities to request independent educational evaluations, not only if they disagree with the evaluation conducted by their local school system, but also if the school system does not respond to a request within 30 days from a parent's request for an evaluation OR if the school system approves the request for an evaluation but does not complete the evaluation within the prescribed timelines.

We understand there are many families who have requested that their children be evaluated but have been told they must wait until students are back to school in person. Some school systems now have extensively long waiting lists of students needing to be evaluated or reevaluated. At the same time, we are hearing that school systems have refused or have, at the least, been reluctant, to use or allow families to use outside evaluators who are willing to conduct assessments face-to-face with appropriate precautions.

For a child identified by his family or teachers to be struggling, delayed evaluations can result in delayed identification of a student for special education and related services and, therefore, a delay in the initiation of those services. In the case of re-evaluations: delayed evaluations can result in the a non-individualized education program that fails to meet the needs of a student whose disability has changed or whose needs have changed since the previous evaluation.

Of note, HB 611 was passed by the General Assembly and signed into law in 2019, which sets timelines governing when local school systems must respond to parental requests for independent educational evaluations. This bill would naturally extend the law in light of the current environment that is expected to continue due to the pandemic and resultant backlogs for the schools.

See the following chart for a diagram of the current process of requesting and receiving an evaluation. Of note, **there is no current remedy for a parent, outside of litigation, if they are unable to receive a response to their request for an evaluation OR timely evaluation from the school system.** This bill would ensure that parents have a way to obtain an evaluation in such times when a school does not provide the evaluation within the 60-days timeframe required by federal law.



We understand this pandemic has been difficult for everyone, including our valued education system in Maryland, its administration, and faculty. This understood, we wish to create a remedy to an existing problem that is not likely to be resolved timely with re-opening due to the significant backlogs of evaluation requests that exist in many counties in Maryland.

For these reasons, we are hopeful for the committee’s favorable consideration, and urge a favorable report on SB371.

Sincerely,

Ande Kolp
 Executive Director
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 410-571-9320

EACtestimony.SB371.pdf

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Education Advocacy Coalition For Students with Disabilities

**SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE
SENATE BILL 371: SPECIAL EDUCATION—INDIVIDUALIZED EDUCATION PROGRAMS—
EDUCATIONAL EVALUATIONS
FEBRUARY 11, 2021
POSITION: SUPPORT**

The Education Advocacy Coalition (EAC), a coalition of more than 30 organizations and individuals concerned with education policy for students with disabilities in Maryland supports Senate Bill 371, which would, if enacted, permit parents of students with disabilities to request independent educational evaluations not only if they disagree with the evaluation conducted by their local school system but also if the school system does not respond to a request within 30 days after a parent has requested that the local school system initiate an evaluation of the child or if the school system approves the request but does not convene the evaluation meeting.

EAC members have heard from many families during the pandemic whose children were in the process of being assessed when school buildings closed and whose evaluations were not completed and families who have requested that their children be evaluated but have been told they must wait. Some school systems have amassed lengthy waiting lists of students needing to be evaluated or reevaluated. At the same time, school systems have refused or have, at the least, been reluctant, to use or allow families to use outside evaluators who are willing to conduct assessments face-to-face with appropriate precautions.

Delayed evaluation is not only a procedural violation, it can also be a substantive denial of a free appropriate public education to a student with disabilities. For example, delayed evaluations can result in delayed identification of a student for special education and related services and, therefore, a delay in the initiation of those services. Delayed evaluation can result in the provision of inappropriate services to a student whose disability has changed or whose needs have changed since the previous evaluation.

Senate Bill 371 would address these issues by expanding the circumstances under which parents may request an independent evaluation at public expense. The bill is consistent with House Bill 611, enacted by the General Assembly in 2019, which sets timelines governing when local school systems must respond to parental requests for independent educational evaluations.

For these reasons, the EAC supports Senate Bill 371. For more information, please contact Leslie Seid Margolis, Chairperson, at lesliem@disabilityrightsmd.org or 410-370-5730.

Respectfully submitted,

Selene A. Almazan, Selene Almazan Law, LLC
Rene Averitt-Sanzone, The Parents' Place of Maryland
Linda Barton, Ms.Ed., Education Advocate
Beth Benevides, Howard County Autism Society
Ellen A. Callegary, Law Offices of Ellen A. Callegary, P.A.
Michelle Davis, ABCs for Life Success
SarahRuth Davis, Parent Advocacy Consortium
Jennifer Engel Fisher, Weinfeld Education Group
Lisa Frank, Andrea Bennett and Jen Ritchotte, Special Kids Company
Ann Geddes, Maryland Coalition of Families
Kalman Hettleman, Independent Advocate
Morgan Horvath, Abilities Network
Rosemary Kitzinger and Marjorie Guldan, Bright Futures, LLC
Rachel London, Maryland Developmental Disabilities Council
Leslie Seid Margolis, Disability Rights Maryland
Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center
Rebecca Rienzi, Pathfinders for Autism
Laura Schultz, Decoding Dyslexia Maryland
Jaime Seaton, McDonough Law
Ronnetta Stanley, M.Ed., Loud Voices Together
Wayne Steedman, Steedman Law Group, LLC
Guy Stephens, Alliance Against Seclusion and Restraint
Maureen van Stone, Mallory Legg, Alyssa Thorn, Project HEAL at Kennedy Krieger Institute
Jessica Williams, Education Due Process Solutions, LLC

HB716 SB371 IEE Bill pdf Griffith and Sen Peters 2

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HB716/SB371-SPECIAL EDUCATION-INDIVIDUALIZED EDUCATION PROGRAMS-EDUCATIONAL EVALUATIONS

POSITION: SUPPORT

WAYS AND MEANS COMMITTEE

2/10/2021

As an educational advocate and a mother of a child with an IEP, this bill is extremely important, especially this year, due to prolonged school closure and the immediate need to identify thousands of Maryland students for special education or a 504.

In the Spring of 2020, the USDOE provided guidance that school districts must meet all the Federal obligations under Section 504 and IDEA. The USDOE would not enact waivers for states to fall short on their responsibilities to identify students who need specially designed instruction or accommodations in order to access their education during the pandemic. Month after month, we continue to see MD districts deny students and their families an educational evaluation to determine IF the student has a disability and then what interventions would be needed to provide a free and appropriate education (FAPE). Some school districts are not performing any evaluations or the evals are minimized or inadequate causing students to suffer in general education without supports, accommodations or specially designed instruction/IEP.

Many students who are in need of supports and not identified since school closure in March of 2020 have become frustrated, depressed, have school avoidance and have an educational gap so wide their risk for grade level failure is imminent.

This bill would allow parents to obtain an independent educational evaluation (IEE) from a community based provider IF the school district does not follow federal and state laws to ensure "Child Find" within the time frames indicated in the statutes. We must provide an opportunity for students to be properly identified of having a disability, create a program or 504 to determine the student's individualized needs, and provide a FAPE. It is the district's obligation to evaluate and provide a FAPE. If the district cannot evaluate the student due to reasons that are not the student or parents' fault, an IEE is necessary, and should be paid for by the district. Many students' academic success depends on an IEP or 504. Please support this bill.

Respectfully Submitted,

Lori E Scott

HB716 SB371 IEE Bill pdf Griffith and Sen Peters 2

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HB716/SB371-SPECIAL EDUCATION-INDIVIDUALIZED EDUCATION PROGRAMS-EDUCATIONAL EVALUATIONS

POSITION: SUPPORT

COMMITTEE: EHEA

2/11/2021

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Respectfully Submitted,

Lori E Scott

IEE Bill-PDF.pdf

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HOUSE WAYS AND MEANS COMMITTEE
SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

HB0716/SB0371: Special Education – Individualized Education Programs – Educational Evaluations

Hearing date: February 10th and February 11th

House Bill 716/Senate Bill 371 will allow families the flexibility of having an independent educational evaluation (IEE) done at the expense of the school system should the school system but unable to provide said evaluation in the time allowed.

The pandemic has brought to light many problems in our public education system, particularly for students with disabilities. The time it takes for an initial assessment or re-evaluation for special education services is just one of these. Currently in Howard County, where I live and send my children to school, they are more than year behind in evaluations. Families that requested evaluations have been waiting for over a year. Of over 930 requests for evaluations from Jan-Dec 2020 only 174 have been completed, that's approximately 18%. 82% of families are still waiting for an evaluation¹. The US Department of Education has not suspended any part of IDEA due to the pandemic. Federal law has been violated for these families as these assessments should have been completed 90 days after requested. Students are missing months of vital services. Their education, social/emotional development and critical life skills are being adversely affected. These students are falling further and further behind while their families watch helplessly for the school system to get to their student in the queue.

Many private therapy and doctor's offices are open and providing families with the educational assessments their students need to receive services from the school system. However, these assessments can be costly and the school system may decide, after a review meeting, that the assessment doesn't meet the criteria to be accepted by the school system.

By passing this bill, families will be able to request, without costly and timely mediation, an IEE for their child at the expense of the school system should the school system not be able to comply with the federally mandated timeline. It will also give the school system the flexibility to allow families to use private, sanctioned, providers for evaluations to make sure all families have an equitable path toward getting their student the services they need to have the free and appropriate public education they are entitled to.

Please support HB0716/SB0371

¹<https://mpia.hcpss.org/requests/2021-180>