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

POSITION: SUPPORT

COMMITTEE: EHEA

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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