



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

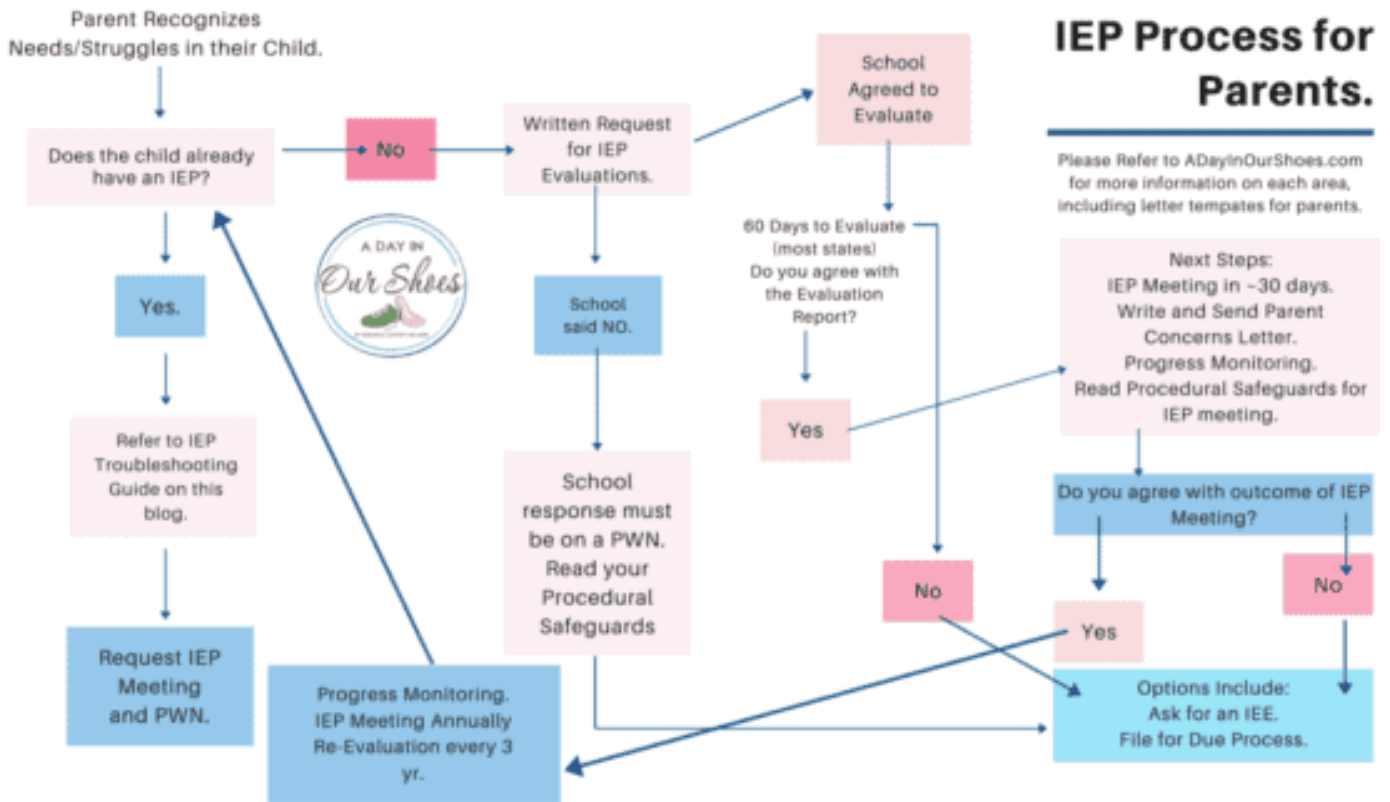
The Arc Maryland is a statewide advocacy organization dedicated to the rights and quality of life of individuals with intellectual and developmental disabilities and we support SB371. If enacted, this bill would expand current law to permit parents of students with disabilities to request independent 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,

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