

Testimony in support of HoCo 2-22

March 3, 2022

Chair, Vice Chair, and members of the committee, thank you for your consideration of HoCo 2-22. I believe that this bill is about doing right by our special education students and families in Howard County. It will provide students and their families with the same rights as Howard County teachers receive as it relates to the burden of proof.

Children with disabilities and an individualized education plan (IEP) are entitled to receive a free appropriate public education (FAPE). The IEP memorializes the individualized measurable goals for each student and the special education, related services (i.e. speech therapy), and supplementary aides and services that the public agency will provide to the student in order to achieve those goals. Teachers, para educators and other related services specialists work hard every day to provide the special education and other services stated in the IEP with fidelity to students. School based teams are supported by psychologists, behavior specialists, administrators, general educators, and an entire team of advanced special education resource teachers. Schools gather data daily with the expectation that robust analysis of such data and adjustments are being made as the data dictates.

All of the expertise and data is with the public agency. Parents trust and believe that their children are receiving the education and services outlined in the IEP and are supported by the expansive expertise of the public agency. Which is why if disagreement between parents and school cannot be resolved other than through due process, then it is only fitting the public agency have the burden of proof to demonstrate that the IEP is being implemented with fidelity. Most Maryland families do not have the resources to access the attorney's, specialists, and consultants needed to prove that their child's IEP is not being followed. For the small number of families with resources, navigating the school system to gather information is a monumental hurdle. It is this lop sided inequity that HoCo 2-22 would level. After all, the public agency would simply be sharing the data, it's interpretation, and actions that they should be utilizing on a daily basis. This would not at all be a burden for the public agency, instead a demonstration of proof. Data from New York and New Jersey, where burden of proof has shifted to the public agency, has shown no uptick in filing of due process cases debunking the key argument against this bill.

Howard County Teachers, via their membership in Howard County Education Association (HCEA; "the teachers union"), place the burden of proof on the public agency. Wouldn't it be nice for teachers and students to have this right in common. Our teachers think so; which is why HCEA supports this bill as does the Howard County Board of Education. So teachers, students, families, and our board of education are aligned in support of HoCo 2-22. We pass the baton onto you to stand with us.

We all want to ensure that FAPE is provided to our students who require special education. Teachers, students, parents, our board of education ask you to align with us in support. Lets pass this bill!

Thank you,

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Parent and member of HCPSS Superintendent Special Education Committee

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