

SUPPORT

SB0926 - Burden of Proof

My name is Michael K. McLaughlin. I live in Laurel with my wife and daughter Erin, who has Down Syndrome.

First, I want to thank Sen. Washington for sponsoring SB926, the Burden of Proof bill. I'd also like to thank all the members of this committee. Efforts to shift the BOP have come through the legislature before over the years, and I appreciate your time and consideration as it is brought forward again.

Because of those previous efforts, the old axiom that "good legislation takes time" certainly applies here. If memory serves me right, Delegate Washington sponsored a House bill to shift the BOP in 2014. I remember him being well-informed on the issue even then, and his dedication is evident in sponsoring SB926 nine years later.

I hope that, like Sen. Washington, you recognize that enough time has passed for this good legislation to finally become law and help ease the burden on the families in Maryland who struggle in special education. It is time to let the burden of proof in special education finally shift in Maryland.

Erin is an adult now, but during all her school years in the Prince George's County Public School system she was taught in general education classrooms in her neighborhood schools. From kindergarten through high school, Erin thrived in that environment, and I believe her classmates benefitted from her presence as well (see <http://www.youtube.com/watch?v=BcoVI80iLe0> and <https://www.baltimoresun.com/maryland/laurel/ph-ll-erin-mclaughlin-0219-20150312-story.html>).

Keeping Erin in that environment (the general ed classroom in her neighborhood school) wasn't easy.

In fact, our family's conflict with PGPCS was about Erin's placement. All we wanted was what IDEA said was the preferred placement for Erin: in her neighborhood school with her typical peers, the same school that she would attend if she did not have a disability. The school system wanted to place her in a different PGPCS school in a segregated (only students receiving special education services) classroom. We had to go to Mediation where, fortunately, it was resolved in our favor and Erin started kindergarten in Laurel Elementary, the same school her brother and sister attended. But before and during Mediation, looming over all of our thoughts and actions, was the threat of a due process hearing.

THAT is the real burden: the threat of added legal, financial and emotional stress of a due process hearing; a burden that begins to weigh on families as soon as they dare to disagree. We felt that burden especially at every IEP meeting for a school transition: from preschool to kindergarten, then from elementary to middle school, and from middle school to high school. At every transition, despite her history of always being integrated (included) with her typical peers - as IDEA dictates - the school system wanted to segregate Erin into special-ed-only schools or classes. Every. Single. Transition.

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Along with my written testimony I've attached a copy of a letter to the editor I wrote that was published in The Gazette during that previous 2014 legislative effort to shift the BOP. Other than some editing for space, it is almost verbatim to my written testimony then and now. I include it here mainly for the date it was published, to help reinforce that it was almost ten years ago, that the effort to shift the BOP goes back to the days when there were still local newspapers! Actually the efforts go back beyond 2014 - I first became involved in the efforts to shift the burden of proof in 2009.

I know from my experience advocating for education issues that education is a tough sell. Largely because over 75% of the population does not have school-age children, it is hard to stimulate people's interest in education reform. Even with parents of school-age children, if you are discussing broad education topics, not specific to their child, it is difficult to engage their interest. And when it comes to special education, with its confusing glossary of acronyms and disability jargon, it's not long into a conversation before you see peoples' eyes glaze over.

Now take that into a smaller subset of families contesting parts of their child's IEP, and then into an even smaller group of those families whose conflicts with a school system escalate to a due process hearing, and you are preaching to a very small choir. And it is one reason why legislation to shift the burden of proof has lingered in limbo for so long.

I get that. But it has lingered long enough. It is time to stand up for the most vulnerable in society no matter how small their number.

Erin has been out of school for four years now. So the BOP threat is in the rear view mirror for our family. But we are here today because we lived with that threat for Erin's entire K-12 experience and we would like to see that threat, that burden, lifted from the families who are still in the special education arena.

I urge you to **vote Favorable for SB0926.**

Thank you.

Michael K. McLaughlin
1013 8th St.
Laurel, MD 20707
301-318-8965
mjmac5@verizon.net