

Senate Bill 0926 – County Boards of Education - Due Process Proceedings for Children with Disabilities - Burden of Proof

Dear Members of the Education, Energy, and the Environment Committee:

I am writing to you in hopes of your support for House Bill 294- *County Boards of Education - Due Process Proceedings for Children with Disabilities - Burden of Proof*.

As a parent of a student who attends public school in Prince George's County. I am supportive of what this bill that shifts the Burden of Proof from families to school districts in due process cases. This change is an effort to bring greater fairness, accountability, and collaboration to special education.

My son, Montgomery, is educated in a community reference instruction (CRI) program at Charles H. Flowers Highschool where he receives his education in a self- contained classroom. In addition to academic classroom instruction, he receives Speech/Language, Occupational Therapy (OT), Physical Therapy, Adaptive Physical Education (PE) and Assistive Technology (AT) services.

We have recently submitted a compliant to the state. Monty's IEP is not being appropriately enforced; in addition, to IEP issues, the scheduling tool used to indicate Montgomery's academic performance on his report card does not produce an accurate report of the actual classes and grades on his schedule. We bear the burden to pay for a

As parents, we must bear the burden of proof and pay for outside evaluations and assessments. We parents experience psychological, emotional and physical toll on a as soon as we dare to disagree or ask for clarification. Parents pay between \$600 - \$800 per evaluation. Our children have multiple delays – such as speech/language, physical (gross motor and fine moto); therefore, we pay for each specialty evaluation. In our case, Monty required speech and occupational therapy evaluations – total cost, at a minimum, \$1200. Not all families have comprehensive health insurance to defray costs – Parents are still paying \$30 to \$75 co-pays.

Teachers will not be burden with additional work. Schools present data at the hearing to support and justify their position. Schools have the educational and legal experts, available and funded, on staff or by contract, as well as easy access to school-based witnesses. Those experts collect, track and maintain data on students. Detailed data that can reveal if the school addresses the goals/objectives of the IEP and complies with IDEA. Bottom line - The county needs to undoubtedly prove that the educators are performing their jobs and have not violated IDEA requirements.

The primary responsibilities of special education teachers are as follows: *Under direction of the school principal and special education coordinator, the special education teacher provides direct instruction and instructional support to students with disabilities and works in collaboration with the general education teacher. The Special Education Teacher monitors and evaluates outcomes for students with disabilities and assists in the development of Individual Education Programs (IEP). Special education teachers must possess knowledge of differentiated instruction, data collection, best instructional practices, research-based reading instruction, and other pertinent special education policies/laws.*

SB 0926 will enforce accountability and responsibility of public agencies [schools]; ensure schools fully implement actions required as a result of a due process hearing decision. It is a

Favorable

win-win solution: Students received a free appropriate public education (FAPE) and schools are in compliance with Federal and State laws and policies.

Due process is considered the last resort. The process is the most adversarial, least collaborative dispute resolution option, and may possibly damage the working relationship between educators and families. In FY 2022, State Complaints received was 129. Forty-eight (48) were from Prince Georges County.

If all schools were responsible and made a concerted effort to ensure that students with disabilities receive FAPE, there would be no need for due process or at least the number of cases would decrease. Sadly, that is not the case.

Also... Consider how due process in other legal cases are handled....If a driver receives a speeding ticket, the police officer must prove that the driver was speeding – not the driver.

Please support SB 0926.

Kim J. Tart

Respectfully,
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