



Maryland Education Coalition



Ellie Mitchell & Rick Tyler, Jr. – Co-Chairs

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HOUSE WAYS AND MEANS COMMITTEE

HOUSE BILL 69: EDUCATION—STUDENT BEHAVIOR—PARENT AND GUARDIAN NOTICE AND REQUIRED COUNSELING (PARENT AND GUARDIAN ACCOUNTABILITY ACT)

POSITION: OPPOSE

The Maryland Education Coalition (MEC) was originally founded over 40 years ago (1980) and is the oldest, most experienced, and diverse public education advocacy coalition in Maryland. MEC is currently made up of over twenty statewide organizations and individuals (see below). This includes several organizations representing a wide range of disability issues with extensive hands-on experience. Our members also include former top state or local administrators, educators, lawyers, social workers, psychologists, artist/musicians, parent, community, and business leaders representing a wide range of education, children, and family issues.

MEC joins the Education Advocacy Coalition (EAC) in opposing HB 69- Parent and Guardian Accountability Act for each of the reasons mentioned in their testimony but must add that in addition to students with disabilities, students from other student groups could improperly be impacted due to the vague, unclear language in this bill, which appears to not consider a wide range of other factors that may affect student behavior.

Among those groups are identified, unidentified or under-served Gifted & Talented students including some that may also identified, unidentified or under-served Twice-Exceptional students (2e or Gifted with Special Learning Needs). This student group is also defined in Maryland [Law](#) and [Regulations](#). These students make up approximately 10% of all students in Maryland’s Public Schools. Gifted & Talented and Twice-exceptional students, their behaviors and unique characteristics are often misunderstood or improperly addressed by untrained, inexperienced educators, administrators, parents, and others who lack the training and supports for them and there is extensive research support this. Other children from other student groups such as foster care, homeless, military, etc. may have similar concerns or obstacles.

There is also research on any attempts to hold parents/guardians responsible for student behavior, especially if it is based on assumption that one policy fits all situations without having trained, experience personnel investigate, identify the root causes of student behavior and provide evidence based services or programs that effectively address the behavior(s) of the student and provide additional family resources. This should require a investigation of other family or community issues by trained professionals with the ability to provide resources..

Therefore, for the reasons mentioned by the EAC, MEC and others, MEC urges an unfavorable report for HB 69.

Respectfully yours,

Ellie Mitchell & Rick Tyler, Jr., Co-Chairs
Maryland Education Coalition (MEC)
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ACLU of MD, Arts Education in Maryland Schools, Arts Every Day, Attendance Works, CASA, Children’s Behavioral Health Coalition, Free State PTA, Decoding Dyslexia of Maryland, Disability Rights Maryland, League of Women Voters of MD, Let Them See Clearly, Maryland Coalition for Gifted & Talented Ed, Maryland Alliance for Racial Equity in Education, Maryland Coalition for Community Schools, Maryland Down Syndrome Advocacy Coalition, MSC-NAACP, Maryland Out of School Time Network, Maryland School Psychologists’ Association, Parent Advocacy Consortium, Public Justice Center, School Social Workers of MD, Strong Schools Maryland, Kalman R. Hettleman, David Hornbeck, Rick Tyler, Jr., Sharon Rubinstein

Education Advocacy Coalition

for Students with Disabilities

HOUSE WAYS AND MEANS COMMITTEE

HOUSE BILL 69: EDUCATION—STUDENT BEHAVIOR—PARENT AND GUARDIAN NOTICE AND REQUIRED COUNSELING (PARENT AND GUARDIAN ACCOUNTABILITY ACT)

DATE: FEBRUARY 1, 2023

POSITION: OPPOSE

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of approximately 40 organizations and individuals concerned with education policy for students with disabilities in Maryland, opposes House Bill 69, which would require the parent or guardian of a student who engages in “two or more incidents of violent and disruptive behavior on school premises or during school-related activities during a school year” to seek and participate in counseling with the student and to make it unlawful for parents to fail to do so. The EAC has a number of concerns about HB 69.

First, the bill fails to define “violent and disruptive behavior.” Without a definition, school principals would have complete discretion to define the term as broadly as they wish. Secondly, the bill fails to take into account that many parents and guardians who do want community counseling or other mental health services for their children are unable to access them because of insurance barriers or limited availability of providers.

Most significantly, however, EAC members have extensive experience representing or working with students with disabilities such as autism, emotional, intellectual or behavioral disabilities, traumatic brain injury, or other disabilities that may cause the student to engage in challenging behavior for which counseling is simply not an appropriate intervention and which actually may be counterproductive. For example, a nonverbal student with a significant intellectual disability who demonstrates aggressive behavior in school will not benefit from traditional verbal counseling services. Making the student sit with a counselor may be frustrating and exacerbate the student’s behavior.

Further, in many situations in which a student does have challenging behavior, the student’s individualized education program may not contain appropriate goals and objectives or a behavior intervention plan reasonably designed to address the behavior and support the child. House Bill 69 would set up a situation in which students with disabilities and their parents or guardians may be penalized for the failure of the school system to provide appropriate services to address the student’s behavior. This is insupportable.

For all of these reasons, the EAC strongly opposes House Bill 69. For more information, please contact Leslie Seid Margolis, Chairperson, at 410-370-5730, or lesliem@disabilityrightsmd.org

Respectfully submitted,

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Rich Ceruolo, Parent Advocacy Consortium
Michelle Davis, ABCs for Life Success
Jennifer Engel Fisher, Weinfeld Education Group, LLC
Lisa Frank, Andrea Bennett, Jennifer Ritchotte, Amy Tonti, Special Kids Company
Ann Geddes, Maryland Coalition for Families
Beth Ann Hancock, Charting the Course
Kalman Hettleman, Independent Advocate
Morgan Durand Horvath, M.Ed., Abilities Network
Rosemary Kitzinger and Marjorie Guldán, Bright Futures, LLC
Ande Kolp, The Arc Maryland
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Rebecca Rienzi, Pathfinders for Autism
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Jessica Williams, M.Ed., Education Due Process Solutions, LLC
Liz Zogby, Maryland Down Syndrome Advocacy Coalition

Ellie Mitchell and Rick Tyler, Maryland Education Coalition, also join this testimony

