

House Bill 294 – County Boards of Education - Due Process Proceedings for Children with Disabilities - Burden of Proof

Hearing Date: In the House - Hearing 2/08 at 1:00 p.m.

Dear Members of the Ways and Means 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 will 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.

As parents, we must bear the burden of proof and pay for outside evaluations and assessments. But, the burden we parents bear - that doesn't fall on school system personnel - includes the psychological, emotional and physical toll it takes on us on a daily basis as soon as we dare to disagree or ask for clarification. That burden doesn't fall on the school personnel because, unlike parents, they get to clock out at the end of the school day. Or as the saying goes, "School personnel have the children for the school year; parents have them for a lifetime."

The county board of education [school] has those experts on board for the identification, evaluation or educational placement of a student. 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.

HB 294 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 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.

As parents, we entrust the school staff with our most vulnerable children every day. Being able to collaborate and have transparency will enable us all to work together in a concerted effort for the betterment of our children. Please support HB 294.

Sincerely,

A handwritten signature in cursive script that reads "Kim G. Tart".

Kim Tart
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