

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,

Selene Almazan, Selene Almazan Law, LLC
Rene Averitt-Sanzone, The Parents’ Place of Maryland
Linda Barton, MSED, Education Advocate

Beth Benevides, Howard County Autism Society
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 Guldan, Bright Futures, LLC
Ande Kolp, The Arc Maryland
Rachel London, Maryland Developmental Disabilities Council
Leslie Seid Margolis, Disability Rights Maryland
Mark B. Martin, Law Offices of Mark B. Martin, P.A.
Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center
Maria Ott, Attorney
Ronza Othman, National Federation of the Blind of Maryland
Rebecca Rienzi, Pathfinders for Autism
Karleen Spitulnik, Decoding Dyslexia Maryland
Ronneta Stanley, M.Ed., Loud Voices Together
Guy Stephens, Alliance Against Seclusion and Restraint
Wayne Steedman, Steedman Law Group, LLC
Maureen van Stone, Mallory Legg, Annie Carver, Tyler Cochran, Project HEAL--Kennedy Krieger Institute
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