

Education Advocacy Coalition for Students with Disabilities

SENATE EDUCATION, ENERGY AND ENVIRONMENTAL AFFAIRS COMMITTEE

SENATE BILL 797 – EDUCATION – ACCESS TO ATTORNEYS, ADVOCATES, AND CONSULTANTS FOR SPECIAL EDUCATION PROGRAM AND FUND - ESTABLISHED

DATE: FEBRUARY 23, 2024

POSITION: SUPPORT

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of more than 40 organizations and individuals concerned with education policy for students with disabilities in Maryland, provides this testimony in support of Senate Bill 797. Senate Bill 797 will establish the Access to Attorneys, Advocates, and Consultants for Special Education Program and Fund.

The EAC supports increasing access to attorneys, advocates, and consultants during the special education process. EAC members represent or guide parents through the special education process to help parents understand the process and their rights and to ensure that students receive appropriate supplementary aids, services, educational programming, and placement. Currently, many Maryland families struggle to navigate the special education process and seek out expert, legal, or advocacy support. Support is particularly needed when disagreements arise regarding life-changing decisions for children (e.g., more or less restrictive placements, reduction in instructional/related services, participation in the alternate assessment); significant challenges (e.g., repeated use of restraint/seclusion and/or exclusionary discipline), the parent's native language is not English; or the school has requested a due process hearing. Unfortunately, such support is financially out of reach for many families, and free or low-cost legal and advocacy assistance is difficult to secure because of high demand and long waiting lists. Low- and moderately low-income families will benefit from this Program and Fund which will create additional access to these much-needed resources.

The special education process involves the development and implementation of Individualized Education Programs (IEPs) for students with disabilities. IEPs are developed by a multidisciplinary team of educators and related service providers as well as parents and the student. Despite parents being full members of the IEP team, there are significant power imbalances between schools/districts and families. In the experience of our EAC members, having a third-party expert—a lawyer, advocate or educational consultant—at the IEP table can help resolve issues more effectively, often before they escalate to more serious legal disputes including due process hearings. If issues cannot be resolved and they do escalate, otherwise unrepresented families can secure necessary legal assistance.

In addition to expanding access to legal, advocacy, and consultant services, which will help support more families and lead to better outcomes for students with disabilities, this bill will collect additional data on special education disputes so that policymakers and state and local education leaders will better understand the persistent challenges faced by families. Such

information could lead to policy proposals and/or guidance and technical assistance that will prevent disputes in the future.

For these reasons, the EAC supports Senate Bill 797.

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Respectfully submitted,

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