

## Testimony for the House Ways and Means Committee in support of HB1368

My name is Glenn Grayman. I am so proud to say that quite a lot of people know me as Shifra's dad. Here's a picture of this beautiful child that our family was blessed with for 21 years.



Despite very complicated medical conditions, she was ALWAYS the charming, vibrantly smiling life of the party. Sadly, we lost Shifra in January of 2024. Our family had many wonderful partners who supported us as we ensured that all of Shifra's needs were met and that lived an exciting and fulfilling life with her friends and family, including her 20 + nieces and nephews. Over the years, so many public and nonpublic school personnel befriended Shifra, cared about and for her, and provided stimulating education and activity for her.

At one of Shifra's annual IEP team meetings, the nonpublic school that was hired by the local school system to provide her educational program announced that the one-to-one aide that was specified in her IEP had not been provided for the ENTIRE PRIOR YEAR! Not only had her parents been unaware of this, but also the school system did know that this essential support was not provided for the entire year. How could this happen?

As is well known, a central feature of the federal Individuals with Disabilities Education Act is that parents must be included in the educational process. It's intuitively obvious that parents, as likely the best advocates for and source of knowledge of their child, should be made aware of issues that impact their child's education. So, HB1368 is a natural extension of the already present COMAR requirement for parental notification of a delay of the implementation of an IEP.

It will require similar notification in a circumstance in which there is a significant interruption of an ongoing, implemented IEP.

**This bill does NOT provide any mechanism not already available to parents to engage with the school system. A parent can always request an IEP team meeting.**

**The bill does NOT provide any new power or mechanism to aggrieve a school system decision.**

This bill simply requires that the parents be notified that there has been a lapse in the provision of IEP services. It's up to the parent how to proceed. If the school and the parents are blessed to have fostered a collaborative relationship, the parent might simply call the school to find out what's going on and that might be the end of it. Or, the parent and/or the school may want to meet to discuss how to effectively address a challenge in a way that can minimize any negative impact on the child. If the parent feels that there is something improper with the school's handling of the situation, the existing dispute resolution avenues remain unchanged and available. But none of this can happen if the parent just doesn't know that there's been a problem. This bill just ensures that parents are informed of a serious lapse in services.

So, the question arises: What constitutes a serious interruption of an IEP service? Running schools and ensuring that staffing and resources are available to implement IEP services can be complex. Since glitches are inevitable, we wouldn't expect the school to alarm a parent if a single service was missed. But certainly not to tell a parent that an entire year of a service was missed is not acceptable.

So HB1368 requires notification when 50% of the services are not provided. We chose that number because it's a level that may indicate that the school system is experiencing a significant difficulty and it's an amount of services that would likely raise concerns about the integrity of the educational program that the IEP team determined is needed for the child. Think about it! HALF of the services haven't been provided! I think it's intuitively obvious that the parent should be aware of this.

So, HB1368 establishes a reasonable level of missed services to warrant notification of the parent. It also sets forth reasonable topics that might be discussed at a meeting under these circumstances: If the school expects the issue to persist, let the parent and school have a discussion about how the child's needs may be addressed in alternative means to approximate the benefit the child would receive if the IEP were implemented as planned. If there is no alternative, then a discussion of compensatory services aimed at curing the impact of the service disruption may be appropriate.

Bear in mind that these interactions or discussions do not need to be adversarial. Schools and parents generally are genuinely interested in the welfare of the child.

As far as the administrative burden associated with this bill, I believe that the notification requirements pose a minimal impact. Schools currently log the IEP services of their students and schools already have resources and procedures for sending notifications to parents. The provision of the notice itself is not a burden. That more IEP meetings may need to be convened because of the notice should not be a concern since an interruption of services is likely an issue that should require an IEP team meeting.

Also, bear in mind that schools routinely make up missed services. This bill's generous time frame allows schools ample time to make up services to the point that the notice requirement would not be triggered. Let's say a service is to be provided 5 days per week. An additional week needs to pass without the provision of the services for the notice to be required. It's possible for the school to provide one additional make-up service before the second week finishes and not need to notify the parent.

Some may argue that this notification requirement permits too great an interruption of services before parents are notified. I think schools need a level of flexibility, given the complexity of ensuring staffing for students that require IEPs. That's my opinion.

Thank you for considering this measure that I expect will be welcomed by parents of students with disabilities. This measure will bolster the proper provision of federally mandated FAPE for students with disabilities, encourage good collaboration between parents and schools, and will likely head off parental utilization of the time-consuming and costly traditional dispute resolution processes that the IDEA makes available.

HB1368 is simply a good, common-sense measure that augments an already existing notification requirement that balances the need for flexibility for the school and the need to address serious lapses in the provision of services to students with disabilities.

Thank you all for considering this important bill that should be supported by parents and schools. Please contact me with questions or concerns at [ggrayman@duck.com](mailto:ggrayman@duck.com).

Respectfully submitted,



Glenn Grayman