

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

My name is Elana Grayman. I appreciate the opportunity to lend my support to HB1368. Our daughter Shifra Grayman, had very complicated medical conditions that required specialized attention. Her Individualized Education Program (IEP) addressed her needs when the mandated services were provided.



Shifra, our daughter, although non-verbal, was extremely communicative to her family, friends, and teachers with her eyes and facial expressions. However, Shifra couldn't come home from school and tell us that:

- "The teacher didn't come today; we had a substitute",
- 'We had a visitor in our school today'; or
- In this real-life, true, extreme case, **'My one-to-one aide hasn't been coming for an ENTIRE year!'**

The Individuals with Disabilities Act emphasizes that parents are to be involved in the special education of their children. How can we ensure that parents find out about a serious interruption of their child's essential services if the school does not tell them? Or worse, if the school avoids telling them?

Certainly, children with disabilities such as Shifra's can't be expected to inform their parents if IEP services are not provided. We are here today, asking that House Bill 1368, in memory of Shifra, be passed to ensure that when there is a serious disruption in their child's essential federally mandated services, that the school system be required to let the parent know this information.

I want to address the local concerns expressed in the Fiscal Note, namely:

The **Local Fiscal Effect** section states that:

“Based on estimates provided by Montgomery County Public Schools and by Prince George’s County Public Schools, one-time and annual local school system expenditures increase substantially, potentially by millions of dollars statewide, beginning in fiscal 2027. This includes increased costs (1) to develop or enhance, and maintain, tracking systems for identifying when services are missed or interrupted; (2) for compensatory services and meetings to determine IEP impacts, both resulting from missing services; (3) to generate and deliver required notices in a timely manner; and (4) for potential increases in costs for IEP dispute resolution.”

In response, please note that:

The **Current Law** section notes that:

- Parents already have the right to pursue specific avenues of dispute resolution. HB 1368 merely alerts the parents to a potentially serious problem that may necessitate the legitimate exercise of these rights; however,

The Current Law and Local Fiscal Effect sections fail to mention that:

- Schools already track the provision of services to support their compliance with the IEP provisions, as required by federal law. HB 1368 merely requires an additional lens on the already necessary tracking.
- Parents already have the right to request IEP Team meetings at any time or to request compensatory services for missed services. HB 1368 merely alerts the parents to a serious problem so that this right may be exercised;
- There already exist requirements that schools send mandated notices to parents in a variety of circumstances, so the infrastructure for sending notices to parents already exists;;
- There already exists a COMAR requirement to notify parents if an IEP is not initiated as scheduled. HB 1368 merely extends this responsibility to a similarly serious scenario of the non-provision of an intolerably high threshold of 50% of a service.

As noted, the bill does not create any new parental right or a new grievance venue. It should be clear that in an extreme circumstance, as defined in the bill, where a student is not receiving 50% of a mandated service, all of the impacts listed in the Fiscal Note are completely warranted and are consequential to the school for not providing the mandated services. The bill merely requires the school to not withhold the knowledge that services are not being provided.

Proferring the reasons not to pass this bill that are enumerated in the Fiscal Note is tantamount to saying, “Don’t tell the parent that services are not being provided or else

the school will incur legitimate expenses leading to the provision of the services that it should have been providing in the first place!”

HB1368 requires notification when 50% of the services are not provided. That number was chosen because it's a level that likely indicates 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.

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.

If implemented, HB1368 may actually lead to early action to prevent all the consequences of compensatory services and costly dispute resolution. 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 egrayman@gmail.com.

Respectfully submitted,

Elana Grayman