Written Testimony Submitted for the Record to the
Maryland Senate
Education, Health and Environmental Affairs Committee
For the Hearing on Special Education - Administrative Proceedings and Judicial Actions –
Attorney's and Expert Witness Fees and Related Costs
(HB 140)
Mar. 20, 2019
SUPPORT

Maryland PTA is the state’s oldest and largest child advocacy organization that serves as a powerful voice for all children, a relevant resource for families, schools and communities and a strong advocate for public education. We represent thousands of volunteer members in 900 public schools and we are comprised of families, students, teachers, administrators, and business as well as community leaders devoted to the educational success of children and family engagement in Maryland. For nearly 104 years, our mission has been to make every child’s potential a reality by engaging and empowering families and communities to advocate for all children.

Maryland PTA submits this testimony in support of amended House Bill 140 - Administrative Proceedings and Judicial Actions – Attorney’s and Expert Witness Fees and Related Costs. This bill authorizes an administrative law judge to award certain attorney's fees and related costs to the parent of a child with a disability who is the prevailing party in a special education proceeding.

Maryland PTA believes that the state and local school district is accountable for guaranteeing that each child with a disability is provided a free and appropriate education (FAPE) in the least restrictive environment. Moreover, parents have the right to challenge and appeal any decision related to the identification, evaluation and placement of, or any issue concerning the provisions of free appropriate public education (FAPE) for their child. This bill gives rise to a much greater issue than just authorizing legal and expert witness fees to be granted to a prevailing parent in a special education proceeding. While such a granting of fees helps address the issue of equity, it underscores the main problem that parents are having to expend not only money but a significant amount of time and resources trying to get their children appropriate services while attending school. Parents, particularly those who lack either the sophistication, family supports or knowledge on their rights simply don’t have an opportunity to fight their way to a judicial proceeding so the costs for them far outweigh these legal and expert witness fees.

As an advocacy organization, Maryland PTA has countless members who have children struggling with individualized education program (IEP) issues and PTA leaders have engaged with many parents to advocate on their behalf to seek remedy at the local level to address IEP concerns within school systems. A common observation is a systemic culture of noncompliance of school systems that results in many students not receiving proper supports due to a variety of alarms such as a lack of early intervention and identification, deficiencies in teacher training and insufficient instructional resources. Consequently, children are progressing in grade level but aren’t reaching their academic potential. Ultimately, this has led to a detrimental impact on a child’s education, negative self-esteem and oftentimes, a dead end for exhausted parents who cannot maintain or pursue help that is needed to put their child on the right track.
While Maryland PTA is an advocate for parents, teachers and students in Maryland Public Schools, we recognize that we have a long way to go to meet the needs of our IEP students. Student behaviors, academic choices and future decisions such as going to college or pursing a particular career path are impacted by unidentified disabilities in addition to proper as well as improper services received as a student with a disability. Where students live, particularly those in rural areas, also make a difference in terms of access and affordability to certain resources needed for students with disabilities. Maryland PTA wholeheartedly supports House Bill 140 because parents should be provided back their legal and expert witness fees for cases involving a special education proceeding. The time is now to adequately train our teachers, adequately fund our budgets to meet the resource needs of all students and the time is now to stop denying many of our IEP students their legal right to a free appropriate public education.

Let’s start putting these students first by favorably voting for HB 140.

Testimony is presented on the behalf of

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