

Education Advocacy Coalition For Students with Disabilities

**SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE
SENATE BILL 371: SPECIAL EDUCATION—INDIVIDUALIZED EDUCATION PROGRAMS—
EDUCATIONAL EVALUATIONS
FEBRUARY 11, 2021
POSITION: SUPPORT**

The Education Advocacy Coalition (EAC), a coalition of more than 30 organizations and individuals concerned with education policy for students with disabilities in Maryland supports Senate Bill 371, which would, if enacted, permit parents of students with disabilities to request independent educational evaluations not only if they disagree with the evaluation conducted by their local school system but also if the school system does not respond to a request within 30 days after a parent has requested that the local school system initiate an evaluation of the child or if the school system approves the request but does not convene the evaluation meeting.

EAC members have heard from many families during the pandemic whose children were in the process of being assessed when school buildings closed and whose evaluations were not completed and families who have requested that their children be evaluated but have been told they must wait. Some school systems have amassed lengthy waiting lists of students needing to be evaluated or reevaluated. At the same time, school systems have refused or have, at the least, been reluctant, to use or allow families to use outside evaluators who are willing to conduct assessments face-to-face with appropriate precautions.

Delayed evaluation is not only a procedural violation, it can also be a substantive denial of a free appropriate public education to a student with disabilities. For example, delayed evaluations can result in delayed identification of a student for special education and related services and, therefore, a delay in the initiation of those services. Delayed evaluation can result in the provision of inappropriate services to a student whose disability has changed or whose needs have changed since the previous evaluation.

Senate Bill 371 would address these issues by expanding the circumstances under which parents may request an independent evaluation at public expense. The bill is consistent with House Bill 611, enacted by the General Assembly in 2019, which sets timelines governing when local school systems must respond to parental requests for independent educational evaluations.

For these reasons, the EAC supports Senate Bill 371. For more information, please contact Leslie Seid Margolis, Chairperson, at lesliem@disabilityrightsmd.org or 410-370-5730.

Respectfully submitted,

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