

Hello Delegate Lopez,

I wish to provide written testimony in favor of HB 405.

Most parents start off their child's special education journey full of hope and trust. If disagreements between the school based IEP team members and the parents do occur, there are procedural safeguards and due process rights that the family can rely on. Unfortunately, special education can be complex to newcomers, and in order to disagree with the school staff, a parent has to hire experts to counter the arguments of the school's professionals. This can involve hiring an advocate, a BCBA (board certified behavioral analyst), a neuropsychologist, and possibly even a special education attorney...at least that's who we had to hire when my daughter's middle school filed due process against us. You see, when parents try to stand up for their child's right to an appropriate education, it is often met with hostility if they dare to disagree with the school based team. Sometimes, going to court is the only option when even mediation does not work.

Here in Maryland, over 90% of the time parents lose in due process. That is just a fact and clearly shows how unbalanced the system is. Since going to due process is a VERY expensive endeavor, it is not taken lightly by families. While lawyers and 'experts' on the school side are all being paid by taxpayers, the family has to pay out of pocket to defend or fight for their child's rights. The one hope every family holds on to is that if by some chance they actually win, they can get the legal fees reimbursed. HB 405 would add any expert witness fees to that equation. Every penny counts to a family with a special needs child. Reimbursing legal fees AND related costs would move the needle in the right direction to level the playing field for families in special education disagreements.

Our school district filed due process against our daughter with down syndrome twice when we dared to disagree. We gave in once but decided to fight the second time. We spent 3 days in court; the school system spent around \$34,000 on their legal fees plus the multiple staff members that attended and testified. We spent almost \$60,000 in total, and in the end, like most parents, we lost at due process. Five years later, I am almost done paying back the 401K loan I had to take out to pay for our special education fight, and everything I feared has come to pass for my daughter's education.

HB 405 will not solve all the problems involved in special education disputes but it can help right one wrong in the process. I ask that you all please vote in favor of HB 405.

Thank you,

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Non-Attorney Special Education Advocate  
at Bright Futures, LLC