

January 18th, 2021

In support of HB405

Dear members of the House Ways and Means Committee,

My name is Rosemary Kitzinger and I am a resident of Carroll county. I am a proud mother of four beautiful children, two with disabilities. Marjorie Guldán and I are advocacy partners and co-own a small business named Bright Futures, LLC. We are non-attorney special education advocates that serve children with disabilities. Many of our clients are below the poverty level and we provide them our services at no charge. I am writing in support of HB405.

My oldest daughter, Marissa, is turning 24 years old this month and she is diagnosed with Autism, ADHD, Anxiety, OCD, and a few other disabilities. Over the years of her attending public school she became more and more of an outcast. She was socially ostracized by her typical peers for her “strange” interests and quirks. Marissa became very anxious within the general education classroom sitting amongst these peers. Coupled with Marissa’s disabilities she is also considered extremely high intelligence, or known as being “twice exceptional”, gifted with a disability. This posed many challenges to meet her unique needs within the general education classroom and larger public school.

In Marissa’s sophomore year of high school her anxiety and OCD were exacerbated from a continual increase in her level of anxiety that she had to begin Home Hospital teaching, for the second time in her high school career. During this time, my husband and I had been fighting with the school system to place Marissa in a non-public placement where she would be able to receive an appropriate education that would meet all of her unique needs including, academic, social and emotional. After months of enduring numerous IEP meetings with no success and watching Marissa’s mental health continue to decline, we decided it was time to consult with an attorney and plan to proceed with Due Process.

Armed with the knowledge we were allowed to disagree with the school based IEP team and had a right to Due Process, we consulted with a local special education attorney. We had no idea what to expect financially, but felt defeated as we left the consultation. The attorney explained their fees and the possibility of recouping some of those fees if we prevailed at Due Process. However, they also explained we would need expert witnesses for Due Process and we would not be able to recoup any of those fees, because it isn’t allowed. Feeling defeated and frustrated, we wondered how this can be fair. We knew our government had procedural

safeguards in place for families when they disagree with the school system, but if we can't access them because we can't afford them what good are they to us or our children?

My husband and I decided to swallow our pride and raise the money for the attorney and expert witnesses through various platforms. We organized and held a bingo with a bake sale and raffle at the local fire hall, raised funds through social media, and even sold personal items. Through the generosity of our family, friends, and community we raised enough funds to hire the attorney and prepare for Due Process.

For many of the families Marjorie and I advocate for in our county this is a stopping point for them, financially unable to afford an attorney or expert witnesses prevents them from being able to access their children's rights. For a system that is meant to protect our most vulnerable population, children with disabilities, this doesn't feel like protection or equality.

In 2016 my husband and I were, again, faced with a disagreement with the school based IEP team members over assessments for our youngest son, Collin. The school system chose to file Due Process against our 9 year old son's right to an evaluation that assessed him in all areas of suspected disability. In order to protect and assert our son's rights we were faced with the fees of an attorney and expert witnesses again.

During the three day Due Process I couldn't help but notice the injustice taking place before my eyes each day. I could not afford the attorney and two expert witnesses I had present for the hearing. However, the school system had no less than 6-8 staff members plus the board attorney present each and every day. The school spent over \$36,000 in attorney fees alone, never mind the cost of the staff witnessing the hearing each day. How is this fair? Did they hold bake sales and bingo to pay the fees for their attorney or expert witnesses? I am guessing not.

Our procedural safeguards are meant to protect our most vulnerable children. However, if we can't access them because we can't afford the experts needed in a due process hearing then the safeguard isn't working as intended. I urge you to support HB 405. Thank you!

Respectfully,

Rosemary Kitzinger
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