

Public Comment submitted by Chris Casey to the Commission on Special Education Access and Equity at its June 13, 2014 Meeting

Ladies and Gentlemen of the Commission, I regret that I am coming late to your process of examining access & equity issues in special education, but I am nonetheless committed as you are to finding effective approaches to address them. However, I did testify before the MD legislature earlier this year in support of the Burden of Proof legislation, because I believe it is the just, fair & right thing to do.

I examined the background or record of the Commission's work over the last 9 months & the discussions that occurred during your meetings. While I believe the Governor assigned you some important topics to discuss & find recommendations for, none seemed to have hit what I believe to be the primary target of widespread concern. That is, are students with learning disabilities (LDs) making progress against their learning deficits, & are the methods or measures used to demonstrate that progress clear to parents.

You wouldn't have been tasked with examining the issues you've discussed if this concern was clearer to parents, & is, in essence, the reason why there are disputes between parents & IEP teams & due process hearings.

In reviewing your proposed recommendations to improve the process by which there is greater equity between parties in due process hearings, I see none that directly address this concern. So, while each of the proposed recommendations may have their individual merit, they seem to be band aids over the core wound.

Therefore, I will be writing the Governor, & encouraging my many connections in the LD affected community, to once again support all efforts to change the current requirement that parents (and not just low income) unnecessarily bear the burden of proof in due process hearings, given the gross imbalance of access to information & resources. If the Commission wants to serve the best interest of the public, & not the conflict of interest views of the disproportionate share of your membership – the public school system, then I implore you to support future legislation that comes before the Maryland General Assembly to change the current burden of proof laws & make school systems not only accountable for the efficacy of their methods to improve learning for learning disabled students, but also make the results of those methods transparent & understood by the parents of those student – that, my esteemed colleagues, as evidence bears, will lower the incidence of due process hearings.

Submitted by
Chris Casey
108 Periwinkle Court
Greenbelt, Md. 20770
cmcasey108@gmail.com