

January 20, 2014

Commission on Special Education Access & Equity
Nancy S. Grasmick State Education Building
200 West Baltimore St.
Baltimore, MD 21201

RECEIVED

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Subject: Dispute Resolution/Individual Privacy Protections

OFFICE OF ASSISTANT STATE SUPT.
DSE/EIS

As a citizen of the State of Maryland, I would greatly appreciate having my public input regarding Dispute Resolution submitted to the Commission on Special Access & Equity for consideration.

I am the grandfather of a 10 year old, medically and academically challenged child, and per the parents' request, have been closely involved with his medical and educational challenges, problems and progress since his birth. Since your committee is meeting to discuss certain issues of Special Education, one of which is **Dispute Resolution**, I am writing to express my concerns about **Individual Privacy Protections** during a Special Education Placement Dispute.

Some questions I believe that are significant for the committee's consideration include:

What is proper and fair during an adversarial academic process? Are there sufficient privacy protections/parameters that do not allow overreach?

Shouldn't there be more access for public debate to prevent suppression of infractions?

During the Dispute Process, what guidelines/reforms need to be established to safeguard the privacy of families of Children with Special Needs?

What areas of staff training for needs to be established?

Can we facilitate increased mediation before entering the costly adversarial process? If not, then how far down the road does a case have to go to drain the parents' resources to "win a case?"

What is the financial and ethical cost to both parties? Can these costs, both financial and otherwise, be ameliorated?

My grandson was born a 25 week micro preemie with a myriad of complex medical conditions. He lived in the NICU for the first 6 months of his life. Consequently, based on several of his doctors' recommendations, we requested a small classroom size in a small school. The request was denied. After a lengthy appeal, we did not prevail. He was then channeled into an inclusion program. When he became sick again, he received in-home services of HHT, OT and Speech and Language Services. I bring to your attention only some of the inappropriate and probing questions which the MCPS privately-hired attorney made the child's mother endure. The questions can be found in the written transcripts of a grueling, 8 day due process hearing:

1. After a planned family vacation with the doctors' consent, the mother was asked by the MCPS private attorney if she had contacted the hotel management to check if the previous hotel room guest had AIDS or cancer. Apparently, MCPS was not aware of the latest health information that HIV is a blood-borne pathogen transmitted primarily through sex or intravenous drug use, and that it is illegal, if not immoral, for the hotel agent to reveal such information. Apparently, the attorney was more concerned with demonstrating that the mother was "neglectful" by engaging in the "risky behavior" of taking her medically, fragile child on a vacation. And, just as astonishing, the administrative judge allowed this type of questioning.
2. The mother was questioned if her husband, who hunts deer, brought his kill into the house and risked having deer feces on his shoes? Actually, questions about "animal poop" was constantly brought up. It should be considered an embarrassment to the school system that the serious determination of a child's academic life is based on such a ploy/legal distraction. To my family, it was a very hurtful and harmful attack.
3. The OT reported that there was one spider web in a basement corner and some scuff marks on a basement stairway? The mother was asked, "Can you tell us as you sit here under oath today that there are no cobwebs anywhere in your house?" Later, the staff member, who included the observation in her notes, admitted that she did not feel the infraction was so great that she needed to call Child Protective Services. It is disturbing to think that professional staff that enters into a family's home would make a notation about one spider web in one corner basement stairway and a few minor scuff marks on the basement wall into a child's academic file. And worse, then the MCPS attorney using this irrelevant, "minor infraction," in the due process hearing.
4. Also in the proceeding, the parents were criticized for daring to actually own two dogs that "do what typical dogs do, which is to lick their private parts."
5. The school system's attorney shockingly attempted to use an older sister's school journal entry as an exhibit for her brother's hearing. When confronted, he only then withdrew the request to enter the journal as an exhibit.

6. The mother was asked, "Do women ever object that you're taking a seven year old into the ladies room?" The mother was also quizzed about taking her child into a public restroom in an airport and then further grilled if she used a handicapped or regular stall or "does he go by himself or do you go in the men's room with him?" How does this line of questioning relate to anything concerning the child's public school education? Was the MCPS line of questioning suggesting the child was somehow at risk by entering a public restroom under the direct supervision of his mother?

7. The family had out-of-state friends, who visited the home for a weekend with their pit bull breed dog, which happened to be in training to be a service dog. The MCPS attorney's line of questioning included, "Did they (the friends) wipe the pit bull down with Handi Wipes before bringing him into the house?" I have no idea how this relates to the special education services that a child receives in public school as part of their free, appropriate education.

I am hoping you are getting a picture by the the above examples in the written record of the appalling appeal process. This type of inquiry can present the school system as being unprofessional and outrageous. Is the dispute process set up to humiliate, overpower and ultimately blame a mother, who dares to fight for services for her child and challenge the system? In fact, I felt they were treating my daughter similar to a rape victim being blamed for the crime.

In conclusion, insensitivity and scrutinization of out-of- school activities to present a case in a due process hearing is counter effective. It is inappropriate to send Public Service Providers into a home to scrutinize all aspects of the home and later use this information as a hammer against a parent, who is advocating for a placement or plan of a disabled child. Why would anyone trust such services when there is such intrusion on basic and fundamental privacy? This outrageous style borders on unethical professional activity and misuse of confidential information. And, this intrusive behavior has not been subject to public debate as the system ignores any complaints made after the infraction.

As survivors of this appalling process, we truly believe reform, to protect individual privacy of special needs parents in legitimate disputes, is absolutely needed.

Thank you for your valuable time in reading and considering the above points.

Sincerely, *sz*
Steve Zepnick, grandfather
9101 Bramble Bush Ct.
Gaithersburg, MD 20879-1617
(301) 963-8866
zep22@icloud.com