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February 25, 2014

**Support - SB779 and HB 1198 Burden of Proof in Special Education /
The Commission on Special Education Access and Equity**

I am writing separately from my testimony supporting SB779 and HB1198 to address whether Maryland should wait until the Commission on Special Education Equity and Access provides recommendations.

Maryland should not wait to afford special needs children this critical right.

First, due process is the IDEA accountability mechanism. As long as due process remains on parents, it is fundamentally flawed; flawed accountability undermines any reforms the Commission may recommend.

<http://www.burdenofproofmd.org/background-and-burden-of-proof/>

Secondly, unless the Commission recommends: (1) requiring parental consent before changing or eliminating services at an IEP annual review; and (2) providing all parents with legal representation at state expense in due process, *and* those recommendations are turned into law, parents will continue to carry the burden of proof, and those who can't manage the significant financial burden of an attorney will do so while still being expected to litigate their child's case against the school district's seasoned attorney.

Finally, any recommendations would not come until after the current session is over, pushing the issue of burden of proof back yet another year, into its 10th year on parents. While another year may not seem long, for a child who is not receiving the special education services he needs, a year may be a lifetime. For young children who critically benefit from early intervention, services at 3 instead of 4 can change the course of the child's life. For older students, a year can be the difference between a certificate and a diploma, or attending college or not.

Respectfully,

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