

The State will establish a system of publicly funded special education attorneys for parents who would otherwise be unable to afford representation and advice for mediation and due process hearings.

- Good idea. How would MSDE ensure quality representation and adequate training of these publicly funded attorneys. What would be the financial threshold?
- Excellent idea. Could operate via contract; similar to the way the CINA contract has been administered with RFP and bids by organizations or others to provide legal representation.
- If funding were available; that would be helpful to the hearing process.
- I support this but realize the high fiscal note and political impracticality. There must be more in-depth study of various ways and options to achieve this.
- This should be an agency separate from MSDE. I suggest the Attorney General's office.
- The obvious problem is the funding. If the money comes out of the locals then absolutely NOT because our budgets are already stretched to the max. It would come from staffing; materials; etc. and our current students would pay the price. If the State pays for this then will the money come from Special Ed. funds that would have come to us? What would be the steps before litigation?
- This may be helpful at times; but rather than trying to put a bandaid on an open wound; we really need to look at how to improve collaboration at the IEP table by establishing a reasonable level of accountability and transparency. Shifting the Burden of Proof in due process hearings would create a spirit of collaboration; benefit students; and ultimately decrease the need for attorneys. Isn't this the ultimate goal?
- The Maryland Association of Boards of Education (MABE) currently has no position on this proposal. I will attach in a separate email MABE's Continuing Resolution on IDEA; MABE's 2014 Legislative Position on Special Education; and MABE's specific testimony on the Burden of Proof issue. The same process; that of involving all Boards to adopt these documents will be followed to address this item. It is possible that this initiative could benefit economically disadvantaged parents and LSS alike. However; MABE would strongly object to any proposal to require LSS to fund such an initiative in whole or in part.
- Considering attorney fees; access for a family living above the poverty line will also be a struggle. Who will have access to the publicly funded attorneys?
- Agree in part; if a revenue source can be identified for due process hearings only.
- I disagree. I would rather have more funding for the non-profits that are providing pro-bono lawyers.

- Good Idea. I think that the problem starts earlier in the process - so having the burden in due process means; in practice; having the burden in the iep meetings. Short of having paid representation; could parents have access to MSDE to have specific questions answered when there is a disagreement in an iep meeting about something specific in comar; e.g.
- There is concern regarding how this would be funded; who would qualify for this assistance; and how the qualification guidelines are established and managed.

The State will increase the State special education funding formula in recognition of the increasing costs of providing special education services in schools.

- This is important.
- What is the current formula and how is it applied. I believe the state does do this. Would there be designated dollars specific to certain services?
- Good idea if the funding formula increase is directed towards increasing capacity and supporting students in public schools and is tied to meaningful results (inclusion; closing the gap in achievement; reduced suspensions; etc.)
- I support. The Thornton review study underway should include a detailed analysis and recommendations for adequate special education funding.
- There should also be recognition of private placement for certain children. If at all possible this placement should be in Maryland.
- Please re-evaluate our funding. We have had many areas change since Thornton in 2002. Common Core; evaluations; testing; transition; etc. all come with a price tag. Our budgets are stretched as far as they go now and to implement the IEP we need staff and resources and even new technology because of the new testing.
- Increased funding from the State may help local school systems provide a more appropriate education; which in turn could possibly lead to a decrease in due process filings.
- The federal government's promise in 1975 to fund 40% of the additional cost of educating children with disabilities has never been met; never providing more than 15%. But the mandates remain; requiring additional funding on the State and local governmental levels. In 2002 the Bridge to Excellence in Public Schools Act; based on the Thornton Commission; provided significant increases in per pupil funding for Special Education; limited English proficient; and economically disadvantaged students. However; the per pupil weighted increase for special education was reduced relative to the weights for the other two special needs categories in light of the federal role in IDEA funding. MABE strongly concurs that; in light of the past decade of continued failure of the federal government to adequately fund IDEA; the State should revisit this serious fiscal and policy issue. Please refer to MABE's Continuing Resolution on IDEA. I will also attach as an example of local funding Howard County Tuition Rates for Non-County Residents that was adopted for SY13-14; showing the county's fiscal investment of \$19;340 more for Special Education students. A 4th attachment
- The funding formula is to be reevaluated beginning the Fall of 2014 and not scheduled to be completed until sometime in 2016. The focus is the "wealth" and "enrollment" aspect of the formula. Given that the study is already scheduled; will the focus on the State special education funding formula be part of the study or will this be a separate study? It is my view that this topic should not be dealt with separately.
- Disagree. I think that funding issues for special education; school construction; and technology enhancement need to be part of a larger discussion. Additional federal funding and public/private partnership (including social impact bonds) need to be sought for these purposes.

- If it is additional money; it is worthwhile. If it is to come from a set pot of money; we have to make a cost/benefit analysis with all education stakeholders to see if that is the right split of how to spend limited school dollars. It may not be a 'zero/sum game.'
- Certainly the re-evaluation of Thornton should include special ed needs; especially as it relates to CCSS and PARC. The state should try to identify not only how to provide more money but what kind of spending will lead to better outcomes for SWD.
- It is imperative that the state be more responsive to this growing financial burden on the systems who serve our constituents. This funding must include previously legislated regulations; and newly identified difficulties regarding workload/caseload concerns that are affecting service implementation.

The State will establish an Office of the State Special Education Ombudsman to independently evaluate complaints

- I feel this is a good option.
- Support
- Not needed; and not clear how this would relate to the IDEA complaint investigation already done by MSDE. Ombudsman would need to have authority to enforce relief. Not sure this is workable.
- I support. MSDE does; from my experience; a fair job on complaints. At the same time; some independent review -- at least periodically -- should assess the effectiveness of the system.
- This office should be staffed by individuals who are in the field and who have not been so far removed from the classroom that they are unable to be objective advocates for the services that are provided for our special needs students.
- This will just create another level of bureaucracy. The ombudsman should be separate from the State Special Education services. Again;I suggest the Attorney General's Offices.
- I hate to be repetitive; but where will the funding come from. Don't parents have access to the State Dept. of Special Ed. I'm not sure teachers or schools have a place to go though. Would this be a pre-cursor to litigation? Would they make recommendations? What power would they have? Too sketchy at this stage.
- I would need more information to evaluate this statement.
- MABE supports vigorous and consistent enforcement of all education laws; including those pertaining to compliance with federal and state special education laws and procedures. MABE is aware that MSDE already has an established office to receive; investigate; and enforce complaints regarding special education services. Therefore; MABE is not aware of the need for the ombudsman program described here. MSDE has both the authority and responsibility under 34 CFR Section 300.660 et seq. and/or COMAR 13A.05.01.15A to investigate all complaints in accordance with these procedures. In addition; MSDE is responsible for monitoring the implementation of corrective actions issued as a result of a complaint investigation; as well as take any necessary action to ensure compliance with corrective actions.
- It has been my experience that MSDE's Office of Special Education assists by investigating complaints. This may be a duplicate service.
- Abstain. I think we should work on improving existing federally mandated processes before taking this step.
- This may be a good idea but I'm not sure we've received enough evidence that the current state review is not working. How many reviews have there been? How many have been reversed? This may be a duplication of effort.

- This could do the job I asked about in question 2. Could a parent have a complaint addressed and/or get a clear read from the state on a point of law or reg? How would this process relate to the state complaint process?
- Creating an independently operated body should be ideal if it was separate from MSDE; and the Districts and would be used for parents and educators etc to utilize.

The State will provide technical assistance to local school systems in improve parent involvement; engagement; and participation in the Individualized Educational Program (IEP) decision-making process as an equal partner.

- This is very important.
- Support
- Will this also provide a means by which parents/guardians can "opt out" of receiving three meeting invites; ten days prior to meetings. This would allowing the school to schedule a meeting; notify the parent with participation options (e.g.; proceed without parent; attend in person/via phone; or re-schedule); provide information to be shared accordingly; to conduct meetings as a team and to provide prior written notice. This would allow for increased time supporting student instruction/skill development; and would reduce the amount of time spent scheduling/re-scheduling meetings and completing electronic forms.
- Agree.
- I support.
- This recommendation is needed and the Commission must consider parents of low incomes and those below the poverty level. These families often do not have access to some of the more modern technologies used by their local school systems. For the technical assistance to be beneficial training should be available for parents of all economic levels.
- How will this be done? Evening meetings? Saturday meetings? Special pay for staff? Planning meetings during paid time for teachers? Saturday meetngs? Possible translators? Let's talk further on this issue.
- From the prospective of the LEA; we never turn down PD. The MSEA supported 2 bills this year that pertain to this question; but I don't know if they passed. Other personnel also needs to be included; because there is no more time in my day; nor after hours. Possibly a special ed. secretary or someone from guidance may need to help the IEP team. I don't want to be pulled out of my classes anymore than I am now.
- Technical assistance is a good idea; but would only be helpful if its actually accessed and given reasonable consideration.
- MABE supports continued and enhanced partnerships with MSDE The 2014 passage of HB 413 and SB 701/HB798 will significantly advance the goals of this recommendation.
- It has been my experience that MSDE stands ready to provide technical assistance on all aspects of delivering special education services.
- Agree
- I think this is fine. it would be helpful to define what that would look like.

- Always a good idea. It is hard to quantify the need when these meetings necessarily happen behind closed doors. Maybe the TA should be informed by what the ombudsman hears.
- I don't believe we can ever have too much parent/guardian involvement in the IEP process.

Proposed Maryland Parental Consent Regulation: COMAR 13A.05.01.13?A.

- support
- Strongly agree. Parental consent is the way to equalize the relationship between parents and the IEP team.
- I think there needs to be a reference to address the school's reasonable efforts to obtain consent.
- I support
- What about acceptance of individually provided information by outside evaluators of the child's disability??
- 6A1. This is so hard for me to answer. When do parents get PD or in-service on anything educational? Some parents have a great education and some were never given that chance so how do they know what works with their son or daughter; or how do they keep up with research; etc. I rely on Doctors because they are the experts. I ask a lot of questions; but in the end; I rely on them. It seems the same here. Just because you went to school doesn't mean you can teach or know how to best help our students.
- Required parental consent may help with issues of transparency
- MABE supports ongoing efforts to clarify for parents of students with disabilities the respective rights and responsibilities of the parents and school system. In this context; MABE does not object to the development of regulations to provide greater clarification regarding existing requirements for informed parental consent.
- Disagree to part 1; because it may exceed federal requirement and could imperil federal funding if there is no option to deliver needed services during a consent dispute. Agree to part 2.
- I disagree with this. It means that no action will be taken or services rendered until a parent approves. A child could be restricted in receiving supports because of this. Also; if a parent is simply recalcitrant or not responsible to signing off; nothing gets done. Additionally; if you can't restrain a child until the signature occurs; what happens if they are a danger to themselves or to others? They simply physically harm themselves or another? I also believe procedural safeguards already exist for initial assessment.
- I assume #2 is already in the regs. Is that right? We need to be careful about #1: there are cases; I presume where parents are not involved or cooperative. On the other hand; the fact that that is so sometimes; might be empowering districts to think that they can overrule parents without consequence. (helped by the fact that the parent has the burden of proof).
- 1: What is the legal definition of "Informed Parental Consent". Based on that definition all other portions of this proposal would need revision. I believe this already standard. There is a portion of the parent/guardian population what are not involved; and I am sure this would cause districts to incur undue violations to the IEP process timeline. Additionally; parents who do not agree with proposed recommendations may believe that avoiding the process may get

their needs/desires met. Districts have a variety of policies that include 3 good faith efforts to gain parent/guardian participation - thus a small population of p's/g's may not fully grasp the importance of their participation in this process - and again; violations to the timeline will increase significantly. Standard procedure presently. Ideally this could allow more parents who may not have means to adequately be heard in the process where there is no implied sense of power by either party.

The State will set caps on the caseload of special educators; school psychologists; and pupil personnel workers.

- It would make sense to look at this issue and make a recommendation on it. It seems though that the recommendation should also address workload for school psychologists since their role involves special education and general education (crisis prevention/intervention; response to intervention; instructional consultation; suicide intervention; mental health work with non special education students; etc.). For example; the recommended ratio for school psychologists is 1 school psychologist for every 500 to 700 students. This is in a comprehensive school where they would implement the full NASP Practice Model. So I would recommend a cap of 1 to 700 students as the maximum. I'm not sure where the recommendations came in reference to pupil personnel workers in relation to special education as in most school systems they are not usually involved in special education services or decision making or on a regular basis. As far as special educators; I would like to defer to the special educators to determine the best recommendation of a "cap"; but I may think about basing it on the severity of the students on their caseload and the size of the overall population they are working with.
- Before responding I would like to see if other states have caps and if so what have their experiences been. This might be difficult to uniformly apply across the state.
- Will caps be set for other and related service providers; such as SLP; OT; PT? Because "caseload" is a number that may not reflect the intensity of service delivery; what provisions will be used to assess workload; which more accurately accounts for the daily expectations/responsibilities of special education and related service providers.
- No position at present.
- I support and the fiscal note should be part of the Thornton review
- Setting a cap on case loads will help to eliminate some of the overload for all special education personnel. The formula must be fair when setting the cap. The challenge of this will prove to be difficult due to the variances of county school districts; such as student population and personnel.
- I agree. This is a real issue and needs to be addressed. Personnel should not be penalized if their caseload is so large that it is impossible to implement the necessary recommendations. Yes; it will cost more; but-if we are serious about
- That is a dream for me. I feel like when my caseload gets so big; it takes me from my classes. Some students on my caseload I never teach and have to make appointments to see. Paperwork vs helping students...wow; what a horrible decision. However; I work in a smaller county and I know what has happened with caps before. They use averages and that never helps at the secondary level. I've thought about this a lot. If you developed a point system of the amount of time certain students need due to complexity...it would be too complicated. This becomes a money issue due to staffing and resources. Would I love it? Yes. Is it practical...maybe not. Hiring a clerk for the department was a huge help and allows me to have more time with students. But her job is threatened each year with budget cuts. If you set a cap; I would be grateful of course.

- This may be helpful; but more information is needed.
- MABE opposes establishing state-mandated caps on caseloads for these specific certificated; public school employees. The terms of their employment are subject to their respective negotiated agreements rather than state laws specific to their area of expertise. MABE supports maintaining the local prerogative to allocate available fiscal resources and to negotiate the working conditions of employees; including special educators; school psychologists and pupil personnel workers.
- A cap will require additional resources to allow for districts to hire more staff. Caseload complexities must be considered as a cap that considers only the number of cases being managed does not accurately depict the demand of the caseload.
- Agree the issue should be considered and ought to get input from each of the groups referenced. The recommendation is incomplete in that it should also look at other related service providers
- Who will pay to ensure those caps are met? If we enter this into state law; should we also support language for English Teachers? Spanish Teachers? Second grade Teachers? And again; will this trigger tax increases at the local level? I think this needs to be looked at in a holistic way; maybe when reviewing and updating Thornton funding. also; recommended ratios currently exist.
- The workload issues should be dealt with; but setting a number seems dangerous. If the cap is 15; that could work in one school and not another; and depend on the range of needs of the SWD.
- I believe this issue is more properly examined when looking at Workload vs Caseload. If LSS's were to utilize the requirement to develop with service providers; union personnel and public input staffing plans that are responsive to both student needs and effectiveness standards; improvements in this area may be on the horizon.

The state should develop policies and technical assistance and monitor for standards-based results-driven accountability. Such results-driven accountability will raise the standards for the amount of progress that students are expected to achieve and the services that are reasonably calculated to enable them to achieve the progress.

- Support
- There is also a need to identify and agree on appropriate; desirable and attainable standards for individual students. Skills that are specific; measurable and appropriate for the level of the student should be targeted for instruction/intervention. Then skills need to be carried over to other environments using cues/prompts; compensatory strategies; and/or alternative means. If the team is encouraging and expecting an appropriate level of skill achievement; then students will have the opportunity to experience meaningful progress that will be needed to support development of successive skills.
- No position at present.
- I support for the reasons spelled out in the memorandum I submitted to the Commission
- All too often the capabilities of students are underestimated. While not all students have the same intellectual capacity; we must recognize and develop the capabilities they do have. Yes it will cost more. However; if we are serious about educating all children; the budget must be written to accommodate them.
- The problem with expected progress is that these are the students with documented problems in learning. How do you gauge "expected" progress. If they learned as fast as "non-disabled" students; they wouldn't need me. A second factor is all of the social; medical and home issues that come into play. Just one small example: in secondary ed.; my students decide (and parents allow) to no longer take their meds. Then even 1 on 1 help doesn't help because they truly can't concentrate. Then they get behind and the cycle starts all over. I truly would have to see what this looks like before supporting this proposal. Thanks for your time.
- Good ideas Prince George's County will need ALOT of assistance
- MABE agrees that the optimum role for the U.S. Department of Education and MSDE is to provide technical assistance to ensure high quality public education; without undue authority to dictate specific programs and services. At the same time; local board governance autonomy and flexibility must be preserved as we implement well-intended; but sometimes cumbersome and costly; state and federal education reforms. Teachers are burning out and protesting over the current mountain of paperwork required in addition to new Common Core and PARCC requirements. How can MSDE reduce the paperwork to allow special educators to spend more time with their students?
- I believe that developing policies at the state level for monitoring standards-based results-driven accountability will cause more compliance driven reporting. LSS receive progress reports regarding all subgroups. This concept cannot be separated from the district level implementation and monitoring of Student Learning Objectives (SLO) which should include students in special education. Technical assistance in the area of developing the SLOs may be needed.

- Agree
- I think this could be very important but I don't think enough work has gone on to see what this would look like. I also believe we need the input of more special educators to develop such a plan.
- Fully support raising standards; in an individualized team based decision making process. I think there is a coming issue re: CCSS and PARC. Will districts want to lower the expectations for more students - driving more the certificate?
- In theory this sounds good; however students are human beings and no expertly programmed computer generated model can ever determine how quickly a student will learn or retain a concept; or internalize it sufficiently to utilize it within another context. This does not take into account a student's preparedness for learning; severity of disability; expertise or lack thereof regarding parenting and a variety of other factors. Variables such as these do not ensure that an emphasis on results driven accountability will increase student achievement; or ever be fairly and equitably distributed among the educational practitioners who would be evaluated by it. Thus this idea is flawed.