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Commission on Special Education Equity and Access
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The purpose of my written testimony is to request your support for shifting the burden of proof in special education due process hearings to schools. I testified at your March meeting and am continuing my support for this change for the following reason. I have met many people with children on IEPs throughout the state and the majority of them have had very negative experiences related to special education services in the schools.

Every family has different circumstances and different needs for their children, but there is a common theme. We all feel we are being treated as the enemy by the schools. We understand that teachers have a tremendous workload already and believe that teacher salaries should be much higher considering all they are required to do. We also believe that shifting the burden of proof to the schools will ultimately be a positive change and easier for teachers in the long term.

After reading many articles and speaking to school personnel in other states that have shifted the burden of proof years ago, we have evidence that significantly fewer hearings have resulted. Some ask how that proves the student is getting a better education. Parents file for due process as a last resort when things are going terribly wrong for their children in the schools. I don't know how anyone can listen to the dozens of parents who have testified over the last two sessions, including several legislators, and not admit that schools need to have accountability for the programs they control and manage.

By the end of this month, I will have had 10 meetings with my son's school and the County Special Education Resource Office related to his IEP. We see many teachers succeeding with him and others not understanding how to interact with him. We assume that the special education staff members at his school are too busy to help those teachers better understand his IEP. If the burden of proof was on the school, the message would come from the top to ensure the IEP was understood before the start of the school year. If this had been the case for us, we could have had two meetings instead of 10 and freed up a lot more time for staff to spend with students.

Maryland Senator Allan Kittleman was a co-sponsor of the bill to shift the burden of proof this past session. He told me that his wife is a special education teacher in Montgomery County and had asked him to co-sponsor the bill because it is the right thing to do. She is not the only educator to feel this way. These teachers have told many members of the Maryland Coalition for Special Education Rights that they would welcome having the burden of proof in due process hearings because they know they are doing what they should for special needs children.

Please consider this important change in law and know that parents of special needs children are not asking for more than these students deserve. We simply want a free appropriate education for our children.

Respectfully,

Barbara Krupiarz