

June 11, 2014

Commission on Special Education Access and Equity
c/o Marcella E. Franczkowski, Commission Chair
Division of Special Education/Early Intervention Services
200 West Baltimore Street, Baltimore, MD 21201

Dear Commission Members,

While some contend that the current burden of proof law is not a root problem for special needs families, common sense tells us that it is a fundamental civil rights issue.

There is a reason why the state has the burden of proof in criminal cases.

Without it, the average person on the street is at a huge disadvantage - individuals have very little hope of ever proving their case against the government, with all of its massive resources.

It is no different in special education due process cases. In these instances the school has taken action – for example, a child's school has been changed, or services have been taken away without consent. The school is actually the party seeking relief as it changes the status quo and the child's existing IEP. Yet, the school system doesn't have to shoulder the burden of proof to justify its actions. The onus is on the parents.

When parents can't win meritorious cases because of the inequities of the current system, there is little incentive for school districts to collaborate in the IEP process because they can count on families losing - whether or not they have the resources to advocate for their children.

Our state will never be a true leader in education while special needs families have to shoulder the burden of proving a negative.

To me, as a life-long Marylander, this injustice to children with disabilities, in a state which has advocated for just about every other minority group, is shameful.

Please do not abandon this important issue.

Thank you,

Jeanne Taylor

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