

Senator Shapiro and members of the Senate Committee

I am here on behalf of my daughter, a certified public school special education teacher and mother of a son with Autism. The special education services being provided in the public education system are not adequately preparing students for post-secondary opportunities. There is a breakdown in the collaboration between schools, parents, and agencies. There is a fear of retaliation for anyone who speaks out against "company" policy.

Not long ago in the American education system children with disabilities were legally excluded from participation in receiving the same free public education that their non-disabled counterparts were entitled to. After much litigation and the instillation and constant revitalization of IDEA, once known as Public Law 94-142, children with disabilities are still being discriminated against in classrooms today. The problems are not getting better they are getting worse.

It is frustrating trying to provide a free appropriate public education for my grandson when his parents are outnumbered considerably in ARD/IEP meetings. Districts are allowed to hold a staffing which includes all the members of an ARD/IEP committee except the parent. This essentially provides the district with an opportunity to make predetermined unilateral decisions about a student. Giving them a united front against the parents in such a way that the unsuspecting parent feels outnumbered, out voted, helpless and powerless. School districts require that all parent input be done in writing, why? So they can misinterpret and twist written words to benefit them.

Unfortunately my grandson's education is unlike the education afforded to his non-disabled peers. He is not entitled to the same provisions made for them. Non-disabled children are given opportunities to excel in gifted and talented programs. Multiple school districts across the state require general education teachers to have specialized gifted and talented training to instruct students who think on a higher level than their peers. For students who need special education but can function in an inclusive environment there is no mandatory specialized training for general education teachers. From my experience there is usually one special educator and one or two Para-educators assigned to the

department at an elementary campus which may have as many as 60 or more special education students needing services. If every parent is expecting a quality education from their local school district for their children, why is it that parents of children with special needs are expected to expect less?

The public school administration, staff and their lawyers routinely misinterpret IDEA as with statements such as the one found in this article. "IDEA's definition of a free appropriate public education (FAPE) does not require a school district to maximize the potential of handicapped children. Rather, FAPE requires that the education to which access is provided be sufficient to confer some educational benefit upon a handicapped child" ("Disabled Students", 2008). Conferences such as the National Educators Law Institute, which excludes parents and advocates from attending, teach educators to view the law as "guidelines" explaining that they can pick and chose which ones they follow and when to follow them.

Once parents exhaust all means of reasoning with the school district, they are left with few choices: Pull their child out and home school or otherwise privately educate them, sit down, shut up and do what the school wants, or take the district to due process, either way the school district has the upper hand. Privately educating their child benefits the school district with their tax dollars. The school district has unlimited amount of resources at their disposal for due process while parents must essentially fund the lawyers for both sides, through tax dollars for the school and through what ever means necessary for their child. The school district succeeds in terrorizing parents through refusing mediation and tormenting them through due process hearings where the school's lawyers attack parents on the stand. Parents are supposed to protect their children and schools are supposed to educate them.

Elie Wiesel, 1986 Nobel Peace Prize winner said in his acceptance speech "...I swore never to be silent whenever and wherever human beings endure suffering and humiliation. We must take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the

tormented. Sometimes we must interfere”.

We are asking you to take the side of the children who are victims of the public education system in Texas. For the sake of the children and their parents, please make reforms to the special education due process and resolution process systems currently in place to afford stronger protections from the abuse by the school administration, staff and most certainly their lawyers that benefit and profit from denying children a right to more than “some educational benefit”. I do not believe that there is any school district whose mission statement reads that “the education which our students access is provided to be sufficient to confer SOME educational benefit.” All children deserve to be educated equitably so that they may truly have the opportunity to reach their full potential for post-secondary, vocational and life goals.

References

Disabled Students - IDEA does not require school district to maximize potential of handicapped children. (2008, March 25). Newslink: Topical Highlights-Education. Retrieved April 16, 2008 from <http://westnewslink.westlaw.com>