August 17, 2020

To: HCPSS Board of Education
RE: Educational Equity Policy 1080

The Special Education Citizen’s Advisory Committee (SECAC) is writing to provide stakeholder recommendations to the Educational Equity Policy 1080.

We understand that the policy cites references to the Americans with Disabilities Act (ADA) of 1990, and the Individuals with Disabilities Education Act (IDEA) to set legal parameters in which students with disabilities as a marginalized population are included in the equity lens to the fullest extent as permitted by federal law. As such, this equity policy recognizes the plight of students with disabilities as inequitable and will take proactive steps to mitigate the harm being done to this specific population.

Under the law, Congress defined disabilities as, “a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our *national policy of ensuring equality of opportunity*, full participation, independent living, and economic self-sufficiency for individuals with disabilities.”[[1]](#footnote-1) It is important to understand the foundation of how disability culture is embedded within equity.

The policy standards indicate that, “HCPSS will provide culturally responsive and relevant curriculum with inclusive of perspectives from Black, Asian American Pacific Islander, Latino, LGBTQ+, indigenous peoples, ***individuals with disabilities***, and other marginalized groups excluded in the current curriculum.” This testimony is intended to bring attention to some student examples who have been marginalized. Using an equity lens and the remarks from the policy itself, we look at parent participation and professional development as areas of improvement within the policy document.

The policy clarifies that HCPSS will provide access and support to maximize student learning and that a “student’s English proficiency, ***disability status***, perceived academic ability and/or social identifiers will not limit access and opportunity.” Parents shared experiences of HCPSS schools failing to follow the ADA guidelines. One parent suggested ADA discrimination for a child who was not allowed a service dog on school campus to assist with needs because this child needed adult support to handle the service animal. This parent proved that other counties in the state allowed a school adult support to handle the service animal, yet HCPSS would not allow this. ADA does not prohibit nor deny a school to provide this service. The consequences for this child included elopement and loss of instructional time due to being denied the right to have an adult support handle a service animal in school.

Another example includes being denied access and participation in Gifted-and-Talented classes because students “have an IEP” regardless of the student’s cognitive ability. This practice has denied students the access to more rigorous coursework and the experiences needed for post-secondary success; instead misplacing them in classes below their educational ability thus impacting their self-image and emotional well-being. Several students with above average intellect and multiple language disabilities (dyslexia and dysgraphia) were denied an IEP because the students were performing at current grade level which according to the school team was their only responsibility thus denying the student the opportunity to take advanced coursework.

Another example relates to HB1061 in 2017 which recognized a significant lack of equity for students, staff and visitors in school buildings who may need assistance with evacuations at the time of an emergency. Emergency evacuation access must be successfully planned for all students and staff. No student should be left behind in an emergency in a stairwell landing, as it has been done before.

When you consider the equity lens and the impact on marginalized student groups, how will this equity policy identify and eliminate potential barriers to access of a free, appropriate public education? Students who are targets for bullying behavior have a host of characteristics that lead to low academic achievement and social emotional problems (OSERS 8/20/13 Dear Colleague Letter; Bullying Students with Disabilities).[[2]](#footnote-2) Students with disabilities are disproportionately affected by bullying behavior. Students with learning disabilities, ADHD, and Autism are more likely to be targets of bullying behavior than their peers. Physical characteristics, slower processing speed, and intolerant school environments can increase the risk of students with disabilities becoming victims. Also the characteristics or symptoms of the student’s disability may not allow them to understand that the bullying behavior is harmful, nor report the incidents to an adult in a timely manner. The current practice has been to remove the victimized student from their Least Restrictive Environment. As outlined in the OSERS Dear Colleague Letter, schools should convene IEP teams to determine if the student’s needs have changed as a result of the bullying and “exercise caution” when determining a change of placement. How will the equity policy eliminate bullying of students with disabilities so that they continue to receive meaningful benefit from their IEPs?

The policy details that “HCPSS will work collaboratively with parents, community, … and other stakeholders to increase equity and inclusion for students and staff.” It also states under School Climate and Culture Affecting School Success to: “Leverage the strengths of parents and community partnerships to increase equitable opportunities for students and positively influence the school culture and climate.” As IDEA states, “Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by… strengthening the role and responsibility of parents and ensuring that families … have meaningful opportunities to participate in the education of their children at school and at home.”[[3]](#footnote-3) In order to accomplish this, parent voice should be made critical in individualized meetings and stakeholder groups. Therefore, we recommend that parents of students with disabilities be considered an equal voice at the table.

The policy details under Staff Capacity, The Office of Diversity, Equity and Inclusion (ODEI) “will plan and facilitate training and development related to HCPSS educational equity goals. The professional learning will cover such areas as anti-racism, bias, cultural proficiency and responsiveness, equity facilitation and leadership, equity focused leadership for district and site-based leaders, microaggressions, restorative justice practices, trauma- informed /healing-centered practices, student voice, and other diversity, equity, and inclusion-related professional development.” Nowhere does it mention professional development in disability awareness and culture. PD around disability awareness should be mandatory for all staff in school buildings and be an integral part of the “culturally responsive and relevant curriculum” for all students grades K-12 in order to create a safe and supportive school climate. Parents have raised concerns that their children have been told they are “just lazy, not attentive enough” or “should just try harder” and they would be successful in school. Parents have also raised concerns about non-disabled peers calling their child “stupid” or being told their disability didn’t exist and they were just dumb. We recommend additional language throughout this policy particularly in the areas of professional learning and development to include mandatory training in disability awareness and culture.

Equity, and access has been the forefront of special education since individuals with disabilities were granted a free and appropriate public education in public schools since 1975 with the passage of The Education for All Handicapped Children Act, which became later known as IDEA. When educational systems create an equitable climate for special education students, all children will benefit from this deed. Just as creating a ramp for wheelchair accessibility, all students can utilize the ramp to get here and there, not just the ones with disabilities.

SECAC thanks you for taking the time to hear our concerns. We hope to continue to work with you to foster a learning environment that includes equitable education for all children.

Respectfully,

Howard County SECAC

Mai Hall, Co-Chair

Stephanie Carr, Co-Chair

1. IDEA, 2004. Retrieved from <https://sites.ed.gov/idea/about-idea/> [↑](#footnote-ref-1)
2. Office of Special Education and Rehabilitative Services. Retrieved from <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf> [↑](#footnote-ref-2)
3. IDEA ,2004. Retrieved from <https://sites.ed.gov/idea/statute-chapter-33/subchapter-i/1400/c/5> [↑](#footnote-ref-3)