

Gene Ryan

Forewarning, my responses are not brief; however, special education is a subject near to my heart and for which I have a deep commitment to improving. I hope that you will read my responses and share your feedback with me, similar to what would have occurred at a live forum. In answering these questions, I felt that the students and families who struggle each day for the opportunity to achieve deserved my thoughtful consideration of this extraordinarily complex subject.

1. Given the budget constraints and the likelihood of no further funding influx, what would you prioritize in special education, and how would you go about implementing your ideas?

Having four children in HCPSS, two of whom receive special education, has allowed me to experience HCPSS from multiple stakeholder positions, not the least of which is as a parent. Before moving to Howard County, I was an elected BOE representative in New Jersey. One of the stark differences I have noticed between the two states involves how boards of education operate. New Jersey had locally elected BOEs like HCPSS; however, there also existed regional boards explicitly designed to provide special education oversight across, and in collaboration with, multiple local boards of education. This complimentary layer of monitoring was a driver for high-performance special education services. Luckily, I had the honor to serve on both Boards. When HCPSS was first starting the MINC-EL (Multiple Intense Needs Classes - Early Learner) programs, stakeholders from Howard County visited NJ schools to learn more. HCPSS personnel eventually used information from NJ to help guide the creation of programming here in Howard County.

The first step to creating meaningful improvements within HCPSS Special Education is to understand the strengths and weaknesses of the department through a gap analysis. This step should occur quickly and requires the comparison of actual performance with evidenced and research-based best practice national gold standards. For example, a structured literacy curriculum is the gold standard for students with reading language challenges. Yet, we know that HCPSS educators and students do not have access to a toolbox of interventions using structured literacy district-wide. The gap analysis would identify several ways for integrating phonology, sound-symbol association, syllables, morphology, syntax, and semantics, and other elements of structured literacy into lessons.

HCPSS faces significant staffing shortages; however, the issue is not a shortage of available highly qualified educators. Instead, the BOE has historically opted to eliminate certified special education teaching positions as a budget savings strategy. In place of certified teachers, the BOE has opted to hire noncertified staffing, commonly known as paraeducators, TEs, or SEs. These staffers care deeply for the students they aid; however, this group of noncertificated personnel has limited specialized education training.

Noncertificated staff are often the adults who spend the entire day with students and earn little more than minimum wage. Noncertificated personnel are not permitted to attend IEP meetings, offer formal feedback to families, or make entries in student communication logs.

Noncertificated personnel hiring ratio has averaged 1 teacher for every 0.82 noncertificated staffers (1:0.82) over a 15-year period. The Superintendent's FY20 Proposed Budget recommended hiring and an additional 111 noncertificated special education personnel. That proposal represented a massive shift by preferring noncertificated personnel 556% more than highly qualified certified teachers.

Seventy-three HCPSS Special Education educators and service providers across all grades and all schools recently filed a class-action grievance reporting, "*Staffing allocation for special education is simply broken, and it does not account for either the acuity or the diversity of student needs in a least restrictive environment.*".

I completely agree, and believe it is of the utmost importance that BOE representatives do not view the quality of educators as an option for reconciling fiscal challenges.

Peer-reviewed research demonstrates that early intervention services dramatically improve the quality of a student's life, decrease the need for long term special education, increase LRE placement at a student's home school, and reduces the overall economic burden of providing special education. Implementing meaningful early intervention must be a top priority, as it should be.

Nationally, 13.7% of all students receive special education. In Maryland, the number is 12.2%, and here in Howard County, only 9.8% of all students receive special education, the third lowest in the state. That should be a red flag alerting to the likelihood that a portion of eligible students may not be receiving the specialized supports they are legally entitled to receive.

Prior HCPSS BOEs adopted and encouraged an approach to special education called the "expert legal model." The strategy was to deny children and families specialized instruction by allocating taxpayer funding to hire attorneys to fight families in court. School districts prevail in 97% of all due process cases in Maryland, and legal fees are cheaper than specialized instruction. Accordingly, prior BOEs and administrations prioritized legal fees over special education, and, in doing so, decided a way to save money was to deny disabled children a Free Appropriate Public Education. The approach was falsely represented as saving millions of dollars. Our community now knows all too well; we lost more than we could have ever saved. Luckily, the current BOE and Superintendent have abandoned that disastrously misguided approach.

As a BOE member, my top priority is to ensure the expert legal model never sees the light of day again. I plan to introduce a proposal for a special education citizen review board. The Board would be an

independent body composed of trained stakeholders who would act as a stop-gap mechanism and offer non-binding opinions related to special education disputes. Howard County already has several citizen review boards that hear complex municipal cases, consider legal arguments, and produce written opinions based on law. The boards are not made up of attorneys, but instead, they are comprised of community members who have been trained to consider and deliberate over specific subject matter. This same community-based approach could yield significant improvements in special education while simultaneously reducing taxpayer expense and family stress.

2. What have you done to learn about and advocate for special education concerns?

As highlighted previously, I have been actively engaged for decades in matters related to special education. My wife, Susan, has dedicated her life to helping children with disabilities and their families. Sue was a speech pathologist specializing in early intervention autism before she decided to become a special education teacher many years ago. Sue now leads a dedicated early intervention team within Montgomery County Public Schools. Together, Sue and I share a passion for helping children and families, and I have learned more about special education from my wife than I could even begin to explain.

As anyone involved with special education knows, advocacy is a lifelong journey with no clear finish line and only pieces of a map to help guide you along the way. Since moving to Maryland, I have become active in many organizations, including SECAC and Decoding Dyslexia. I have routinely listened to the concerns and perspectives of fellow parents while sharing my own experiences.

The Howard County Autism Society hosts various meetings and activities which have helped me glean substantial insight into the unique challenges facing Howard County students and families. One of the most enjoyable experiences I have had has been attending the annual HCAS Gala. Susan and I attend this great event each year as we are proud supporters of the HCAS mission.

Probably the most personally impactful and emotional special education advocacy experience I have had in my decade as a Howard County resident was testifying before the Maryland Senate in 2018. I testified about the broken Special Education system at HCPSS and the permanent impact it has had on my son and my family.

I testified not as an example of leadership, but instead, out of utter helplessness and frustration with a then broken system. The video of my testimony is posted on my candidate web site at ElectGeneRyan.com. Admittedly, even today, I still have difficulty watching and reliving that day. However, the good that has come from speaking out on behalf of my son makes that memory more palatable.

3. How would you support educators within current fiscal constraints to alleviate the rise in behaviors in the school system?

First, allow me to share my thoughts on the philosophy behind how SPED is funded in Howard County. Fully funding education is the right call. However, it is incumbent upon the BOE to demonstrate that those dollars are being used wisely. Using laser precision and proven interventions administered with fidelity district-wide will cost less and accomplish more. More money alone will fix nothing.

It is accurate to say that HCPSS can only spend the money it has; however, current thinking seems to believe that the allocation of funding is set in stone, and the degree to which special education is provided is variable. That is simply wrong. The legally mandated right for a student to receive a Free Appropriate Public Education is not optional and must inform the degree to which funding is provided, not the other way around.

The root cause of why and how a student's behavior impacts learning is multifactorial. I have described some of the solutions to these challenges elsewhere in my responses; however, the most crucial solution involves electing experienced and informed leadership at the BOE level. Our community deserves a competent world-class school, inclusive of all children. It serves no one's interest to reduce standards to the lowest common denominator. Capturing meaningful programmatic data will help to inform future decisions and form the basis for budgetary requirements.

Allow me to use an analogy to share how disruptive behaviors manifest. If you have ever been on the phone and found it difficult to communicate because you had a weak cell signal, then you understand how quickly frustration can build, especially if the call is essential. Now imagine you are a child in school, surrounded by other children; however, you just can't seem to understand anything. The harder you try, the worse it gets. You have ears like the other students, you have eyes like the other students, but the words don't make sense, and so the frustration begins to build.

Lucky for you, a kind adult comes along and gives you a phone (a metaphor for an intervention) so that you can communicate with everyone in your world. Unfortunately, the phone is one of those 5-pound brick ugly 1980s phones with a retractable antenna attached to a 12-volt car battery.

Despite having a phone, you wonder why it doesn't work on your network and why you still cannot communicate like others in the world around you. Moreover, why do the adults in the room not realize that your "cell phone" isn't working? Finally, despite trying your best to get good reception, nothing works, and you grow overwhelmingly frustrated to the point when you finally throw the phone across the room.

Now imagine being that child for one more minute. Everyone knew your cell phone didn't work, but they just kept telling you to use it. It's the only cell phone they had to give you, so even if it didn't work on your network, they thought it was better than nothing.

Finally, after being ignored for so long, you had a meltdown like any other reasonable person might. To add insult to injury, now you are the one in trouble for being frustrated even though all the adults knew you couldn't understand anything. They gave you the wrong phone and then seemed surprised when you became frustrated.

The adults could have helped if they had better systems that worked on your network. All you ever needed was someone to communicate with you in a way you understood instead of in the way they understood. But here you are, the child with a behavior distracting other children and you still are unavailable to learn.

Throughout the volumes of research on maladaptive student behavior, there is one reoccurring constant: ineffective and inefficient communications.

4. What are your thoughts on students with disabilities being a part of a general education classroom?

The placement of a student with a disability is inseparably entwined with many of the issues discussed elsewhere within this questionnaire.

Under federal IDEA law, a student with a disability is legally entitled to a Free Appropriate Public Education (FAPE) in conformity with an IEP. Federal funding for HCPSS is contingent upon compliance with IDEA requirements.

The term Least Restrictive Environment (LRE) means that to the maximum extent possible, school districts must educate students with disabilities in the general education classroom, using proper aids and supports. A student's LRE placement is not intended to be subjective, but instead, the student's IEP is designed to form the basis for the student's placement decision. If a student's needs can be met with the provision of supplementary aids and services in the general education classroom, then that is the LRE placement.

It is both unethical and illegal to exclude a student from a general education LRE placement based solely on the student's disability. Additionally, school officials are forbidden from determining proper placement without allowing meaningful participation in that decision by the student's parents. Local school districts are forbidden from making placements based solely on factors including the category of disability; the significance of the disability, availability of educational or related services; availability of space, or administrative convenience.

The BOE plays a significant role in student placement. If analyzed in a vacuum, the Board risks violating a student's civil rights and jeopardizing federal education funds when making decisions to increase class size and eliminate certified highly qualified special educators. However, a lack of adequate personnel or resources does not relieve a school district from obligations to provide FAPE.

MSDE provides further guidance for LRE placement and requires that HCPSS

"Supply sufficient numbers of teachers who are qualified, with needed aids and supports, to provide services to students with disabilities in regular educational environments, and to provide necessary training and support services to students with disabilities."

Including children with disabilities in the general education classroom, along with educational and related services support, is not only the right thing to do, but it is a requirement of the law.

I am a father of two children who receive special education through HCPSS. One of my children is in a nonpublic school placement approved by HCPSS. The LRE decision was made by the IEP team and was necessary because HCPSS lacked the resources to ensure my son had an opportunity to achieve. My other child with a disability also has an IEP, and her LRE placement is in a general education classroom with appropriate supports as detailed in her IEP. LRE for both of my children could not be more different, and that is why LRE is a student-specific decision.

The BOE must direct the Superintendent to clearly articulate the specific needs of our student population in comparison to current capabilities. That information should inform programmatic and staffing decisions in furtherance of ensuring the maximum number of children are appropriately supported for a local school LRE determination.

Furthermore, the BOE must have that information readily available so that budgetary expectations can be met. Hypothetically, during this last budget preparation, HCPSS Special Education could have represented to the BOE that the consequences of eliminating a certain number of full time highly qualified teaching positions would require a certain amount of students into nonpublic school LRE placements. As a result, it would have become more apparent that HCPSS is losing money by eliminating teaching positions due to the higher cost of nonpublic school tuition. What had seemed like budget savings at the time, actually cost taxpayers more money than the original proposed budget due to a lack of comprehensive analysis and consideration.

5. Compare and contrast the roles and responsibilities of student achievement liaisons and special education case managers.

The role of a special education case manager is intended to oversee the IEP process and documentation. Understanding how that concept is applied at HCPSS prompts many questions. HCPSS has full time dedicated

achievement liaisons, who solely operate in that capacity; however, no such resource exists for special education.

HCPPS special education case managers are certified personnel who already function in another separate capacity and have the added responsibility of filling the role of a case manager. In my experience, the case manager is usually also the special education teacher who has a host of other duties, not the least of which is preparing specialized instruction and educating dozens of students with disabilities. However, once again therein lies another nuance which is not widely appreciated.

HCPSS special educators do not necessarily provide direct instruction to students. Instead, those responsibilities are delegated to a general education teacher who is not certified nor highly qualified in special education. The expectation is for special education teachers to share the specialized instruction with the general education teacher who will then teach the child per the student's IEP.

To be clear, the constant watering down of experience and delegation of specialty is entirely legal. But is the minimum standard of legality the benchmark that our community strives to achieve? Moreover, when 1/3 of special education students fail to graduate, does that outcome support a jack of all trades approach? Is this a student & family-centric approach to special education?

My experience as a BOE representative in NJ allowed me to experience a different approach to special education case management. In New Jersey, case managers were dedicated supervisory positions filled by highly trained and experienced special education personnel skilled at helping families navigate a complex system. Case managers were responsible for data collection and analysis, which helped drive professional development and programmatic expansions. Case managers routinely pushed into the classroom in real-time to support special education teachers who were struggling to provide meaningful direct instruction.

The current HCPSS special education workflow process is designed for failure. I strongly support a reimaged approach using a student-centric perspective.

6. Explain your understanding of how HCPSS special education compares to surrounding counties.

As the husband of a Montgomery County special education teacher, I could go into great lengths to compare the differences between jurisdictions. For the sake of time, I welcome the opportunity to discuss those points in greater detail with anyone who would like to speak with me further.

As a general note, consideration of external perspectives is a great start, but limiting that evaluation to neighboring jurisdictions may not provide the most useful data. Looking more broadly to compare the practices

and philosophies of HCPSS Special Education in light of national performance standards may allow for a more comprehensive understanding of best-practice methodologies.

The fact that HCPSS has the third-lowest enrolment in special education statewide, however, has the second highest per-pupil spending speaks to a challenge greater than financial.

As a past BOE member, I was responsible for school administration oversight. My task was to see the big picture and ensure my district was prepared for the future. BOE members are accountable for establishing clear expectations for the local school district and ensuring personnel have the tools they need to be successful.

The Superintendent, the only employee who reports to the BOE, is responsible for hiring subject matter experts capable of implementing programming consistent with established expectations. There is unquestionably a break down in that chain somewhere within HCPSS. I hope to promote positive solutions and collaboratively instill a greater sense of accountability for all stakeholders to ensure a world-class special education system that we all deserve.