



BILL: House Bill 1489
TITLE: Education – Due Process for Children with Disabilities – Burden of Proof
DATE: March 1, 2018
POSITION: Oppose
COMMITTEE: Ways and Means
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House Bill 1489 requires certain public agencies to bear the burden of proof in due process hearings that are held to resolve a dispute relating to the provision of a free appropriate public education; providing a certain exception for a parent or guardian seeking tuition reimbursement for a unilateral placement of the student by the parent or guardian; and establishing that a certain provision of law is not intended to change certain record-keeping requirements or what constitutes a free appropriate public education under federal or State law.

PSSAM **opposes** House Bill 1489.

Local superintendents consistently place top priority on providing special education services to our students. We strive to ensure that our students receive high quality special education programs and instruction that will meet their individual needs. We work diligently to adhere to comprehensive federal and state requirements to serve our special education students.

Last year PSSAM supported with amendments House Bill 1240. As a result of the passage of the bill, the Maryland State Department of Education (MSDE) was charged by the legislature with conducting a study on current practices and reporting its findings and recommendations by July 1, 2019. The study contains five major areas of study and four areas for recommendations. One of the areas includes a review of MSDE staff members and local school staff compliance with state and federal law governing the IEP process.

PSSAM believes that the prudent path to take is to fully support MSDE as they continue to undertake this comprehensive study. MSDE will make recommendations to modify administrative goals, objectives, and strategies of teachers and IEP teams, including reduction to caseloads and recordkeeping. The MSDE study will also include assessment of the effectiveness of special education family support services and identification of best practices by MSDE and local school system staff as part of the IEP process. Finally, the study will assess how MSDE can provide technical assistance to local school systems to assist parents/guardians with understanding their rights. As required by the legislation, MSDE must report its finding to the General Assembly.

PSSAM recommends that no further legislative action on a Burden of Proof timeline should be taken until after MSDE makes its detailed recommendations. Therefore, PSSAM **opposes** House Bill 1489 and urges an unfavorable committee report.