



BILL: House Bill 611
TITLE: Special Education – Individualized Education Programs – Timeline for Independent Educational Evaluations
DATE: February 21, 2019
POSITION: OPPOSE
COMMITTEE: Ways and Means
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House Bill 611 authorizes a parent of a student with a disability to request an independent educational evaluation at public expense under certain circumstances; requiring a local school system to issue a written response approving or denying a parent's request within 30 days; requiring a local school system, on approving the parent's request, to advise the parent of the process for arranging the evaluation; requiring the local school system, on denying the parent's request, to file a certain due process complaint within 30 days; etc.

PSSAM **opposes** House Bill 611.

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. As local superintendents, we take very seriously the responsibility for identifying and evaluating students with disabilities. We work diligently to adhere to comprehensive federal and state requirements to serve our special education students. Our local school systems are mandated to provide a wide array of special education services under the federal Individuals with Disabilities Act (IDEA) and corresponding federal and state regulations.

A student is identified as disabled and in need of special education services based on having one or more disability which negatively affects the student's educational performance. These include intellectual disabilities; hearing, speech or language, or visual impairments; emotional disturbance; autism; and other specified impairments and learning disabilities. Once a student is identified as needing special education services, an Individualized Education Program (IEP) is developed. The IEP is an individual educational plan for the unique needs of each special education student and is formed by parents, teachers, administrators, and related services personnel.

IEP decisions are always made by a skilled team of educational professionals working with the parent to develop an individual program that will meet the specific needs of the student. An independent evaluation as required by this legislation, is often the decision of one evaluator and does not always include what may be considered the least restrictive environment for the student. Parents already have due process rights and we believe that our parents and students are very supportive of the educational interventions that are written in IEPs. House Bill 611 would require us to defend IEPs that are based on the recommendations of a team of highly trained professionals. We stand behind the expertise of our educators and will not support legislation that requires us to defend educational recommendations.

Finally, the Maryland State Department of Education (MSDE) was charged by the legislature in 2017 with conducting a study on current special education 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. 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 should be taken until after MSDE makes its detailed recommendations.

For the reasons stated above, PSSAM **opposes** House Bill 611 and requests an unfavorable report.