

BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY

2644 Riva Road • Annapolis • Maryland • 21401

BILL: HB1489 EDUCATION - DUE PROCESS HEARINGS FOR CHILDREN WITH DISABILITIES - BURDEN OF PROOF

HEARING DATE: MARCH 1, 2018

COMMITTEE: WAYS AND MEANS

POSITION: OPPOSE

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The Board of Education of Anne Arundel County opposes **HB1489 EDUCATION - DUE PROCESS HEARINGS FOR CHILDREN WITH DISABILITIES - BURDEN OF PROOF**. This bill would place the burden of proof on the public agency in a due process hearing that is held to resolve disputes about the identification, evaluation, or educational placements of children with disabilities or the provision of a free appropriate public education.

The Board opposes legislation such as HB1489, which would shift the burden of proof, in special education decisions and disputes including individualized educational program (IEP) meetings and due process hearings. Local school systems place a very high priority on ensuring that students receive high quality special education programs and instruction to meet the unique needs of every special education student. The Anne Arundel County Public Schools (AACPS) Division of Special Education provides oversight, supervision and direction in the delivery of special education and related services for students with disabilities. These services are designed to reflect the commitment to one system of quality education and equity for all students. Provision of special education services is a joint effort among general and special educators, working collaboratively to ensure educational opportunities that recognize the potential of all students while maximizing results. In addition, general and special educators work cooperatively with parents and all stakeholders to support a seamless specialized instruction model in the least restrictive environment. AACPS provides a wide array of special education services in compliance with the federal Individuals with Disabilities Education Act and federal and State regulations.

In 2017, the Maryland State Department of Education (MSDE) was charged by the General Assembly 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.

The Board believes that that no further legislative action on the issue of burden of proof should be taken until after MSDE finalizes its study and makes its detailed recommendations.

Accordingly, the Board of Education of Anne Arundel County respectfully requests an **UNFAVORABLE** committee report on HB1489.