

# ANNE ARUNDEL COUNTY BOARD OF EDUCATION

2644 Riva Road · Annapolis · Maryland · 21401

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**BILL:** SB710 EDUCATION – CHILDREN WITH DISABILITIES – INDIVIDUALIZED EDUCATION PROGRAM PROCESS – PARENTAL CONSENT

**HEARING DATE:** MARCH 8, 2017

**COMMITTEE:** EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

**POSITION:** OPPOSE

**CONTACT PERSON:** JEANETTE ORTIZ, ESQ., *LEGISLATIVE & POLICY COUNSEL* (410.703.5352)

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The Anne Arundel County Board of Education **OPPOSES Senate Bill 710 - Education - Children With Disabilities - Individualized Education Program Process - Parental Consent**. This bill would require the Individualized Education Program (IEP) team to obtain written consent from a parent if the team proposes to use restraint or seclusion to correct a child's behavior, to reduce or terminate the amount of instructional or related services that are provided to the child, or to initiate a change in the child's educational placement. The bill sets forth the requirements if consent is not obtained

Local boards of education place a very high priority on ensuring that students receive high quality special education programs and instruction to meet the needs of every disabled student. Maryland's public school systems are mandated to provide a wide array of special education services in accordance and compliance with the federal Individuals with Disabilities Education Act (IDEA) and corresponding federal and State regulations.

This bill would have a negative impact on the family-school relationship and strip away any collaborative tone. The Anne Arundel County Board of Education is concerned that the school system would have to file due process proceedings against parents/guardians in instances where there is not consent to any changes to the IEP, even if the change is a result of updated State regulations such as those related to PARCC assessments. This is likely to have the unintended consequence of dramatically increasing the rate of such disputes and therefore result in many more time consuming and costly mediations and due process proceedings. Teacher absences would be disruptive and have a negative impact on student learning and achievement. Such absences would also have a substantial impact on AACPS, as substitute teachers would be needed to cover the time the teachers are in due process hearings

Additionally, this bill's requirement that written consent be secured if the IEP team proposes to use restraint or seclusion to correct the child's behavior creates safety issues for students and staff. Under current Maryland State regulations parental consent is not required when there is a need to restrain or seclude a student to prevent the student from harming others or themselves. Unfortunately, there are numerous physically aggressive students in schools and there are times restraint is needed to protect others. The ability to intervene in this manner is becoming increasingly necessary to keep students and staff safe.

Accordingly, the Anne Arundel County Board of Education respectfully requests **UNFAVORABLE** committee report on **Senate Bill 710**.