



Renee Spence, Executive Director
9 Trotters Ridge Court, Catonsville, MD. 21228
410-925-2183
pssamed@gmail.com

BILL: House Bill 1240
TITLE: Individual Education Programs – Burden of Proof in Due Process Hearings and Studies
DATE: February 28, 2017
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Ways and Means
CONTACT: Renee McGuirk Spence, Executive Director, PSSAM
Email: pssamed@gmail.com; Cell: 410-925-2183

House Bill 240 requires specified complaining parties to bear a specified burden of proof in due process hearings that are held to resolve a dispute relating to the provision of a free appropriate public education to children with disabilities; providing a specified exception; requiring the State Department of Education to study and make recommendations regarding specified matters; and requiring the Department to seek input from specified individuals and organizations.

PSSAM supports with amendments House Bill 1240.

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.

PSSAM supports Sections 2 and 3 of this proposed legislation. House Bill 1240 requires that the Maryland State Department of Education (MSDE) conduct a study on current practices and report its findings and recommendations by December 31, 2018. 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 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 would assess how MSDE can provide technical assistance to local school systems to assist parents/guardians with understanding their rights. As noted above, 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. PSSAM further recommends that the Burden of Proof bill should be re-introduced after consideration has been given to the MSDE recommendations. In addition, PSSAM also recommends the striking of lines 20-32 on page 4 as well as the striking of lines 1-3 on page 5.

For the reasons stated above, **PSSAM supports with amendments** House Bill 1240.