



April 4, 2022

Maryland Senate
11 Bladen St.
Annapolis, MD. 21401

**In Support of HB 865 with Amendment(s): Due Process Proceedings – For Children with Disabilities
Special Education – Howard County - Burden of Proof – 02-22**

Members of the Maryland Senate's EHE Committee.

We are an organization of military and non-military families with over 1400 members and fully support The Howard County delegation's efforts to shift the burden of proof for Special education – Office of Administrative Hearings (OAH) - Due process hearings to the local school district's board of education.

Much like the state of N.H. just recently did for families of children with disabilities:

<https://drcnh.org/issue-highlight/burden-of-proof-in-due-process-hearings/>

This bill would be a huge help to families that need the most help caring for their loved ones struggling with behavioral health issues and disabilities. This bill would help to provide the necessary updates to an aging OAH process and procedures when it comes to special education laws and the many updates to them, especially since the Covid 19 pandemic.

Amendments: We would love to see this Bill and potential law passed into law and applied to the entire state, across all 24 school districts, for all OAH's special education, due process hearings.

SPED Unit ALJ - We would also really appreciate a renewed effort (2019 – House Bill 1275) by the MGA to ensure that Administrative Law Judge's (ALJ) that hear special education cases, have the required numbers of hours and necessary training to be well informed, impartial judges in the very complex and specialized area of education law. Helping to shoulder the financial burden being shouldered by so many Maryland families by a lengthy and expensive due process hearing process. Often times the ALJs lean on the LEA attorneys for guidance, due to their lack of expertise in this very complex (IDEA - Special Education) area of education law. Thereby leveling the playing field, while bringing about more equity to due process hearings. Like N.J., maybe even form a sub unit of ALJ's that have additional training hours in special education, and civil rights law.

<https://www.ahherald.com/2022/01/19/administrative-law-unit-dedicated-to-special-education-cases-signed-into-law/>



Please let's continue to build on this effort to support Maryland families of children with disabilities now, and well into the future, by bolstering justice, equity and equality within Maryland's special education process, due process hearings policies and procedures. And shift the burden of proof to the Local Education Agency's Board of Education in Howard County and beyond.

Please support House Bill 865 and return a favorable report. Thank you for your time, and for considering our testimony today.

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Parent, Lead Advocate and Director of Public Policy

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