

Dear Honorable Members of the Maryland State Senate:

Please ensure passage of HB865. Please ensure that it has a vote in the Senate Committee. Please encourage your colleagues to favorably vote on HB865.

The school system in Howard County has asked for this legislation. The Howard County Board of Education AND the teacher's union (HCEA) have both testified in person in favor of this legislation. It is supported by so many in Howard County in addition to the BOE and HCEA, including the Howard County Delegation, PTACHC, and many more, but most importantly our special education community. The bill would support shifting the burden of proof in due process cases from families to the Board of Education.

In special education, the school holds all the cards and that will still remain (despite it being an enormous conflict of interest). Schools do the testing, schools determine what is written in reports, schools control the meetings when they happen and what is and is not discussed, schools ultimately determine if a child gets an IEP, and even when things sour schools hold all the documents. Schools determine what is in meeting minutes. **NONE OF THAT WILL CHANGE.**

This bill would, at the very end, if there is a tie, allow a case to be decided in the family's favor. At this point, having had all the cards, if the school can't demonstrate what needs to be demonstrated, it seems reasonable to decide in the family's favor, the family who has had little control over the process. In fact, data thus far in other jurisdictions suggests that in these cases, everyone is less likely to pursue legislation and instead the schools do what is in the best interest of the child's education.

Schools have the burden of proof in teacher disputes because of the unfair advantage of the institution. Let's extend that same fairness to students with disabilities. It is only a 3 year trial for one county and will provide actual real world, in Maryland, evidence. New York State's teachers' union has been the champion of this shift because it is the right thing to do. More and more states are following suit. Please allow Howard County to test the waters as we have requested.

Passing HB865 is the right thing to do. Let's get it done!

Sincerely,

Julie Hotopp
Howard County Parent