

Mid-Shore Special Education Consortium

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Boards of Education:
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The Mid-Shore Special Education Consortium (MSSEC), on behalf of Caroline, Dorchester, Queen Anne's, and Talbot County Public Schools, opposes Senate Bill 926.

Senate Bill 926 would shift the burden of proof in cases regarding due process of Individualized Education Programs (IEPs) to the local school system, as opposed to the parent or guardian of the student receiving services. This bill would require school systems to bear the burden of proof in due process hearings that are filed by parents/guardians. This shift would significantly impact the smaller systems on the Eastern Shore where the size of the district and resources available would prove to be particularly impactful.

As educators we place priority in providing quality programming to special education students. We value the relationships built between teachers, schools, and families we serve. We believe approval of SB926 would have detrimental impacts to the quality of instruction, availability of staff, and the relationships between staff and families.

Special educators already have rigorous schedules and duties to deliver high quality instruction and supports to students. Special educators are also responsible for important medical billing and related administrative functions that require care and precision. This ensures accurate data recordation and meaningful reports that are shared with families on a formal basis each quarter and on an informal basis throughout the student's tenure with the school system. It allows the school team and parents to effectively understand student needs, track progress, and pivot practices and strategies for success. If special educators assume an even greater responsibility to bear the burden of proof at due process hearings, it could force the focus of their workload from instruction to documentation.

The number one reason special educators are leaving the field is due to the fact that the focus is no longer on providing service delivery and instruction but has become overburdened with significant levels of documentation and clerical responsibilities. Special educators recognize and value the need for documentation however this shift adds an additional level that may tip the scales in a negative direction. Due process complaints, or the threat of a due process complaint, raises anxiety levels of all staff involved which in turn can negatively impact a teacher's ability to meet the demands of their professional responsibilities. A shift of burden to the local system has the great potential to make Maryland a highly litigious state which further deters educators from entering the field.

We recognize the place due process proceedings have in affording each party a fair balance in determining the best interest of students; we believe current practices provide opportunities for resolution and mediation prior to a formal proceeding. Based on trends of neighboring states where the burden has been shifted, an increase in litigation has been shown which results in an increase in preparation time for all parties. This removes them from providing services and increases the length of hearings as the scope of litigation is broadened.

We feel Maryland should support a special education system that respects the dedication and professional expertise of special educators to develop, in collaboration with parents, individual education programs (IEPs), which identify and determine which services are appropriate for the student. We believe this system should not be converted into one which presumes that the legal burden should be placed on the school system and educators to defend the sufficiency of the IEP. Does Maryland want to send the message to our educators that they would always have to prove their expertise and knowledge within the profession?

In lieu of approving Senate Bill 926, is it our opinion that improvements to our existing support network for parents would better empower parents before feeling the need to access legal avenues. Current fiscal structure provides for part-time family support personnel. Personnel are provided with quarterly meetings across the state, limited training related to the IEP and it's process, with the burden of coordination provided by the local school system which can create a perception of imbalance by parents seeking their support. It is our position that these roles should be funded by MSDE as full-time positions commensurate with local enrollment figures. In addition, ongoing, routine, and targeted training should be provided by the state in an effort to better equip these individuals with the skills and knowledge to provide timely and appropriate support to parents. The existing requirement that the role be filled by a parent of a child with a disability limits the applicant pool and can prevent more qualified individuals with experience working with families of children with disabilities seeking employment.

Ensuring quality instruction and compliance is essential to meeting the comprehensive programming outlined by the IEP. Given the existing requirements placed on special educators, having pseudo-administrative oversight through a school-based expert in special education, an IEP Chairperson, would aid in compliance of IEP implementation and process as well as provide valuable coaching to address implementation of specially designed instruction. This additional layer of accountability for the local school system would allow for timely responses to parent concerns and oversight to the process.

For these reasons, MSSEC opposes Senate Bill 926 and supports consideration for alternative options to support families and school systems equally.

Respectfully,

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