



Bill: SB 926

Title: County Boards of Education - Due Process Proceedings for Children with Disabilities - Burden of Proof

Date: March 15, 2023

Position: Support

Dorie Flynn, Executive Director

The Maryland Association of Nonpublic Special Education Facilities (MANSEF), representing 70 nonpublic schools across Maryland supports Senate Bill 926. We currently serve over 3500 publicly funded school children and employ over 1500 teachers, clinicians, and administrators.

It is unfair that parents have the burden of proving that the school system is not providing their child with appropriate services. The deck is stacked against them. In my role as an advocate, I hear from parents everyday who are struggling to find appropriate services and simply want the best for their child. We encourage parents to advocate and then refute their very involvement. Many parents do not feel they are equal partners on the IEP team. This puts parents at a disadvantage as they do not have access to all the same information as the school system and are intimidated by the IEP process. Unfortunately, IEP meetings can be adversarial, and this should not be the case. When the burden of proof is put on the school districts, the school districts will have to prove a *positive*, that the IEP they created *does* provide FAPE. Given their resources, this is completely fair and appropriate. This bill in no way creates a hardship for either public or nonpublic teachers as the documentation and data are already collected and parents need access to all the evidence developed by the school to put their complaint forward. Despite having strong federal and state protections for students with IEPs, concerns still exist and parents should have an equal voice at the table. Additionally, there is no correlation or evidence that shifting the burden will increase referrals to special placement schools which are federally mandated as part of the full continuum.

MANSEF supports the belief that each student's unique needs are met on an individual basis to achieve their maximum potential. This bill will support a more conciliatory IEP process and lessen the acrimony that often takes place at IEP meetings. All students require a quality education and having parents actively engaged enhances the outcomes.