



**Testimony in Opposition of House Bill 120
Harford County – Due Process Proceedings for Children with Disabilities –
Burden of Proof**

**Ways and Means Committee
January 24, 2023**

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President, Harford County Education Association**

The Harford County Education Association opposes House Bill 120. HB 120 would require the Harford County Board of Education to bear the burden of proof in all due process proceedings that arise from a complaint regarding the delivery of special education services or a program for a child with disabilities in Harford County, except under certain circumstances. HCEA supports inclusive educational policies and practices for all children and our educators strive to make our classes welcoming and educationally fulfilling for all students.

HCEA represents educators and school employees who work in Harford County's public schools, teaching and preparing our students for careers and jobs of the future. HCEA is also affiliated with the Maryland State Education Association, and our national affiliate is the 3-million-member National Education Association (NEA).

Shifting the burden of proof in special education due process proceedings onto the Harford County Board of Education will not result in enhanced special education programs. Rather, the policy will incentivize litigation, pull special educators from classrooms with their students to attend to additional bureaucratic matters, and create a presumption that the education delivered by special educators to their students is insufficient.

HCEA understands and appreciates well-intentioned efforts to enhance educational services, but this bill will not accomplish that goal. Our educators work hard day and night, weekday and weekend to deliver the best educational opportunities we can for our students. We are facing a staffing crisis in this state and across the country,

especially for special educators. In the 2021-2022 school year, there were approximately 447 special educator vacancies in Maryland.¹ In the current school year, critical shortages of special educators persist. Here in Harford County, in the middle of the school year, the school district is still working to fill special educator vacancies across the county from elementary schools to high schools.² Staffing shortages continue to exacerbate enormous workloads that special educators currently face.

Special educators perform a variety of critical services to their students, in addition to traditional instruction and individualized educational support. Many local schools do not have the necessary support or clerical staff available to assist special educators with administrative tasks that accompany their essential duties. For example, many special educators manage medical billing for their students' services, draft a variety of reports mandated by state and federal law, and compile all of the necessary data and information to complete individualized education plans. Policymakers must understand the workload that special educators are facing in their working conditions, while dealing with critical staff shortages. If HB120 were to become law, we believe it would only contribute to burnout among special educators by increasing an already excessively high workload.

We believe other policy mechanisms are better suited to enhance the delivery of our educational services and programs, such as the Blueprint for Maryland's Future. The Blueprint is a model policy program that will build support for student success by improving support services for students, building the education workforce by improving educator recruitment and retention, and utilizing accountability measures to ensure all actors in our education system are acting to fulfill the vision of the Blueprint.

¹ Maryland State Department of Education, *Maryland Teacher Workforce: Supply, Demand, and Diversity*, slide 15 (July, 26, 2022) retrieved from: <https://www.marylandpublicschools.org/stateboard/Documents/2022/0726/TabGBlueprintAndDataDeepDiveTeacherPipelineAndDiversity.pdf>.

² See, Harford County Public Schools, Job Listings, <https://harford.tedk12.com/hire/Index.aspx> (enter "special education" into Job Listings search bar) (last accessed 1/20/2023).

Moreover, the Maryland General Assembly enacted legislation in 2020 to enhance special education support for parents, students, and educators by creating a Special Education Ombudsmen in the Office of the Attorney General.³ The purpose of the Ombudsmen is to provide information and support to parents, students, and educators regarding special education rights and services.⁴ Among other things, the Ombudsmen provides impartial information and resources concerning the process to obtain special education evaluations and services, the process for resolving disputes concerning special education programs, and the rights of parents and students and how they may avail themselves of those rights.⁵ HCEA supports legislative efforts that provide greater clarity and knowledge with respect to existing rights and how to navigate processes and procedures to effectuate those rights for parents, students, and educators.

HCEA continues to be an open and willing partner to provide the best education possible to our students. Our members joined this profession to make a measurable impact on the lives of children and to educate and prepare them for life beyond the walls of our schools. We will continue to support efforts that we whole-heartedly believe will further this vision but will oppose legislation that we believe will impede this effort. Unfortunately, HB120 does not comport with our vision of a high-quality educational system.

³ MD Code, State Government, §§ 6-501 – 506.

⁴ MD Code, State Government, § 6-502(b).

⁵ MD Code, State Government, § 6-504(a).