

January 23, 2023

Dear Harford County Delegation,

On behalf of the Harford County Public School System Administration, we write to express our opposition to House Bill 120.

Our administration requests the delegation consider the perspective of special educators, and the impact that this change would place on them.

1. If the burden in due process proceedings shifts to the school system, the true impact is on our special educators.

The proposed change will require additional action on the part of special educators, piling on to their already full plates. Special educators would be required to enhance an already effective system resulting in greater data collection and heightened reporting expectations each day. We believe the most significant role that a special educator plays is meeting the needs of their students, and this bill will create a barrier in that process. This bill will also widen the gap of the special educator's administrative burden as compared with their general educator peers. We have serious concerns that this will send more special educators back into general ed classrooms – or into other career options altogether. It may also make it harder for Harford County to recruit and retain special educators, since the bill does not initially affect other counties.

2. The role of special educators is already rigorous.

All HCPS educators maintain a rigorous schedule 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 HCPS. It allows the school team and parents to effectively understand student needs, track progress, and pivoting practices and strategies for the ultimate benefit of the student. If special educators assume an even greater responsibility to be prepared to bear the burden of proof at due process hearings, the workload could become unmanageable, and their classroom focus and overall ability to meet student needs may be diminished.

3. HCPS's special educators have a proven track record of collaboration with parents.

Harford County Public Schools is proud of the diligent efforts by special educators to maintain fidelity of data, as described above. The system is also proud that the current method of providing special education services has a proven track record of serving students well. For example, in the past five years, HCPS has engaged in only two due process hearings. All other due process complaints during that time frame have been successfully resolved through collaboration and/or mediation with families. As described, our special educators work closely

with families throughout a student's tenure, ensuring open dialogue, respect, and continued movement towards the common goal of meeting the student's educational needs. This generally limits points of disagreement and impasse when challenges are presented.

With respect to due process proceedings themselves, It is never the goal of HCPS to find itself in a due process hearing. Time spent by our special educators leading up to and participating in a due process hearing conflicts with instruction. Thus, while the burden in a due process hearing does fall on the parent, HCPS takes all possible steps to resolve matters prior to any formal process. Importantly, parents do have full access to their children's learning data so that they are informed and are able to raise questions and concerns with the school team. Data is transmitted formally on a quarterly basis and informally throughout the student's education with HCPS. The transparent and collaborative approach employed by HCPS is evident by the very low number of complaints received and even lower number of hearings that have taken place.

4. If the number of due process hearings increases because parents no longer bear a burden of proof, HCPS will be forced to expend significant human and financial resources.

Due process hearings require a great deal of focus, preparation, and time on school staff above and beyond their normal duties of meeting student needs in the educational setting. For example, our school system's most recent due process hearings took an average of 5.5 days and involved not only legal counsel but also four to six special educators and school staff to provide relevant evidence during the proceeding. Leading up to the hearing, those special educators each spent an estimated average of 20-40 hours reviewing and assembling records and preparing testimony. As noted in the Fiscal Impact Summary previously submitted, if due process hearings increase as a result of the burden shifting, HCPS can reasonably expect increased costs of between \$476,280 in FY 2025 and 697,318 in FY 2028. While those costs reflect classroom coverage for special educators (substitutes), it is impossible to measure the impact on students who have a gap in time spent with their assigned teachers.

5. The current law is working in Harford County.

The current law regarding due process complaints has worked well in Harford County to serve the interests of the students. It provides opportunity for resolution and mediation prior to a formal proceeding, and HCPS has had great success in resolving concerns prior to the need for a due process hearing.

Shifting the burden of proof is unnecessary and potentially problematic. With Maryland's teacher shortage as a recognized crisis, it is harder than ever to recruit and retain special educators. We ask the delegation to consider the impact of this bill on our heroes in the classroom, balancing those interests with the important rights of students and their parents.

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Thank you for your careful attention to this important matter.

Sincerely,



Dr. Sean W. Bulson
Superintendent of Schools



Ms. Colleen Sasdelli
Director of Special Education