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County Boards of Education - Due Process Proceedings for Children With Disabilities - Burden  
of Proof

House Ways and Means

February 8, 2023

1:00pm

**The Baltimore Teachers Union opposes House Bill 294**, which would require a county board of education to bear the burden of proof in due process proceedings that initiate from a due process complaint regarding the provision of special education services or a program for a child with disabilities in the county in which the county board is located, except under certain circumstances.

The Baltimore Teachers Union represents 8,280 teachers, paraprofessionals, counselors, clinicians, librarians, secretaries, community school site specialists, bus transportation aides, and many more school-based and central office support staff. We are 4 out of 5 workers in Baltimore City Public Schools, serving 75,595 students and their families. Our national union, the American Federation of Teachers, has over 1.7 million members in the United States and its territories.

Special educators want what's best for the students they support—and that means more time to work directly with students, more personnel to address enormous caseloads, and more support staff to take on non-instructional requirements handed down by IDEA and state and local agencies. Unfortunately, HB 294 runs counter to these goals. HB294 could dramatically increase the workload for already under-staffed and overworked special educators and take away time from working with students. Educators and parents need support and resources to come together for the benefit of students, not reforms that would divide them.

In Baltimore City, special education continues to suffer from a critical shortage amid the statewide challenge of staffing our schools. This school year, Baltimore City Schools faces unprecedented vacancies in special education resulting in untenable workloads for special educators. This bill which seeks to shift the burden of proof would only worsen rather than help to address this staffing crisis.

Spend a day or talk with a special educator and it's plain to see that special educators are among the most overworked individuals in our schools. Despite this, they perform a variety of critical services to their students, in addition to traditional instruction and individualized educational

support. Many 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, conduct required testing, 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.

The expanded staffing and student support promised by the Blueprint for Maryland's Future and the accountability and oversight provided by mechanisms such as the recently created Special Education Ombudsman in the Attorney General's office are far better pathways to delivering strong and transparent special education programs for our students. We all want to do right by our special education students.

The Baltimore Teachers union urges Maryland lawmakers to please vote against HB 294 and local bills to the same effect.