

**Written Testimony Submitted for the Record to the Maryland House of Delegates
Ways and Means Committee
For the Hearing on
County Boards of Education - Due Process Proceedings for Children With Disabilities - Burden of Proof (HB 294)**

February 8, 2023

SUPPORT

Free State PTA represents over 50,000 volunteer members and families in over 500 public schools. Free State PTA is composed of families, students, teachers, administrators, and business as well as community leaders devoted to the educational success of children and family engagement in Maryland. As the state's premier and largest child advocacy organization, Free State PTA is a powerful voice for all children, a relevant resource for families, schools and communities and a strong advocate for public education. ***House Bill 294 County Boards of Education - Due Process Proceedings for Children With Disabilities - Burden of Proof, aligns with Free State PTA's position on Shifting the "burden of proof" in individualized education plan (IEP) due process cases from parents to school districts.***

Simply put, house bill 294 places the burden of proof on a local board of education in a due process hearing that is held to resolve disputes about the identification, evaluation, or educational placements of children with disabilities or the provision of a free appropriate public education. The exception is when a parent whose child is required to enroll in a public school, but a parent or guardian seeks tuition reimbursement for the unilateral placement of a student by the parent or guardian, the burden of proof in these hearings is on the parent or guardian.

Currently, Maryland, under its supervisory authority required by Individuals with Disabilities Education Act, has the ultimate responsibility for ensuring that local school systems make a free appropriate public education available to students with disabilities from age 3 through 21. Unequivocally, the Free State PTA supports the protection of the rights of children with special needs and those of their parents or guardians including due process. Free State PTA believes that the state and local school district is accountable for guaranteeing that each child with a disability is provided a free and appropriate education (FAPE) in the least restrictive environment. These accountability measures are often determined based on students' behavioral performance, progress reports, quantitative data and anecdotal observations that local school systems collect from their schools and teachers.

Parents have long advocated for the successes of their children who have IEPs and required adherence of teachers to follow plans and for principals as well as administrators to be accountable for administering an IEP. Parents are often defeated from the legal cost associated with time, effort and finances involved to help guarantee that due process is met. They need relief so that the interests of all children served by the school community are met. While a shift in the burden of proof will not change the evidence that each party must present to meet the preponderance of evidence standard, Free State PTA believes this a step in the right direction toward improving school, school district and/or state accountability measures that include children

The mission of PTA is to make every child's potential a reality by
engaging and empowering families and communities to advocate for all children. Page 1

with disabilities, so parents/guardians and educators know how well each entity is doing in improving the results for students with disabilities. Therefore, the Free State PTA urges the passage of HB 294 along with a larger advocacy voice, the Maryland Education Coalition.

Testimony is presented on the behalf of

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