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**Written Testimony before the House Ways and Means Committee
HB 381 – Baltimore City and Baltimore County – Due Process Proceedings
for Children with Disabilities – Burden of Proof
February 15, 2023**

OPPOSE

Chair Atterbeary and members of the Committee, on behalf of our more than 20,000 state, municipal, and public education workers, including the Baltimore Teachers Union (BTU), AFT-MD asks for an unfavorable report on HB 381 - Baltimore City and Baltimore County – Due Process Proceedings for Children with Disabilities – Burden of Proof.

This bill places the burden of proof on the Baltimore City and Baltimore County local school boards in a due process hearing that is held to resolve disputes dealing placements of children with disabilities.

Currently, the State follows the ruling in *Schaffer v. Weast*, in which the U.S. Supreme Court ruled that the burden of proof is with the party seeking relief, whether that is the disabled child or the school district. If this were to change – it should be statewide, not county by county.

If passed, the bill could dramatically increase the workload of already stretched administrative and special education staffs that are still trying to rebuild after the pandemic and working to implement changes needed for the Blueprint for Maryland’s Future. In Baltimore City, special education continues to suffer from a critical shortage of teachers that could increase due to their already untenable workloads.

It is for these reasons that we ask the committee for an unfavorable report on HB 381. Thank you.