



February 8, 2023

Maryland House of Delegates  
6 Bladen St.  
Annapolis, MD. 21401

**In Support of HB 294: County Boards of Education - Due Process Proceedings – For Children with Disabilities Special Education – Burden of Proof**

Members of the Maryland House of Delegate’s Ways and Means Committee.

We are an organization of military and non-military families with over 1500 members and fully support Delegates Atterbeary and Griffith to shift the burden of proof for Special education – Office of Administrative Hearings (OAH) - Due process hearing proceedings to the local school district and its board of education.

Much like the state of N.H. just recently did to bring a sense of balance and fairness to families of children with disabilities locked within its education administrative hearings: <https://drcnh.org/issue-highlight/burden-of-proof-in-due-process-hearings/>

This bill would be a huge help to families that need the most help caring for their loved ones struggling with behavioral health issues and disabilities. This bill would help to provide the necessary updates to an aging OAH process and procedures when it comes to special education laws and the many updates needed to them. Especially as the Blueprint for Maryland’s Future Law reforms of our education system shifting its focus to be more inclusive of all its student populations. While also considering the lingering aftereffects of the ongoing Covid 19 pandemic on students and their social, emotional health and the negative impacts on their student learning demonstrated recently with NAEP <sup>1</sup> and MCAP reports that show steep decreases and many students still underperforming in ELA and Math scores core subject areas.

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<sup>1</sup> NAEP Reading Scores: <https://www.nationsreportcard.gov/highlights/reading/2022/>  
And NAEP Math Scores: <https://www.nationsreportcard.gov/highlights/mathematics/2022/>  
Education Weekly Article - NAEP Scores: <https://www.edweek.org/leadership/two-decades-of-progress-nearly-gone-national-math-reading-scores-hit-historic-lows/2022/10>



We simply need to do better in order to serve and educate all of our students, across all of our state and return a sense of justice to a system that has been far too unjust and unfair for too long.

**Some additional asks from our community of special education families and advocates also includes:**

**OAH & ALJ Special Ed process training** - We would also really appreciate a renewed effort (2019 – House Bill 1275) by the MGA to ensure that Administrative Law Judge’s (ALJ) that hear special education cases, have the required numbers of hours and necessary training to be well informed, impartial judges in the very complex and specialized area of education law. Helping to shoulder the financial burden being shouldered by so many Maryland families by a lengthy and expensive due process hearing process. Often the ALJs lean on the LEA attorneys for guidance, due to their lack of expertise in this very complex (IDEA - Special Education) area of education law. Thereby leveling the playing field, while bringing about more equity to due process hearings. Like N.J., maybe even form a sub unit of ALJ’s that have additional training hours in special education, and civil rights law.

<https://www.ahherald.com/2022/01/19/administrative-law-unit-dedicated-to-special-education-cases-signed-into-law/>

**Reimbursement of Expert Costs:** We would also like to see families of special education students be reimbursed for the cost of having their experts come to their children’s IEP and 504 Plan meetings. Parents are often not the expert in a particular disability or medical condition that a child may be diagnosed as having and our documentation and medical reports are not given the proper weight by the school team members in our children’s meeting, required to help us make the case for services that help our kids succeed in school. We often need those experts there in the meeting room in order to help us advocate and make the case for our children’s accommodations, services and supports within their education plans. And since their presence is often necessary to ensure their needs are met in the school building, those costs for having them there should be borne by the school district in question.

Please kindly continue to build on this effort to support Maryland families of children with disabilities now, and well into the future, by bolstering justice, equity, inclusion while supporting equality within Maryland’s special education process, due process hearings, policies and procedures. And shift the burden of proof to the Local Education Agency’s Board of Education across all of Maryland.

We respectfully request that the committee members please support House Bill 294 and return a favorable report.

Thank you for your time, and for considering our testimony.

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Parent, Lead Advocate and Director of Public Policy

Parent Advocacy Consortium: <https://www.facebook.com/groups/ParentAdvocacyConsortium>