



## House Bill 294

### *County Boards of Education – Due Process Proceedings for Children With Disabilities – Burden of Proof*

MACo Position: **SUPPORT**

To: Ways and Means Committee

**WITH AMENDMENTS**

Date: February 8, 2023

From: Brianna January

The Maryland Association of Counties (MACo) **SUPPORTS HB 294 WITH AMENDMENTS**. This bill would require county boards of education to have the burden of proof in a due process proceeding regarding the provision of special education services or a program for a child with disabilities. **Counties acknowledge the difficulties of the current system and agree that both families and school boards could benefit from its modernization. However, Maryland’s children would be best served if this daunting task were first considered by a task force of experts and relevant stakeholders charged with studying best practices and drafting recommendations.**

As partners in the financial and operational governance of Maryland’s public schools, the provision of quality and fair educational services responsive to the needs of all children is of the highest priority for counties. Likewise, counties have critical stake in the resolution of any challenges to the services provided to students of different needs and abilities. An abrupt change to the standards referenced in HB 294 may divert substantial resources away from other critical components of the Blueprint for Maryland’s Future.

The current process to consider these cases is fraught with numerous challenges that pose significant financial, administrative, and labor-intensive obstacles for Maryland families and local school boards. Counties appreciate the intention of HB 294 to tackle the complex challenge of modernizing this system. However, counties fear that the bill is too ambitious and has not been subjected to the due diligence of key stakeholders, including counties.

It is the strongly held belief of counties that the bill – and Maryland’s children – would benefit from the establishment of a task force to identify the challenges of the current system, study best practices in due process proceedings regarding special education services and K-12 programs for children with disabilities, and recommend policy reforms to modernize the process. Such a task force should include key stakeholders, including county governments.

Counties remain committed to supporting all students and look forward to collaborating on a reasonable path forward to modernize these processes. For these reasons, MACo requests a **FAVORABLE WITH AMENDMENTS** report on HB 294.