

TO: Senate Education, Energy, and the Environment Committee
FROM: Theresa Smith, Special Education Advocate
DATE: March 9, 2026
BILL NO: SB863 (Prince George's County Special Education Service Delivery, Transparency, and Accountability Act)



POSITION: Informational

Statement of Intent: I am providing informational testimony on SB863 to highlight critical implementation risks at the intersection of IDEA requirements, state labor requirements, and fiscal realities. While I fully support the bill's intent to provide transparency and fair compensation for staff delivering special education services, the following technical and regulatory items require clarification to ensure the bill achieves its goals without compromising service fidelity.

1. Service Delivery, Classifications, and IEP Fidelity

- **Inclusivity of Aide Classifications (Shared vs. 1:1):** SB863 specifically references "one-to-one student aides." However, Prince George's County Public Schools (PGCPS) utilizes a variety of support models, including shared aides. As written, the bill omits these critical staff members. If the intent is to professionalize the workforce, the legislation should be inclusive of all specialized aide classifications. If the exclusion of shared aides is intentional, a clear legislative rationale must be provided as to why they are denied the same protections.
- **Full-Time Conversion vs. IEP Hours:** A significant risk exists for students whose Individualized Education Programs (IEPs) mandate aide support for less than a full-time pay period. It must be clear on how the district will manage this "full-time" status without artificially padding a child's mandated hours or leaving an aide underutilized.
- **Scope of Duties:** Without specific regulatory language defining "secondary assignments," there is a risk of mission creep. To maintain the safety and fidelity of the IEP, it must be clarified whether a "one-to-one" aide can be pulled for general school duties (e.g., lunch monitor, hall duty).
- **Service Continuity During Accrued Leave:** Transitioning aides to full-time status with benefits means they will appropriately accrue and utilize leave. While the daily mechanics of substitute coverage fall under district operations, this legislation must acknowledge the anticipated impact on service delivery. A framework or reporting requirement must be established regarding service continuity and mandatory family notification when a dedicated aide is absent, as this remains a critical safety and compliance issue for children with high-intensity needs.

2. Intersection with Labor Requirements and Retention

- **IDEA vs. Labor Alignment:** There is a potential risk that student service hours could be manipulated solely to satisfy employment schedules rather than educational needs.

- **Workload Premiums:** A competitive base salary is a necessary baseline. Additionally, to ensure retention in high-intensity special education settings, the bill should consider incentive differentials to recognize the unique physical and emotional demands of the role beyond a standard flat rate.

3. Fiscal Sustainability and Student Safety Nets

- **Funding Protection & Withholding Clauses:** Section 4-406(f)(2)(ii) states that the State Superintendent may withhold funds if the school system fails to comply with record production. It is the position of this testimony that the lack of administrative compliance regarding reporting related to the aides should never be the sole reason for withholding funds from the state. There should be a regulatory "safety net" to ensure punitive measures against the district do not inadvertently result in the loss of direct services, staffing, or IDEA-mandated supports for children.
- **Medicaid Maximization:** Technical clarity is needed on whether School-Based Medicaid Recovery to fund these salary increases, and how proposed federal Medicaid cuts might impact this local funding stream.

4. Accountability and Transparency

- **Compensatory Service Reporting:** Clarity is required on the scope of quarterly reporting. It is unclear if the reporting of compensatory service hours will cover all areas of the IEP, or only those specifically tied to the dedicated aide.

5. Professional Development and System-Wide Training

- **State-Level Standardization:** While the push for mandated professional training is commendable, the State Board of Education—not individual local school districts—should be required to determine the core competencies, the frequency of this training, and the required staff to obtain it.
- **Inclusive Training Scope:** Furthermore, these training requirements should be standardized for *all* educational and operational staff, not exclusively special education personnel. Students with IEPs interface with every aspect of the school environment, from transportation and cafeteria staff to general education teachers and administration. Leaving these critical training standards to the discretion of a specific school district creates dangerous inconsistencies and fails to equip the broader school community with the tools needed to support our most vulnerable populations.

Effective advocacy for Prince George's County families requires that legislation be as technically sound as it is well-intentioned. Addressing these regulatory and fiscal gaps will strengthen the final language of the bill and protect our students.

Thank you for your leadership and time.
Theresa Smith