

**BILL:** House Bill 901  
**TITLE:** Education - Public School Students - Recognition of External Diagnosis of Autism  
**HEARING DATE:** February 25, 2026  
**POSITION:** Unfavorable  
**COMMITTEE:** Ways and Means  
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The Maryland Association of Boards of Education (MABE), representing all of the State's local boards of education, **opposes House Bill 901 - Education - Public School Students - Recognition of External Diagnosis of Autism.**

House Bill 901 would require a school to recognize a student's external autism diagnosis until an initial evaluation of the student is completed by the school. HB 901 requires a school to initiate a school-based evaluation within 30 days of receiving the external diagnosis and written parental consent. During the evaluation period, the school would also have to provide the student with the supports recommended in the external evaluation. The school would have to continue to provide supports to the student until the school-based evaluation is completed and a determination is made regarding whether the student should continue to receive supports.

MABE fully acknowledges the frustration that parents of autistic children feel when they are waiting for a diagnosis so that their child may begin to receive supports and services in school. However, we have concerns regarding the interplay of HB 901 with the requirements under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act, the significant cost, administrative burden, and practical considerations that will be borne by school systems, and importantly, the inequitable results that this bill, were it to become law, would create between low-income and higher income families.

The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act do not require schools to use an external or private medical diagnosis for autism to provide special education services. Instead, schools are legally mandated under IDEA's implementing regulations, commonly referred to as "Child Find," to conduct their own comprehensive, multidisciplinary evaluations within 60 days of parental consent to determine eligibility. While we understand that waiting up to 60 days for a school-based evaluation can be challenging, this timeline is the well-established standard applicable to all disability evaluations.

Moreover, HB 901 would create a diagnostic-specific benefit for students with autism that is not available to students with other disabilities, who also require timely assessment and services. While students with autism unquestionably face distinct challenges, Maryland's (and the nation's) special education framework is grounded in individualized need, not hierarchy. Prioritizing one disability group risks elevating autistic students above students with other learning disabilities, speech or language impairments, hearing or vision impairments, developmental delays, or emotional disabilities. The result is inequity.

The bill further drives socioeconomic inequity among students with autism, as it provides families who can afford an external evaluation with a benefit that will evade those who cannot afford it. The cost of an external evaluation is typically exorbitant—often costing families several thousand dollars. Families able to pay for the external evaluations will now be prioritized for school-based services under HB 901, allowed to jump the line for an evaluation within 30 days, and to have their externally-diagnosed services provided immediately, while students with autism from families unable to afford external evaluations are left waiting for the school-based evaluation and without services.

Mandating reliance on external evaluations without a corresponding funding structure will impose significant and unsustainable financial and operational burdens on local school systems. External evaluations tend to recommend cost prohibitive and impractical services. The Fiscal Note for HB 901 emphasizes this – Prince George's County anticipates more than \$30 million in increased costs and Anne Arundel County stated that they may need to add Learning Labs to as many as 39 elementary schools that currently do not have a lab, each staffed by a Learning Lab technician. Yet HB 901 includes no funding mechanism.

Importantly, the Maryland State Department of Education also advises in the Fiscal Note, that: (1) a diagnosis of autism does not always indicate an educational impact, and services should only be provided to students when there is an educational impact based on their disability; (2) school systems cannot use IDEA funds for services to support a student who is not identified with a disability; (3) absent the IEP process, neither the school nor external provider have the appropriate information to make decisions about services and supports. Further, under IDEA, if a school system changes the services that a student receives—which would likely happen once it conducts its own evaluation after the external evaluation—due process protections are triggered. These due process protections are important, ensuring that students continue to receive targeted educational services aligned with their Individualized Education Program (IEP), but they are a significant burden on school systems that, in this case, are entirely avoidable if HB 901 did not attempt to upset the well-established process under IDEA.

Ultimately, while HB 901 seems well intentioned, the practical effects are entirely too burdensome, unworkable, and costly for school systems. Moreover, the inequitable

treatment that would result should weigh heavily on the General Assembly. Higher income families will be able jump the line while low-income families are left behind.

**For the reasons highlighted above, MABE respectfully requests an unfavorable report on House Bill 901.**