

---

**TO:** House Ways and Means Committee

**BILL:** House Bill (HB) 0901 – Education – Public School Students – Recognition of External Diagnosis of Autism

**DATE:** February 25, 2026

**POSITION:** Oppose

---

The Maryland State Board of Education (State Board) and the Maryland State Department of Education (MSDE) respectfully oppose HB 0901 – Education – Public School Students – Recognition of External Diagnosis of Autism, which would require local education agencies (LEAs) to provide students with an external diagnosis of autism with supports pending the identification as a student with a disability under the Individuals with Disabilities Education Act (IDEA).

MSDE appreciates the goal of increasing supports to students diagnosed with autism. However, several provisions of this legislation raise educational, legal, and operational concerns for LEAs. First, a medical diagnosis of autism does not automatically establish an educational impact requiring special education services. Under federal special education law, eligibility and services are determined through an evaluation process focused on educational need and developed in collaboration with students' educational teams and families to ensure services are tailored to the individual student. Providing services prior to determining educational impact risks misalignment with established eligibility standards and undermines the purpose of the evaluation process.

Second, recommendations made by medical providers may not align with the supports that can or should be implemented within an educational setting. Clinical providers serve an important role; however, they are not positioned to determine how a disability affects educational performance or access to curriculum. MSDE has engaged with the medical community to clarify the distinction between clinical and educational decision-making. Requiring schools to act on recommendations developed outside the educational context may create conflict between medical and educational frameworks and set unrealistic expectations for families.

Additionally, several practical concerns warrant consideration:

1. Since individuals outside the school system are not responsible for determining educational impact or program design, placing weight on external recommendations may create conflict when those recommendations differ from those of the educational team.
2. Without the full IEP evaluation process, neither schools nor external providers possess the comprehensive data necessary to determine appropriate supports or services.

3. The legislation may increase disputes and complaints when external recommendations are not reflected in IEP team determinations, potentially eroding trust between families and schools.
4. Federal IDEA funding is tied to students identified as eligible for special education. Requiring services prior to eligibility determination may create funding and compliance challenges for school systems.
5. Federal and state regulations allow up to 60 days after consent to complete an evaluation. Establishing a distinct 30-day requirement for students with autism creates inequity across disability categories and disrupts consistent referral procedures.
6. As the bill itself acknowledges, recommended supports may conflict with law or safety considerations, which is why the bill permits alternatives in such cases.

Public schools share the goal of supporting students with autism and their families. However, these supports must be grounded in educational evaluation, team-based decision-making, and alignment with federal and state law. The State Board and MSDE respectfully urge the Committee to carefully consider the unintended consequences of HB0901 and its potential to disrupt established special education processes.

For further information, please contact Laurel Cratsley, Interim Executive Director of Government Affairs, at 443-571-5461 or [Laurel.Cratsley@maryland.gov](mailto:Laurel.Cratsley@maryland.gov).