

BILL: House Bill 86
TITLE: Special Education - Translations of Individualized Education Programs
or Individualized Family Service Plans - Native Language
POSITION: OPPOSE
DATE: February 4, 2016
COMMITTEE: Ways and Means Committee
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The Maryland Association of Boards of Education (MABE) opposes House Bill 86, as a proposed expansion of mandated special education programs and services, for the following reasons:

- This legislation is not required in order to comply with any corresponding federal special education law or regulation; and
- This legislation would mandate a significant new required service in the area of special education, which is already acknowledged to be underfunded at the federal level, without requiring additional state or local funding.

Local boards of education place a very high priority on ensuring that students receive high quality special education programs and instruction to meet the unique needs of every disabled student. MABE, on behalf of all local boards of education, assures the General Assembly that Maryland's professional educators and school administrators are working within a very comprehensive federal and state legal and educational framework to serve special education students, without the need for adopting legislation to mandate new state workload guidelines and new local procedures.

MABE strongly supports the goals and objectives of the federal Individuals with Disabilities Education Act (IDEA) to assure a free appropriate public education (FAPE) to all children with disabilities. MABE also believes that Maryland's comprehensive array of state laws and regulations governing special education, including those related to the process of developing each student's Individualized Education Program (IEP), already meets or exceeds all federal requirements. Maryland's state and local special education programs are serving students and families well.

A hallmark of public education is the assurance that IEPs are developed for students with disabilities through a process that involves the collaborative participation of parents and guardians. IDEA mandates that these written plans specify how special education, related services and supports will be provided to eligible students with a disability.

During the IEP process a team develops appropriate goals and objectives for the student to access the general curriculum. The IEP team includes the student's parents or guardians, a general education teacher, a special educator, a public agency representative, an individual who can interpret the evaluation results, and the student, as appropriate. This collaborative, labor intensive, time consuming, process is in pursuit of one objective, the successful teaching and learning of the student for whom the IEP has been developed.

MABE opposes this legislation and the proposal to mandate translations of IEPs into the parents' native language upon request, because it would impose a new unfunded mandate which would compete for limited resources; limited resources which MABE believes are already inadequate to meet the currently mandated scope of regular and special education services. MABE appreciates the effort to narrow the scope of the mandate to languages spoken by one percent or more of the student population in the school system. However, the mandate remains outside the scope of existing federal law and would result in a significant new responsibility and cost for local school systems.

For many years, local school systems across the nation, and in Maryland, have raised two major concerns with IDEA. First, Congress has failed to deliver on its promise to fund IDEA at a level sufficient to provide the 40% in additional per pupil costs estimated as necessary to fulfill the educational and administrative requirements imposed by IDEA. Second, the paperwork requirements IDEA imposes on school administrators and educators are already daunting, and school systems have long argued that these administrative practices require teachers and other education professionals to use significant amounts of time completing paperwork; time which should be devoted to classroom instruction and other student services.

To address these issues at the state and local level, Maryland has adopted a statewide school finance system, under the Bridge to Excellence Act of 2002, which provides additional "weighted" per pupil funding for three categories of special needs students: economically disadvantaged, limited English proficient, and special education. This additional funding has benefitted the education of thousands of students receiving special education services across the state for over a decade. However, Bridge to Excellence Act funding reached a plateau in 2008, and significant increases in per pupil funding for the foundation amount or special needs categories of funding have not been enacted to date.

In the intervening years, the General Assembly has enacted several bills to expand the scope of special education services and administrative procedures; bills which are imposing significant additional demands on teachers and staff and which exceed federal standards.

For these reasons, MABE requests an unfavorable report on House Bill 86.