

BILL: Senate Bill 1142
TITLE: State Department of Education - McArdle Early Intervention Scholarship Program
POSITION: OPPOSE
DATE: March 16, 2016
COMMITTEE: Education, Health, and Environmental Affairs Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the State's local boards of education, opposes Senate Bill 1142.

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. Maryland's public school systems are mandated to provide a wide array of special education services in accordance and compliance with the federal Individuals with Disabilities Education Act (IDEA) and corresponding federal and state regulations. IDEA requires that all eligible disabled students receive special education and related services if they are between the ages of 3 and 21, meet the definition of one or more of the categories of disabilities specified in IDEA, and are in need of special education and related services as a result of the disability. 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 provide special education services to students.

MABE is very concerned that this bill proposes to allow parents to apply and enroll students in a private special education school, at state and local expenses, without aligning the student's placement with the student's Individualized Education Program (IEP). Local boards of education have great respect and appreciation for the dedication and commitment of educators and parents who are collaborating throughout the school year to ensure that the educational needs of students qualifying for special education services are being met. MABE is opposed to shifting decision-making authority away from the professional judgement of educators who have developed the IEP in conjunction with parents and guardians as required by federal law, and instead providing a financial incentive for parents to select and enroll their child in a specific non-public school.

To be clear, MABE strongly supports sustaining and adequately funding Maryland's network of nonpublic special education schools. MABE recognizes the critical role these schools play in meeting the specialized educational needs of many students.

Importantly, nonpublic placement decisions are made in accordance with IEPs, and MABE strongly advocates for mainlining the efficacy of this process. An Individualized Educational Program (IEP) is an educational plan designed for the unique needs of each special education student and is formed by parents, teachers, administrators, related services personnel. The IEP is a legally binding document and constitutes the foundation for the educational services provided to every student with a disability. Each IEP states the student's present levels of academic performance, and states how the disability affects the student's involvement and progress in the general curriculum; and the IEP must include academic and functional annual goals, and benchmarks or instructional objectives.

School systems take very seriously the responsibility for identifying and evaluating students with disabilities; developing, reviewing, or revising an IEP for a student with a disability; and determining the placement of a child with a disability in the least restrictive environment. IEP teams, comprised of professional educators and parents, meet to develop the initial IEP and at least once a year thereafter to ensure that the IEP includes the services needed for the student to make progress on the specified annual goals. MABE firmly believes that Maryland's local school systems, in conjunction with nonpublic special education schools, are providing high quality special education services, and involving parents and guardians in decision-making on behalf of their child's educational well-being, as intended and envisioned by IDEA and Maryland's special education laws and regulations.

For these reasons, MABE requests an unfavorable report on Senate Bill 1142.