



## **An Act to Provide Fair Process for Students with Disabilities**

Lead Sponsors: Sen. Eldridge, Rep. Wolf

### Bill Summary

This bill establishes that school districts have the burden of proof in special education cases brought to the Bureau of Special Education Appeals, reinstating Massachusetts procedural practice that was set aside following a decision by the U.S. Supreme Court (*Shaeffer, 2005*). The Supreme Court's decision effectively required parents to carry the burden of proof in the majority of cases under federal law. As emphasized by the dissent, however, districts have significantly greater access to the information, expertise, and resources required for litigation than parents, and placing the burden of proof on parents creates an unfair onus on families trying to achieve equal educational opportunities for their children. The burden of proof should be assigned to school districts as a matter of fairness to level the playing field, and to help deter costly disputes.