

Education Advocacy Coalition For Students with Disabilities

**SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE
SENATE BILL 300: SPECIAL EDUCATION—LEARNING CONTINUITY PLAN—REQUIREMENT
JANUARY 27, 2021**

POSITION: OPPOSE

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of more than 30 organizations and individuals concerned with education policy for students with disabilities in Maryland opposes Senate Bill 300 because, although well-intentioned, the bill is impractical and would likely result in dilution, rather than implementation of, the rights of students to a free appropriate public education in the event of an emergency.

Senate Bill 300 would require every student with an individualized education program (IEP) or Section 504 plan to have a learning continuity plan to be implemented in an emergency. The Bill defines emergency broadly; an emergency can be anything from a fire or flood to a transportation strike, pandemic or “[a]ny other emergency condition that causes a significant disruption to the ordinary delivery of instruction or services.” EAC members appreciate the intent to ensure that a plan will be in place for each student with an IEP or Section 504 plan to avoid the delays that deprived students of needed services for many months when school buildings closed in March, 2020. However, our concerns are twofold.

First, different emergencies may require different approaches, some of which might require no alteration in the special education and related services provided to a student. For example, if a transportation strike occurs, there may be other ways of getting students to school, such as through taxis, paratransit and reimbursement of parents who choose to transport their children themselves, and IEP implementation should not be affected. That is a very different type of emergency from a fire or hazardous condition that closes a school building or neighborhood, or a health crisis with more global ramifications. It is impractical for an IEP team and parents to anticipate all contingencies of an emergency and try to plan accordingly.

More significantly, however, as many families have learned throughout the pandemic, a learning continuity plan does not equal full IEP implementation for many students because it is simply not possible to replicate all aspects of an IEP when services are not delivered in person. The situation has been dire for students whose disabilities prevent them from learning effectively via distance learning. Codifying learning continuity plans into state law would legitimize a process that has resulted in significant violations of federal and state law for many students in Maryland. An alternative approach would be simply to require IEP teams and Section 504 committees to advise parents within five business days of the onset of an emergency situation, how a free appropriate public education will be provided to their child and how their child’s IEP or Section 504 will be implemented.

Please contact Leslie Seid Margolis, chairperson, at lesliem@disabilityrightsmd.org or 410-370-5730 for more information.

Respectfully submitted,

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