



House Appropriations Committee
House Ways and Means Committee
February 12, 2021

HB 764: Education – Broadening Options and Opportunities for Students Today Program – Established and Mandated Funding
Letter of Information

The Maryland Developmental Disabilities Council (Council), Disability Rights Maryland (DRM), and The Arc Maryland work to advance the inclusion, rights, and opportunities of people with developmental disabilities. **The Council, DRM, and The Arc provide this letter of information to explain our concerns for students with disabilities in Maryland relative to funding for the Broadening Options and Opportunities for Students Today (BOOST) Program.** We take no position regarding the value of private schools.

Our position is solely based on the lack of access for students with significant disabilities:

- This bill requires public funding for scholarships for students to attend nonpublic schools. While often referred to as school choice because families can access state funds to pay tuition at private schools, **the reality for students with disabilities and their families is that this is not a choice at all.**

We are pleased that schools that explicitly discriminate against students with disabilities in their admissions policies no longer receive BOOST funds. However, schools receiving public funds are still able to engage in more subtle forms of discrimination in every aspect of the educational process - from admissions to classroom instruction to physical accessibility. For example, telling a family their child might feel more comfortable or be better served elsewhere or refusing to make requested accommodations.

Parents who choose to send their children to private schools must be free to do so. However, public funds should not be used to assist attendance of children at those schools that do not provide equitable opportunities for children with and without disabilities to learn with and from each other.

Why do scholarship programs not meet the needs of students with significant disabilities?

- **Private schools do not have to accept everyone.**

Private schools that do not receive federal funds are not required to comply with Section 504 of the Rehabilitation Act. Section 504 prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education.

Private schools run by religious organizations are not required to comply with the Americans with Disabilities Act (ADA). The ADA ensures that students with disabilities have equal access and opportunity for participation in the programs, services and activities offered by the school.

- **Students with disabilities who attend private schools have to give up their rights and protections under the Individuals with Disabilities Education Act (IDEA).**

If parents of students with disabilities remove their children from the public school system to utilize the Program, their children would no longer be entitled to the special education and related services or procedural protections mandated by this federal special education law.

➤ **Scholarship programs divert funding from public schools.** If funding is diverted from public schools, less funding is available for services, supports, and other resources, including those that provide students with disabilities meaningful access.

Students with disabilities are entitled to a free, appropriate public education with the services and supports needed to learn alongside their peers without disabilities. In order to ensure every student receives a high-quality education, including students with disabilities, funding should not be diverted away from public schools.

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