

Education Advocacy Coalition

for Students with Disabilities

SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE
SENATE BUDGET AND TAXATION COMMITTEE

**SENATE BILL 1062: Education—Prekindergarten and Withholding of County Board Funding
(Blueprint Accountability and Flexibility Act of 2024)**

DATE: MARCH 6, 2024

POSITION: OPPOSE

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of more than 40 organizations and individuals concerned with education policy for students with disabilities in Maryland is opposed to Senate Bill 1062, which would, in part, allow the Accountability and Implementation Board (AIB) to withhold funding from a county school board for “unsatisfactory results on the Maryland Comprehensive Assessment Program (MCAP)”. The bill specifies that the AIB may withhold the greater of up to 25% of the state share of major education aid or an amount equal to the amount of “inappropriate spending” in the state share of major education aid. The likely consequences of this draconian penalty should it be imposed on any school systems would be significant for students with disabilities.

Federal and state special education laws require that students with disabilities be educated in general education to the maximum extent appropriate and that they take the same assessments taken by their nondisabled peers unless it is not possible for them to do so, even with accommodations. The Maryland State Department of Education has issued several guidance documents over the years addressing how schools should make decisions regarding assessments, curriculum access, and graduation; the state has a long history of diverting too many children with disabilities to alternate assessments aligned to an alternate curriculum that puts a high school diploma out of reach. In fact, when efforts were undertaken in the past to tie test scores to accountability, many children with disabilities were wrongly swept into the alternate assessment category because of the fear on the part of the staff at their schools that they would bring the school’s test scores down.

Denying a student with disabilities the opportunity to take the MCAP can dictate the curriculum the student receives and the place where the student receives that curriculum. EAC members fear that by imposing a heavy monetary penalty on local school boards for unsatisfactory MCAP scores (a term that is not defined), local school systems will have a renewed incentive to remove students with disabilities from general education classrooms and shift them to the alternate assessment. This would be devastating to the students, to their peers, and to the State, since the United States Department of Education monitors assessment numbers and requires states with too many students in alternate assessments to enter into corrective action plans.

For these reasons, the EAC opposes Senate Bill 1062. Please contact Leslie Seid Margolis, Co-Chairperson, at lesliem@disabilityrightsmd.org or 443-692-2505 for more information or if questions.

Respectfully submitted,

Selene Almazan, Selene Almazan Law, LLC

Rene Averitt-Sanzone, The Parents' Place of Maryland

Linda Barton, MSED, Education Advocate

Beth Benevides, Autism Society of Maryland, Co-Chairperson

Ellen Callegary, Attorney

Melanie Carlos, xMinds (Partnership for Extraordinary Minds)

Stephanie Carr, S.L. Carr Education Consultants, LLC

Rich Ceruolo, Parent

Mallory Finn, Tyler Cochran and Maureen van Stone, Project HEAL at Kennedy Krieger Institute

Jennifer Engel Fisher, Weinfeld Education Group

Lisa Frank, Andrea Bennett, Jen Ritchotte, Amy Tonti, Special Kids Company

Kimberly Glassman, Law Office of Brian K. Gruber

Marjorie Guldan and Rosemary Kitzinger, Bright Futures, LLC

Riya Gupta, Strong Schools Maryland

Beth Ann Hancock, Charting the Course, LLC

Ande Kolp, The Arc Maryland

Rachel London, Maryland Developmental Disabilities Council

Leslie Seid Margolis, Disability Rights Maryland, Co-Chairperson

Lindsay Muir, M.Ed., Abilities Network

Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center

Ronza Othman, National Federation of the Blind of Maryland

Maria Ott, Attorney

Kate Raab, Law Office of Nicole Joseph

Rebecca Rienzi, Pathfinders for Autism

Jaime E. Seaton, BGS Law

Karleen Spitulnik and Winifred Winston, Decoding Dyslexia Maryland

Ronnetta Stanley, M.Ed., Loud Voices Together

Wayne Steedman, Steedman Law Group, LLC

Guy Stephens, Alliance Against Seclusion and Restraint

Liz Zogby, Maryland Down Syndrome Advocacy Coalition

The Maryland Education Coalition also joins this testimony