

SB0218 – Education – Prolonged State of Emergency – Virtual Education Plans

Chair and members of the Committee:

I am a Maryland parent and special education advocate. I urge an **UNFAVORABLE** report on SB0218 because it expands administrative authority during emergencies **without creating enforceable protections for students—particularly students with disabilities.**

Process without protection

SB0218 allows the State Superintendent to declare a prolonged state of emergency and relies on district virtual education plans to govern instruction during closures. However, **plans are not protections.** This bill does not require that students actually receive services—only that systems assert they planned for them.

It repeats known, documented failures

Maryland already has lived experience with prolonged school closures. Families know exactly what happens when schools pivot to virtual instruction without statutory safeguards:

- IEP services are reduced, delayed, or suspended
- Related services are treated as optional
- Accessibility and assistive technology gaps are ignored
- Parents are told to “wait until in-person resumes”
- Remedies, if they come at all, arrive years later

SB0218 does nothing to prevent these outcomes.

No FAPE, no accountability, no remedy

As written, SB0218 does **not**:

- Require continuity of IEP or Section 504 services
- Require written notice to parents when services change
- Require compensatory education when services are missed

SB0218 – Education – Prolonged State of Emergency – Virtual Education Plans

- Require accessible platforms or assistive technology
- Impose enforcement, monitoring, or consequences for failure

A district can fully comply with this bill and still deny FAPE.

Systems protected, students exposed

SB0218 gives the State Superintendent more authority, gives districts more flexibility, and gives families **no enforceable rights**. It formalizes the same imbalance parents face every time an emergency is declared: **systems get discretion, children lose access, and families carry the burden of fixing it later through complaints and due process.**

Maryland does not need another bill that says *“have a plan.”*
Maryland needs laws that say **what must happen when plans fail.**

Closing

SB0218 is insufficient, unenforceable, and disconnected from the realities families have already lived through. Until the General Assembly is willing to legislate service continuity, accessibility, accountability, and remedies for students with disabilities during emergencies, this bill should not advance.

I respectfully urge an **UNFAVORABLE** report.

Respectfully submitted,
Alicia Baines
Maryland Parent & Special Education Advocate