

**SB 209: Special Education- Prolonged School Closure-  
Extension of Education Services**  
**Education Health and Environmental Affairs Committee**  
**January 27, 2021**

**Position: Support**

Earlier this month, Lt. Gov. Rutherford is quoted as saying “We’re gonna have to figure out what to do in terms of the educational loss, because **it’s going to be a disservice to a lot of these kids and all of us, if we just pass them along.**” This statement gets at the heart of this bill.

**Senate Bill 209, would permit an extension time in school to students with disabilities to address the loss of learning sustained during the pandemic.** It would provide transitioning students between the ages of 17 and 21 the option to continue attending school or receiving education services after the student’s previously anticipated exit date. Furthermore, the bill would require a county board to provide a notice to the parents or guardians of eligible students about a student’s option to continue attending school or receiving certain education services.

The Individuals with Disabilities Education Act defines *Transition services* as “*a coordinated set of activities for a child with a disability that-*

*(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and/or community participation;*

*(2) Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and includes-*

- i. Instruction;*
- ii. Related services;*
- iii. Community experiences;*
- iv. The development of employment and other post-school adult living objectives; and*
- v. If appropriate, acquisition of daily living skills and functional vocational evaluation.*

*(b) Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.” IDEA, Title 34, Subtitle B, Chapter III, Part 300*

The transition years, for a student with disabilities, are a critical time for knowledge building, achieving orientation and mobility goals, and developing the skills needed for independent living upon exit from high school. This preparation for adult life is critical to success of transitioning youth. During this period, and based on the individualized goals in a student’s Individualized Education Program or 504 Plan, students receive supports from the school to engage in work experiences, learn soft and concrete skills necessary for navigating workplaces, learn how to use

transportation, and learn how to survive and thrive in the community and at home as examples. Without this instruction and these experiences, students are at a great disadvantage in their ability to realize success as adults once they exit from school. Without the necessary transition components to their education programs, they are more likely to rely on more extensive and expensive supports and adult services upon school exit.

Although there have been considerable efforts made by our schools and teaching staff in many cases, to try to modify the instruction and experiences for the students, the **opportunities** to experience jobs, practice mobility, reading and reacting to street signs, preparing meals and some of the other components that require in-person support could not be accomplished.

If students are forced to graduate according to the previously determined timeline, despite these lost educational components, there will undoubtedly be a gap in knowledge and skills. Adult services programs are not wired or equipped to provide the type of instruction and opportunities that the schools provide. We believe this would be a disservice to the students and teachers who have worked so hard to try to bring students with disabilities to a place where they are able to successfully exit from high school, prepared to enter work, and live independently or with the least reliance possible on continued state services and programs.

We wish to support the amendment offered by the Sponsor to delete Section 8-413(L)(1) and (2) to resolve a concern posed by advocates. This amendment would allow students to receive the services they need to recover from the learning loss they have sustained, and to receive the full amount of compensatory services they may be owed for violations of their rights to FAPE during this time.

We also want to highlight the importance of ensuring that students, who elect to remain in school for an additional year, still have a full year to consider adult services and are considered part of the Governor's Transitioning Youth for the year in which they exit from school.

In conclusion, we appreciate the work of the Sponsor to shine a light on what is needed and propose a solution that may help to resolve concerns felt by many families supported by The Arc. We are hopeful for a favorable report of SB209 as amended.

Sincerely,

Ande Kolp  
The Arc Maryland  
[akolp@thearcmd.org](mailto:akolp@thearcmd.org)

Encl: Stories of support from parents:

Lisa and Andrew Marshall  
Tracey Smith

From: Tracy <tracy4design@gmail.com>

Date: January 21, 2021 at 9:38:38 AM EST

To: bob.cassilly@senate.state.md.us

Subject: SB 209 : Special Education – Prolonged School Closure – Extension of Education Services

Good morning. My son is a transitioning youth student at Bel Air High School in Harford County. This was supposed to be his final year as he turns 21 in May. He has worked very hard over the years as well as myself being a single mom who has advocated over and beyond to get him what he needed to be successful in school with his peers. He is losing his entire last year as well as part of last year (March-June). Jake had shown tremendous progress in school as well as his work experience outside of school right up to when everything shut down in March 2020. It's such a shame that it was taken away at a point where he was doing so well. Online learning has been extremely difficult for him to stay focused as well as him working on all his social and interpersonal goals he would have gotten in person. Jake has Down Syndrome as well as Autism. I feel socially he has regressed in many areas during this pandemic. He is in the high risk group for Covid. I feel if he was given another year to make up for all he has lost, and to get him back on track as well as for him to understand his last year as he moves forward into his next journey of adulthood. With all adult programs shut down and virtual, I haven't been able to visit any to see which would be suitable for him to transition into. This is one of the most important years for him and us. Please allow him to get back what he has lost and allow him to exit his journey in the school system normally.

Thank you and be safe,

Tracy Smith

(Mother to Jake Smith)

SB209- Special Education - Prolonged School Closure - Extension of Education Services

Assigned to: Education Health and Environmental Affairs Committee

January 27, 2021

**Position: Favorable**

Background: This bill would require a county board of education to offer and provide to certain disabled and special education students (whose schools are subject to a prolonged school closure) the option to continue attending school or receiving education services after the student's anticipated graduation date. Furthermore, the bill would require a county board to provide a notice to the parents or guardians of eligible students about a student's option to continue attending school or receiving certain education services.

**My Story:**

Joseph is a 22 year old male diagnosed with Autism at 1.5 years old. He is nonverbal and uses a communication device provided by the school. (Ipad). He is for the most part very well behaved but does have a behavioral plan in place for when his behaviors are out of line. When the pandemic hit, things changed dramatically for my son.

Joseph went from getting on the bus every day to being home based due to the pandemic. So much of what Joseph does to keep him grounded is his routine and that routine was severely thrown off when the schools closed. Keeping that routine became the most important aspect of Joe's daily life. Although the routine is different at home and school the need for structure at both places is vital. With the help of the additional waiver hours we were able to keep his day to day the same basic way during the week and even one day on the weekends. The other day we used respite (Saturday) to give him a break and let him have some preferred activity.

Without a doubt Joseph benefitted by the extension of services he was able to receive through the autism waiver. We are talking about a person who needs to relearn behavior routines after short breaks from school like Christmas Vacation. An extended period of time with no supports at the home would have been a major step back for Joe. Not to mention the fact that as a single parent, I could not have cared for Joe if the extra hours had not been approved. The difference between 24 and 40 hours a week is the difference if I can get to work each day.

**The concept of extending the school programs for people like Joe would be a great step.** The lost part of Joe's development is how long it took to get him to a point he was able to benefit from school. Joe was 18 or 19 before his behaviors were not an impediment to his learning. If he could have had an option for another year of learning with his maturity level where it is now, I can tell you only positive results would have come from that time. A program extension could only benefit the current programs so they will deal less with individual's behaviors/maturity and focus on the skills needed to be productive members of their community.



Adult services in Maryland are not like any other life step that Joseph has taken. Too many points here to mention but here are the high points my daughters and I experienced looking for adult services for Joe;

1. Program can deny your application based on IEP/behavioral plans. 50% of the day programs we visited would not support Joe needing behavior help.
2. There are not enough programs out there and they are over capacity. Clear message was sent to us that programs were full and struggling to staff and manage their current population.
3. The best program for your child may not be in your area. After an exhaustive search we found the best program for Joseph was in another county. This means you have to expand your search and even consider where your family needs to be based given the lack of choices.

Those are just the high points. I started looking for programs for Joe 18 months prior to his existing school. If I could have had any extra time to research his placement it would have been a huge help.

Thank you for considering this change to transitioning individuals with special needs. I hope you all consider the benefits and pass the bill. Parents of these kids are overwhelmed most days. Anything you can do to help ease their concerns about this important time in their lives would be the right thing to do. I welcome the chance to share more of Joseph's story and our experiences.

Sincerely,

Mark Spitale  
301-606-0733  
markspitale@gmail.com

Andrew and Lisa Marshall  
12306 Chagall Drive  
Gaithersburg, MD 20878  
Phone: 301-922-4273

We are the parents and guardians of Jack Foster. Jack was diagnosed with autism before he turned two. He started receiving supports from the school system (speech therapy, ABA therapy) when he was three. He has only been in self-contained programs since he entered school, spending nearly 100% of his time in special education classes, where he has received supplemental speech therapy, occupational therapy, and other specialized services. He also receives services through the Autism Waiver in the form of after-school, summer, and Saturday camps, and frequent work with a 1:1 care provider; these supports together mean that he has not been without some form of support / therapy for more than about two weeks since he was five. From the time he caught the bus in the morning at 6:55 until he came home at 6 PM, he was on the go and he loved staying busy. He was on course to transition to adult services at the end of the 2020-2021 school year. However, he has not been able to participate in any virtual learning through the school system and has not had live camps, therapy, or other support since schools shut down on March 13, 2020, over 10 months ago, and since then, his skills have regressed, he's exhibiting signs of clinical depression, and he is, by turns, aggressive, lethargic, agitated, and withdrawn, a stark contrast to his previous energetic, outgoing self.

Jack is completely non-verbal and cannot speak. He depends largely on pictures to communicate. Jack's cognitive ability has been tested out to be in the Extremely Low range (two or more standard deviations below average), and his adaptive functioning also tests in the Extremely Low range. Jack's functional communication requires that he have additional supports such as augmentative and alternative communication (AAC) methods and strategies to be used throughout the day. Jack's delays in all academic areas and expressive and receptive language necessitate the use of assistive technology, visual aids, and a human instructor providing frequent and immediate feedback in order for him to make progress. A scribe is required in order for Jack's responses to be recorded, as he has significant delays in written language as well as fine motor difficulties. Jack requires schedules and routines and constant reinforcement of new skills or else he loses them.

Despite these challenges, Jack has been an active member of the school community. He is generally a happy, social kid, with an infectious smile. He has started working outside the school (as part of his school program) the second semester of 9<sup>th</sup> grade, when most students don't start until their 10<sup>th</sup> grade year, because he worked so well within the program. He was on his school's state-championship Allied Bocce team (he won the MVP award that year), and has participated in Allied Bocce and Allied Softball every season since his freshman year in high school. He is on the honor roll and participates in the Best Buddies program. He loves puzzles, and usually completes two 1000-piece puzzles a week in his spare time.

However, since schools shut down and he is, essentially, no longer receiving services, he is constantly anxious and agitated. He has lost 20 pounds and then gained 30 pounds in the last 10 months. He doesn't sleep well, although he spends most of his time in his bedroom. He has panic

attacks several times a day that leave him exhausted and frustrated. When he has briefly engaged in school Zooms, he spends the rest of the day even more depressed and anxious and angry. Simply leaving the house provokes panic attacks; he won't even go to the end of the driveway to get the mail, which used to be one of his daily chores. His previous medications are no longer therapeutic, and we have been working with his doctors to develop new therapeutic regimes, which are not yet effective. Because he requires constant supervision, one parent even had to leave his full-time job to provide day-to-day support for Jack while schools are closed.

We had initiated some goals into his IEP to work on the transition to adult services in December 2019: participating in community-based activities to expand his exposure to work, travel, and leisure options as an adult, which would have been the primary focus of his learning for his final 18 months of schooling, a perfectly reasonable timeframe under normal circumstances. However, his teachers were not even able to initiate these goals before schools shut down, and Jack has had no opportunity to make progress in these areas.

He is currently in the School-Community Based program and is non-diploma bound. He will turn 21 on June 2, 2021, meaning under the current state law, he must exit the school system at the end of the spring semester. In anticipation of this event, we have had to apply to adult care providers whom we have never met in person or visited, when Jack is a non-functional shadow of his former self. Instead of looking forward to numerous possibilities based on his previous competencies and desire to work, we are instead having to look for providers that provide extensive remedial supports. Compounding this is that many of the special ed students who were supposed to transition to adult services in 2020 still have not been able to start adult services, and so spaces are limited. Several agencies have told us they are not even accepting applications this year.

COVID-19 has forced all of us to make sacrifices, and parents, school systems, and governments have had to make difficult decisions about keeping schools and other essential service providers closed for safety reasons. It has been impossible for schools to provide Jack the free, appropriate public education he is legally entitled to, and we understand that. But with the vaccine being distributed, there is an end in sight, and it's time to take stock of where we are and what can be done to remedy past wrongs. The vast majority of students in public schools just have to hang on a little longer; they will have the opportunity to take summer school, repeat a grade, make up for any academic deficits they may be left with after a year or more of virtual learning.

But under current Maryland law, Jack will not have this chance. Regardless of the global pandemic and issues that are completely out of his (and our) control, he has missed a year of school and will not be allowed to make up that time or to recover the learning he has lost. As a result, he may never regain the functionality he once had, which will cost the state significantly more in the long run – having to provide more extensive services for a much longer time – than to allow him one more year of school.