

Education Advocacy Coalition For Students with Disabilities

**SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE
SENATE BILL 209: SPECIAL EDUCATION—PROLONGED SCHOOL CLOSURE—EXTENSION OF
EDUCATION SERVICES
JANUARY 27, 2021**

LETTER OF INFORMATION

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, submits this Letter of Information to address an issue raised by Senate Bill 209, which would permit an extension of up to a year of services to students with disabilities to address the loss of learning sustained during the pandemic. Specifically, the EAC writes to clarify the difference between services designed to address learning loss sustained by students with disabilities who could not receive all of the services to which they were entitled because their school system was unable, despite good faith efforts, to implement those services during the pandemic, and compensatory services to which students may be entitled because they sustained violations of their rights that could have been avoided, the pandemic notwithstanding. Proposed Section 8-413(L)(1) and (2) of Senate Bill 209 conflates the two by allowing the amount of compensatory services a student may be owed to be reduced by the amount of additional services a student receives.

In fact, students may be entitled to receive both services to remedy learning loss and to compensatory services. For example, if a high school student with disabilities participates in a vocational program that includes on-site or off-site work activities that could not occur because school buildings and work sites were closed, the student would be appropriately entitled to an extension of education services. If the student also receives the related service of speech and language services, for example, and if the student's IEP team unilaterally cut the amount of service from one hour a week to 15 minutes a month when schools closed because of the pandemic, the student sustained an IEP implementation violation that should be remedied by the provision of compensatory services. These services should not be offset by the additional time in school provided because of the impossibility of participating in vocational activities during the pandemic.

Deletion of Section 8-413(L)(1) and (2) would resolve this issue and 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.

The EAC appreciates the opportunity to share this Letter of Information. Please contact Leslie Seid Margolis, chairperson, at lesliem@disabilityrightsmd.org or at 410-370-5730 for further information or to discuss this Letter of Information.

Respectfully submitted,

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