



**Maryland Developmental
Disabilities Council**

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Senate Education, Health, and Environmental Affairs Committee

January 27, 2021

SB 300: Special Education – Learning Continuity Plan - Requirement

Position: **Support with Amendments**

SB 300 which would require Learning Continuity Plans to be established as part of each student's individualized education program (IEP) or 504 plan is attempting to address a clear issue that students and families continue to face during the COVID-19 pandemic. It seeks to ensure that students with disabilities are able to access the services and supports afforded them under federal and state special education laws even in emergency situations. **However, the development of learning continuity plans does not guarantee full implementation of an IEP or 504 plan and may still leave students without critical services and supports needed to succeed.**

Amendment: Require IEP teams and Section 504 committees to advise parents within ten (10) business days of the onset of an emergency situation, how their child's IEP or Section 504 will be implemented.

WHY does this need to be addressed?

- **While the COVID-19 pandemic has resulted in the closing of school buildings, the right to a Free Appropriate Public Education (FAPE), and the obligation of the local school systems to provide FAPE to all students, including students with disabilities, remains unchanged.¹**
- **While there is no flexibility in the obligation to provide FAPE, there is *flexibility in the methods employed to implement the IEP*. Requiring IEP teams and Section 504 committees to advise parents within 10 business days of the onset of an emergency situation will allow students and their families to be better prepared to continue learning.**
- **There is already a process to amend IEPs as outlined in state and federal law. This has been done for many students throughout the COVID-19 pandemic.**

The COVID-19 pandemic has been difficult for all students and their families, and has been a particularly dire situation for students with significant disabilities. Effective learning, for many, has not been possible because in many cases it is not possible to replicate all aspects of an IEP when services are not delivered in person.

For these reasons, while the Maryland Developmental Disabilities Council, supports the intent of SB 300, and strongly supports efforts to ensure effective learning during any emergency situation, amendments are necessary to ensure the true intent is realized.

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¹ MSDE, Division of Early Intervention and Special Education Services, Technical Assistance Bulletin 20-03, May 2020. As of publication of this bulletin, all legal obligations under IDEA remain in place.