

SB 209 testimony.pdf

Uploaded by: Brown, Mark

Position: FAV

Testimony – Written **in favor of SB 209 Special Education Prolonged School Closure**

Thank you for reviewing the following written testimony requesting a favorable report of this bill.

My son is 20 turning 21 this June. He is considered a transitioning youth and will age out of school in June. He receives special education services due to his diagnosis of Down Syndrome, Autism and other learning disabilities. He has not been able to attend in person school since March 2020 due to Covid-19 shuttering schools. This has been the majority (or all depending on when schools will open) of his last school year. He has not been able to have the socialization that he needs and receives so successfully while he is in school. Once school ends he will transition to a day program which he will be in for a significant period of time.

By passing SB209 my son and those like him, will be able to retain the benefits of school socialization and education that they have largely lost during 2020 and beyond. While he has attempted to participate in on line school this has not been nearly as successful for him as in person learning and being with his peers.

Thank you again for considering this matter and taking into account the time lost by those students who would otherwise be transitioning out of the special education school setting.



Mark R. Brown

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Testimony In Support of SB 209 SPED School Extensi

Uploaded by: Ceruolo, Rich

Position: FAV

January 25, 2021

Maryland Senate
Miller Senate Office Building
11 Bladen St.
Annapolis, MD. 21401

In Support of SB 209: Special Education – Prolonged School Closure – Extension of SPED Services.

Members of the Education, Health and Environmental Affairs Committee.

As a parent and advocate for persons with disabilities, I can't help but support a bill like this one being proposed. The education and servicing of children with disabilities pre and post Covid-19 pandemic is crucial to their future success, to aid with enabling, improving and promoting positive student outcomes. Extending the education services past their graduation dates can certainly help with getting these students the necessary skills that they have been denied due to the current health pandemic and slow responses by school systems across the state and our country. It's one of many approaches that should and must be offered to students with disabilities.

They are children with a variety of disabilities struggling right now to access their education equal to their non-disabled peers. Too many times in recent months our children with disabilities have been forgotten about or simply not serviced due to a lack of funding, training or empathy for those children. These children need the services and supports that their schools have provided them with on a routine basis, in the past. Many of these children can not succeed without the service and supports which are tailored to their individual needs and included within an Individualized Education Plan (IEP) and required by federal law. We need to do better for our kids and take all the steps necessary to ensure their future success.

In the Spring and Summer of 2020, the US Dept of Education has provided guidance to school system across the country to reinforce the obligation of school systems to meet the needs of their students with disabilities and IEPs. Not to waive that responsibility and work that needs to be done on both local, state and national levels of education. Why not consider and try alternatives like this bill has to offer?

There are children struggling right now to access their education. We can not meet their needs by simply ignoring them, or trying to apply cookie cutter "solutions" which are not tailored to meet the individual needs of our disabled community of students nor meet the challenges posed by the conditions in an ever-changing world. These are real children, with real issues and possess real untapped potential.

Please help to support our students so that they can gain the skills and education so that they can reach their full potential.

Please support approaches like Senate Bill 209 in support of our children with disabilities. Thank you for your time and your consideration of my testimony today.

Mr. Richard Ceruolo
Parent and advocate for persons living with disabilities | Parent Advocacy Consortium

SB0209_FAV_Linwood_Prolonged School Closure - Exte

Uploaded by: Kasemeyer, Pam

Position: FAV



TO: The Honorable Paul G. Pinsky, Chair
Members, Senate Education, Health, and Environmental Affairs Committee
The Honorable Douglas J.J. Peters

FROM: Pamela Metz Kasemeyer

DATE: January 27, 2021

RE: **SUPPORT** – Senate Bill 209 – *Special Education – Prolonged School Closure – Extension of Education Services*

For more than 60 years, Linwood Center has been providing life-changing programs and services for children and adults living with autism and related developmental disabilities. Linwood currently supports child and adults on the autism spectrum from jurisdictions throughout the State of Maryland. Linwood is one of a handful of programs in the United States and one of only three in the state of Maryland that provides comprehensive education and residential programs throughout the lifespan under one service umbrella. Linwood offers program continuity from childhood into adulthood, developing lifelong relationships with individuals living with autism from elementary school through retirement and old age. Linwood's accredited nonpublic special education program and licensed residential programs provide intensive positive behavioral supports and long-term educational and vocational services to Maryland's autism community. Linwood respectfully offers its **support** for the provisions of Senate Bill 209.

During this pandemic, Linwood has learned a great deal about the impact of distance learning on the educational success of the students it serves. While distance learning was beneficial to several of their students and they were able to transition quickly, some of their students and families had significant difficulty with remotes services. Further, it has been well recognized that remote services or distance learning does not replace the value of an in-person educational environment. Linwood found that the time they were able to devote to each student in distant learning was not as much as they would have if they were open for in-person learning. Even with a hybrid schedule, there was education time lost.

Senate Bill 209 recognizes the education time lost that has been experienced due to the pandemic and the negative impact it has had on many special education students, especially those who are aging out of education services. Senate Bill 209 authorizes the extension of those services for these students. Passage of this legislation will provide a tool to address the loss that has occurred during the pandemic and provide a platform for these students to fully complete their education, an outcome that is especially critical for special education students. A favorable report is requested.

For more information call:
Pamela Metz Kasemeyer
410-244-7000

SB209 The Arc Maryland Support.pdf

Uploaded by: Kolp, Ande

Position: FAV

**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

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 9th grade, when most students don't start until their 10th 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.

SB0209 Letter--Marshall.pdf

Uploaded by: Marshall, Andrew

Position: FAV

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 has received support from his local school system since he was three, and moved to Montgomery County, in 2006, when he was six. He has only been in self-contained programs in the Montgomery County Public Schools (MCPS) since then, receiving special education that includes supplemental speech therapy, occupational therapy, and other specialized services. He also receives support services through the Autism Waiver. Until the pandemic, Jack had not been without some form of support or therapy for more than about two weeks since he was five. Jack loved staying busy for about 11 hours a day in school and in after-school camps. He was on course to transition to adult services at the end of the 2020-2021 school year.

Jack is completely non-verbal and cannot speak. He depends largely on pictures to communicate. Jack's cognitive ability and adaptive functioning have tested out in the Extremely Low range (two or more standard deviations below average). He requires communication 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. Jack requires schedules and routines and constant reinforcement of skills or else he loses them.

Despite these challenges, Jack has been an active member of the school community. He was generally a happy and social kid, an active part of his community. He started working outside the school (as part of his school program) the second semester of 9th grade, when most students don't start until their 10th 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 participated in Allied Bocce and Allied Softball every season since his freshman year in high school. He was on the honor roll and participated in the Best Buddies program. He loved puzzles, and usually completed two 1000-piece puzzles a week in his spare time.

Since MCPS shut down on March 13, 2020, over 10 months ago, Jack has had extremely limited support, almost all of it from one or the other of his parents. He has been unable to participate meaningfully in virtual education. 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 now 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 had to leave his job to provide day-to-day support for Jack while schools are closed.

Jack's transition to adult services has completely stalled. He will turn 21 on June 2, 2021, meaning that 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 education 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 made it impossible for MCPS to provide Jack the free, appropriate public education he is legally entitled to, and we understand that. 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. Jack will not have this chance. He has missed a year of school and, as things stand, 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. While we have no statistics to offer here, Jack is not the only special education student in this situation. SB 0209 gives Jack and other Transition Year 2021 special education students a chance to recover and transition to far more functional adulthoods. Please support SB 0209.

Andrew Marshall
Lisa Marshall
Gaithersburg, MD

Lisa Merhi Written Testimony.pdf

Uploaded by: Merhi, Lisa

Position: FAV

Lisa Merhi
19407 Kildonan Drive
Gaithersburg, MD 20879
240-888-7399

January 25, 2021

To Whom It May Concern:

I am writing to ask for your consideration in extending Special Education Services. My son Michael has an Autism diagnosis and attends the Ivymount School in Rockville, MD. Due to the prolonged school closure from Covid-19, the school's inability to implement the Career Development class will cause Michael to graduate *early*.

Michael's IEP Team had previously approved an anticipated graduation date of June 2022. Through distance learning, Michael will complete the needed credits to graduate in a shorter time frame. Since Michael will graduate early, he will miss valuable Career Development instruction, which includes a Work-Based Learning experience and Community Based Instruction.

Due to early graduation, Michael will also lose his Maryland Autism Waiver services in June. He will be unable to continue with the Travel Training program we had in place, teaching him to ride public transportation independently. I respectfully ask that you support this Bill's passing to extend Special Education Services for our most vulnerable population, including my son Michael. I hope and pray that Michael can stay at his school until June 2022, as was planned for and approved by his IEP team before the pandemic forced schools to provide remote instruction.

Thank you for your consideration in this matter.

Sincerely,

Lisa Merhi

SB0209 Testimony Milobsky 01252021.pdf

Uploaded by: Milobsky, David

Position: FAV

902 Hurley Avenue
Rockville, MD 20850

Education, Health and Environmental Affairs Committee
Maryland State Senate
Annapolis, MD

To the Esteemed Members of the Committee:

I strongly urge you to support Senate Bill 0209 - Special Education - Prolonged School Closure - Extension of Education Services.

As a parent of a 19 year-old with Autism, I can tell you that the COVID-19 crisis has had a deep and profound impact on my son's education. Health and Safety priorities demanded a move to remote learning. Although his teachers and school administrators are doing an admirable job under very challenging circumstances, the opportunities to get hands-on vocational training—training so critical as he prepares to transition to life after educational services end—have been non-existent.

This situation is understandable. Special needs individuals are highly susceptible to severe health impacts from COVID-19. Furthermore, it is difficult to get them to follow social distancing guidelines—especially in job-training environments. However, the fact remains that this student population needs adequate training and supports to help them become vibrant, contributing members of society after school ends.

This is why SB0209 fills such a critical need. By extending eligibility for education services after their scheduled graduation date, it provides special needs young adults with the opportunity to make up for lost training opportunities after the COVID-19 crisis subsides.

Please give my child, and others like him, every chance to succeed. Vote in favor of SB0209.

Sincerely,

David Milobsky

Jason Milobsky's Father

SB209 Special Education_Prolonged School Closure_E

Uploaded by: Tart, Kim

Position: FAV

SB209- Special Education - Prolonged School Closure - Extension of Education Services
Assigned to: Education Health and Environmental Affairs Committee
January 27, 2021

My name is Kim Tart. I live in District Heights, Maryland, Prince George's County, with my husband Willie and 12-year-old son Montgomery "Monty". Monty has Down syndrome and attends Kettering Middle School, community based-instruction (CBI) program. Monty is a curious and smart seventh grader who enjoys playing drums. He has aspirations of becoming a chef and a landscaper.

I respectfully ask for your support of SB209- Special Education - Prolonged School Closure - Extension of Education Services. 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. It 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.

When schools are closed due to the COVID-19 Pandemic, educators implemented an Individualized Continuity of Learning Plan (ICLP) for special education students. ICLPs were developed in response to the fact that the entirety of student IEPs could not be implemented during this crisis. The ICLP indicated the student's most critical learning needs, and how the needs would be addressed. All in-person therapy sessions were changed to a consultative model. A limited number of students received virtual therapy or speech. Parents had no input buy-in or decision making regarding the development or implementation of the ICLP. Parents were informed that once the school system is able to resume regular programming, the services outlined in the IEP will be implemented in their entirety. The IEP team will also reconvene to review your child's levels of performance or needs and make appropriate revisions to the IEP when school resumed. All Community Based Instruction (CBI) trips were cancelled.

CBI is educational instruction in naturally occurring community environments. It provides students with "real life experiences." The goal of CBI is to provide hands on learning opportunities to help students acquire the skills used in the world today on a regularly scheduled basis. CBI is designed to provide natural teaching opportunities for daily living skills practice. Concepts and skills are introduced in the classroom and then applied and practiced in natural environments in the community using CBI.

When the 2020/21 school year commenced, we were directly involved in developing Monty's IEP goals/objectives and ensured that all the related services (speech and occupational therapy) would continue in a virtually format. Monty is receptive and responsive during most sessions. Sadly, Kettering Middle School did not provide CRI learning materials until January 2021. The materials provided were limited to a calculator, a package of index cards, one black marker, counting blocks, plastic chips and geometric shapes. Fortunately, we have materials (manipulatives, calculator) and learning tools to assist Monty.

Although CBI trips were cancelled, Kettering Middle schools offers virtual field trips to the zoo and museums. Most children with disabilities are tactile, visual and conceptual learners. They benefit more participating in hands-on, in person activities. Monty and his fellow students have missed an entire year of that valuable experience. Thus, so many missed opportunities to develop or enhance life skills. Skills we all take for granted – going to the bank, mailing a letter, preparing meals, grooming habits, buying items at a store or interviewing for a job. It has placed the students in a disadvantage in comparison to their typical peers.

This bill will close the gap and allow students to acquire valuable practical skills to properly transition from high school. Most importantly, to be as independent as possible. The option to extended time and services to students transitioning from high school would be a blessing to parents and the students. Transitioning from high school is an exciting time for young adults and their families as they consider options for the future. High school CRI programs offer teachings and practical activities (ex. field trips, life skill instruction) that help youth and their families navigate a path toward a productive and meaningful life as an adult.

People with developmental disabilities need supports to obtain and maintain work in the community, advance in their chosen field, and explore new employment options as their skills, interests, and needs change. Transitioning youth can work and contribute to their community when given opportunity, training, and supports that build upon their unique talents, skills, and abilities. Youth should strive to be fully participating members of their community, to include earning a living wage, and engaging in work that is compatible with their vision of a "good life.

Remember, adults with disability are valuable citizens and they vote - their votes count.

It is important that the timeline for connecting to an adult services provider should be extended as well so that students who delay their exit from high school still have a full year to make the transition to adult services upon their exit from high school for a smooth transition.

I wish to thank the committee for their concern for the health and wellbeing of transitioning youth with disabilities. I hope that the bill is passed to ensure students with disabilities who were impacted significantly by the pandemic, are not left behind.

Thank you very much for your kind attention

Sincerely,

Kim G. Tart

1302 Fairfield Drive

District Heights, MD 20747

tartkg@prodigy.net

Senate Bill 0209 FAVORABLE Testimony.pdf

Uploaded by: Taylor, Jeanne

Position: FAV

Jan 25, 2021

Written Testimony in FAVOR of Senate Bill 0209: Special Education - Prolonged School Closure - Extension of Education Services

To: Education, Health and Environmental Affairs Committee - Testimony in SUPPORT of SB0209

Dear Senator Pinsky and Members of the Education, Health and Environmental Affairs Committee:

We ask that you support Maryland families by voting in *favor* of this legislation which will benefit students with disabilities.

While virtual learning during the time of COVID has been detrimental for students of all abilities, it has been especially so for children with special needs.

Sixteen hours of distance learning per week cannot replace 30 hours of direct, in-person instruction. Nor can it replace those therapies which benefit so many of our students. Physical, speech and occupational therapy are just some of the essential services which cannot be effectively delivered via a remote classroom.

This coming March it will be one year since students lost the educational benefit of attending school in person. If passed, this bill will help bridge the considerable learning gap that our special education students have fallen into.

Please vote in favor of SB0209.

Sincerely,

Jeanne Taylor
Past Chair, MCCPTA Special Education Committee (2008-2018)
14904 McIntosh Ct.
Silver Spring, MD 20905
301-879-9539

&

Julie Reiley
Past Chair, MCCPTA Special Education Committee (2019)
4407 Tournay Rd.
Bethesda, MD 20816
301-320-5573

Written Testimony Supporting SB 0209.pdf

Uploaded by: Houser, Mary Kathryn

Position: FWA

2224 Countryside Drive
Silver Spring, MD 20905

25 January 2021

Subject: Support for Senate Bill 0209

I support Senate Bill 0209 to require county school boards to extend additional education and services to special education students past their anticipated graduation date as due to the Covid-19 pandemic, online learning has had a detrimental impact on my daughter's education and well-being.

My 19-year-old daughter is enrolled in special education classes at Sherwood High School (SHS) in Sandy Spring and, since Spring 2020, has struggled with virtual learning. The expectation of having to sit in front of a computer screen for the better part of the school day is inherently foreign to her learning style. Some days are harder than others and I get the sense her confidence and self-esteem has taken a collective hit. Pre-pandemic, she enjoyed the structure the school day afforded which cannot possibly be matched with two family members working from home. Now she needs to be cajoled to sit in front of the computer and even then, often flees away from the lessons being presented. This coming from a student who has a long history of eagerly waiting for the school day to begin sporting a great big smile on her face, ready and willing to participate in her studies, learning new skills, going on job sites in school and out in the community and happily interacting with SHS teachers, staff and peers.

My family has been doing our part following federal, state and local government guidelines for social distancing. Given this, as well as the absence of in-person continuity of learning, I am concerned that once it is safe to resume learning in the school building, my daughter has a great deal to relearn in an insufficient amount of time. She will need to become reacquainted with in-person socialization skills; catch up on her core curriculum coursework; relearn employment job skills and learn how to navigate the new normal of being out in the community.

Transitioning youth services have also been negatively impacted with many adult agencies closed preventing parents from touring these facilities with our children. It is in everyone's best interest to ensure the successful transition of special education students into adult services. Students need the opportunity for additional year(s) in a structured school setting to adequately prepare for post-school life and they along with their parents/guardians, need to be able to visit adult agencies in-person to determine which one is the best fit. As such, I prevail upon you to vote in favor of SB 0209.

Respectfully,
Mary Kathryn Houser

EACtestimony.SB209.pdf

Uploaded by: Margolis, Leslie

Position: FWA

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,

Selene Almazan, Selene Almazan Law, LLC

Rene Averitt-Sanzone, The Parents' Place of Maryland

Linda Barton, Ms.Ed., Education Advocate

Beth Benevides, Howard County Autism Society

Ellen A. Callegary, Law Offices of Ellen A. Callegary, P.A.

Michelle Davis, ABCs for Life Success

SarahRuth Davis, Parent Advocacy Consortium

Jennifer Engel Fisher, Weinfeld Education Group

Lisa Frank, Andrea Bennett, and Jen Ritchotte, Special Kids Company

Shamoyia Gardiner, Strong Schools Maryland

Kalman Hettleman, Independent Advocate

Morgan Horvath, Abilities Network

Rosemary Kitzinger and Marjorie Guldán, Bright Futures, LLC

Rachel London, Maryland Developmental Disabilities Council

Leslie Seid Margolis, Disability Rights Maryland

Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center

Rebecca Rienzi, Pathfinders for Autism

Jaime Seaton, McDonough Law

Ronnetta Stanley, Loud Voices Together

Wayne Steedman, Steedman Law Group

Maureen van Stone, Mallory Finn Legg, Alyssa Thorn, Project HEAL at Kennedy Krieger Institute

SB209 Testimony 2021 session Prolonged School Clos

Uploaded by: Scott, Lori

Position: FWA

Lori E. Scott
5312 Aerie Ct
Clarksville, MD 21029

SENATE HEARING- EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS

SB 209:PROLONGED SCHOOL CLOSURE-EXTENSION OF EDUCATION SERVICES

HEARING DATE JANUARY 27,2021

POSITION:SUPPORT WITH AMENDMENTS

Senate Bill 209 would allow extended time and services paid for by the public school system for students with disabilities who need additional education and transitional services/linkage to state and federal agencies. Many of the students with disabilities who are 18 years old (plus) and will graduate this May 2021, have been without a comprehensive opportunity to meet transitioning goals and objectives necessary to succeed in the adult world. Job coaching and exploration has been minimized virtually and students who can work and volunteer are exiting school without important skills for their lifetime.

During virtual school, some students may have barely completed the diploma requirements, have suffered with poor grades, and had less opportunities to gain important educational and employment skills. Going to job sites with transition job coaching staff employed by school districts has completely ceased in many districts since March 2020. During the pre-pandemic time, transitioning students would go to job sites 3-5 times per week with coaches. Certain skills such as orientation to bus transit/mobility services, education on employment etiquette and essential job training have been unavailable to transitioning youth during this prolonged school closure. Virtual lessons are just not the same as hands-on job site training for our students.

Page 7,Section L, line 32 please strike “the court may reduce an award of compensatory education and replace with “ a school IEP team or court can award a remedy of compensatory education or services by: (1) stays the same

(2) stays the same

IEP goals related to education may have been minimized during this prolonged closure and students with disabilities can still gain additional academic knowledge if more time in school is available. Schools should offer additional time for transitioning job skill training and exposure to various careers and ensure that every transitioning aged student will be a productive employee, college or career tech student (or volunteer) and, to the greatest extent possible, contribute as a tax paying citizen in Maryland.

Please support SB209 with amendments to extend, as needed, transitional learning experiences and education to transitional youth in Maryland.

Sincerely,

Lori E. Scott

HCAStestimony.pdf

Uploaded by: Stettner, Andrew

Position: FWA

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

Assigned to: Education Health and Environmental Affairs Committee

January 27, 2021

Position: Favorable as Amended

Good afternoon, I'm a parent of an autistic child, and a member of the Board of Directors of the Howard County Autism Society (HCAS) and am pleased to submit testimony in favor of the SB209.

We've experienced first hand how difficult it has been to provide a Free and Appropriate Public Education during the pandemic. Our daughter, like so many other special education students, relies on 1:1 supports like hand-over-hand prompting, facial cues and physical materials. Even with best efforts, these simply could not be replicated in the virtual environment. It's an extremely common concern expressed by parents in Howard County every day to HCAS.

While our child is young, the issue has additional difficult dimensions for older children. Many transitioning youth were scheduled to embark on vocational education/job training. The pandemic has forced many of these activities to be altered or canceled, making students less prepared for the transition to adulthood.

There is no doubt that the counties will need to deliver compensatory services to make up for major ground lost during the pandemic. But, the pandemic and the service interruption has gone on far too long to reasonably expect the counties to be able to catch up by time those students who are over the age of 17 catch up the time they must complete school (21). The most straightforward solution is to give students more time to receive services, continue their studies and prepare for an independent adult life in collaboration with the Developmental Disabilities Administration and the Department of Rehabilitation Services (under this bill students gain an additional year of services to coincide with the change in programming).

I also support amending section L. As written, this section could reduce the amount of compensatory services awarded to students if they choose to extend their educational services. Parents should not be forced to choose between compensatory services and the options provided by the bill. It's impossible to overstate the damage to many of our youth from being away from school buildings and the opportunities they provide. We need an all hands on deck approach -- additional compensatory services to make up for lost progress and additional time in special education to get students back on their original track. For example, if a student needs help to make up for declines in reading, that does not mean he or she does not also need to get 1 year of appropriate vocational training that they missed during the closure. Section L should be altered or struck from the bill.

I thank you for your time and consideration of the bill.

Sincerely,

Andrew Stettner <astettner.as@gmail.com>

On behalf of

Howard County Autism Society

Lisa Wiederlight Oral Testimony SB 209.pdf

Uploaded by: Wiederlight, Lisa

Position: FWA

Oral Testimony
Presented By Lisa Wiederlight
Lutherville-Timonium, MD 21093
January 27, 2021

**SENATE COMMITTEE ON EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS BILL: SB
209:PROLONGED SCHOOL CLOSURE-EXTENSION OF EDUCATION SERVICES**

POSITION: SUPPORT WITH AMENDMENTS

It is an honor to present oral testimony in support of SB 209, with amendments. I am here to request that you extend appropriate school services to special education students over the age of 17 who have missed valuable time for transition to adulthood training during an extended school closure, such as that caused by the recent pandemic. Please ensure students with special needs who are set to graduate this year will benefit from this legislation.

I am a single mother who works multiple jobs and my son is a special education student with a comprehensive IEP due to his autism, epilepsy, and other disabilities. As he has a one-on-one aide when school is in-person, he has trouble with learning independently. My son is set to graduate high school in four months with a certificate.

From the time he was five until about age 16, he attended a nonpublic special education school. Since then, he and the Baltimore County Public School team worked successfully to transition him from the most restrictive non-residential high school, to attending classes outside of general education and working at a farm with multiple tasks and responsibilities with his aide. Before March 2020, we were talking with that community work experience to increase his work hours; and with another potential community work experience for the other part of the day.

Since March 2020, my son has sat at home in front of a computer, watching videos about different jobs he can consider, listening to a teacher talk about the importance of being respectful and dressing appropriately for a job, and working on a resume. This is not what the IEP team decided he needs. His IEP and needs assessment show that he should be out in the community learning how to do specific job skills.

Before school closed almost a year ago, my son was in the community learning from his mentors at the farm. He has most likely lost the majority of skills he was using at the farm, and he will not have the ability with an adult service provider in June to have more job training because that is not their responsibility.

This is a travesty. Research shows that up to 80 percent of people with autism are unemployed or underemployed and my son has shown he can work. He wants to work. He tells me consistently that he misses the farm. He asked to go there to visit just last week.

Please give him a chance to have employment prospects by providing him with the extended time for school transition services he needs and deserves. It wasn't his fault the pandemic happened, and he should not be penalized for it by losing his final year in school.

Thank you.

Written Testimony Presented By Lisa Wiederlight SB

Uploaded by: Wiederlight, Lisa

Position: FWA

Written Testimony Presented By

**Lisa Wiederlight
Lutherville-Timonium, MD 21093
January 27, 2021**

**SENATE COMMITTEE ON EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS BILL: SB 209:
PROLONGED SCHOOL CLOSURE-EXTENSION OF EDUCATION SERVICES**

POSITION: SUPPORT WITH AMENDMENTS

It is an honor to present this written testimony in support of SB 209, with amendments that confirm this version to the House version of the bill filed by Delegate Guyton. I am here to request that you extend appropriate school services to special education students over the age of 17 who have missed valuable time for transition to adulthood training during an extended school closure, such as that caused by the recent pandemic. I request that this legislation be enacted as soon as possible so that it benefits those special education students who are set to graduate this year.

I am a single mother who works multiple jobs. My son is a special education student with a comprehensive IEP due to his autism, epilepsy, and other disabilities. As he has a one-on-one aide when school is in-person, he has trouble with learning independently. My son is set to graduate high school in four months with a certificate.

From the time he was five until about age 16, he attended a nonpublic special education school. Since then, he and the Baltimore County Public School team have worked successfully to transition him from the most restrictive non-residential high school, to attending classes outside of general education and working at a farm with multiple tasks and responsibilities with his aide. He was using public transportation to and from the farm with his aide, like others do to get to their work experiences.

Research shows that about 80 percent of people with autism are unemployed or underemployed. The transition services, including the provision of job skills, can change this trajectory for so many, including my son. Excitingly, before March 2020, we were talking with my son's community work experience to increase his work hours because it was going very well, and I have always pictured him working there after graduation. We were also considering another potential community work experience for my son the other part of the school day, where he can learn different job skills.

Since March 2020, my son has sat at home in front of a computer, watching videos with me about different jobs he can consider, listening to a teacher talk about the importance of being respectful and dressing appropriately for a job, and working on a resume. He has exhibited significant frustration and boredom. He is not getting the employment, life, and social skills the IEP team discussed that he needs to become the most independent adult possible.

What my son has been given this year is not what he needs; and is definitely not what was written and promised in his IEP. He needs to be out in the community learning how to do specific job skills, to practice social skills on the job and in various environments with peers, and to navigate the community successfully.

Before school closed almost a year ago, my son was learning from his mentors at the farm. He has

likely forgotten and possibly lost the skills he was using at the farm, and he will not have the ability with an adult service provider in June to have more job training because that is not their responsibility.

This is a travesty. My son has shown he can work and made considerable progress in learning how to be successful in the workplace and in the community. He wants to work. He tells me consistently that he misses the farm. He asked to go there to visit just last week. He needs the transition services he lost this year. If this bill does not pass by May, he will be sent to adult service programming without them.

Please give him a chance to have employment prospects by providing him with the extended time for school transition services he needs and deserves. It wasn't his fault the pandemic happened, and he should not be penalized for it by losing his final year in school. Everyone wants to be productive.

I would be remiss if I did not mention a Drexel University study on outcomes for young adults with autism that relate to transition services. It is distressing and eye-opening, please consider reading the executive summary. Among the findings are that:

- Over 60% of young adults on the autism spectrum do not transition into work or continued education within the first two years after leaving high school. (NAIR, 2015)
- These young adults have the highest rates of disconnection (not in work or school) compared to their peers with other types of disabilities. (NAIR, 2015)
- In the first few years following high school, 57% of young adults are focused on a postsecondary education track, while 17% are focused primarily on employment.
- About 29% are continuously or increasingly disconnected from any school and employment. (Wei, 2015)

We can and should do better for Marylanders with special needs. Thank you very much for your consideration of this request.

Sincerely,

Lisa Wiederlight

SB0209-EHE_MACo_OPP.pdf

Uploaded by: Jabin, Drew

Position: UNF



Senate Bill 209

Special Education - Prolonged School Closure - Extension of Education Services

MACo Position: **OPPOSE**

To: Education, Health, and Environmental
Affairs Committee

Date: January 27, 2021

From: Drew Jabin

The Maryland Association of Counties (MACo) **OPPOSES** SB 209. This bill imposes uniform processes and entitlements for special education services, that may run contrary to local school board decisions and capacity.

MACo recognizes the desire to create accommodations during times of school closures, and each county school board and leadership surely takes such matters seriously. However, SB 209 would substitute a one-size-fits-all state policy for that local judgment. Additionally, it would potentially place a costly mandate on school systems and county governments to carry out this new uniform state policy to provide special education students an extension of educational services regardless of whether the student has completed all graduation requirements.

The state funding for public schools is set via a formula. Adding new cost components to the required school program belies the lengthy debates regarding these adequacy figures. So, counties have no choice but to support these new costs — competing for limited local funds against school construction, public safety, roadway maintenance, and other essential public services. If federal funds are a potential resource for the services envisioned in SB 209, legislation to prioritize these functions as a part of locally developed plans could be a more appropriate state-local partnership.

Local school systems work to meet the unique needs of each student through individualized services, and develop responses to school closures and other factors accordingly. SB 209 upends this local governance with a rigid state policy, triggering unknown costs without accompanying resources. For these reasons, MACo urges the Committee to issue an **UNFAVORABLE** report on **SB 209**.

SB 209.Special Education extension years.pdf

Uploaded by: Woolums, John

Position: UNF

BILL: Senate Bill 209
TITLE: Special Education - Prolonged School Closure - Extension of Education Services
DATE: January 27, 2021
POSITION: OPPOSE
COMMITTEE: Education, Health, and Environmental Affairs Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes Senate Bill 209 in favor of continuing to allow local school systems to serve students eligible to receive special education services in accordance with their Individualized Education Program (IEP) and the full array of existing state and federal requirements.

MABE does not believe it is reasonable to mandate that local school systems be uniformly required to provide an entire extra year of instruction to students, including students receiving special education services, who would otherwise graduate. More specifically, this bill defines the students eligible for this extension as all students who have a disability and receive special education services. This is far too broad a category of students to warrant the mandate that each of these students should have the option to attend school for another full year based on any continuous school closure of 10 days or more.

Local boards of education recognize that the COVID-19 pandemic and resulting school closures have presented enormous challenges for all students, families, and educators. Through each school system's education recovery and reopening plan, and in accord with State and federal laws and regulations, school systems are working to provide all students eligible for special education services with access to continuity of learning through distance and in-person instruction and the delivery of other services. While the challenges of teaching and learning in special education have been extraordinary, MABE does not endorse adopting new State laws to expand the already extensive scope of mandated special education services.

Maryland's boards and educators place a very high priority on ensuring that students receive high quality special education programs and instruction to meet the unique needs of every disabled student. Maryland, and all other states, are mandated to provide a wide array of special education services in compliance with the federal Individuals with Disabilities Education Act (IDEA) and federal and state regulations. IDEA requires that eligible disabled students receive special education and related services if they are between the ages of 3 and 21. The special education services mandated by IDEA must meet the legal standard of providing a Free Appropriate Public Education, or FAPE, and do so in the least restrictive environment. Again, a key facet of these services is that they are individualized. While certainly well intended in response to the current education crisis resulting from the pandemic, MABE does not interpret Senate Bill 209 as being consistent with this approach.

For these reasons, MABE requests an unfavorable report on Senate Bill 209.

SB 209 - LOI - Special Education – Prolonged Schoo

Uploaded by: Hands, Zachary

Position: INFO



Karen B. Salmon, Ph.D.
State Superintendent of Schools

BILL: Senate Bill 209 **DATE:** January 27, 2021

SUBJECT: Special Education – Prolonged School Closure – Extension of Education Services **COMMITTEE:** Education, Health, and Environmental Affairs

POSITION: Information Only

CONTACT: Zachary Hands
410-767-0504 (Annapolis)
Zachary.hands1@maryland.gov

EXPLANATION:

The Maryland State Department of Education (MSDE) is providing information for consideration regarding SB 209 – Special Education – Prolonged School Closure – Extension of Education Services, which requires the county boards of education to offer and provide students with disabilities, age 17 through 22, with an option to continue attending school after the student’s anticipated graduation or exit date in the event of a prolonged school closure. The MSDE writes to ensure that the Education, Health, and Environmental Affairs Committee understands the current remedial process in place to address the failure to meet a student’s special education needs, also known as compensatory education/recovery services.

The unprecedented closure of school buildings due to the COVID-19 pandemic has raised new and unique concerns about the provision of educational services, and the shift to remote learning presents additional challenges in educating students with disabilities who are serviced under the Individuals with Disabilities Education Act (IDEA). The IDEA and its accompanying regulations require local school systems (LSSs) to provide eligible students with a free appropriate public education, also known as “FAPE.” (34 C.F.R. § 300.101).

The United States Department of Education and MSDE recognize that during this period of extended school closure and heightened health and safety needs, an LSS may not have been able to provide some specially designed instruction, related services, and supplementary aids and supports to students who required them as a part of FAPE. While this may have occurred through no fault of the LSS, the obligation to provide a student with FAPE remains, and the student may be entitled to remedial services. Compensatory education/recovery services are an equitable remedy created by courts to address a failure to provide FAPE under the IDEA, or in other words, to remediate the negative impact experienced by the student due to the violation.

In Technical Assistance Bulletin #20-09: *Recovery Efforts: Addressing the Provision of FAPE through Alternative Service Delivery Models for Students with Disabilities during the Re-Opening of Schools*,¹ the MSDE informed LSSs:

During these exceptional times, a FAPE must be provided consistent with the need to protect the health and safety of students with disabilities and those individuals providing education services to these students. Therefore, [LSSs] were instructed to provide a FAPE to the maximum extent possible during the period of virtual and/or distance learning (and should continue to do so as schools re-open) to mitigate the need for compensatory education/recovery services. This is NOT a waiver of the FAPE requirement under IDEA.

While a student is not guaranteed a specific educational outcome, the law requires that the student receive an appropriate educational program. Therefore, LSSs will need to determine whether the educational services provided to the student during the period of school closure and re-opening, pursuant to the Individualized Education Program (IEP) were reasonable to allow the student to be involved in and make progress in the general education curriculum and on their IEP goals.

In situations where a FAPE (i.e., instruction, related services, and supplementary aids and supports) was not or could not be provided, and the student was negatively impacted (i.e., a regression of skills or lack of progress in the curriculum or on IEP goals), the student will require compensatory education/recovery services.

The decision about whether the student is owed compensatory education/recovery services is driven by information and data collected from a variety of sources.

The LSS ... must consider what compensatory education/recovery services can be provided to the student to help recoup the lack of progress due to a loss of a FAPE. They must be individualized to each student's needs and designed to remediate the loss of skills.

In addition to this guidance, the MSDE is currently working with LSSs to ensure they have a system in place to address compensatory education/recovery services for each eligible student, including students who may have exited the special education system during the 2019-2020 and 2020-2021 school years.

The aforementioned process ensures that students who did not receive FAPE are provided with remedial services that are tailored to the specific areas in which they experienced regression and/or a lack of expected progress.

SB 209 as written will expand the LSS's obligation to the student with a disability by providing the student with an additional year of school, regardless of whether that student experienced any regression and/or lack of progress.

¹ For TAB #20-09 and other special education technical assistance bulletins issued by the MSDE, please visit the MSDE website at <http://marylandpublicschools.org/programs/Pages/Special-Education/TAB.aspx>.

Senate Bill 209 - Special Education – Prolonged School Closure – Extension of Education Services
Education, Health, and Environmental Affairs
January 27, 2021

Additionally, for the Division of Rehabilitation Services (DORS), which administers the Vocational Rehabilitation (VR) and the Pre-Employment Transition Services (Pre-ETS) federal programs, SB 209 will impact its ability to deliver the services specified in this legislation. DORS is primarily a federally-funded program that has a required State match and Maintenance of Effort. Both federal and State funds can only be expended on clients who meet the eligibility criteria for these two programs. For those individuals who do not meet the federal eligibility requirements, the State will be required to fund the delivery of all services.

We respectfully request that you consider this information as you deliberate **SB 209**. For further information, please contact Zachary Hands at 410-767-0504 or Zachary.hands1@maryland.gov.