

**SB300 testimony .pdf**

Uploaded by: Balda, Wendy

Position: FAV

Wendy R Balda  
5837 Wild Orange Gate  
Clarksville, MD 21029

SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE  
SB 300: SPECIAL EDUCATION – LEARNING CONTINUITY PLAN-REQUIREMENT  
Hearing date: January 27, 2021

Thank you for the opportunity to share my family story and testify in support of Senate Bill 300. My son Jackson is a Sophomore at Atholton High School. Jackson was diagnosed with Williams Syndrome at an early age, but more recently with a diagnosis of Autism Spectrum Disorder. Over the past 5 years, Jackson has greatly struggled with behavioral problems in school, due to significant delays in communication and social skills.

When school first went to virtual in April 2020, the school system determined what goals in Jackson's IEP that could be supported virtually. Unfortunately, they determined they could only support 25% of his goals and objectives. Although this figure has increased to 56% for this school year, there are still several key areas that still have not been met virtually. These goals and objectives center around: self-management, behavior and self-regulation, and social interaction/communication skills. If a continuity of learning plan would have been developed before an emergency, it would have enabled greater team collaboration and problem solving on how more of these goals/objectives could be met in the home setting. Instead, the burden is being placed on parents to fill in the supports and services that the schools are unable to provide.

Our family, seeing that Jackson was greatly struggling in these areas and regressing in the progress he had been making at school, realized that we could not wait a year to a year and a half for him to go without support. We made the decision to hire a certified ABA Therapist to come to our home twice a week for 2 hours/week to work 1 on 1 with Jackson in these areas. We also plan to use the therapist to assist us with gathering data and setting goals for Jackson in these areas when we return to brick and mortar.

By passing this bill, it will ensure that schools have a plan to fully implement the IEP when students are unable to go back to brick and mortar for a prolonged period of time. By failing to support all of the student's goals and objectives this will most likely lead to significant learning loss of skills that can be very difficult to recover. Supporting this bill will support our most vulnerable children and enable them to get the education necessary to be successful upon exiting the school system. Please support SB 300.

# **Testimony In Support of SB 300 SB 209 SPED SPED Sc**

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 300: Special Education – Learning Continuity Plan – Requirement.**

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. Requiring a Learning Continuity Plan should be part of a child's Individualized Education Plan procedures and process. Continuing the education services to students with disabilities would be a great addition to the IEP process. It's one of many approaches that should and must be offered to students with disabilities and their IEP team members.

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 300 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

# **SB300 The Arc Maryland FAV.pdf**

Uploaded by: Kolp, Ande

Position: FAV



The Arc Maryland  
8601 Robert Fulton Drive,  
Suite 140  
Columbia, MD 21046

SB300- Special Education – Learning Continuity Plan – Requirement  
Education Health and Environmental Affairs Committee  
January 27, 2021

**Position: Support**

This bill is based would require that Individualized Education Programs and 504 Plans of students include a learning continuity component to be developed by the team, including the parents of the child as equal partners to the process. The component of the plan would be developed by the members of the child’s IEP or 504 plan team **at the time of the next scheduled plan review** and serve as a guide to ensure continuity of services and supports needed by the student to continue to receive a Free and Appropriate Public Education (FAPE) during emergency conditions – when the child is unable to access the school building for 10 days or more.

To clarify, this is an emergency plan that is not intended to take the place of the IEP. Nor is it intended to be perfect and accurately account for what the team will encounter in each and every emergency. However, it will be incredibly useful as a guide to teams for how services and supports may continue for children with special needs in order to ensure the student is receiving what they need to access their plan of education.

We have heard many stories from families about interruptions in educational services and denial of FAPE during this pandemic. While none of us expected we would be thrust into this situation, we also did not anticipate that almost a full year later, some schools are still behaving as if the event is temporary; programs of education and critical related services have been curtailed or eliminated and in many cases, parents were not involved in these decisions in any way.

One parent, who has a great working partnership with his son’s school pointed out that this has been such a unique occurrence. He said that although he does not believe his school could have handled the pivot to virtual supports much better, there is a recognition that many other students did not fare as well. Now, we are armed with the knowledge of the experience and if we know better about what works and what does not work for our students with disabilities, we need to do better to prepare for a more appropriate and timely response to the next emergency.

We support SB300 and request a favorable report from the Committee

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

Encl. Letters of support from families Mark Spitale, and Denise Wolf

SB300- Special Education – Learning Continuity Plan – Requirement  
Education Health and Environmental Affairs Committee  
January 27, 2021

**Position: Favorable**

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.

In March, 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.

**Joseph's school was always a huge help with any changes to his IEP plan.** They put together virtual learning calls and kept in constant contact with us when the pandemic hit.

This was such a unique occurrence that I am not sure it could have been handled much better. **Planning that it could happen again should be totally based on what we have learned from this experience.** These special needs individuals have a tough time with the virtual learning concept. Is there a better way to keep them engaged and learning? Parents with special needs need to work and the nature of their care is that school hours are when most of us work. If possible, we need to increase hours of help even more then with this recent event. It would have been a big help to have hours available so parent with 9-5 jobs could tell their employers "I can continue to work my regular schedule

**The ability to have an emergency plan for Joseph would be key to making sure his care and development are not impacted.** Simply knowing that help would be available in a time of uncertainty with Joseph would be a comfort.

Thank you for considering this change to emergency planning 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

Re: SB300 Learning Continuity Plan -Requirement

My name is Denise Wolf and my son, Connor, who is nonverbal and on the autism spectrum, attended Rock Creek School at the time of the pandemic and school closings. He has been on the Autism Waiver since age 15. Connor turned 21 in April 2020 and his services were scheduled to end June 30.

In mid-March, when school officially closed, he continued to receive services through the autism waiver, but many others who did not have this or another resource to help with their child, found it especially challenging to step into this drastic change so quickly. In my case, I was grateful to receive the news of the extension of the Autism Waiver. The amount of Intensive Instructional Support Services given were increased from 24-60 hours a week, and the allotted Respite hours were doubled, giving parents/caregivers help that was so critically needed, and allowing them to continue to work.

Each child handles change differently, so it is important that an individual plan be in place that would specifically address the needs of each child should something like this happen again. We need to know our children would not fall behind in their skills and learning. The option to have the opportunity as a parent to create this emergency planning component as part of the IEP or 504 plan would greatly benefit all students and their families. Preplanning would be quite an improvement over what we have had to do. It is vital that parents be involved because we are the main ones that know what will and will not work for our children.

After having experienced the recent unforeseen events and have heard how it has taken a toll on so many families these past few months, I respectfully ask that you support the passage of this bill to allow parents to be equal partners in preplanning for the future success of our children.

Thank you for your consideration.

Sincerely,

Denise A. Wolf

240-606-1782

[dwolf888@gmail.com](mailto:dwolf888@gmail.com)



# **SB300 Learning continuity plan 2021 Sen Peters wri**

Uploaded by: Scott, Lori

Position: FAV

Lori E Scott  
5312 Aerie Ct  
Clarksville, MD 21029

SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

Sb 300: SPECIAL EDUCATION- LEARNING CONTINUITY PLAN-REQUIREMENT

Hearing date: January 27, 2021

Senate Bill 300 would require a school IEP team to create a document, in advance of a prolonged school closure, services and supports that a student with disabilities will need IF another emergency/pandemic occurs in Maryland. In March, HCPSS sent to me a document outlining goals and objectives that my daughter would be working on during virtual learning. The school - based team did not include me or ask for parental input to review what the school would offer as a FAPE in this document.

Over 30% of her important goals and objectives moving her to career and development opportunities, as well as all OT and PT were ceased. The school team was not able to identify different strategies and accommodations to ensure work in these areas. Her PT and Behavioral Therapist has not given input in meetings, during this pandemic, to ensure progress on goals in these critical areas. Therefore, she is having significant regression in her ability to walk long distances, use a walker to navigate hallways and work towards progress on many of her individualized IEP goals.

By passing this bill, parents can be assured a seat at the table to identify specific needs for in home virtual lessons/hybrid learning in advance of a prolonged school (brick and mortar) closing. Please do not allow school districts to continue to make an offer to students that does not meet their IEP and individualized functional goals during the rest of this pandemic or future prolonged school closures. By planning in advance, school districts can identify how they will meet the needs of all students with IEPs and potentially minimize their pay-outs in compensatory services and due process. Please support SB 300.

Sincerely,

Lori E Scott

# **SB 300 Continuity Plans DD Council SWA.pdf**

Uploaded by: London, Rachel

Position: FWA



**Maryland Developmental  
Disabilities Council**

EMPOWERMENT • OPPORTUNITY • INCLUSION

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.<sup>1</sup>**
- **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.

Contact: Rachel London, Executive Director; [RLondon@md-council.org](mailto:RLondon@md-council.org)

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<sup>1</sup> 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.

**SB0300-733821-01.pdf**

Uploaded by: Peters, Douglas

Position: FWA



SB0300/733821/1

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

18 JAN 21  
14:50:44

BY: Senator Peters  
(To be offered in the Education, Health, and Environmental  
Affairs Committee)

AMENDMENT TO SENATE BILL 300

(First Reading File Bill)

On page 6, in line 26, strike the second “AND”; after line 26, insert:

**“(V) ACCOMMODATIONS THAT ALLOW FOR THE DELIVERY OF  
REQUIRED SERVICES IN THE EVENT OF A CYBERATTACK; AND”**;

and in line 27, strike “(V)” and substitute “**(VI)**”.

**SB0300-EHE\_MACo\_OPP.pdf**

Uploaded by: Jabin, Drew

Position: UNF



## Senate Bill 300

### *Special Education – Learning Continuity Plan – Requirement*

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 300. 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 300 would substitute a one-size-fits-all state policy for that local judgment. It would potentially place a costly mandate on school systems and county governments to carry out this new uniform state policy to provide eligible students with an additional continuity of education plan to accompany each Individualized Education Program (IEP) for school closures of 10 days or more.

SB 300 would mandate local school boards to provide each eligible student with internet access and access to any electronic device necessary for participating in the IEP program. 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 300, 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 300 upends this local governance with a rigid state policy, triggering unknown costs without accompanying resources. Accordingly, MACo urges the Committee to issue an **UNFAVORABLE** report on **SB 300**.



**EACtestimony.SB300.pdf**

Uploaded by: Margolis, Leslie

Position: UNF

# **Education Advocacy Coalition For Students with Disabilities**

**SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE  
SENATE BILL 300: SPECIAL EDUCATION—LEARNING CONTINUITY PLAN—REQUIREMENT  
JANUARY 27, 2021**

**POSITION: OPPOSE**

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 opposes Senate Bill 300 because, although well-intentioned, the bill is impractical and would likely result in dilution, rather than implementation of, the rights of students to a free appropriate public education in the event of an emergency.

Senate Bill 300 would require every student with an individualized education program (IEP) or Section 504 plan to have a learning continuity plan to be implemented in an emergency. The Bill defines emergency broadly; an emergency can be anything from a fire or flood to a transportation strike, pandemic or “[a]ny other emergency condition that causes a significant disruption to the ordinary delivery of instruction or services.” EAC members appreciate the intent to ensure that a plan will be in place for each student with an IEP or Section 504 plan to avoid the delays that deprived students of needed services for many months when school buildings closed in March, 2020. However, our concerns are twofold.

First, different emergencies may require different approaches, some of which might require no alteration in the special education and related services provided to a student. For example, if a transportation strike occurs, there may be other ways of getting students to school, such as through taxis, paratransit and reimbursement of parents who choose to transport their children themselves, and IEP implementation should not be affected. That is a very different type of emergency from a fire or hazardous condition that closes a school building or neighborhood, or a health crisis with more global ramifications. It is impractical for an IEP team and parents to anticipate all contingencies of an emergency and try to plan accordingly.

More significantly, however, as many families have learned throughout the pandemic, a learning continuity plan does not equal full IEP implementation for many students because it is simply not possible to replicate all aspects of an IEP when services are not delivered in person. The situation has been dire for students whose disabilities prevent them from learning effectively via distance learning. Codifying learning continuity plans into state law would legitimize a process that has resulted in significant violations of federal and state law for many students in Maryland. An alternative approach would be simply to require IEP teams and Section 504 committees to advise parents within five business days of the onset of an emergency situation, how a free appropriate public education will be provided to their child and how their child’s IEP or Section 504 will be implemented.

Please contact Leslie Seid Margolis, chairperson, at [lesliem@disabilityrightsmd.org](mailto:lesliem@disabilityrightsmd.org) or 410-370-5730 for more information.

Respectfully submitted,

Selene Almazan, Selene Almazan Law, LLC

Rene Averitt-Sanzone, The Parents' Place of Maryland

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

Kalman Hettleman, Independent Advocate

Morgan Horvath, Abilities Network

Rosemary Kitzinger and Marjorie Guldán, Bright Futures, LLC

Leslie Seid Margolis, Disability Rights Maryland

Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center

Rebecca Rienzi, Pathfinders for Autism

Ronnetta Stanley, Loud Voices Together

Wayne Steedman, Steedman Law Group

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

# **AACPS SB300 Special Ed Continuity Plan OPP 1.27.21**

Uploaded by: Ortiz, Jeanette

Position: UNF



## SB300 SPECIAL EDUCATION – LEARNING CONTINUITY PLAN – REQUIREMENT

January 27, 2021

EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

### OPPOSE

Jeanette Ortiz, Esq., Legislative & Policy Counsel (410.703.5352)

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Anne Arundel County Public Schools (AACPS) opposes **SB300 Special Education – Learning Continuity Plan – Requirement**. This bill requires an individualized education program to include a learning continuity plan to be implemented for students with disabilities during emergency conditions beginning October 1, 2021. A continuity of learning plan is also required for students with a 504 plan. The bill dictates when the learning continuity plan must be developed and also makes a local school system responsible for providing internet services and electronic devices for these students.

AACPS believes that all students are entitled to challenging instruction from highly qualified professionals that addresses their unique learning needs and differences.

The Individualized Education Plan is already considered to be a cumbersome document by most parents. Adding a minimum of two pages to this tool just in case of an emergency seems unreasonable. To plan for a student's needs without knowing the nature of the emergency event, how the student may react to the specific event, or the family's particular needs related to the event would be difficult and not individualized. In the Spring of 2019, AACPS quickly put Individualized Continuity of Learning Plans in place that were individualized to the student and incorporated direct input from families. Based on a student's rate of change, these plans may need to be updated several times a year.

Additionally, while AACPS is committed to doing everything possible to ensure that students and families have access to effective internet services and has been very successful in partnering with internet providers during the COVID-19 pandemic, the school system has no control over the availability of internet in certain areas of the County or the speed of internet services available to our students. Likewise, while AACPS has been very successful at distributing computer devices to students, we have learned that some of the supply and demand issues during a worldwide pandemic impacted our ability to move forward with distribution as planned. Therefore, we have concerns with the bill's provisions which would hold school systems accountable for these two mandates.

This proposal could negatively impact the individualization of services to children because it is based on too many unknowns which prevents the development of a meaningful, student-centered plan.

Accordingly, AACPS respectfully requests an **UNFAVORABLE** committee report on SB300.

**SB 300.Special Education continuity plans.pdf**

Uploaded by: Woolums, John

Position: UNF

**BILL:** Senate Bill 300  
**TITLE:** Special Education - Learning Continuity Plan - Requirement  
**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 300 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 additional continuity of education plan to accompany each IEP in preparation for an emergency long-term school closure of 10 days or more in which special education services cannot be provided.

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, including the workload and diversion of professional staff time to create the continuity of learning plans proposed in Senate Bill 300.

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.

For these reasons, MABE requests an unfavorable report on Senate Bill 300.

# **SB 300 - LOI - Special Education – Learning Contin**

Uploaded by: Hands, Zachary

Position: INFO





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

<b>BILL:</b>	Senate Bill 300	<b>DATE:</b>	January 27, 2021
<b>SUBJECT:</b>	Special Education – Learning Continuity Plan – Requirement	<b>COMMITTEE:</b>	Education, Health, and Environmental Affairs
<b>POSITION:</b>	Information Only		
<b>CONTACT:</b>	Zachary Hands 410-767-0504 (Annapolis) <a href="mailto:Zachary.hands1@maryland.gov">Zachary.hands1@maryland.gov</a>		

**EXPLANATION:**

The Maryland State Department of Education (MSDE) is providing information for consideration regarding Senate Bill (SB) 300 – Special Education – Learning Continuity Plan – Requirement, which specifies that a special education student’s Individualized Education Program (IEP) must include a Learning Continuity Plan (LCP) to be implemented during emergency conditions as defined by the law.

The MSDE recognizes that the unprecedented closure of school buildings due to the COVID-19 pandemic has raised new and unique concerns about the provision of educational services when full face-to-face instruction is no longer a safe or practical instructional method. The shift in instructional method presents additional challenges in educating students with disabilities who are serviced under the Individuals with Disabilities Education Act (IDEA) – a federal law that prescribes requirements for educational plans for students with disabilities. The MSDE writes to ensure that the Education, Health, and Environmental Affairs Committee consider the current process in place to develop these plans as it deliberates SB 300.

*IDEA and the IEP*

The IDEA and its accompanying regulations require local school systems to provide eligible students with disabilities with a free appropriate public education, also known as “FAPE.” (34 C.F.R. § 300.101). In order to provide FAPE, each student is required to have an Individualized Education Program (IEP). The IEP is the written statement developed, reviewed, and revised for each student with a disability; and it is required to include various components such as the student’s present levels of academic performance, annual goals, and a statement of the special education and related services and supplementary aids and services the student requires in order to be involved in and make progress in the general education curriculum. (34 C.F.R. § 300.320).

During the extended school closures, the FAPE requirement has remained in effect. The MSDE has communicated to the local school systems this expectation, along with the obligation to ensure an appropriately developed IEP is in effect as the local school system's service delivery model changes.<sup>1</sup> During this time, local education agencies have been tasked with reviewing existing IEPs and amending/revising these IEPs as necessary pursuant to processes delineated in federal and State regulations. The MSDE has issued guidance through Technical Assistance Bulletin #20-09, including a procedural facilitator for the amendment or revision of the IEP across varied service delivery models and a monitoring protocol for accountability; this currently allows IEP teams to create contingency plans within the IEP to address FAPE in alignment with the local school system's recovery plan.

SB 300 will require an IEP team to document, in a LCP, how an individual student will receive FAPE in alternative service delivery models (e.g., remote learning or a hybrid models) prior to an emergency circumstance. In operationalizing this additional requirement, the following parts of the process will be impacted: the amount of time the IEP team spends preparing and conducting an IEP team meeting; the added component to develop an IEP for a hypothetical emergency condition that may unfold in any number of ways; and the meaningful family engagement and decision-making across varied service delivery models.

The IDEA regulations specify the individuals, including teachers and service providers, who must participate in an IEP team meeting (34 C.F.R. § 300.321). When a teacher or service provider participates in an IEP meeting, they are unavailable to provide instruction or conduct other necessary functions of their jobs. The inclusion of the LCP in the planning process will necessitate further time spent in IEP team meetings to ensure the student's IEP is compliant with the law.

We respectfully request that you consider this information as you deliberate **SB 300**. For further information, please contact Zachary Hands at 410-767-0504 or [Zachary.hands1@maryland.gov](mailto:Zachary.hands1@maryland.gov).

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<sup>1</sup> For more information on the MSDE's guidance to locals, please visit our [technical assistance bulletin webpage](#). Specifically, [TAB #20-09](#) explains the FAPE and IEP amendment/revision process.