

**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.