



**Maryland Developmental
Disabilities Council**

EMPOWERMENT • OPPORTUNITY • INCLUSION



House Ways and Means Committee

February 24, 2021

HB 998: County Boards of Education – In-Person Instruction and Related Services - Requirements
Letter of Information

The Maryland Developmental Disabilities Council and The Arc Maryland work to advance the inclusion, rights, and opportunities of people with developmental disabilities and their families. **HB 998, which would require in-person instruction and related services for students with disabilities and other groups of students, 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 are able to access the in-person services and supports they need to access a free and appropriate public education (FAPE) and succeed even in emergency situations.

We are not taking a position on whether schools should open during the COVID-19 pandemic. We are confirming that many students are struggling with virtual learning, including students with disabilities.

WHY does this need to be addressed?

- **While the COVID-19 pandemic has resulted in the closing of school buildings, the right to a Free Appropriate Public Education (FAPE), and the obligation of the local school systems to provide FAPE to all students, including students with disabilities, remains unchanged.**¹ While there is no flexibility in the obligation to provide FAPE, there is *flexibility in the methods employed to implement the IEP*.
- During this past year when school buildings were closed, many students lost access to the education and services designed to prepare them for work and life in the community.

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: In many cases it is not possible to replicate all aspects of an IEP when services are not delivered in person.

The Maryland Developmental Disabilities Council and The Arc Maryland understand the difficult situation the COVID-19 pandemic has created for our schools. We also understand how difficult this environment has been for families, especially those with students with disabilities who require educational supports and services, and we strongly support efforts to ensure effective learning during any emergency situation.

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