

Education Advocacy Coalition For Students with Disabilities

HOUSE WAYS AND MEANS COMMITTEE

HOUSE BILL 714: SPECIAL EDUCATION—LEARNING CONTINUITY PLAN—REQUIREMENT

FEBRUARY 10, 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 House Bill 714 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.

House Bill 714 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 or 410-370-5730 for more 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
Ann Geddes, Maryland Coalition of Families
Kalman Hettleman, Independent Advocate
Morgan Horvath, Abilities Network
Nicole Joseph, Law Offices of Nicole Joseph
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
Laura Schultz, Decoding Dyslexia Maryland
Ronnetta Stanley, M.Ed., Loud Voices Together
Wayne Steedman, Steedman Law Group
Maureen van Stone, Mallory Finn Legg, Alyssa Thorn, Project HEAL at Kennedy Krieger Institute