

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

## **SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE**

### **SENATE BILL 362: PRIMARY AND SECONDARY EDUCATION—VIRTUAL SCHOOLS—REVISIONS**

**FEBRUARY 16, 2022**

#### **LETTER OF INFORMATION**

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of approximately 40 organizations and individuals concerned with education policy for students with disabilities in Maryland, submits this Letter of Information regarding Senate Bill 362, which would, if enacted, allow a county board of education to establish an additional virtual school on a showing of just cause. Senate Bill 362 requires the Maryland State Department to set standards for virtual schools, including standards for the mandatory return to in-person instruction for students who are failing academically after receiving appropriate supports. Senate Bill 362 does not mention accommodations for students with disabilities, nor does it require provision of information to parents regarding participation by students with disabilities in the virtual learning program.

The EAC submits this letter of information to share our member organizations' experience with virtual learning programs (VLPs), which were created last spring and summer to address the need for an alternative way that students unable to attend school in person could access their education. Not all jurisdictions created VLPs. The VLPs that were created were identified as general education programs, and any students with disabilities who applied to the VLPs were referred to their IEP teams, even though the IEP teams and the VLPs operate independently of each other. Students with disabilities were routinely denied enrollment in the VLPs or had their acceptance rescinded for reasons ranging from a need for testing accommodations or reading support to the need for more intensive services than what the VLP said it could provide. VLPs did not independently consider accommodations under Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Americans with Disabilities Act (ADA). Students with disabilities who could not attend school in person had no alternative but to seek home and hospital instruction; intended for students who are unable to attend school because of physical illness or emotional crisis, home and hospital instruction is highly restrictive, offering only a limited number of hours of instruction per week to students with no peer contact.

We understand that virtual schools are different from virtual learning programs. We share our VLP experience, however, because without any provisions requiring compliance with Section 504 or the ADA, Senate Bill 362 may inadvertently deny students with disabilities the opportunity to access the full range of educational opportunities available in their jurisdiction and permit the creation of virtual schools that exclude students on the basis of their disabilities.

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

Respectfully submitted,

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