

BILL: House Bill 469
TITLE: Children with Disabilities - Special Education Services - Eligibility
DATE: February 15, 2023
POSITION: OPPOSE
COMMITTEE: Ways and Means
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The Maryland Association of Boards of Education (MABE) opposes House Bill 469 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.

Maryland law clearly requires local school systems to ensure that “Appropriate special education and related services are available to a child with a disability from birth through the end of the school year in which the child turns 21 years of age.” House Bill 469 would instead extend the obligation to provide education beyond the school year in which the child turns 21 to require school systems to provide instruction until a student has completed 16 years of elementary and secondary education. MABE opposes enacting this new standard and obligation based on the following funding and policy concerns.

House Bill 469 does not provide any clearly defined terms or conditions for determining whether a student has received 15 or fewer years of education, and is therefore eligible for years of instruction beyond age 21, until completing their 16 years of education. The bill does not define or qualify what constitutes a year of education. Under the bill, for example, would a student’s years in home instruction, with or without an IEP, be counted as years of education or not? How would a student’s year-long enrollment in a prekindergarten program be counted? Would students be eligible for extended years of instruction even if they have already received a diploma or certificate? What verification standards should be applied to students transferring into a Maryland school system from out of state, including from abroad? In addition to these operational and procedural challenges, the bill does not provide, or reference, any allocation of the additional federal, state and local funding that would be necessary to support these extra years of special education instruction and services.

Local boards of education recognize that the COVID-19 pandemic and resulting school closures 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 have worked 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.

However, while House Bill 469 is introduced as an emergency measure, it does not reference the pandemic or include any sunset clause, and would therefore become a permanent expansion of the scope of special education services in Maryland. In this context, MABE would request that any consideration of enacting such a major expansion of special education services would include the development of the definitions, terms, and conditions described above in order to determine the full scope of the legal, programmatic, and budgetary challenges raised by this bill. For these reasons, MABE requests an unfavorable report on House Bill 469.