



## Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

### House Ways and Means Committee

#### **SB 1145: Public and Nonpublic Schools – Child Sex Offenders – Prohibition on In-Person Attendance**

**March 27, 2024**

**Position: Oppose**

The Maryland Developmental Disabilities Council (Council) creates change to make it possible for people with developmental disabilities to live the lives they want with the support they need. SB 1145 does the opposite by denying in-person education to students with disabilities in violation of federal and state law. The Council agrees with our colleagues on the Education Advocacy Coalition, and supports their testimony. Specifically, we want to reiterate the following:

- The Individuals with Disabilities Education Act (IDEA) and state law requires the provision of a free, appropriate public education in the least restrictive environment. That means students with disabilities will be educated with their nondisabled peers to the maximum extent possible, and unless their Individualized Education Program (IEP) requires another arrangement, they will attend the school they would if they did not
- SB 1145 completely ignores this federal mandate by removing students wholesale from their schools, regardless of what their IEPs mandate.
- Home and hospital instruction, one of the allowable options for students listed in SB 1145, is a time-limited, highly restrictive mode of instruction intended for students in emotional crisis or students unable to attend school because of a physical illness or condition. Students receiving home and hospital instruction generally receive six hours per week of education from a teacher who may or may not be certified in special education and generally are unable to receive full implementation of their IEPs.
- Virtual instruction, another option, was particularly devastating for many students with disabilities during the COVID pandemic. Codifying virtual instruction as an acceptable means of educating children simply on the basis of their status would violate the procedural protections guaranteed by the IDEA as well as the least restrictive environment provisions.

**There are existing safeguards.** Maryland's current reportable offense statute and regulations, Md. Code, Educ. § 7-303, already provides robust safeguards to address safety concerns while ensuring that children with disabilities are not unfairly deprived of their educational opportunities. Coupled with HB 814 (2024) if passed, these mechanisms allow for case-by-case evaluations and alternative placements if deemed necessary, maintaining a balance between safety and educational rights.

Contact: Rachel London, Executive Director, [RLondon@md-council.org](mailto:RLondon@md-council.org)

217 E. Redwood Street, Suite 1300 • Baltimore, MD 21202 • 410.767.3670 • [md-council.org](http://md-council.org)

Dee Sapp, *Chairperson* • Rachel London, Esq., *Executive Director*