



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

House Ways and Means Committee HB 68: Student Protection Act of 2025 January 23, 2025 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. HB 68 does the opposite by denying in-person education to students suspected of a crime of violence until they are no longer suspects. The Council agrees with our colleagues on the Coalition to Reform School Discipline, 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
- HB 68 completely ignores this federal mandate by removing students wholesale from their schools, without consideration of the individualized needs of students or their educational rights.
- Under IDEA, disciplinary changes in placement for students with disabilities must include an individualized review by the IEP team to determine if the alleged behavior was a manifestation of the student's disability. HB 68 ignores this process, and potentially punishes students for behaviors tied to their disability.
- Home and hospital instruction, one of the allowable options for students in HB 68 (§11-722(e) of the Criminal Procedure Article), 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.

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. These mechanisms allow for case-by-case evaluations and alternative placements if deemed necessary, maintaining a balance between safety and educational rights.

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