

# Education Advocacy Coalition for Students with Disabilities

## HOUSE WAYS AND MEANS COMMITTEE

### HOUSE BILL 773: Public Middle and High Schools—Student Discipline (Right to Teach Act of 2025)

**DATE: MARCH 3, 2025**

**POSITION: OPPOSE**

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of nearly 50 organizations and individuals concerned with education policy for students with disabilities in Maryland, strongly opposes House Bill 773, which would allow teachers to remove students from their classrooms for behavior “that does not conform to the behavioral guidelines adopted by the county board” and would allow principals to engage in a variety of disciplinary actions, including in-school suspension, moving the child to another classroom, placing the student in an alternative program, and limiting the student’s attendance at, or participation in, school-sponsored or school-related activities. Additionally, House Bill 773 would, except under certain circumstances, prohibit a principal from returning a student to their classroom without the teacher’s consent. For a host of reasons, House Bill 773 violates the rights of students with disabilities.

House Bill 773 would allow a student to be removed from class if the student “has repeatedly interfered with the teacher’s ability to communicate with other students in the classroom or with other students’ ability to learn effectively.” This is exactly the situation addressed by the Individuals with Disabilities Education Act (IDEA) requirement that an Individualized Education Program (IEP) team must consider positive behavior interventions, strategies and supports to address the student’s behavior if it interferes with the student’s ability to learn or the ability of others to learn. Recognizing that students may engage in disability-related challenging behavior, the IDEA includes provisions requiring functional behavioral assessments and behavior intervention plans.

Additionally, House Bill 773 fails to define “unruly”, “disruptive” or “abusive” and fails to address the reasons why students with disabilities may engage in behavior that may be perceived as “unruly”, “disruptive” or “abusive.” For example, students with disabilities may engage in challenging behavior because they do not have an effective means of communication as required by the IDEA and the Americans with Disabilities Act, or because their IEPs or Section 504 plans are not appropriate or because they are not receiving the services required by their IEPs or Section 504 plans.

Further, permitting a teacher to refuse to allow students back into their classroom makes it likely that students with disabilities whose teachers would prefer not to teach them will be removed to more restrictive settings in violation of the IDEA; this would also create an end run

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around well-established requirements governing how students with disabilities may be disciplined.

House Bill 773 violates the most basic tenets of law governing the education of students with disabilities.

For these reasons, the EAC strongly opposes House Bill 773.

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Respectfully submitted,

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The Maryland Education Coalition also joins this testimony.