

Education Advocacy Coalition

for Students with Disabilities

HOUSE WAYS AND MEANS COMMITTEE

HOUSE BILL 137: Public Schools—Children Charged With a Crime of Violence—Prohibition on In-Person Attendance (School Safety Act of 2025)

Date: January 23, 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 137, which would prohibit any child charged with a crime of violence from attending school in-person. Aside from the implications of denying in-person schooling to a group of children who may never be found to have committed the crime with which they have been charged, House Bill 137 violates the rights of children with disabilities under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA). Additionally, the bill raises serious due process concerns and disregards the safeguards that are already in place to address the issue of students who may pose a danger if educated in-person.

The hallmark of the IDEA, Section 504 and the ADA is individualized decisionmaking. House Bill 137 dispenses with any individualized determination of the risk of in-person attendance, instead imposing a blanket prohibition on school attendance by all students who have been charged with, not even found to have committed, a crime of violence. This blanket prohibition violates Section 504 and the ADA, which require reasonable accommodation and reasonable modification of policies and practices, respectively. House Bill 137 violates the IDEA by failing to recognize that students with disabilities are entitled to a free appropriate public education in the least restrictive environment. The schooling options to which House Bill 137 makes reference, consist of remote learning, home and hospital instruction and placement in specialized schools for students with disabilities. These are overly restrictive, inappropriate options for the students who fall into the group House Bill 137 is proposing to address.

Maryland currently has safeguards in place to address concerns about safety. The reportable offense statute, codified at Md. Code, Educ. 7-303, allows for case-by-case evaluations by school staff with alternative placements when deemed necessary. This balance of school safety with students' educational rights provides the due process that is missing from House Bill 137 and that makes House Bill 137 unnecessary.

For these reasons, the EAC opposes House Bill 137.

EAC Testimony: House Bill 137

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For questions, please contact Leslie Seid Margolis, co-chairperson, at lesliem@disabilityrightsmd.org or 443-692-2505.

Respectfully submitted,

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Also joining testimony: Maryland Education Coalition

