

Education Advocacy Coalition

for Students with Disabilities

HOUSE WAYS AND MEANS COMMITTEE

HOUSE BILL 1127

PUBLIC SCHOOLS—WATER SAFETY AND SWIMMING—INSTRUCTIONAL CONTENT, PLAN, AND
REPORTING

MARCH 3, 2025

POSITION: SUPPORT WITH AMENDMENT

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, supports House Bill 1127 with an amendment to make clear that students with disabilities must receive reasonable accommodations if needed to enable them to participate in the water safety and swimming program required by the bill. House Bill 1127 would, if enacted, require each county school board to develop instructional content on water safety and swimming that is integrated into the school system's health and physical education curriculum.

The importance of House Bill 1127 is undisputed; drowning is a leading cause of death in all children (American Red Cross). The EAC appreciates that House Bill 1127 requires that instructional content must include opportunities for students with disabilities but is concerned about the qualification that the instructional content include these opportunities "if practicable." This qualifying language is problematic for three reasons.

First, the "if practicable" qualification could be used to deny students with disabilities access to the instruction mandated by the bill. School staff could make decisions based on convenience, the perceived difficulty of accommodating students with disabilities, or assumptions about the student's disability. Including an "if practicable" standard in the bill almost guarantees that there would be a divide between students without disabilities who would have access to the benefits of water safety instruction and swimming and students with disabilities who would not, for reasons that have nothing to do with whether reasonable accommodations could be provided to enable the students to participate.

Second, autistic children are thought to be at a much higher risk of drowning than typically developing children due to wandering behavior, decreased risk awareness, and attraction to water ([Casey et al., 2020](#); [Lawson et al., 2019](#); [Martin & Dillenburger, 2019](#); [Murphy & Hennebach, 2020](#)). According to the National Autism Association, 71% of wandering deaths are due to drowning. Guan and Li (2017) concluded children with ASD were 160 times more likely to die from drowning than their neurotypical peers.

<https://www.autismparentingmagazine.com/connection-autism-water/>. EAC members represent or work with students who have eloped from their school buildings or homes and

Education Advocacy Coalition Testimony: House Bill 1127

March 3, 2025

Page Two

ended up in nearby streams, creeks, lakes or other bodies of water. Students with autism, as well as students with other disabilities, need instruction in water safety and swimming to help them be safe.

Third, Section 504 of the Rehabilitation Act requires reasonable accommodation of disability so that individuals with disabilities can have equitable access to programs and the benefits they offer. Therefore, the EAC recommends the following amendment to House Bill 1127:

Page Two, line 5: Delete “if practicable” and substitute: “**with reasonable accommodations if needed.**” With this amendment, the EAC is pleased to support House Bill 1127.

Respectfully submitted,

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