

Education Advocacy Coalition

for Students with Disabilities

HOUSE WAYS AND MEANS COMMITTEE

HOUSE BILL 583: PRIMARY AND SECONDARY EDUCATION—VIRTUAL SCHOOLS—ALTERATIONS

DATE: FEBRUARY 12, 2025

POSITION: LETTER OF INFORMATION

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, submits this Letter of information regarding House Bill 583, which encourages a county that is unable to offer a virtual school to students to collaborate with one or more other county school boards to jointly establish a virtual school and requires “reasonable” enrollment criteria that may not “unduly interfere” with an applicant’s ability to enroll in a virtual school. House Bill 583 further requires the county board to establish “equitable” outreach criteria to notify provide the public with information about the virtual school option.

The EAC appreciates that many families have welcomed the option of virtual education for their children with disabilities; these families report that their children have been academically successful and prefer virtual learning. Other families, whose children with disabilities have had negative experiences with virtual learning, feel otherwise and have a different position about virtual schools. The EAC files this letter of information to bring several issues to the attention of Committee members.

As Maryland emerged from pandemic-related closures, many families who welcomed the possibility of having their child attend school remotely because of continuing health concerns encountered barriers when Virtual Learning Programs (VLPs) created by some school systems refused to accept students with Individualized Education Programs (IEPs), saying their needs could not be met in the VLP and refusing to make reasonable accommodations as required by federal law. Students with disabilities were routinely denied enrollment in the VLPs or had their acceptance rescinded for reasons ranging from a need for testing accommodations or reading support to the need for more intensive services than what the VLP said it could provide. VLPs did not independently consider accommodations under Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Americans with Disabilities Act). Students with disabilities who could not attend school in person had no alternative but to seek home and hospital instruction, a much-reduced program offering only a few hours a week of instruction, with no peer contact.

Additionally, some school systems and nonpublic schools have increasingly begun to use virtual education as an illegal placement for students with disabilities who have been suspended or expelled. This type of virtual education occurs in a myriad of unregulated ways, as school districts are not required to collect or provide data regarding how virtual education is being used for students on disciplinary removal. In some instances, students are only provided with continued “access” to their classes through the virtual platform used in their regular education placement, but they are not provided with any live instruction in their classes, making educational progress all but impossible. In other instances, students are enrolled in a virtual alternative school or other type of online learning that they access from home. These virtual program options are unlawful, however, when used in the disciplinary context for students

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with disabilities who, by law, are not permitted to be forced to receive their education at home after being subjected to disciplinary action. Contrary to the letter of spirit of Maryland's discipline laws and regulations, which aim to keep students connected to their school communities and on track with classroom work and progress towards IEP goals, some school systems appear to use virtual education as a convenient, if unlawful, alternative for students who are removed from school for disciplinary reasons. Unfortunately, EAC members have seen far too many students placed on virtual education during disciplinary removal who do not, for a variety of reasons, access instruction and are ultimately deemed to be truant.

Further, some school districts and nonpublic schools have also begun to unilaterally place students on virtual education after a disciplinary incident but do not consider the removal to virtual education to be a disciplinary removal, thus flouting legal requirements. House Bill 583 contains no "guardrail" provisions regarding enrollment in a virtual school, such as when virtual education would be inappropriate, such as in response to the suspension of a student with disabilities.

We hope this information is helpful as the Committee considers the need to ensure that all students, including all students with disabilities, have access to education as virtual schools and programs become a more permanent component of Maryland's education system. For more information or if questions, please contact Leslie Seid Margolis, Chairperson, at lesliem@disabilityrightsmd.org or 443-692-2505.

Respectfully submitted,

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