

Education Advocacy Coalition

for Students with Disabilities

HOUSE WAYS AND MEANS COMMITTEE

HOUSE BILL 68: Public Schools—Children Suspected of 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 68, which would prohibit any child suspected of a crime of violence from attending school in-person. House Bill 68 not only 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) but also violates the most basic due process requirements of American law. To take away a child's right to attend school in-person merely because they are suspected of having committed a crime of violence flies in the face of the United States Constitution's guarantee that people are innocent until proven guilty.

The hallmark of the IDEA, Section 504 and the ADA is individualized decisionmaking. House Bill 68 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 68 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 68 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 68 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 68 and that makes House Bill 68 unnecessary.

For these reasons, the EAC strongly opposes House Bill 68.

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

Respectfully submitted,

Selene A. Almazan, Selene Almazan Law, LLC

Rene Averitt-Sanzone, The Parents' Place of Maryland

Linda Barton, MSED, Education Advocate

Beth Benevides, Autism Society of Maryland, Education Advocacy Coalition Co-Chairperson

Ellen A. Callegary, Attorney (Retired)

Melanie Carlos, xMinds (Partnership for Extraordinary Minds)

Stephanie Carr, S.L. Carr Education Associates

Rich Ceruolo, Parent

Michelle R. Davis, M.Ed., ABCs for Life Success

Alyssa Fieo, Office of the Public Defender

Kim Glassman, Law Office of Brian K. Gruber

Marjorie Guldán and Rosemary Kitzinger, Bright Futures, LLC

Riya Gupta, Strong Schools Maryland

Beth Ann Hancock, Charting the Course, LLC

Leilani Hardy, Maryland Coalition of Families

Ande Kolp, The Arc Maryland

Rachel London, Maryland Developmental Disabilities Council

Leslie Seid Margolis, Disability Rights Maryland, Education Advocacy Coalition Co-Chairperson

Monica Martinez, Martinez Advocacy

Sumaiya Olatunde, H2D Counseling

Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center

Ronza Othman, National Federation of the Blind of Maryland

Kate Raab and Nicole Joseph, Law Offices of Nicole Joseph

Jaime Seaton, BGS Law

Ronnetta Stanley, M.Ed., Loud Voices Together

Wayne Steedman, Steedman Law Group, LLC

Maureen van Stone, Genevieve Hornik, Kendall Eaton, Project HEAL at Kennedy Krieger Institute

Winifred Winston, Decoding Dyslexia Maryland

Liz Zogby, Maryland Down Syndrome Advocacy Coalition

Also joining testimony: Maryland Education Coalition