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To: House Ways & Means Committee

The members of the National Federation of the Blind of Maryland PLEAD WITH the House Ways & Means Committee to give an UNFAVORABLE report to SB0928 - County Boards of Education - Student Electronic Communication Device Use Policy - Establishment (Maryland Phone-Free Schools Act). This legislation will harm students with disabilities in a way from which they will never be able to recover. This bill essentially sacrifices their privacy and safety for what is essentially a classroom management problem. The intention of the bill is admirable, but will create problems for students with disabilities, including blind students.

The bill does have a provision for students who use their personal devices for purposes related to their IEP's or Section 504 plans. While this is in theory a good provision, students deserve to retain the confidentiality they now have related to their IEPs and 504 plans, and thus, their disabilities. A student who is permitted to use their electronic devices signals to other students that they have disabilities, and are thus more susceptible to all forms of bullying—physical, psychological, and/or electronic. For example in 2024, three in five disabled children reported to having been bullied, as compared to one in five non-disabled children. It is also worth noting how these statistics are typically under-reported. Certain characteristics are labeled in this country as protected, including disability. This does not only apply to adults. Children with disabilities deserve to have the same protections, and while improving focus in school is of the utmost importance, so is ensuring all students are safe and protected.

Students with disabilities use technology not only for access to academic information and learning materials. A blind student may use an iPhone to tell time because they cannot see posted clocks. They may use their phone or iPad for way-finding, e.g. reading classroom door numbers or posted flyers. They may use their

technology for audio description or to make information that is only available visually accessible to them. And of course, they may read, take notes, do assignments, and the typical academic work using technology since blind students are typically print disabled – meaning they cannot effectively use paper, pen, and handwriting.

Additionally, disabled students may use their personal devices for purposes not specifically outlined in their IEPs or Section 504 plans, but still related to education and alternative techniques. For example, blind students often use apps for Optical Character Recognition (OCR), which allows for pictures of print documents to be turned into accessible text. They may use smart glasses and artificial intelligence to describe the board or slides, even live as teachers are demonstrating something or teaching a lesson. Disabled students may need to put extra reminders into their calendars for assignments, or text themselves, or any number of tasks requiring personal devices but which may not be explicitly stated in their Section 504 plans or IEPs.

Essentially, this bill forces students with disabilities to have to choose between their right to confidentiality and privacy in the IEP and 504 process, or the right to use the technology they need to participate in schools. Forcing them to have to make such a choice is unconscionable.

Moreover, students may currently be using technology for purposes that are not explicitly outlined in their IEP or 504 plans. For example, using an iPhone to read the time using Voiceover since a blind child cannot see a clock on the wall is likely not in a student's plan because it is basic and incidental to learning but necessary. Having to call an IEP meeting, think of every potential need or use for technology, and then negotiate to include it in an IEP plan places an incredible burden on students with disabilities and their families, unnecessarily burdens IEP teams, and will take a tremendous amount of time and effort. IEP meetings are often delayed weeks or months in typical times, let alone a situation where thousands of students will need to try to modify their plans in order to comply with this bill.

Requiring disabled students to explain themselves to teachers, whether in front of other students or in an individualized setting, creates a chilling effect which could cause them to not use assistive technology to its full potential. Additionally, having one's personal device confiscated prematurely could cause a disabled student to be unsuccessful until the device is returned to them. It is important for our students to learn about and use the tools available to them in preparation for

post-secondary education and adulthood; the K-12 setting should be a safe space for them to do so.

While creating environments free from distractions and helping students focus are important goals, this should be done through effective classroom management, not on the backs of students with disabilities who depend on technology for access and information. We all know that the disability carve-out will not work – it'll just eliminate confidentiality and privacy with regard to disability for those who depend on these devices due to their disabilities and subject an already vulnerable population to bullying and criticism.

For those reasons, we ask for an unfavorable report on SB0928. For questions, please contact me at President@nfbmd.org or at 443-426-4110.