

Education Advocacy Coalition For Students with Disabilities

HOUSE WAYS AND MEANS COMMITTEE

HOUSE BILL 850: SCHOOLS, PREKINDERGARTEN PROGRAMS, AND COUNTY BOARDS OF EDUCATION—DISCRIMINATION

MARCH 3, 2022

POSITION: SUPPORT

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of approximately 40 organizations and individuals concerned with education policy for students with disabilities in Maryland supports House Bill 850, which would prevent discrimination against students and employees in schools receiving state funds.

Pursuant to House Bill 850, an elementary or secondary school that receives state funds would be unable to refuse enrollment, expel, withhold privileges from or discriminate against any student or prospective student because of the individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. For students with disabilities, this provision ensures that if families choose to enroll their child with a disability in a private school that is not required to comply with Section 504 of the Rehabilitation Act, 20 U.S.C. §794, because it does not receive federal funds, or with the Americans with Disabilities Act, 42 U.S.C. §12101 *et. seq.* because it is run by a religious organization, their children will be protected against disability-based discrimination. **House Bill 850 does not mandate that every student with a disability, no matter how severe, must be admitted to and served by a private school from which the student's parents seek enrollment. Nor does House Bill 850 mandate that schools receiving state funds in accord with this bill provide all of the services to a student with a disability that the student would receive from the public school system in accord with the Individuals with Disabilities Act, 20 U.S.C. §1400, *et. seq.*** In fact, House Bill 850 makes clear that students must meet the eligibility requirements of the school to be enrolled, so long as those eligibility requirements are not discriminatory. House Bill 850 simply requires that in making such decisions, private schools that receive state funds not engage in discrimination, and that those schools provide reasonable accommodation.

For these reasons, the EAC supports House Bill 850. For additional information, please contact Leslie Seid Margolis, Chairperson, at lesliem@disabilityrightsmd.org or 410-370-5730.

Respectfully submitted,

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