

**BILL:** House Bill 5  
**TITLE:** Education - Playground Accessibility - Communication Boards  
**DATE:** January 24, 2023  
**POSITION:** OPPOSE  
**COMMITTEE:** Ways and Means Committee  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 5 because it would impose an unfunded cost burden on local school systems to comply with the mandated installation of accessible communication boards at all playgrounds.

Local boards of education place a very high priority on ensuring that students receive high quality special education programs and instruction to meet the unique needs of every disabled student in accordance with their Individualized Education Program (IEP) and the full array of existing state and federal requirements. Maryland's public school systems are mandated to provide a wide array of special education services in accordance and compliance with the federal Individuals with Disabilities Education Act (IDEA) and corresponding federal and state regulations. IDEA requires that all eligible disabled students receive special education and related services if they are between the ages of 3 and 21, meet the definition of one or more of the categories of disabilities specified in IDEA, and are in need of special education and related services as a result of the disability.

MABE, on behalf of all local boards of education, assures the General Assembly that Maryland's professional educators and school administrators are working within a very comprehensive federal and state legal and educational framework to provide students with special education a wide array of services and accommodations. The primary obligation and objective under federal law is to guarantee the rights of students to a Free Appropriate Public Education (FAPE). The United States Supreme Court, in *Endrew F. v. Douglas County School District*, 137 S. Ct. 988 (2017), has held that the provision of FAPE must be tailored to the unique needs of a particular student and that the school system must offer an IEP that is reasonably calculated to enable a student to make progress appropriate in light of the student's circumstances. In addition, the court ruled that a student's education program must be "appropriately ambitious" in light of his or her unique circumstances.

Again, MABE firmly believes that local school systems are providing high quality special education services and involving parents and guardians in decision-making on behalf of their child's educational well-being as intended and envisioned by IDEA and Maryland's special education laws and regulations. However, these programs and services are delivered in the context of each school system's priorities as reflected in their budget, and the respective roles of federal, state and local funding to support these priorities. Therefore, MABE respectfully requests that the legislature not impose any new costs as school systems, students, and families continue to work collaboratively toward the goal of faithfully providing systemwide programs and the instruction and related services called for in each student's IEP.

For these reasons, MABE requests an unfavorable report on House Bill 5.