

HOUSE BILL 531

F2

5lr2119

By: **Delegates Simmons, A. Johnson, and Taylor**

Introduced and read first time: January 22, 2025

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Remote Learning Accommodations – Established**
3 **(College Disability Education Act)**

4 FOR the purpose of requiring all public institutions of higher education to establish remote
5 learning accommodations for certain students beginning in a certain academic year;
6 authorizing the Maryland Higher Education Commission to issue waivers from the
7 requirement to establish remote learning accommodations for certain students;
8 establishing a grant program to assist public institutions of higher education to meet
9 the remote learning accommodations requirement; providing for certain review
10 procedures and penalties for noncompliance; and generally relating to remote
11 learning accommodations at public institutions of higher education.

12 BY adding to
13 Article – Education
14 Section 15–140
15 Annotated Code of Maryland
16 (2022 Replacement Volume and 2024 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Education**

20 **15–140.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

23 **(2) (I) “DISABILITY” MEANS A PHYSICAL OR MENTAL CONDITION**
24 **THAT IMPEDES REGULAR, IN-PERSON ATTENDANCE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(II) “DISABILITY” INCLUDES:

1. CHRONIC ILLNESS; AND

2. AUTOIMMUNE CONDITIONS.

(3) “ELIGIBLE STUDENT” MEANS A STUDENT WITH A DISABILITY WHO HAS DOCUMENTATION FROM A LICENSED HEALTH CARE PROVIDER THAT THE STUDENT NEEDS ACCOMMODATIONS FOR THE DISABILITY.

(4) “REMOTE LEARNING” MEANS EDUCATIONAL INSTRUCTION THAT IS DELIVERED ONLINE OR THROUGH DIGITAL METHODS THAT ALLOW A STUDENT TO ACCESS COURSES FROM AN OFF-CAMPUS LOCATION.

(B) (1) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, BEGINNING IN THE 2026–2027 ACADEMIC YEAR, ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE SHALL ESTABLISH REMOTE LEARNING ACCOMMODATIONS FOR ELIGIBLE STUDENTS IN ACCORDANCE WITH THIS SECTION.

(2) REMOTE LEARNING ACCOMMODATIONS INCLUDE:

(I) LIVESTREAMED CLASSES;

(II) RECORDED CLASSES;

(III) VIRTUAL OFFICE HOURS; AND

(IV) REMOTE ACCESS TO ACADEMIC RESOURCES.

(3) PUBLIC INSTITUTIONS OF HIGHER EDUCATION HAVE DISCRETION AS TO THE SPECIFIC SOFTWARE PLATFORMS USED TO PROVIDE REMOTE LEARNING ACCOMMODATIONS.

(4) EACH YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION SHALL SURVEY ELIGIBLE STUDENTS ON THE EFFECTIVENESS OF THE REMOTE LEARNING ACCOMMODATIONS AND WHETHER THE ELIGIBLE STUDENTS ARE SATISFIED.

(C) (1) ON APPLICATION FROM A PUBLIC INSTITUTION OF HIGHER EDUCATION, THE COMMISSION MAY ISSUE A WAIVER FROM THE REQUIREMENTS OF THIS SECTION IN THE FOLLOWING CIRCUMSTANCES:

1 (I) FINANCIAL HARDSHIP AS DESCRIBED IN PARAGRAPH (2) OF
2 THIS SUBSECTION;

3 (II) A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS
4 LOCATED IN A RURAL AREA AS DESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION;
5 AND

6 (III) A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS
7 NEWLY ESTABLISHED AS DESCRIBED IN PARAGRAPH (4) OF THIS SUBSECTION.

8 (2) A PUBLIC INSTITUTION OF HIGHER EDUCATION WITH AN ANNUAL
9 OPERATING BUDGET UNDER \$5,000,000 MAY APPLY FOR A WAIVER IF THE
10 REQUIREMENTS OF THIS SECTION WILL IMPOSE A FINANCIAL STRAIN ON THE
11 INSTITUTION.

12 (3) A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS LOCATED
13 IN A RURAL AREA WITH LIMITED ACCESS TO RELIABLE HIGH-SPEED INTERNET MAY
14 APPLY FOR A WAIVER.

15 (4) A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS NEWLY
16 ESTABLISHED OR IS IN THE PROCESS OF TRANSITIONING TO A REMOTE-FRIENDLY
17 INFRASTRUCTURE MAY APPLY FOR A WAIVER.

18 (5) (I) THE COMMISSION MAY ESTABLISH ANY NECESSARY
19 PROCEDURES AND DEADLINES FOR THE SUBMISSION, EVALUATION, AND APPROVAL
20 OF WAIVER REQUESTS.

21 (II) THE COMMISSION MAY APPROVE A WAIVER REQUEST IN
22 WHOLE OR IN PART.

23 (III) A WAIVER REQUEST UNDER PARAGRAPH (4) OF THIS
24 SUBSECTION MAY BE APPROVED FOR UP TO 2 YEARS SUBJECT TO PERIODIC
25 PROGRESS REVIEW BY THE COMMISSION.

26 (D) (1) A GRANT IS AVAILABLE TO A PUBLIC INSTITUTION OF HIGHER
27 EDUCATION TO ASSIST THE INSTITUTION TO COMPLY WITH THE REQUIREMENTS OF
28 THIS SECTION.

29 (2) (I) TO RECEIVE A GRANT, A PUBLIC INSTITUTION OF HIGHER
30 EDUCATION SHALL APPLY TO THE COMMISSION.

31 (II) THE APPLICATION SHALL BE ON A FORM MADE AVAILABLE
32 BY THE COMMISSION AND SHALL INCLUDE:

1 **1. DETAILED PLANS FOR IMPLEMENTING THE**
2 **REQUIREMENTS OF THIS SECTION;**

3 **2. AN ITEMIZATION OF PROJECTED COSTS FOR**
4 **IMPLEMENTATION, INCLUDING THE PURCHASE OF TECHNOLOGY, TRAINING, AND**
5 **ANY OTHER INFRASTRUCTURE COSTS;**

6 **3. THE MEASURES THAT WILL BE USED TO ENSURE**
7 **QUALITY AND ACCESSIBILITY FOR EACH ELIGIBLE STUDENT; AND**

8 **4. DETAILED PLANS FOR ENSURING THAT MOST DEGREE**
9 **PROGRAMS CAN BE COMPLETED REMOTELY.**

10 **(3) THE COMMISSION MAY ESTABLISH ANY NECESSARY PROCEDURES**
11 **AND DEADLINES FOR THE SUBMISSION, EVALUATION, AND APPROVAL OF GRANT**
12 **APPLICATIONS.**

13 **(4) GRANTS MAY BE USED ONLY FOR THE FOLLOWING EXPENSES:**

14 **(I) THE PURCHASE OF TECHNOLOGY AND DIGITAL RESOURCES**
15 **FOR REMOTE INSTRUCTION, INCLUDING THE PURCHASE OF NECESSARY UPGRADES;**
16 **AND**

17 **(II) THE TRAINING OF FACULTY AND STAFF TO DELIVER**
18 **HIGH-QUALITY REMOTE LEARNING ACCOMMODATIONS.**

19 **(5) ON OR BEFORE AUGUST 1, 2027, AND EACH AUGUST 1**
20 **THEREAFTER, GRANT RECIPIENTS SHALL SUBMIT A REPORT TO THE COMMISSION**
21 **THAT PROVIDES DETAILED INFORMATION ON THE EXPENDITURE OF FUNDS**
22 **RECEIVED UNDER THIS SUBSECTION.**

23 **(E) (1) EVERY 6 MONTHS, THE COMMISSION SHALL REVIEW THE**
24 **PROGRESS MADE BY PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN BECOMING**
25 **COMPLIANT WITH THIS SECTION TO ENSURE THAT THE MAJORITY OF ACADEMIC**
26 **MAJORS AND DEGREES PROVIDE REMOTE LEARNING ACCOMMODATIONS TO ALL**
27 **ELIGIBLE STUDENTS BY AUGUST 1, 2029.**

28 **(2) IF A PUBLIC INSTITUTION OF HIGHER EDUCATION IS NOT**
29 **PROVIDING REMOTE LEARNING ACCOMMODATIONS TO ALL ELIGIBLE STUDENTS BY**
30 **AUGUST 1, 2029, THE COMMISSION MAY DEEM THE INSTITUTION AS**
31 **NONCOMPLIANT.**

1 **(3) FOR A NONCOMPLIANT PUBLIC INSTITUTION OF HIGHER**
2 **EDUCATION, THE COMMISSION MAY REDUCE THE APPROPRIATION OF STATE FUNDS**
3 **TO THAT INSTITUTION.**

4 **(4) THE COMMISSION SHALL ESTABLISH AN APPEAL PROCESS FOR**
5 **PUBLIC INSTITUTIONS OF HIGHER EDUCATION TO APPEAL THE DETERMINATION OF**
6 **NONCOMPLIANCE UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

7 **(F) (1) ON OR BEFORE JULY 1, 2027, AND EACH JULY 1 THEREAFTER, A**
8 **PUBLIC INSTITUTION OF HIGHER EDUCATION THAT WAS NOT ISSUED A WAIVER**
9 **UNDER SUBSECTION (C) OF THIS SECTION SHALL SUBMIT A REPORT TO THE**
10 **COMMISSION.**

11 **(2) THE REPORT SHALL INCLUDE:**

12 **(I) EVIDENCE OF COMPLIANCE WITH THE REQUIREMENTS OF**
13 **THIS SECTION;**

14 **(II) THE NUMBER OF ELIGIBLE STUDENTS SERVED;**

15 **(III) THE TYPES OF REMOTE LEARNING ACCOMMODATIONS**
16 **PROVIDED; AND**

17 **(IV) EFFORTS MADE TO IMPROVE ACCESSIBILITY AND**
18 **OUTCOMES FOR ELIGIBLE STUDENTS.**

19 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
20 **1, 2025.**