



Legislative Wrap Up | 2016

The Maryland General Assembly completed its work for the 2016 Legislative Session and adjourned Sine Die at midnight on April 11, 2016. Nearly 3,288 bills were introduced this session - 1173 originated in the Senate and 1,644 originated in the House. The Arc Maryland, in partnership with the DD Coalition and the Governmental Affairs representatives from each local chapter, tracked, or testified on over 50 bills that would have had varying impacts on individuals with intellectual and developmental disabilities and their families.

This Session was exciting, challenging, and productive. Beginning with the start of the Session on January 13, key bills have passed and will be signed by Governor Hogan into law: ABE Act, Equal Employment Opportunity Act, IEP Translation Bill and nondiscrimination in guardianship and parenting solely based on the disability of the parent or guardian.

The Governor's FY2017 budget is very positive for the Developmental Disabilities Administration with a \$71M (6%) increase. The additional funding includes \$35.7M to fully fund the direct support staff wage initiative, funding to support people in emergency and crisis situations, and transitioning youth services. It also includes funding to continue supporting people who started receiving services in FY2016.

A major disappointment was Senate Bill 413/HB1499 -Developmental Disabilities - Crisis Resolution Funding for 110 of the highest priority need and urgency on the DDA Waiting List. People with developmental disabilities and their families are in crisis and desperately need the services that would have been provided with passage of this legislation. This legislation would have provided \$3.5 million in the budget for ongoing services to individuals in the "crisis resolution category" of the waiting list for developmental disabilities services. SB 413 passed the Senate. Despite a flood of calls during the final weekend and last day of the Session, the bill died in the House Health & Government Operations Committee without going to vote.

2016 Outstanding Legislative Leadership Awards

The Arc's constituency relies upon legislative champions who provide leadership. We are honored to announce the 2016 Legislative Leadership Awards:

- The Honorable Brian Feldman (Senate) - ABL Act**
- The Honorable Guy Guzzone (Senate) - FY 2017 Budget and Crisis Resolution**
- The Honorable Bonnie Cullison (House of Delegates) – Crisis Resolution**
- The Honorable Delores Kelley (Senate) – Equal Employment Opportunity Act**
- The Honorable Craig Zucker (House of Delegates) - ABL Act**
- The Honorable Eric Luedtke (House of Delegates) - ABL Act**
- The Honorable Jeff Waldstreicher (House of Delegates)-Equal Employment Opportunity Act**
- The Honorable Eric Bromwell (House of Delegates) - ABL Act**



FY 2017 Budget

Developmental Disabilities Administration

- Transitioning Youth

\$8.9 Million

The budget provides \$8.9 million to support 602 youth. Approximately 600 young adults with developmental disabilities leaving school at age 21 years will receive employment or other day services.

- Emergencies

Funds provided for approximately **161** people in emergency situations and in immediate need of assistance. This is a significant increase over last year's budget of \$2.4 M to serve 62 people.

- Waiting List

\$5.50 Million

There are over 8,000 children and adults on the DDA waiting list and 125 people in the Crisis Resolution category of the Waiting List. These funds will assist **113** people with the most urgent needs.

- Waiting List Equity Fund

\$727,770

Waiting List Equity Fund is derived from the proceeds of the sale of state institutions and savings from deinstitutionalization. Funds are used to serve people on the waiting list with priority to people living with the oldest caregivers –**24** people.

- Wages/Rates for Community Services

\$35.7 million to fully fund a 3.5 % rate increase for DDA community services that was mandated in the Minimum Wage Act of 2014.

- Court-Involved Community Services

\$296,000 in total funding for community services to assist **17** people with disabilities who are involved in the court system.



Senate Budget Hearing for Crisis Resolution Waiting List bill. Pam Kasemeyer, Senator Guzzone (Sponsor) Cristine Marchand, Chris Whitacre (Howard County) and JoEllen Barnhart and her two sons Adam and Allen from Western Maryland.

- **Budget Language**

Weather Day Funding: The Maryland Association of Community Services (MACS) obtained budget language that directs DDA to use funds that are saved due to weather-related closures and provide payments to providers to offset a portion of their weather-related financial losses.

Maryland State Department of Education (MSDE)

The FY 2017 budget includes the following that will impact children with disabilities and their families:

- **Autism Waiver**

Governor Hogan included **\$18.2 million** for the Autism Waiver. This means that 1000 children with autism will continue to receive services. Over 4,000 are on the Autism Waiver registry waiting for services.

- **Maryland Infants & Toddlers Program**

\$10.4 million --the same funding level as FY2016. The Maryland Infants & Toddlers Program supports over 17,000 children and their families each year. Early intervention services play a critical role in a child's development.

- **Division of Early Childhood Development's**

\$4.3 million for pre-kindergarten education.

- **The Geographic Cost of Education Index (GCEI)** was fully funded this year. The GCEI is a discretionary component of the State funding formula for education that has provided additional funding to 13 local school systems since 2009 to reflect regional differences in the cost of education that are due to factors outside the control of the local jurisdiction.

- **Pre-K Expansion**

The Division of Early Childhood Development's budget included \$4.3 million for pre-kindergarten education. This money was added to further expand prekindergarten and helps leverage \$15 million in federal grant funds to expand prekindergarten to an additional 3000 children.



The Arc Montgomery County

Budget language requires MSDE to report on funding spent to support pre-kindergarten children with disabilities, ages 3-5. The report will also analyze how funds are targeted to support children with disabilities to learn and play alongside their peers without disabilities; access to the same early childhood curriculum as children without disabilities; and how both relate to better outcomes for children with disabilities. We are pleased to report that their

budget was not cut. The Arc Maryland wishes to acknowledge our colleagues at the Maryland Developmental Disabilities Council and Maryland Disability Law Center for their partnership on education matters.

In September 2015, The Arc Maryland Governmental Affairs Committee developed The 2016 Legislative Goals and Platform and was adopted by the Board of Directors. Following is a summary of the results in each of the key topics.

Employment

HB 420/SB 417 Individuals with Disabilities – Equal Employment Opportunity Act

The Arc's Position: Support

Status: Passed & Signed into Law

Bill sponsors: Senator Delores Kelley, Delegate Jeff Waldstreicher

This bill prohibits 14© certificates for subminimum wage from being authorized in Maryland; work activity centers and sheltered workshops from paying less than minimum wage to employees with disabilities by October 1, 2020. The median earnings in Maryland in 2014 of a worker with a disability was \$27,072, while the median earnings of a worker without a disability was \$40,583. Under current law, 40 non-profits organizations in Maryland currently hold 14© certificates and are eligible to pay 3,469 workers subminimum wages. The legislation requires the



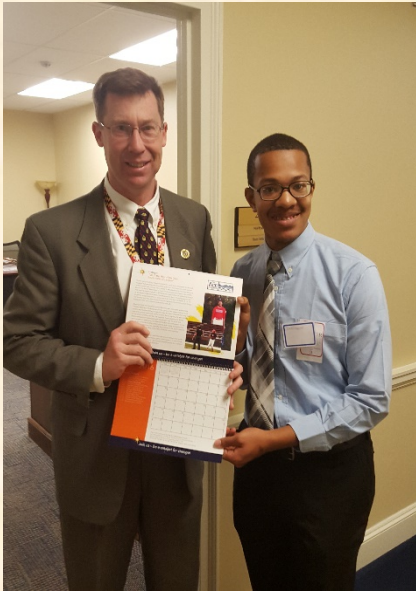
Ken Capone (far left) Senator Kelley, Matt Rice

Department of

Disabilities and the Developmental

Disabilities Administration in partnership with stakeholders to develop and implement a plan to phase out the use of a subminimum wage to an employee with a disability by October 1, 2020.

The plan must include benchmarks, tracking outcomes and recommendations for needed funding and resources with recommendations provided annually to the Governor and legislature. The bill is on its way to the Governor for signature.



Delegate Parrott and Brandon Grooms from The Arc Washington

HB 928/SB 818: State Personnel – Individuals with Disabilities – Hiring Preferences

The Arc's Position: Support

Status: Passed

Bill Sponsors: Senator Peters, Delegate Kramer

This bill provides a hiring preference for state employment in the Executive Branch by allowing credit to be given if an applicant has certain disabilities.

Community Living

HB431 /SB355- Maryland Achieving a Better Life Experience (ABLE) Program - Establishment

The Arc's Position: Support

Status: Passed & Signed into Law

Senator Brian Feldman, Senator Craig Zucker & Delegate Eric Bromwell

House Bill 431 and Senate Bill 355 establish the Maryland ABLE Program to help people with disabilities save for disability-related expenses. This bill requires the College Savings Plans of Maryland (CSPM) Board, in consultation with the Maryland Department of Disabilities, to establish, administer, manage, and promote the Maryland ABLE Program. The money in the account can be used to cover medical/dental care, education, housing, transportation, obtaining employment, assistive technology, and community-based supports and will not affect eligibility for federal means-tested programs such as Medicaid and SSI. Anyone can contribute to the ABLE account, but the total contributions must not exceed \$14,000/year. Money saved in a Maryland ABLE account that meets Federal and State requirements is tax- exempt. Governor Hogan has committed \$745,000 for start-up costs. The ABLE Program should be operational no later than October 2017. The Governor signed the bill in law on April 12.



Senator Sallings with The Arc Baltimore

HB 1499/SB 413: Developmental Disabilities Administration - Crisis Resolution

Status: Failed. Passed the Senate but no committee vote in the House

The Arc's Position: Support

Bill sponsors: Senator Guy Guzzone/Delegate Bonnie Collison

This bill would have required that the Governor's proposed budget each year (beginning in fiscal 2018) include a general fund appropriation of at least \$3.5 million for people in Crisis Resolution which is the highest priority category on the Developmental Disabilities Administration's Waiting List. There are over 8,000 children and adults with intellectual and developmental disabilities on the DDA waiting list. This bill would have given hope and relief to individuals and their families in the direst situations when they most need the help.



House Hearing for Crisis Resolution: Delegate Bonnie Cullison with waiting list families.

LAW ENFORCEMENT & CRIMINAL JUSTICE

HB22/SB147 Ethan Saylor Alliance for Self-Advocates as Educators - Membership and Duties - Community Inclusion Training Oversight

The Arc's Position: Support

Status: Passed & Signed into Law

Bill Sponsors: Senator Hough, Delegate Krimm

House Bill 22 and Senate Bill 147, similar to SB848 introduced last session, requires the Steering Committee of the Ethan Saylor Alliance for Self-Advocates as Educators to review, or to request the alliance to review, the content and monitor the implementation of the training objectives and curriculum adopted by the Police Training Commission for a community inclusion program. The review must be conducted at least every four years but may be conducted more frequently at the request of the Police Training Commission.

The Arc takes a firm position that people with intellectual and developmental disabilities should be included in the implementation and oversight of training offered to law enforcement. We believe that this law will continue to empower self-advocates to have an active role both on the implementation and oversight of the trainings offered.

Education & Children's Services



HB 86/SB 421: Special Education – Translations of Individualized Education Programs or Individualized Family Service Plans – Native Language

Status: Passed & Signed into Law

The Arc's Position: Support

Bill Sponsors: Senator Rameriez, Delegate Luedtke

This bill requires local school systems to provide parents a child's individualized education program (IEP) or individualized family service plan (IFSP) in the parents' native language, if requested by the parent and if the language is spoken by more than 1% of the student population in the local school system. MSDE will also have to report to the General Assembly how the needs of students whose parents speak a native language that is spoken by less than 1% of the student population in the local school system can be addressed.

The Arc Maryland believes every parent should have the opportunity to access their children's IEP or IFSP in their native language. The Governor signed this bill on April 26, 2016.

HB 85: Education – Students with Disabilities – Support Services – Parental Notification

Status: Passed

The Arc's Position: Support

Bill Sponsor: Delegate Luedtke

This bill requires school personnel to provide parents with written information about, and contact information for, the family support services staff members within the local school system. Family support services are staffed by an experienced parent of a child with a disability who has already been through the early intervention or special education process and can provide advice, guidance and support. The Governor signed this bill on April 26, 2016.

HB 551: Education – Students with Disabilities – Individualized Education Program Mediation

Status: Passed & Signed into Law

The Arc's Position: Support

Bill Sponsor: Delegate Kaiser

This bill requires IEP teams to provide parents of children with disabilities with a written and oral explanation of the parent's right to request mediation, contact information to receive more information about the mediation process and information about free and low cost legal assistance and other related services available in the area. If a parent requests this information, it must be provided in the parent's native language (if spoken by more than 1% of the student population). It also requires MSDE to have staff to assist parents to understand the mediation process. The Governor signed this bill on April 26, 2016.

SB465- Community Colleges - Tuition Waiver for Disabled Individuals - Requirements

Status: Failed

The Arc's Position: Support

Bill Sponsor: Senator Madaleno

The Arc Maryland supported a bill to make it easier for students on Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) to obtain a tuition waiver when they attend a community college in the State of Maryland. The bill passed the Senate but failed to get a vote in the House Ways and Means Committee.

SB950 - Education - Students with Disabilities - Study of Parental Consent in the Individualized Education Program Process

The Arc's Position: Support

Status: Failed

Bill Sponsors: Senator Joan Carter Conway, Delegate Mary Washington

This legislation would have established a workgroup that must review and make recommendations regarding parental consent (and its definition) and parental participation provisions of special education statutes and regulations in place in other states, including data and information regarding the effectiveness of these provisions. The Senate version passed and was amended on the house side and sent to conference committee on Sine die where it was not voted on.

HB1191 - Task Force to Study an Online Program for Paraprofessionals Assisting Students with Autism

The Arc's Position: Support

Status: Held in Committee

Bill Sponsor: Delegate Platt

This bill would have established a Task Force to Study an Online Program for Paraprofessionals

Assisting Students with Autism. The bill was introduced due to an investigation of abuse and educational neglect in a classroom for students with autism in Harford County.

HB0781-Education - Assessments - Reporting of Aggregate Results

The Arc's Position: Oppose

Status: Died in Committee

Bill Sponser: Delegate C.T Wilson

This bill would have prohibited the Maryland State Department of Education from including the scores of students with disabilities or English language learners when calculating or reporting any aggregate results of the assessment aligned with the Maryland College and Career Ready Standards (i.e. the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments). The Individuals with Disabilities Education Act (IDEA) requires states to ensure that all children with disabilities are included in all general State and district-wide assessment programs, including, with appropriate accommodations and alternate assessments, if necessary, as indicated in their respective Individualized Education Programs.

HB715 - Early Identification of Autism Act

The Arc's Position: Support

Status: Died in Committee

House Bill 715 would have required health care practitioners, when providing a well-child examination at 18 and 24 months of age, to administer a standardized screening tool for autism spectrum disorder (ASD), in addition to requiring insurance to provide coverage for the screening tool.

HB1206 Education - PARCC Testing - Exemption for Children With Disabilities (Ben's Rule)

The Arc's Position: Oppose

Status: Died in Committee



Delegate Stephen Lafferty with visitors from The Arc Baltimore: Board members Nicole McCann, Mashal Awadallah, Seth Burdine, Stephanie Helfman, and Kathleen Durkin.



Delegate Atterbeary and The Arc Howard County

Bill Sponsor: Delegate Vogt

HB 1204 would have exempted a child with a disability from taking a Partnership for Assessment of Readiness for College and Careers (PARCC) assessment or its equivalent in a public school. Students with disabilities must take State and district-wide assessments, but can do so with accommodations and in some cases, alternative assessments. Federal and state law provides for the method of determining those accommodations and alternative assessments which must be in a student's IEP. The Committee was informed that this bill would have put Maryland at risk for losing up to \$203.4 million in federal IDEA Part B revenues and \$204 million in federal ESEA Title I revenues authorized for FY 2017.

SB1142-State Department of Education - McArdle Early Intervention Scholarship Program

The Arc's Position: Oppose

Status: Withdrawn

Bill Sponsor: Senator Bates

Senate Bill 1142 would have established the McArdle Early Intervention Scholarship Program to provide early intervention services for young students with disabilities by authorizing the parent or guardian to (1) send the student with disabilities to a public school other than the public school to which the student is assigned (including a school in another local school system) or (2) use a scholarship awarded under the program to allow a student with disabilities to attend a private school for students with disabilities or with a specialized program for students with disabilities. By providing scholarships for private special education placements, the state would be promoting more restrictive placements, a direct violation of the least restrictive environment provisions of the federal Individuals with Disabilities Education Act (IDEA).



HEALTH CARE & SUPPORTS

SB0765/HB976 - CINA, Guardianship, Adoption, Custody, and Visitation - Disability of Parent, Guardian, Custodian, or Party

The Arc's Position: Support w/ Amendments

Status: Passed

Bill Sponsors: Senator Raskin, Delegate Rosenberg

This legislation requires that in custody and visitation proceedings, the party alleging that the disability of the other party affects the best interest of the child bears the burden of proof. If the burden of proof is met, the party who has a disability must have an opportunity to prove that

"supportive parenting services" would prevent a finding that the disability affects the best interest of the child. The bill also alters the definition of "disability" in provisions of law regarding, guardianship, adoption, custody, and visitation proceedings to match Federal law

HB 539/SB 297: Health Insurance – Habilitative Services – Period of Time for Coverage

Status: Passed

The Arc's Position: Support

Bill Sponsors: Senator Richard Madaleno , Delegate Ariana Kelly

This bill revises the current mandated health insurance benefit of habilitative services to be consistent with federal law by removing the restriction that a person to be born with a "congenital or hereditary birth defect" in order to receive habilitative services; expanding the scope to include services and devices; and mandating coverage of habilitative services for children until at least the end of the month in which the child turns age 19. The changes apply to all health insurance plans in Maryland.

SB 418 / HB 404 - Richard E. Israel and Roger "Pip" Moyer Death with Dignity Act

Status: Failed

The Arc's Position: Oppose

Bill Sponsors: Senator Ronald Young, Delegate Shane Pendergrass

House Bill 404 and Senate Bill 418 would have created a process by which an individual may request and receive "aid in dying" from the individual's attending physician. The bill exempts, from civil or criminal liability, State-licensed physicians who, in compliance with specified safeguards, dispense or prescribe a lethal dose of medication following a request made by a "qualified individual." For the developmental disability community this legislation offered no safeguards and the collateral damage to people with I/DD would have been too vulnerable. The bill was heavily debated during the 2016 session, the Senate version was withdrawn and the House version was not voted on. The bill is expected to be reintroduced next session.



The Arc Maryland 2016 Public Policy Team:
Cristy Marchand, Executive Director; Poetri Deal, Director of Public Policy & Advocacy
Community Services; Aaron Stephens, The Arc Maryland Public Policy Fellow and Deputy
Director of The Arc of Frederick County

The Arc Maryland wishes to thank our coalition partners, including Maryland Disability Law Center (MDLC); Maryland Association of Community Services (MACS); Maryland Developmental Disabilities Council; People On The Go of Maryland; Maryland Catholic Charities, Independence Now; Maryland Down Syndrome Advocacy Coalition (MDAC). We thank our chapters and grassroots members for their relentless and steadfast support and action!

We look forward to another exciting and productive year of advocacy in 2017!