



MARYLAND DEVELOPMENTAL DISABILITIES COALITION

Dedicated to the rights and quality of life for people with developmental disabilities in Maryland

Support Children with Disabilities

The following legislation affects children with disabilities and their families:

HB 184/SB 783: Special Education – Judicial Actions – Attorney’s Fees and Related Costs

Allows parents to recover expert witness costs if they are the prevailing party at a special education due process hearing or court proceeding.

- Federal special education law and Maryland regulations allow parents who prevail in a hearing to recover attorney’s fees, but neither federal nor state special education law allows parents to recover the cost of experts.
- Many parents cannot afford to hire an expert to help if they want to challenge their child’s special education program or services or if the school system requests a hearing against them. As a result, families may not pursue a case even when their child’s rights have been violated or may not be able to bring experts to help support them if they do go to a hearing.
- The possibility of recovering these expenses makes sense. School systems have access to more resources, information and expertise and are in a better position to prove if they have provided a free, appropriate public education.

HB 1204/SB 993: Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition

Protects all students, Prekindergarten-21, who are enrolled in public schools and in schools receiving public funding from discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

- Private schools that don’t receive federal funds don’t have to comply with Section 504 of the Rehabilitation Act. Private schools run by religious organizations don’t have to comply with the Americans with Disabilities Act.
- If Maryland is going to use state funds to provide scholarships for students to attend private schools, those schools should protect students’ civil rights.

HB 1043: Education – Restraint and Seclusion – Consideration and Reporting

Requires local school systems to report more data about the use of restraint and seclusion, and then requires the Maryland State Department of Education (MSDE) to make specific recommendations to local school systems with the most incidents on how to reduce the number of restraint and seclusion events.

- Also requires MSDE to develop an accountability system, partner with colleges and universities to identify gaps in teacher and service provider preparation with respect to positive behavior supports and trauma informed care, and develop a mandatory professional development program for all teachers and service providers so staff can use positive behavior supports and trauma informed care interventions.

Maryland State Department of Education FY 2021 Budget

The Governor's proposed FY 2021 budget includes the following funding, among other things, that will impact children with disabilities and their families:

- \$25.2 million for the Autism Waiver so that 100 more children with autism receive services. There are **There are over 10,000 students in Maryland identified as having autism, 5,300 children are on the Autism Waiver registry waiting for services and the Autism Waiver currently supports 1,200 children and their families.**
- \$10.4 million for the Maryland Infants & Toddlers Program--the same funding level as FY 2020. **The Maryland Infants & Toddlers Program supports over 19,000 children and their families each year. Early intervention services play a critical role in a child's development.**
- \$10 million for the Broadening Options and Opportunities for Students Today (BOOST) Program. BOOST provides scholarships to students to attend private schools. Most private schools do not have to comply with the Individuals with Disabilities Education Act (IDEA) so even if a student with a disability enrolls, the private school does not have to provide the services and supports he or she needs.
- \$94 million for public prekindergarten education.
- More than \$350 million to fund education initiatives based on recommendations of the Commission on Innovation and Excellence in Education (Kirwan Commission) and required by legislative action in 2019.

MSDE's FY 2021 proposed budget totals \$7.3 billion.

For additional information about the bills highlighted here, please contact:
Rachel London, Maryland Developmental Disabilities Council, RLondon@md-council.org
Leslie Seid Margolis, Disability Rights Maryland, LeslieM@disabilityrightsmd.org