



Legislative Wrap Up | 2017

The Arc Maryland works to create a world where children and adults with intellectual and developmental disabilities (I/DD) have and enjoy equal rights and opportunities.

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The Maryland General Assembly completed its work for the 2017 Legislative Session and adjourned Sine Die at midnight on April 10, 2017. The Arc Maryland, in partnership with the DD Coalition and the Governmental Affairs representatives from each local chapter, tracked, or testified on 107 bills that would have had impact on individuals with intellectual and developmental disabilities and their families.

This Session was challenging and productive. Beginning with the start of the Session on January 11, key bills on our Public Policy Platform have been passed and signed by Governor Hogan into law.

We couldn't have done it without our chapters and grassroots members! Thank you to all who testified, contacted and met with their legislators, attended weekly Governmental Affairs Committee meetings, and the over 700 attendees at DD Day at the Legislature. Your voices were heard!



The Arc Baltimore visit Capitol Hill



Senator Madaleno with The Arc Montgomery County

2017 Outstanding Legislative Leadership Awards

The Arc's constituency relies upon legislative champions who provide leadership. We are honored to announce the 2017 Legislative Leadership Awards:



The Honorable Andrew Serafini (Senate)
Education – Remote Classroom Technology
Grant Program (Peyton's Bill)



The Honorable William Smith (Senate)
Public Schools – Suspension and Expulsions
Dispute Resolution Process for Children
with Disabilities and Child Care Providers



The Honorable Craig Zucker (Senate)
James W. Hubbard Inclusive Higher Education Grant Program
Education – Behavior Intervention Plans – Physical Restraint and Seclusion



**The Honorable Eric Ebersole (House of Delegates)
James W. Hubbard Inclusive Higher Education Grant
Program**



**The Honorable Alonzo Washington (House of Delegates)
Emergency Evacuation in Schools
Commission on the School-to-Prison Pipeline and
Restorative Practices**



**The Honorable Maggie McIntosh (House of Delegates)
FY 2018 DDA Budget and DDA Rate Restoration**



**The Honorable Kirill Reznick (House of Delegates)
FY 2018 DDA Budget and DDA Rate Restoration**



**The Honorable Eric Luedtke (House of Delegates)
Education – Remote Classroom Technology Grant Program (Peyton’s Bill)
Education – Children with Disabilities – IEP Parental Consent
Education – Behavior Intervention Plans – Physical Restraint & Seclusion
Independent Living Tax Credit Act**

Record Attendance - DD Day at the Legislature



Motivating over 700 advocates to action, the Developmental Disabilities Coalition hosted Developmental Disabilities Day at the Legislature in February 2017.



Governor Larry Hogan

Governor Larry Hogan headlined the event with a presentation of his proposed budget and commitment to supporting people with intellectual and developmental disabilities. Legislative champions briefed the audience on their work to expand disability rights, options and community services.

A briefing on top priorities was held by DD Coalition members, followed by constituent meetings with legislators. DD Day is just one way to be heard by elected officials. The Arc Maryland relies upon individuals, families and advocates to testify on proposed legislation, contact legislators throughout the Session, and tell your stories.

The Developmental Disabilities Coalition is comprised of representatives of The Arc Maryland, Disability Rights Maryland, Maryland Association of Community Services, Maryland Developmental Disabilities Council, and People on the Go of Maryland.



The Arc Howard County and The Arc Baltimore with Senator Kasmeyer

Delegate Jalisi and The Arc Baltimore

FY 2018 Budget



L-R Aaron Stephens, Mary Moore, Wayne Wallace testify in House hearing on the Budget

The FY 2018 budget adopted by the legislature fully funds these items in the DDA budget: Transitioning Youth, all historically anticipated emergencies, all individuals in the Crisis Resolution Category of the Waiting List, and establishes a Waiting List Initiative to start with 800 children, adults and families under two new capped waivers. Our legislative champions restored the full 3.5% Provider Rate Increase per the Minimum Wage Act of 2014 that created a mandate of a 3.5% rate increase over 4 years for DDA Community services from FY 2016-2019. The Department reverted \$17 Million unspent funds during FY 2016 to the General Fund.

Developmental Disabilities Administration

- **Wages/Rates for Community Services – 3.5% Increase**
\$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.
- **Transitioning Youth – 789 Youth**
\$12.9 Million
The budget fully funds an anticipated 789 youth with developmental disabilities leaving school at age 21 years to receive employment or other day services.
- **Emergencies**
\$8.8 Million – 131 Individuals
Fully funds people in emergency situations and in immediate need of assistance – 131 projected individuals.
- **Waiting List**
\$3.8 Million – Crisis Resolution – 101 Individuals
There are over 8,000 children and adults on the DDA waiting list; of which 101 are in the Crisis Resolution category – the highest priority. The budget fully funds these needs – 101 people with the most urgent needs.
- **The FY 2018 budget begins a Waiting List Initiative**
\$2.4 Million Family/Individual Support Capped Waiver – 400 individuals @ \$12,000 per person.
\$5 Million Community Support Capped Waiver – 400 individuals @ \$25,000 per person

- **Waiting List Equity Fund**

\$892,355 – 36 Individuals

The 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.

- **Court-Involved Community Services**

\$1.4 Million – 26 Individuals

Total funding for community services for 26 people who are involved in the court system.

- **Low Intensity Support Services (LISS)**

\$5 Million for one-time services to 2,300 individuals

- **DDS Aging Out Placements**

\$1.6 Million for 60 youth who will be aging out of DSS Foster Care and need DDA day, employment and residential supports.

- **Higher Education - \$250,000**

New state funds to assist with starting up grants to higher education institutions in Maryland to develop inclusive programs for students with I/DD.

Maryland State Department of Education (MSDE)

The FY 2018 budget includes the following that will impact children with disabilities and their families:

- **Autism Waiver**

\$2.2 Million increase for 100 additional children.

- **Pre-K Expansion**

\$3.7 Million increase for public pre-kindergarten education.

- **Maryland Infants & Toddlers Program**

\$10 Million – level funding

- **Child Care Subsidy Program**

\$2.7 Million increase for free or reduced child care with 2% subsidy rate increase to providers

- **Division of Rehabilitation Services (DORS)**

\$1 Million increase – 600 individuals

In September 2016, 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 priority legislation in each of the key topics.

Community Living

HB 448/SB 344- Maryland Achieving a Better Life Experience (ABLE) Account Clarifications

The Arc's Position: Support

Status: Passed & Signed by Governor

Sponsors: Senator Brian Feldman/Delegate Eric Bromwell

Clarifications were established that will support the Maryland ABLE Program to be operational with an anticipated start date of October 2017. The Maryland ABLE Program will be implemented by Maryland 529 and allows individuals with disabilities to save for disability-related expenses without jeopardizing federal means-tested benefits such as SSI and Medicaid. Anyone can contribute to the ABLE account, but the total contributions must not exceed \$14,000/year.



Cory Mackall
Calvert County

HB 644/SB 180-Independent Living Tax Credit Act

The Arc's Position: Support

Status: Passed

Sponsors: Senator Douglas Peters/Delegate Eric Luedtke

This legislation will allow an individual to receive a state income tax credit for renovations related to accessibility and universal visibility features to renovate an existing home that improves access for individuals with disabilities. The tax credit is an amount equal to 50% of the qualified expense during the year in which the expense was incurred. The tax credit may not exceed \$5,000 or be carried over to another taxable year. The Department of Housing and Community Development will administer the credit which may not exceed \$1 Million in a calendar year.

HB 984/SB 475: Developmental Disabilities Administration - Crisis Resolution

The Arc's Position: Support

Status: Withdrawn

Sponsors: Senator Guy Guzzone/Delegate Bonnie Cullison

This bill would have required the Governor's proposed budget each year (beginning in fiscal 2019) include a general fund appropriation of at least \$3.5 million for people in Crisis Resolution, 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 most dire situations when they most need the help.

HB 172/SB 728 – Home Act of 2017

The Arc's Position: Support

Status: Passed House of Delegates/Died in Senate Judicial Proceedings Committee

Sponsors: Senator William Smith/Delegate Stephen W. Lafferty

Affordable housing is a huge barrier to people with disabilities. This bill prohibits discriminatory practices in residential real estate transactions and the sale or rental of a dwelling because of a person's source of income (such as SSI).

Education & Children's Services

HB 174 – Education – Children with Disabilities – Individualized Education Plan Process – Parental Consent

The Arc's Position: Support

Status: Passed & Signed by Governor

Sponsor: Delegate Erick Luedtke

HB 174 grants new rights to parents/guardians of students with an IEP. Beginning July 1, 2017, the individualized education program (IEP) team must obtain written consent from a parent if the team proposes to (1) enroll the child in an alternative education program that does not issue or provide credits toward a high school diploma; (2) identify the child for the alternate assessment aligned with the State's alternate curriculum; or (3) include restraint or seclusion in the IEP to address the child's behavior.

If the parent does not provide written consent, the IEP team must send the parent written notice within five business days of the IEP meeting that (1) the parent has the right to either consent, or refuse to consent, to an action described above, and (2) if the parent does not provide written consent or refusal to consent within 15 business days of the IEP team meeting, the IEP team may implement the proposed action. If a parent refuses to consent to the proposed action, the IEP team may use the dispute resolution process to resolve the matter.

HB 197/SB 484 – Remote Classroom Technology Grant Program (Peyton's Bill)

The Arc's Position: Support

Status: Passed & Signed by Governor

Sponsors: Senator Andrew Serafini/Delegate Eric Luedtke

Peyton's bill will provide grants to public schools to purchase remote technology such as a robot proxy. The robot would serve as a substitute at school for a student who is not physically able to attend. The robot would be operated by the student from home or a hospital, allowing for virtual school attendance and participation. Remote technology will allow students who must be absent to receive the same instruction as their peers, keep students connected to classmates, and allow students to participate in a full school day.

HB 425/SB 651 – Public Schools – Suspensions and Expulsions

The Arc's Position: Support

Status: Passed & Signed by Governor

Sponsors: Senator William Smith/Delegate Brooke Lierman

Decisions to expel and suspend our youngest students are disruptive to the developmental and educational growth of children, and are inconsistently and unfairly applied across the state. These counterproductive decisions disproportionately impact students with disabilities. The legislation restricts out-of-school suspensions or expulsions to up to five school days for pre-kindergarten, kindergarten, first and second graders except for a gun offense or as a very last resort if there has been a threat of imminent bodily harm. The school administration, in consultation with a school psychologist or other mental health professional, determines if there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports. The legislation requires that in-school supports be put in place for a student whose behavior warrants correction in order to improve the behavior and prevent a disruption to the student's education.

Students in Baltimore City who are affected by the bill may not be transferred to the Alternative Learning Center for specified offenses. The Maryland State Department of Education (MSDE) must adopt regulations by May 1, 2018, to implement the bill's provisions.

HB 456/SB 943 – Family Child Care Homes & Child Care Centers – Dispute Resolution Process – Regulations

The Arc's Position: Support

Status: Passed & Signed by Governor

Sponsors: Senator William Smith/Delegate Anne Kaiser

This bill requires MSDE to convene a workgroup, which includes disability advocates and childcare providers, to develop regulations for a dispute resolution procedure for resolving claims of discrimination based on a child's disability. The legislation will help ensure that children who are turned away from childcare homes and centers are not denied a place just because of their disabilities. Draft procedures must be submitted to the General Assembly by October 1, 2017.

HB 516/SB 581 – Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year Olds

The Arc's Position: Support

Status: Passed & Signed by Governor

Sponsors: Senator William Ferguson/Delegate Vanessa Atterbeary



Daniela, Frederick County

Early intervention and education can prevent or ameliorate learning issues. Increasing access to prekindergarten for Maryland's children is critical for their development and education. This is particularly true for young children with disabilities who need more access and opportunity to learn and play alongside their peers without disabilities. This emergency bill establishes a Workgroup to Study the Implementation of Universal Access to Prekindergarten for four-year-olds. A representative from a statewide advocacy organization representing children with disabilities is included on the workgroup. MSDE must designate a chair of the workgroup and provide staff. By September 1, 2017, the workgroup must report its findings and

recommendations to the Commission on Innovation and Excellence in Education. The bill terminates one year from the date it is enacted.

SB 786 – Education – Restraint & Seclusion – Consideration and Reporting

The Arc’s Position: Support

Status: Passed & Signed by Governor

Sponsors: Senator Craig Zucker/Delegate Eric Luedtke

National data demonstrates that restraint and seclusion are used disproportionately with students with disabilities. The legislation creates a task force to review the existing Maryland State Department of Education (MSDE) regulations on use of restraint and seclusion and to determine under which circumstances and conditions seclusion may be used, if at all. The bill also requires MSDE to adopt regulations mandating that every public and private school must submit an annual report to MSDE disclosing the number of times that restraint or seclusion are used in a school, the kind of professional training that is offered to staff and data which will identify the disability, race, gender, age, and type of placement for any student subjected to restraint or seclusion.

HB 705 – Education – PARCC Testing – Children with Disabilities (Ben's Rule)

The Arc’s Position: Oppose

Status: Died in Committee

Sponsor: Delegate David Vogt

HB 705 would have authorized the parent of a child with a disability who is nonverbal to refuse to allow the child to participate in the Partnership for Assessment of Readiness for College and Careers (PARCC) assessment and other assessments. 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 Honorable James
Hubbard

HB 971/SB 872 – James W. Hubbard Inclusive Higher Education Grant Program

The Arc’s Position: Support

Status: Passed & Signed by Governor

Sponsors: Senator Craig Zucker/Delegate Eric Ebersole

This legislation provides a grant program for higher education programs (four-year universities and community colleges) in Maryland to develop and offer inclusive programs to students with intellectual disabilities. Currently there are no such opportunities in Maryland, resulting in college-age youth to enroll in out-of-state colleges.

HB 1061 – Task Force to Study Emergency & Evacuation Plans for Students, Staff and Visitors with Disabilities in Public School

Facilities

The Arc's Position: Support

Status: Passed & Signed by Governor

Sponsor: Delegate Alonzo Washington

In this era of threats of violence along with fire and weather emergencies, effective emergency evacuation plans for students with disabilities is paramount. Plans designed for the individual needs of students with physical disabilities, those with sensory disabilities, and those who may lack understanding of a situation or be able to act quickly are among the needs. School personnel and visitors with disabilities also need protection.



L-R Steve Hess, Delegate Alonzo Washington, Cassidy, Lori, and Charlie Scott

This bill requires MSDE to update the Emergency Planning Guidelines for Local School Systems and Schools by December 1, 2017, to accommodate, safeguard, and evacuate students, staff, and visitors with disabilities on public school grounds in accordance with the federal Americans with Disabilities Act. In updating the guidelines, MSDE must consult with disability advocacy groups. By July 1, 2018, each local school system must update its emergency plan to comply with the updated guidelines and regulations. If a student with an individualized education program (IEP) requires specific accommodations for evacuation in an emergency, the student's IEP must include the necessary accommodation. If a student with a 504 plan requires specific accommodations, the student's 504 team must discuss and address the student's needs as necessary.

HB 1066/SB 201 – Education – Fire Drill Requirements – State Fire Prevention Code

The Arc's Position: Support

Status: Passed & Signed by Governor

Sponsors: Senator Nancy King/Delegate Eric Ebersole

This bill instructs the State Superintendent to require each county superintendent to hold a fire drill in each public school in accordance with the State Fire Prevention Code instead of at least 10 times per school year and at least once every 60 days.

HB 1287 – Commission on the School-to-Prison Pipeline and Restorative Practices

The Arc's Position: Support

Status: Passed

Sponsor: Delegate Alonzo Washington

Students with disabilities receive a disproportionately high rate of suspensions and expulsions in Maryland public schools. The bill establishes the Commission on the School-to-Prison Pipeline and Restorative Practices to study current disciplinary practices in Maryland public schools and to examine national best practices in positive supports, alternative discipline methods, restorative practices and eliminating the school-to-prison pipeline. The Commission will be made up of educators and advocates, including a representative from The Arc Maryland, and staffed by the Center for Dispute Resolution at the University of Maryland School of Law. The report with findings and recommendations is due to the Governor and the General Assembly by January 1, 2019.

HEALTH CARE & SUPPORTS

HB 1/SB 230 – Labor and Employment – Maryland Healthy Working Families Act

The Arc's Position: Support

Status: Governor Vetoed

Sponsors: Senator Thomas Middleton/Delegate Luke Clippinger

The Maryland Healthy Families Act requires employers of 15 or more employees to provide earned sick and safe leave; employers with 14 or fewer employees must provide unpaid earned sick and safe leave. The Governor is likely to veto the bill; however it is anticipated the legislation will be a top priority for the beginning of the next session.

- For employees who work a minimum of 12 hours/week, employers must provide sick and safe leave at the rate of one hour for every 30 hours worked, up to 40 hours of leave per year.
- An employee must be allowed to accrue and use up to 72 hours.
- An employee must be allowed to carry over up to 40 hours each year.
- An employer may adopt and enforce policy that prohibits the improper use of sick and safe leave, including prohibiting a pattern of abuse.
- Both I/DD and Behavioral Health providers are authorized to deny request for foreseeable leave if the employer makes reasonable efforts to find a replacement and the employee's absence will cause a disruption in service to the individual(s) served.

HB 7 – Environment – Lead Hazards – Environmental Investigation, Reporting, and Risk Reduction

The Arc's Position: Support

Status: Died in Committee

Sponsor: Delegate Marvin Holmes

Lead is a neurotoxic substance that has been shown to affect brain function and development. Children who have been exposed to elevated levels of lead are at increased risk for cognitive and behavioral problems during development (CDC, 1991). This bill would have required the Maryland Department of the Environment (MDE) to adopt regulations establishing procedures for conducting environmental investigations to determine lead hazards for children younger than age six and pregnant women with elevated blood lead levels (EBL) greater than or equal to 10 micrograms per deciliter. The regulations must be consistent with guidelines of the U.S. Department of Housing and Urban Development (HUD). MDE must include the results of the environmental investigations in its annual report on statewide childhood blood lead testing. An owner of an affected property would be required to satisfy the modified risk reduction standard within 30 days after receipt of written notice that an environmental investigation found that one of the lead hazards for the person at risk included a lead-based paint hazard in the property.

HB 133 – Environment – Reduction in Lead Risk Housing – Notification of Elevated Blood Lead Level

The Arc's Position: Support

Status: Passed & Signed by Governor

Sponsor: Delegate Kumar Barve

This legislation requires the Secretary of the Environment to assist local governments to provide case management of children with elevated blood lead levels (EBLs) greater than or equal to 10 micrograms per deciliter. The bill also requires MDE or a local health department, on receipt of the results of a blood test for lead poisoning indicating that a child younger than age six has an EBL greater than or equal to 10 micrograms per deciliter, to notify (1) the child's parent or legal guardian and (2) if applicable, the owner of the rental dwelling where the child lives. Finally, the bill requires MDE or a local health department, on receiving the results of a blood lead test indicating that a person at risk has an EBL greater than or equal to 10 micrograms per deciliter, to send notice of the test results to (1) a person at risk, or in the case of a minor, the parent or legal guardian of the person at risk and (2) the owner of the affected rental property in which the person at risk resides or regularly spends at least 24 hours per week.

HB 631/SB 415 – Essential Generic Drugs – Price Gouging – Prohibition

The Arc's Position: Support

Status: Passed. Not signed by Governor

Sponsors: Senator Thomas V. Mike Miller, Jr./Delegate Michael Busch

With bi-partisan support of 136 to 2 in the House of Delegates and 38 to 7 in the Senate, the legislature voted to prohibit a manufacturer or wholesale distributor from engaging in price gouging in the sale of an essential off-patent or generic drug. The language notes that an 'unconscionable increase' means an increase in the price of a prescription that is excessive and not justified by the cost of producing the drug or the cost of appropriate expansion of access to the drug to promote public health.

The U.S. Government Accountability Office reports that 22% of generic drugs billed to Medicare Part D had at least one increase of 100% or more from 2010-2015. More than 100 prescriptions had at least a doubling of prices between the first quarter of 2014 to the first quarter of 2015. Fifteen generic prescriptions had a price increase of one thousand percent or higher.

HB 1214/SB 1013 – Health Occupations – Dental Therapists – Licensure 0765/HB976

The Arc's Position: Support

Status: Died in Committee

Sponsors: Senator Joan Carter Conway/Delegate Bonnie Cullison

This legislation would have required the State Board of Dental Examiners to license a new type of dental health practitioner. Dental Therapists would have the credentials of a dental hygienist plus additional course work in how to address 'the dental care needs of patients with special needs, including individuals with developmental disabilities, cognitive impairment and complex medical problems and significant physical limitations.'

The bill also expressed the intent of the General Assembly that the Governor provide funds in the fiscal 2018 and 2019 budgets at a level sufficient to allow the board to begin licensing dental therapists, and that when special funds become available for the regulation of dental therapists, the special funds are to be used to reimburse the general fund for the initial start-up costs of licensure.

Vulnerable and underserved populations, including children and adults with intellectual and developmental disabilities, face economic, geographic, social and cultural barriers to securing quality preventative and routine dental health care. The legislation is expected to be re-introduced in the 2018 Session of the Maryland General Assembly.

HB 370/SB 354 - Richard E. Israel and Roger "Pip" Moyer End-of-Life Option Act

The Arc's Position: Oppose

Status: Withdrawn

Sponsors: Senator Guy Guzzone/Delegate Shane Pendergrass

House Bill 370 and Senate Bill 354 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 disabilities community this legislation offered no safeguards and the collateral damage to people with I/DD who have experienced historic discrimination and stereotypes based on quality of life would have been too great. The bill was heavily debated during the 2017 Session and withdrawn.

The Arc Maryland 2016 Public Policy Team:

Cristine Marchand, Executive Director; Susan Somerville-Hawes, Director of Public Policy & Advocacy – Children and Families; Jamie Stoner and Aaron Stephens, The Arc Maryland Public Policy Fellows, and Andrew Siske, University of Law School Intern.

The Arc Maryland wishes to thank our coalition partners, including Disability Rights Maryland; Maryland Association of Community Services (MACS); Maryland Developmental Disabilities Council; People On The Go of Maryland; Maryland Catholic Charities, Independence Now; and Education Advocacy Coalition. 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!



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