This overview highlights some of the many important budgets and bills that were critical to people with developmental disabilities and their families during the 2017 legislative session. Click here for more detailed information on a particular bill. The governor has not yet signed into law all of the bills that passed.

### Developmental Disabilities Administration (DDA) Budget

It was a good year for the DDA budget. Governor Hogan provided funding for many significant priorities, including a 2% rate increase for community services. The legislature raised this to 3.5% as mandated in the Minimum Wage Act of 2014. Funding is provided for a new waiting list initiative that will develop two new waivers that will reach people in the Crisis Prevention priority category. DDA has committed to involving stakeholders in the development of the new waivers. This overall budget expansion for developmental disability services is the result of leadership and commitment of the governor and legislative leaders, including Senators Kasemeyer, Madaleno, and Guzzone and Delegates McIntosh and Reznik.

<table>
<thead>
<tr>
<th></th>
<th>Increase in Funding</th>
<th>Impact (est.)</th>
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<tbody>
<tr>
<td><strong>TRANSITIONING YOUTH</strong></td>
<td><strong>$12.9 million Total Funds</strong>&lt;br&gt;($7m General Funds + $5.9m Federal Funds)**</td>
<td>Approximately 789 young adults with developmental disabilities leaving school will receive employment or other day services. DDA projects that 100% of transitioning youth will receive this support.</td>
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<tr>
<td><strong>EMERGENCIES</strong></td>
<td><strong>$8.8 million Total Funds</strong>&lt;br&gt;($5.3m General Funds + $3.5m Federal Funds)**</td>
<td>Approximately 131 people in emergency situations will receive services. They may or may not be on DDA’s waiting list.</td>
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<tr>
<td><strong>WAITING LIST – CRISIS RESOLUTION</strong></td>
<td><strong>$3.8 million Total Funds</strong>&lt;br&gt;($2m General Funds + $1.8m Federal Funds)**</td>
<td>An estimated 101 people in DDA’s highest priority category, Crisis Resolution, will receive services.</td>
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<tr>
<td><strong>WAITING LIST EQUITY FUND (WLEF)</strong></td>
<td><strong>$892,355 Total Funds</strong>&lt;br&gt;(+$478,748 Special Funds + $413,607 in Federal Funds)**</td>
<td>Approximately 36 people on DDA’s waiting list will receive community supports using funds from the WLEF which prioritizes people with the oldest caregivers. The WLEF is a special dedicated fund that receives money from several sources.</td>
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<tr>
<td>Increase in Funding - *figures are rounded</td>
<td>Impact (est.)</td>
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<tr>
<td>NEW CAPPED WAIVERS</td>
<td>FAMILY SUPPORT WAIVER: $2.4 million Total Funds ($1.2m General Funds + $1.2m Federal Funds)</td>
<td>Family Support Waiver: Support provided to families with children under age 22; $12,000 annual cap per person; approximately 400 families.</td>
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<td>COMMUNITY SUPPORT WAIVER: $5 million Total Funds ($2.5m General Funds + $2.5m Federal Funds)</td>
<td>Community Support Waiver: Variety of services (except residential) for people of any age; $25,000 annual cap per person; approximately 400 people.</td>
</tr>
<tr>
<td>DSS AGING OUT PLACEMENTS</td>
<td>$1.6 million Total Funds ($851,000 General Funds + $762,000 Federal Funds)</td>
<td>Approximately 60 youth with developmental disabilities who will age out of Dept. of Social Services foster care programs will receive DDA-funded community supports.</td>
</tr>
<tr>
<td>LOW INTENSITY SUPPORT SERVICES</td>
<td>$5.1 million General Funds (no matching Federal Funds)</td>
<td>An estimated 2300 children and adults who aren’t receiving other DDA services will receive short term, low-cost services and supports; $2,000 annual cap per person.</td>
</tr>
<tr>
<td>COURT- INVOLVED COMMUNITY SERVICES</td>
<td>$1.4 million Total Funds ($752,000 General Funds + $626,000 Federal Funds)</td>
<td>These funds will be used to provide community supports to approximately 27 people with developmental disabilities involved in the court system. It will be used to either divert them from a facility or to get them out of one.</td>
</tr>
<tr>
<td>RATES INCREASE FOR COMMUNITY SERVICES—3.5%</td>
<td>$36.1 million Total Funds ($19.9m General Funds + $16.2m Federal Funds)</td>
<td>This will fully fund a mandated rate increase stipulated in the Minimum Wage Act of 2014. These funds will contribute to ensuring a stable provider system.</td>
</tr>
<tr>
<td>POST-SECONDARY EDUCATION PROGRAM</td>
<td>$250,000 General Funds (no matching Federal Funds)</td>
<td>Will support the development of one or more inclusive post-secondary education programs for people with intellectual and developmental disabilities.</td>
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</tbody>
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**DDA Budget Requirements**

The General Assembly included the following requirements:

- If the funding for the proposed capped Family Supports waiver or Community Supports waiver cannot be utilized in FY2018, the DDA is required to instead use the funding to provide services for individuals on the waiting list through the existing Community Pathways waiver. This ensures that if the new capped waivers are not operational quickly enough, the funds will still be used to provide services for people on the waiting
The FY 2018 budget includes the following funding, among other things, that will impact children with disabilities and their families:

- $2.2 million increase in funding for the Autism Waiver so that an additional 100 children with autism receive services. Total funding will increase to $21.6 million so that 1100 children with autism are supported through the Autism Waiver. There over 10,000 students in MD. identified as having autism, over 5000 children are on the Autism Waiver registry waiting for services, and the Autism Waiver currently serves 1000 children.

- $10.4 million for the Maryland Infants & Toddlers Program (MITP) - the same amount as FY 2017. MITP supports over 17,600 children and their families each year.

- $5.5 million for the Broadening Options and Opportunities for Students Today (BOOST) Program. BOOST provides scholarships to students to attend private schools. While budget language prohibits discrimination on the basis of race, color, national origin, and sexual orientation in student admissions, it does not address discrimination on the basis of disability. Most private schools do not have to comply with the Americans with Disabilities Act or the Individuals with Disabilities Education Act 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. The budget language does, however, require MSDE to report data about the students receiving BOOST program scholarships, including the number of “special education students receiving BOOST program scholarships.” There were two bills related to providing scholarships to students to attend private schools. See HB 696/SB 849 and SB 557 below.

- $1 million increase for the Division of Rehabilitative Services (DORS) to reduce the waitlist for services by more than 600. DORS provides employment-related services to people with disabilities.

In addition, MSDE’s Division of Early Childhood Development’s budget includes $7.9 million for prekindergarten education—a $3.7 million increase from FY 2017; and a $2.7 million increase in state funding for the Child Care Subsidy Program. Total Program funds increased to $100.7 million to provide free or reduced-priced child care and increase the subsidy rates paid to providers by 2%.

HB 456/SB 943: Children with Disabilities and Child Care Providers – Dispute Resolution Process (passed with amendments)
This bill requires MSDE to develop a dispute resolution process to be used by families of children with disabilities and child care providers for resolving complaints of discrimination based on a child’s disability. It requires MSDE to convene a workgroup to help develop the process that must include a process for investigating complaints, a written report on the findings of an investigation, and if there is a finding of discrimination, a resolution of the complaint—including assistance to child care providers in meeting legal requirements and getting
HB 456/SB 943 (con’t.) the support they need to include children with and without disabilities together. MSDE must submit a report that includes the dispute resolution process developed and draft legislation or regulations to implement the process to the General Assembly by October 1, 2017.

Despite legal requirements that children with disabilities be provided an equal opportunity to meaningfully participate in child care programs, families struggle to find and keep child care where their children with disabilities can learn and play alongside their peers without disabilities. In 2013, the General Assembly passed legislation that required a Dispute Resolution Workgroup to make recommendations about regulations to establish a dispute resolution process. The Dispute Resolution Workgroup Report (issued in 2014) included recommendations for complaints, investigations, remedies, and other possible informal processes. This bill requires MSDE to formalize the recommendations about implementing a dispute resolution process. It will also help address significant concerns faced by families and assist providers in meeting legal requirements and access needed support.

Education

The MD DD Council supports legislation that helps families meaningfully participate in the special education process for their child and helps children with disabilities learn and succeed alongside their peers. Families should have the information, resources, and assistance needed to make critical decisions about their child’s education. Children with disabilities should have the services and supports needed to be successful in school. There are many legislative champions who supported legislation to reach those goals. They include: Delegate Anne Kaiser, Delegate Eric Luedtke, Delegate Eric Ebersole, Delegate Brooke Lierman, Senator Joan Carter Conway, Senator Paul Pinsky, Senator Craig Zucker, and Senator William Smith, Jr.

HB 174/SB 710: Education – Children with Disabilities – Individualized Education Program Process – Parental Consent (passed with amendments)

This bill will require parental consent before an individualized education program (IEP) team can take any of the following actions: enroll a child in an alternative education program that does not issue or provide credits towards a Maryland high school diploma; identify a child for the alternate assessment aligned with Maryland’s alternate curriculum; or include restraint or seclusion in the IEP to address the child’s behavior. Parents will now have the right to consent if they agree with what the IEP team proposes; the right to refuse to consent if they disagree with what the IEP team proposes; and, the right to choose to neither consent nor refuse to consent. This does not happen now. Parental consent is required for the initial IEP only.

HB 331/SB 786: Education – Behavior Intervention Plans – Physical Restraint and Seclusion (passed with amendments)

This bill requires MSDE to convene a taskforce to consider the circumstances when restraint and seclusion must be prohibited, contraindications for restraint and seclusion, and trauma-informed interventions; make recommendations to update regulations; and if the taskforce determines there are circumstances when seclusion may be used, make additional recommendations about seclusion rooms, the doors and locking mechanisms, observation during seclusion and length of time, and, guidelines about the discontinuation of seclusion.

In addition, this bill includes three new reporting requirements for each local school system and nonpublic school: (1) an annual report on the number of instances of restraint and seclusion, disaggregated by the student’s disability, race, gender, age, and type of placement; (2) an annual report on the professional development provided to school personnel about positive behavioral interventions, strategies, and supports, and trauma-informed interventions; and, (3) after observation and review of each seclusion room and training plans for the use of seclusion, a report to MSDE about the findings. It also requires MSDE to report to the General Assembly about the findings of the three reports provided by the local school systems and nonpublic schools.
HB 425/SB 651: Public Schools – Suspensions and Expulsions *(passed with amendments)*
This bill prohibits students enrolled in public prekindergarten through second grade from being suspended or expelled for more than five days except in limited circumstances. The bill also requires a school to provide young students who are expelled or suspended with positive behavior interventions and supports. Although students with disabilities represent only 11.9% of the school population, 25.5% of all suspensions and expulsions impact students with disabilities and their families.

HB 516/SB 581: Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds *(passed with amendments)*
This bill requires a workgroup to make recommendations about the feasibility of making high quality prekindergarten available to all 4-year-olds in Maryland. Passed as an emergency measure, the recommendations and report are due to the Commission on Innovation and Excellence in Education by Sept. 1, 2017. The DD Council joined The Arc Maryland and Disability Rights Maryland in support of an amendment that added an organization that advocates for children with disabilities to ensure access to prekindergarten for children with disabilities is addressed.

HB 978/SB 871: Education – Accountability – Consolidated State Plan and Support and Improvement Plans *(Protect Our Schools Act of 2017) (passed with amendments)*
This bill requires Maryland’s State Consolidated Plan, the accountability plan required under the Every Student Succeeds Act (ESSA), to include certain school quality indicators; sets limits on the weight (percent of total) of academic indicators in the State Plan; and, when a school is identified as failing or not meeting student outcomes after a certain period of time, it prohibits the state from privatizing school districts, issuing vouchers/scholarships to students to attend nonpublic schools, and implementing certain other strategies.

The DD Council is a member of MSDE’s ESSA Stakeholder Committee and Accountability Workgroup. We have provided input on indicators that will help ensure schools continue to close the achievement gap for students with disabilities.

HB 1061: Education – Emergency and Evacuation Plans – Individuals With Disabilities *(passed with amendments)*
HB 1061 requires MSDE, in consultation with disability advocacy groups, to update the emergency planning guidelines for local school systems to ensure students, staff, and visitors with disabilities accommodated, safeguarded, and evacuated appropriately and in accordance with the Americans with Disabilities Act. It also requires local school systems to update emergency plans to comply with the new guidelines; for students with IEPs: IEP teams to discuss specific accommodations needed by a student with a disability for evacuation in an emergency and include those accommodations in the student’s IEP; and, for students with 504 Plans: 504 teams to discuss and address the student’s needs as necessary.

HB286/SB 1: Education – Specialized Intervention Services – Reports *(passed with amendments)*
This bill requires each county board of education to report to MSDE about the use of specialized intervention services for students in kindergarten through third grade. Specialized intervention services are additional academic and behavioral supports provided to students who are not currently identified as needing special education services.

HB 1268: Education – Student Achievement Gap Standard – Establishment *(Maryland Student Achievement Act) (no committee vote)*
This bill would have required MSDE to establish a standard to measure achievement gaps between racial groups, ethnic groups, socioeconomic groups, genders, and English language learners and issue best practices and benchmarks to close the achievement gaps.
**Education, continued**

**HB 1268** (con’t.) The DD Council supported an amendment to address the achievement gap between students with and without disabilities so that students with disabilities would benefit from the requirements in the bill—data collection, best practices, annual benchmarks, and local school system strategic plans. A continued focus—at the state and local level—on closing achievement gaps between students with and without disabilities is critical to ensure students with disabilities have the same opportunities to learn, achieve, and succeed as their peers without disabilities.

**HB 705: Education – PARCC Testing – Children With Disabilities (Ben’s Rule)** *(no committee vote)*

This bill would have authorized parents of children with disabilities who are “non-verbal” to refuse to allow the child to participate in the statewide standardized testing—the PARCC Assessment—or its equivalent.

**HB 696/ SB 849: Nonpublic Elementary and Secondary Schools – Discrimination Prohibition** *(no committee vote)*

This bill would have prohibited private schools that receive state funds from discriminating in enrollment, expulsion, or providing other privileges afforded students on the basis of “race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.”

**SB 557: Education – Maryland Education Opportunity Account Program – Established** *(no committee vote)*

This bill would have created the Maryland Education Opportunity Account Program, a type of voucher program that would set up a fund to allocate the per-pupil foundation amount to individual accounts for students whose parents wish to purchase private education services for them. As a condition for enrollment in the program, a parent would have had to promise not to enroll his or her child in a public primary or secondary school or a public charter school for any year in which the parent is enrolled in the program.

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**Higher Education**

**HB 971/SB 872: James W. Hubbard Inclusive Higher Education Grant Program** *(passed with amendments)*

This legislation requires the Maryland Higher Education Commission, in consultation with the Maryland Department of Disabilities, the Developmental Disabilities Administration, and the Maryland State Department of Education, to develop and administer a competitive grant program for colleges and universities to implement inclusive higher education programs for students with intellectual and developmental disabilities. The programs, to be eligible, would have to meet national best practices and the criteria outlined in the bill.

Opportunities for inclusive higher education exist in 31 other states. This grant program will create a way for students with and without disabilities to learn, live, and participate in campus life together.

*left to right: The Council’s Deputy Director, Rachel London, The Honorable Jim Hubbard, Senator Craig Zucker, Dr. Meg Grigal, Bea Rodgers, Cristine Marchand, Clara Scholz, and Ann Scholz after testifying in support of the James W. Hubbard Inclusive Higher Education Grant Program.*
Health

HB 1/SB 230: Labor and Employment – Maryland Healthy Working Families Act (passed with amendments)
This bill requires employers that employ 15 or more employees to provide employees with earned sick and safe leave and requires employers with 14 or fewer employees to provide an employee with unpaid earned sick and safe leave. The bill outlines requirements, limitations and prohibitions. Among other provisions, the bill permits DDA licensed service providers to deny an employee’s request to take earned sick and safe leave under certain circumstances which are designed to ensure the agencies can provide adequate staff support to the individuals they support at all times.

HB 1214/SB 1013: Department of Health and Mental Hygiene and Maryland Higher Education Commission - Workgroup to Examine the Need for Dental Therapy (no committee vote)
This bill requires the Department of Health and Mental Hygiene and the Maryland Higher Education Commission to jointly convene a workgroup to examine the need for dental therapy in the state and report its findings and recommendations to the General Assembly by December 1, 2017.

HB 909/SB 571: Maryland Health Insurance Coverage Protection Act (passed with amendments)
This bill establishes the Maryland Health Insurance Coverage Protection Commission to assess the impact of potential federal changes to the Patient Protection and Affordable Care Act (ACA), Medicaid, and Medicare and to provide recommendations for state and local action to protect access to affordable health coverage. It will remain in effect for three years and annually submit a report on its findings and recommendations to the General Assembly.

HJ 09/SJ 07: The Protection of the Federal Affordable Care Act (passed with amendments)
This joint resolution expresses the General Assembly’s disagreement with the repeal of the federal Patient Protection and Affordable Care Act (ACA) and urges the governor to join in urging the U.S. Congress to protect provisions of the ACA that ensure all Marylanders have access to affordable health insurance coverage, free from discriminatory rates and policies.

Housing

HB 644/SB 180: Independent Living Tax Credit Act (passed with amendments)
This bill allows an individual a credit (not to exceed $5000) against their State income tax equal to 50% of the renovation cost of accessibility and visibility features to a home. The Council supported this bill because accessibility and visitability are critical to a person’s health, well-being and participation in their home and community. Costs for modifications can be high and a tax credit would make them more affordable and achievable. These are costs are over and above those faced by most homeowners.

HB 172/SB 728: Home Act of 2017 (House passed; no vote in Senate)
This bill would have prohibited discriminatory practices in residential sales and rental transactions based on a person’s source of income. The Council has supported a version of this bill for many years because many people with disabilities rely on Supplemental Security Income (SSI) and should not be discriminated against if this is a source of income to help pay their rent. The provisions concerning discrimination on the basis of source of income do not apply to the rental of units located in a zip codes in which at least 6% of the total number of housing assistance vouchers administered by the public housing agency are used.
Other Issues & Topics

**HB 448/SB 344: Achieving a Better Life Experience (ABLE) Program – Account Clarification** 
(passed)

Legislation passed last session authorizing the establishment of the Maryland ABLE Program, making it possible for eligible individuals with disabilities to open an account to build savings to pay for qualified disability expenses like medical and dental care, education, housing, transportation, obtaining and maintaining employment, assistive technology, and community based supports. HB279/SB272 simply made changes to clarify the intent but did not change the purpose or outcomes of the MD ABLE Program. For more information on MD ABLE Program, which is still expected to be operational by October 2017, go to the [Maryland 529 website](http://www.maryland529.com).

**HB 279/SB 272: Guardianship and Child in Need of Assistance Proceedings** 
(passed with amendments)

This bill authorizes the juvenile court at a disposition hearing in a child in need of assistance (CINA) proceeding and at a permanency planning hearing regarding a child with a developmental disabilities, to direct the provision of services if needed after the court’s jurisdiction ends. The court retains jurisdiction to rule on any motion related to the enforcement, modification, or termination of the order for as long as the order is effective. The bill adds related requirements to provisions regarding guardianships.

**HB 984/SB 475: DDA – Crisis Resolution & Crisis Prevention Services – Funding & Reporting** 
(withdrawn)

This bill would have required that 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 which is the highest priority category on the Developmental Disabilities Administration’s Waiting List. The new funds would have been used to provide ongoing services to these individuals in most urgent need of help. Any remaining funds would have been used for people in Crisis Prevention.

**HB 370/SB 354: End-of-Life Option Act** (unfavorable committee report in the Senate; withdrawn)

This bill would have created a process, with specified conditions and protections, by which an individual could request and receive “aid in dying” from a physician. The bill defined a “qualified individual” as an adult who 1) has the capacity to make medical decisions; 2) is a resident of the state; 3) has a terminal illness with a prognosis of death within six months; and 4) has the ability to self-administer medications.

The Council submitted a Letter of Concern, which stated, “There are as many strong and diverse opinions on this issue among people with developmental disabilities and their families and allies as there are within the general community. In their most basic sense, these arguments range from the perspective that if aid in dying is to be available, it should also be available to people with developmental disabilities, to the deeply held belief that it is not possible to ensure adequate protections for people with significant disabilities who too often are devalued and vulnerable.”
2017 LEGISLATIVE SESSION BY THE NUMBERS

437th Session
Maryland General Assembly

47 Senators
141 Delegates

1200 Senate Bills
1661 House Bills