



# Legislative Wrap Up

2018



# Legislative Wrap Up 2018

The Maryland General Assembly wrapped up its work for the 2018 and adjourned on April 9, 2018 at midnight. With the assistance of the members of the Governmental Affairs Committee from each of the local chapters of The Arc and as part of the Maryland Developmental Disabilities Coalition, The Arc Maryland tracked, testified, promoted advocacy, and published weekly updates on over 130 bills. Our advocacy actions had been shaped through the Public Policy platform that was established with the assistance of the Governmental Affairs Committee.



# 2018 Session Highlights

## *Calendar Day and Advocacy 101 Training*

On January 11, the second day of session, The Arc came to Annapolis to distribute the 2018 Legislative Birthday Calendar. Each year, self advocates, family members, volunteers and employees of The Arc's local chapters, and members of the Board of Directors come to meet with their representatives and to thank them for their continued support for the intellectual and developmental disabilities (I/DD) community. The calendars include pictures and stories about people served by each of the local chapters, and act as a reminder to the legislators about their constituents with disabilities and The Arc Programs they utilize for greater independence.

During Calendar Day this year, Tonia Ferguson, Director of Public Policy and Special Initiatives for The Arc Maryland, and Bea Rodgers, member of the Board of Directors of The Arc Maryland, led an Advocacy 101 Training session. The training session covered the basics of how to speak with a legislator, how to schedule a meeting, and how to advocate on issues that impact our community. Over fifty people attended the training session.

## *Women's March On Maryland*

On January 20, Ande Kolp, Executive Director of The Arc Maryland, spoke at the Women's March On Maryland in Annapolis. Advocates from across the state attended the Women's March to promote changes in everything from Environmental policies to Healthcare reform to human rights. During the march, Ande Kolp spoke on the importance of the rights for individuals with I/DD and emphasizing that disability rights are human rights.



Photo Credit to Arundel Patriot



Photo Credit to Arundel Patriot

## *Developmental Disabilities Day at the Legislature*



On February 22, the Maryland Developmental Disabilities Coalition, comprised of The Arc Maryland, Disability Rights Maryland, Maryland Association of Community Services, Maryland Developmental Disabilities Council, and People on the Go of Maryland, hosted Developmental Disabilities Day at the Legislature. A record breaking 800 advocates from all over the state came to the Loews Hotel to attend briefings and presentations by representatives of the coalition on the session's priorities. The Secretary of the Maryland Department of Disabilities, Carol Beatty, and the Secretary of the Maryland Department of Health, Robert Neall, both headlined the event. Legislative leaders from both chambers of the General Assembly spoke about their work to promote disability rights and services.

After the briefings, the participants headed to the Legislature to have meetings with their representatives, advocate for session priorities and educate their representatives about the effects that budget shortfalls and certain proposed legislation may have on individuals with disabilities, their families and the organizations who support them. It was so wonderful to see all of the advocates coming together to inspire action!



# 2018 Legislative Highlights

## *Selling or Providing Alcoholic Beverages to Individuals with Intellectual Disabilities and Others – Repeal of Prohibition*

**The Arc's Position:** Support

**Status:** HB 287 Passed/SB 461 Passed/ Signed by Governor Hogan

**Lead Sponsors:** Senator Craig Zucker/Delegate C. William Frick



Repealing provisions of a law in Allegany, Carroll, Charles, Harford, Kent, Montgomery, Queen Anne's, and Washington counties that prohibit a license holder or an employee from knowingly selling or providing an alcoholic beverage to an individual with an intellectual disability or to an individual if a family member or guardian has given written notice to the license holder or employee under certain circumstances.

## *ABLE Program Modifications*

**The Arc's Position:** Support

**Status:** HB 782 Passed/SB 550 Passed/ Signed by Governor Hogan

**Lead Sponsors:** Senator Craig Zucker/Delegate Jeff Waldstreicher

This bill prohibits the State, unless required by federal law, from seeking payment from a Maryland ABLE account or its proceeds for any amount of medical assistance paid for the designated beneficiary. This bill also allows, unless prohibited by federal law, on the death of a designated beneficiary, that money and assets in an ABLE account may be transferred to (1) the beneficiary's estate or (2) an ABLE account for another eligible individual specified by either the designated beneficiary or the beneficiary's estate. The bill also conforms to recent federal law changes related to account contributions and rollovers from 529 plans.

## Atticus Act

**The Arc's Position:** Support with Amendments

**Status:** HB 798 Passed/SB 570 Passed/ Signed by Governor Hogan

**Lead Sponsors:** Senator Gail Bates/Delegate Trent Kittleman



Atticus (pictured here with his mother Catherine Carter) suffered from a fall at two years old, breaking his nose. Unbeknownst to his parents, the fall triggered a concussion and resulted in years of Atticus struggling with undiagnosed post-concussion vision impairment, which was misdiagnosed as ADHD until the age of 11. At the same time of his diagnosis, Atticus' mother had a debilitating concussion, while six months pregnant, which resulted in similar vision impairments. She struggled with nausea, light sensitivity, vertigo, dizziness, blurry vision, reading was painful, and headaches. Together they did vision therapy, working on regaining their ability to have their eyes move as a team. With a lot of hard work, both mom and son regained their ability to see clearly.

Vision screenings are so important for a child's success in school. Research shows that about one in five kids will naturally need glasses to see the board, read a book, or participate in class. In his case, Atticus' school said double vision wasn't a vision disorder and denied vision accommodations. This decision dramatically impacted Atticus' access to education and had implications for other students with vision impairments that fell outside of the "vision disorder" classification. Though staunch advocacy, Atticus and his mother successfully got all schools in Maryland and nationwide to recognize all visual disorders, both acuity and non-acuity. "I am proud to have sponsored Senate Bill 570, which will be a meaningful step in identifying vision disorders in children, which can often pose a barrier to their learning and advising parents on the importance of treating these conditions," said Senator Bates.



"A quarter of Maryland children struggle with a visual impairment," said Delegate Kittleman. "And House Bill 798 will make sure these children are properly identified to give them the best chance at succeeding in school."

The Atticus Act gathered bi-partisan support from lawmakers and passed both the House and Senate and is off to Governor's office for signature.

"It was tough to go through all those years in school not knowing my vision wasn't normal, but I am glad I am helping all those kids, who like me, struggle to see clearly," said Atticus.

## *Maryland Safe to Learn Act of 2018*

**The Arc's Position:** Support with Amendments

**Status:** SB 1265 Passed/ Signed by Governor Hogan

**Lead Sponsor:** Senator Katherine Klausmeier

The Maryland Safe to Learn Act of 2018 passed this year as one of the most comprehensive school safety bills Maryland has ever seen. Parents send their children to school and expect them to be safe. This emergency bill put forward by the Governor called for intense and immediate action. The Arc Maryland, along with some of our partners, wrote amendments late into the night two days before Sine Die to ensure that students with disabilities had mentionable safeguards in an all hazard approach to emergency planning for students.

Provisions were added in amendment format and accepted into the bill to include: adding a parent of a child with a disability to the Subcabinet of the MD Center for School Safety, ensuring safeguards for ingress and egress and shelter in place, ensuring school resource officers have disability awareness training, adding language to secure that developmentally and age appropriate education be done for students. We must intently watch the follow up of this bill to ensure that after July 1, 2018, school districts follow the intent of the new law for the use of devices to accommodate students with disabilities while planning for emergencies in schools (HB 1061 from 2017 legislative session).



There are a lot of components in this bill which has a \$40 million-dollar fiscal note. The Arc Maryland will continue monitoring the efforts of safeguarding children with disabilities in the upcoming months as the Maryland Center for School Safety gets underway in policy and procedure development for improved safety in schools.

## *Ben's Rule*

**The Arc's Position:** Oppose and Collaborate with Education Advocacy Coalition

**Status:** Died in W&M without a vote

**Lead Sponsor:** Delegate David Vogt

HB 366 authorizes the parent of a child with a disability who is nonverbal to refuse to allow the child to participate in a Partnership for Assessment of Readiness for College and Careers (PARCC) assessment or its equivalent. The refusal of the parent must be documented in the Individualized Education Program (IEP) of the child.

This bill was introduced in previous sessions as well, and The Arc's position was to oppose the bill. The Arc Maryland believes that exempting students with disabilities from State and district-wide assessments is a violation of the Individuals with Disabilities Education Act (IDEA). Students with intellectual and developmental disabilities have a right to take assessments and access accommodations that are included in their Individual Education Programs (IEPs). Such accommodations can include the use of assistive technology, specifically augmentative and alternate communication devices. This bill received a hearing in Ways & Means but did not receive a committee vote.

## *Minimum Wage Bill – "Fight for 15"*

**The Arc's Position:** Support

**Status:** HB 664 Died in ECM without a vote/SB 543 Died in FIN without a vote

**Lead Sponsors:** Senator Richard Madaleno/Delegate Shelly Hettleman

This session, there were several bills presented to increase the state minimum wage. The Arc Maryland and its coalition partners testified in support of HB 664/SB 543: Labor and Employment- Payment of the Minimum Wage Required also known as "Fight for 15".



HB 664/SB 543 proposes to increase the state minimum wage incrementally to \$15 per hour by July 1, 2023, and then by the Consumer Price Index (CPI) every year beginning July 1, 2024. The bill included a provision to increase Developmental Disabilities funding for Community Providers each year to address Direct Care Provider wages with related expenses and COLA. Funding would be increased by 7% in FY20, followed by 5.5% in each of the years from FY21 to FY24. This provision was designed to keep the wage factor in the DD rate at a certain percentage above minimum wage as the state minimum wage increased.



The Arc Maryland believes that Direct Support Professionals perform a critical role in our system of supports in Maryland and that one way we address the Direct Care crisis is through increasing the funded wage factor in the DDA rates. This bill included a mandate for increases in Developmental Disabilities funding. The Arc Maryland is also aware of the hardships faced in counties with minimum wages higher than that of the state. Accomplishing state-wide parity of the minimum wage would serve to reduce the funding gaps that exist in those counties, reverse the trend of growing staff turn-over and start to restore system stability.

This session, HB 664/SB 543 received a hearing in committee alongside the other minimum wage bills proposed this year. After brief introductions of the bills by their Senate sponsors, testimonies were heard. Baltimore Mayor, Catherine Pugh testified in support of increasing the Maryland Minimum Wage and specifically mentioned the need for appropriate funding for community providers. There were also compelling testimonies all in support of SB 543: Labor and Employment- Payment of the Minimum Wage Required ("Fight for 15") from Mark Elrich (representing Montgomery County Council), Danielle Glaros (representing Prince George's County Council), Bernard Young, Brandon Scott and others (representing Baltimore City Council) and others in county and local leadership positions. The Arc Maryland testified in support of SB 543 along with DD Coalition Partners.

## *Landlord and Tenant - Prohibited Lease Provisions - Late Fees for Tenants Receiving Government Benefits*

**The Arc's Position:** Support

**Status:** HB 580 died in E&T after receiving an Unfavorable Report/SB 250 was Withdrawn

**Lead Sponsors:** Senator Delores Kelley/Delegate Stephen Lafferty

These bills would prohibit a landlord from including a certain provision in a residential lease that inflicts a penalty for the late payment of rent if the tenant receives a government benefit under certain circumstances. In HB 580/SB 250, "government benefits" include food stamps, temporary cash assistance, Supplemental Security Income, Social Security Disability Income, Unemployment Insurance benefits, Veterans Administration Benefits, Social Security Benefits, and transitional emergency, medical, and housing assistance. Many individuals with I/DD receive and rely on SSI/SSDI and other government benefits to pay rent. In some documented cases, late fees have been severe, impacting housing stability. Unfortunately these bills were unsuccessful, HB 580 received an Unfavorable Report by Environment & Transportation committee and SB 250 was withdrawn after receiving an Unfavorable Report by Judicial Proceedings. The Arc Maryland will try to bring this bill back next session.

# FY2019 Budget

## Developmental Disabilities Administration

### DDA FY2019 Budget Expansion\*

July 1, 2018 – June 30, 2019

Includes General Funds, Special Funds, & Matching Federal Funds (Est.)

Fund	Increase in Funding	Impact
<i>Transitioning Youth</i>	\$13.9 Million Total Funds	Projected to fulling fund 613 Transitioning Youth who will be exiting the public school system in spring 2018 and are transitioning into DDA Supported Employment or other day supports
<i>Emergencies</i>	\$5.6 Million Total Funds	Projected to provide community supports and services for 53 people in emergency situations
<i>Waiting List – Crisis Resolution</i>	\$6.5 Million Total Funds	Projected to provide services for 165 people who are in highest priority category, Crisis Resolution, of the DDA's Waiting List
<i>Waiting List Equity Fund (WLEF)</i>	\$775,532 Total Funds	Approximately 19 people on the DDA's waiting list will receive community supports. The WLEF prioritizes people with the oldest caregivers.
<i>DSS Aging Out Placement</i>	\$1.69 Million Total Funds	Approximately 60 young people in the process of aging out of DSS programs will receive DDA-funded community supports
<i>Rate Increase for Community Services</i>	3.5% rate increase \$39 Million Total Funds	The governor's budget included a 1% rate increase (\$11 million). The legislature restored the full 3.5% rate increase mandated by The Minimum Wage Act of 2014.
<i>Low Intensity Support Services (LISS)</i>	\$5.54 Million General Funds**	Approximately 1,911 individuals and families will receive these short-term, low-cost services that support children and adults who are not receiving other DDA services.
<i>Post-Secondary Education Program</i>	\$250,000 General Funds**	These funds will be used to support one or more inclusive post-secondary education programs for individuals with intellectual and developmental disabilities.

\* Expansion funding will reach new people. Funding was also included in the budget to continue services to people receiving them in in FY2018.

\*\* "General funds" is state funding. There are no matching federal funds.

# Community Living and Working

## HB 1064/SB 937: Maryland Medical Assistance Program – Home- and Community-Based Waiver Services – Prohibition on Denial

**The Arc's Position:** Support with Amendments

**Status:** HB 1064 died in HGO without a vote/SB 937 died in FIN without a vote

**Lead Sponsors:** Senator Delores Kelley/Delegate Chris West

This bill prohibits the Maryland Department of Health from denying an individual access to a Medicaid home and community-based services waiver due to lack of funding for the waiver if the individual is discharged from a hospital, skilled nursing facility, or rehabilitation facility directly to the individual's home and waiver services for the individual are eligible to be paid by Medicaid within 45 days after the discharge. An individual must meet other specified waiver criteria.

## HB 1552: Procurement – Preferred Providers – Price Determinations, Work Opportunities, and Subcontracting

**The Arc's Position:** Oppose

**Status:** HB 1552 was Withdrawn

**Lead Sponsor:** Delegate Kirill Reznik

This bill requires a preferred provider under State procurement law to provide supplies and services directly to the State or a State-aided or -controlled entity without subcontracting for the supplies or services. The bill also requires that specified preferred providers ensure that at least 95% of the supplies and services they provide create work opportunities for the clientele they serve. If a specified preferred provider does not comply with these requirements, a State agency or State-aided or -controlled entity may conduct a competitive procurement. The bill also includes criteria for determining the prices of goods and services offered by preferred providers, and it requires preferred providers that are nonprofit organizations to abide by the State's living wage law.

## SB 39: Motor Vehicle Administration – Disability Parking Placards

**The Arc's Position:** Monitored

**Status:** SB 39 Passed

**Lead Sponsor:** Senator Bobby Zirkin

This departmental bill authorizes the Motor Vehicle Administration (MVA) to issue a permanent parking placard, rather than a four-year placard, to an individual with a permanent disability. In addition, the bill authorizes MVA to issue a temporary disability parking placard for an out-of-state resident who is disabled and temporarily living in Maryland.

# Education and Childcare

## HB 10: State Lottery – Unclaimed Prizes – Public Prekindergarten Programs

**The Arc's Position:** Support

**Status:** HB 10 died in W&M without a vote

**Lead Sponsor:** Delegate Jay Walker

HB 10 requires that unclaimed State lottery prizes be distributed to each county Board of Education for funding of Universal Public Prekindergarten programs. The Arc Maryland supports this bill with written testimony to encourage the expansion of the current program of early childhood education by increasing the funding for prekindergarten expansion grants.

## HB 23: Baltimore County – Public Schools – Active Assailant Event Training and Drills

**The Arc's Position:** Support

**Status:** HB 23 died in W&M without a vote

**Lead Sponsor:** Delegate Robert Long

This bill requires the Baltimore County Superintendent of Schools to conduct active assailant event training for school personnel each school year. The superintendent must also require each public school in Baltimore County to conduct active assailant event drills three times each school year. The training and drills must comply with federal guidelines or be consistent with best practices. The bill includes recordkeeping requirements.

## SB 103: Task Force to Study the Impact of Student Cell Phone Use in the Classroom

**The Arc's Position:** Support with Suggestions

**Status:** SB 103 died in EHEA without a vote

**Lead Sponsor:** Senator Joanne Benson

This bill establishes the Task Force to Study the Impact of Student Cell Phone Use in the Classroom staffed by the Maryland State Department of Education (MSDE). The task force must study (1) the impact of student cell phone use in the classroom on student learning; (2) the impact of student cell phone use in the classroom on teacher instruction; (3) whether there are any benefits associated with student cell phone use in the classroom; and (4) any other relevant matters relating to student cell phone use in the classroom. The bill specifies the membership of the task force and requires it to report its findings by December 1, 2018.

## HB 185: Prince George's County Board of Education – Students with a Disability in Prince George's County Public Schools – Report PG 506-18

**The Arc's Position:** Support with Amendments

**Status:** HB 185 died in W&M without a vote

**Lead Sponsors:** Prince George's County Delegation

This bill requires the Prince George's County Board of Education to gather specified information related to students with a disability in each public school in the county. The county board must also study whether (1) students with a disability have disproportionate adverse outcomes; (2) there is a disproportionate representation of students with a disability among specified racial and ethnic groups; (3) public school facilities provide sufficient accommodation for students with a disability; and (4) staffing is adequate to meet the needs of students with a disability. While some of the data points required through the bill may already be found in both aggregate and stand-alone MSDE reports, they are not in a format considered to be of use to families nor provide optimal transparency.

The Maryland Public Schools arrest data for 2015-2016 showed that there were 588 school system arrests in Prince George's County alone. That was the highest number of arrests, out of all school systems in the state, by almost 200 arrests. The number of children receiving Special Education and Section 504 services represented a large number of the children arrested. The documented causes and situations are not specific enough for advocates to determine whether another course of action might have been more appropriate.

The Arc Maryland is requesting the addition of one area for tracking; tracking the path and ultimate post-graduation placements for Transitioning Youth in Prince George's County. In 2017, there were several Transitioning Youths from Prince George's County who did not have community supports (DORS, DDA Provider) for months after graduation. This gap is highly disruptive to the young adults and their family units.

## **HB 493/SB 638: Teachers and Teach Preparation Programs – Research-Based Reading Instruction**

**The Arc's Position:** Support

**Status:** HB 493 died in W&M without a vote/SB 638 died in EHEA without a vote

**Lead Sponsors:** Senator Joan Conway/Delegate Dana Stein

This bill requires the Professional Standards and Teacher Education Board (PSTEB), by January 1, 2022, to require specified teaching candidates to successfully pass a written test of research-based reading instruction. This only applies to candidates applying for a certificate to teach students with disabilities, as a reading specialist, English language learners, as a reading teacher, or prekindergarten through sixth grade. PSTEB and the State Board of Education jointly must (1) select the test by January 1, 2019; (2) set the passing score at least as high as the level recommended by the test developer; and (3) set standards that include specified elements for the delivery of research-based reading instruction by teacher preparation programs in the State.

The Arc Maryland supports this bill and has provided written testimony for this bill as it sets standards for the delivery of research-based reading instruction by teacher preparation programs in the State. There is a great need for teachers who have both the knowledge and the ability to teach students with disabilities and students with multiple needs.

## **HB 503: State Department of Education – Translation Grant Program – Established**

**The Arc's Position:** Support and Collaborate with Education Advocacy Coalition

**Status:** HB 503 passed in the House; died in EHEA after receiving an Unfavorable Report

**Lead Sponsor:** Delegate Jheanelle Wilkins

This bill establishes a Translation Grant Program in the Maryland State Department of Education (MSDE). The program is intended to provide competitive grants to public school systems that experience a significant number of requests to translate educational materials into a student's or parent's native language. MSDE must develop the program, give priority in awarding grants to school systems that have a greater number of English language learners, and supervise and monitor the use of distributed grant funds. Beginning in fiscal 2020, the Governor must appropriate at least \$125,000 for grants provided through the program in the annual State budget.

The Arc Maryland supports this bill in collaboration with Education Advocacy Coalition and has provided written testimony for this bill because it creates a program to provide grants to public schools that receive a significant number of requests to translate educational materials into a student's or parent's native language, including textbooks, workbooks, handouts, electronic academic materials, any written communications to parents or students, and any on-site or over the phone interpretation services.

## **HB 505/SB 763: Use of Public Funds – Playground and Athletic Field Surfaces – Preferences and Prohibitions**

**The Arc's Position:** Support

**Status:** HB 505 died in APP without a vote/SB 763 died in B&T without a vote

**Lead Sponsors:** Senator Roger Manno/Delegate Aruna Miller

This bill prohibits the use of State funds to finance any portion of a project to build new or replace existing playgrounds or athletic fields with a synthetic surface. It also requires, to the maximum extent practicable, State or local governmental agencies to give consideration and preference to the use of state-of-the-art natural surface materials in any project to construct a playground or athletic field.

## **HB 814/SB 403: Workers' Compensation – Students in Unpaid Work-Based Learning Experiences**

**The Arc's Position:** Support

**Status:** HB 814 Passed/SB 403 Passed

**Lead Sponsors:** Senator Thomas Middleton/Delegate Edith Patterson

This bill expands to all local boards of education the authority to waive the requirement that a participating employer reimburse the local board for the cost of workers' compensation insurance coverage provided to students placed in unpaid work-based learning experiences.

There are already a few counties that authorize their boards of education to waive the requirement of participating employers. In 2012 similar legislation passed in Howard County. Technically, if work goals are included in a student's IEP and Transition Plan, the activities of

the student to meet those goals would be covered under the insurance policy of the school, but the way the law is currently written, the lines of responsibility for student coverage are blurry. We believe this bill will help to reduce barriers to a full complement of options in unpaid work experiences for transitioning youth.

### **HB 910/SB 548: Education – Students with Reading Difficulties – Screenings and Interventions**

**The Arc's Position:** Support and Collaborate with Education Advocacy Coalition

**Status:** HB 910 Passed/SB 548 died in EHEA without a vote

**Lead Sponsors:** Senator Joan Conway/Delegate Eric Luedtke

This bill requires, beginning with the 2019-2020 school year, each local school board to ensure that specified students are screened to identify if the student is at risk for reading difficulties. If the screening results indicate that the student is at risk of reading difficulties, the local board must determine whether the student needs reading instruction intervention; provide the intervention, as appropriate; and provide a notification letter to the student's parent as specified. The Maryland State Department of Education (MSDE) must develop and update specified resources and protocols for local boards and provide training opportunities annually. Local boards must report annually to MSDE beginning with the 2020-2021 school year.

The Arc Maryland supports this bill with amendments in collaboration with the Education Advocacy Coalition and has provided written testimony. Reading is critical to the academic, economic, and social success of children but many children, including children with disabilities complete school without achieving basic literacy.

### **HB 966/SB 1103: Education – Voluntary Ethical Special Education Advocate Certificate Program**

**The Arc's Position:** Oppose and Collaborate with Education Advocacy Coalition

**Status:** HB 966 died in W&M without a vote/SB 1103 was Withdrawn

**Lead Sponsors:** Senator Shirley Nathan-Pulliam/Delegate Eric Ebersole

This bill requires the Maryland State Department of Education (MSDE) to establish and administer a Voluntary Ethical Special Education Advocate Certificate Program by July 1, 2019. Applicants must apply to MSDE on a form that it requires and must pay an application fee as set by MSDE. The bill specifies qualifications that applicants must meet for certification and a process and requirements for renewal of certification. An individual who receives certification is authorized to represent to the public that the individual is a certified ethical special education advocate, while the certificate is effective.

The bill is still concerning as the purpose of the bill is not clear and the language is vague. "Advocate" is not defined and the components and rationale of the selection of the training program that would be used for certification makes the value of certification questionable. The Arc is invested in ensuring that parents may continue to invite a friend or other advocate of their choosing to an IEP meeting, and that advocate will not be required to have any special training to attend. The Arc will submit written remarks with our Coalition Partners in the Education Advocacy Coalition.

## **SB 1185: Maryland Medical Assistance Program – Waiver for Children with Autism Spectrum Disorder – Waiting List**

**The Arc's Position:**

**Status:** SB 1185 died in FIN without a vote

**Lead Sponsor:** Senator Bryan Simonaire

This bill requires the Maryland Department of Health (MDH) and the Maryland State Department of Education (MSDE) to jointly develop a process to review each year the waiting list for the Waiver for Children with Autism Spectrum Disorder. MDH and MSDE must jointly adopt regulations to implement the bill. The Arc Maryland and Developmental Disabilities Council met with the sponsor of the bill to recommend an amendments that would change all references of the "waiting list" to "registry" to reflect that children waiting for services have not been determined eligible for the Autism Waiver's services.

## **HB 1311: Education – Individual Reading Improvement Plans – Requirements**

**The Arc's Position:** Oppose and Collaborate with Education Advocacy Coalition

**Status:** HB 1311 died in W&M without a vote

**Lead Sponsor:** Delegate Susan Krebs

This bill requires each local board of education to develop an individual reading improvement plan for each kindergarten through third grade public school student who has a reading deficiency, to ensure that the student can read at or above grade level by the end of third grade, beginning in the 2019-2020 school year. Reading deficiency is determined by a local or statewide screening assessment administered within the first 30 days of the school year. If a student is determined to have a reading deficiency (1) the school must send a specified written notice to the parent within 15 days of the determination and (2) a plan must be developed within 30 days of the determination. A local board may provide a summer reading camp.

Beginning in the 2019-2020 school year, all third grade students must demonstrate proficient reading skills before promotion to the fourth grade, unless an exemption is granted per specified conditions. A local board of education must establish an intensive acceleration class for any student with a reading deficiency retained in third grade who was also previously retained in kindergarten, or first or second grade. Local boards of education must annually report to the Maryland State Department of Education (MSDE), and MSDE must annually report to the Governor and the General Assembly.

## **HB 1379: Baltimore County Public Schools – Student Misconduct – Penalty for Parent and Guardian**

**The Arc's Position:** Oppose and Collaborate with Education Advocacy Coalition

**Status:** HB 1379 died in W&M without a vote

**Lead Sponsor:** Delegate Robert Long

This bill prohibits a public school student from Baltimore County from violating the Baltimore County Board of Education's bullying, harassment, and intimidation policy by bullying,

harassing, or intimidating another individual at school or retaliating against an individual for reporting such an act. Further, a public school student may not violate the Baltimore County Public School's Code of Student Conduct by fighting. Any person who has legal custody or care and control of a student who is the subject of at least four reports of a violation is subject to a civil fine not to exceed \$1,000. The court may suspend the fine and establish terms and conditions that would promote positive behavioral changes of the student. In determining the amount of the fine or whether to suspend the fine the court must consider specified information.

This bill creates a punitive response for parents for an action of a dependent child. We believe there should be special considerations for students with disabilities; a student with a disability may not understand the nature of social relationships with peers and adults. For example, the student may stand too close to other children and follow them around school in an effort to make friends with them; actions that may be perceived as harassment under the student code. The behavior of children with disabilities can be easily misread by peers and by adults who do not understand them.

### **HB 1388/SB 597: Community Colleges – Supplemental Services and Supports for Students with Disability Grant Program**

**The Arc's Position:** Support and Collaborate with Education Advocacy Coalition

**Status:** HB 1388 died in W&M without a vote/SB 597 passed in Senate; died in W&M without a vote

**Lead Sponsors:** Senator Nancy King/Delegate Adrienne Jones

This bill requires the Governor, beginning in fiscal 2020, to include a general fund appropriation of at least \$250,000 annually in the State budget for the Maryland Higher Education Commission (MHEC) to be used to award grants for supplemental services and supports for students with disabilities in community colleges. MHEC must consult with the Maryland Association of Community Colleges in establishing a competitive review process for awarding the grants and adopting any necessary guidelines or recommendations.

The grant program proposed by this bill would assist community colleges in meeting legal requirements by better enabling them to provide a range of supplemental services and supports to students with disabilities for greater academic success. Students with disabilities who are included in academic courses and campus life on a college campus are more likely to be employed, earn more, and may require less support throughout their lifetime.

### **HB 1489: Education – Due Process Hearings for Children with Disabilities – Burden of Proof**

**The Arc's Position:** Support and Collaborate with Education Advocacy Coalition

**Status:** HB 1489 died in W&M without a vote

**Lead Sponsor:** Delegate Haven Shoemaker

This bill places the burden of proof on the public agency in a due process hearing that is held to resolve disputes about the identification, evaluation, or educational placements of children with disabilities or the provision of a free appropriate public education. However, if a parent seeks tuition reimbursement for the unilateral placement of a student by the parent,

the burden of proof in these hearings is placed upon the parent. Public agencies include the Maryland State Department of Education, local school systems, the Maryland School for the Blind, the Maryland School for the Deaf, and any other State agency responsible for providing education to students with disabilities. The bill states that it is not intended to change federal or State law regarding recordkeeping requirements or what constitutes a free appropriate public education.

Switching the burden of proof to the school makes sense in unilateral placements. School systems have more resources, information and expertise and thus, are in a better position to prove if they have provided a free, appropriate public education. The Arc Maryland, along with the Education Advocacy Coalition proposed an amendment to remove the exception for unilateral placement cases (i.e. cases where the parents wants to move the student to a private school for a better special education and require the public schools approval and funding for the student's private education).

### **HB 1533: Students with a Disability – Brain Injury Screening – Evaluation for Individualized Education Program**

**The Arc's Position:** Submitting Letter of Information

**Status:** HB 1533 died in W&M without a vote

**Lead Sponsor:** Delegate Robert Flanagan

This bill requires the State Board of Education to adopt a standard for the provision of a brain injury screening to a child with a disability during an initial evaluation for an individualized education program, using a screening developed with the advice of the State Traumatic Brain Injury Advisory Board.

Students with traumatic brain injury are under-reported and often misclassified as students with emotional or other disabilities, thereby failing to receive the specialized services they need. Although The Arc Maryland would generally support screening for brain injury, this bill is worded in a way that makes it inconsistent with the way the special education evaluation process operates. This inconsistency and problematic component of the bill could be addressed by requiring brain injury screening for students who are referred for special education.

### **HB 1565/SB 1060: Nonpublic Elementary and Secondary Schools – Discrimination – Prohibition**

**The Arc's Position:** Support and Collaborate with Education Advocacy Coalition

**Status:** HB 1565 died in W&M without a vote/SB 1060 died in JPR without a vote

**Lead Sponsors:** Senator Cheryl Keagan/Delegate Cory McCray

This bill prohibits a nonpublic elementary or secondary school that receives State funds from refusing enrollment of, expelling, withholding privileges from, or otherwise discriminating against any student or prospective student because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

## HB 1601: State Department of Education – Trauma-Informed Schools Initiative, Program, and Fund

**The Arc's Position:** Support and Collaborate with Education Advocacy Coalition

**Status:** HB 1601 passed in House; died in EHEA after receiving an Unfavorable Report

**Lead Sponsor:** Delegate Jheanelle Wilkins

This bill requires the Maryland State Department of Education (MSDE), in consultation with the Maryland Department of Health (MDH) and Department of Human Services (DHS), to develop and distribute guidelines on a trauma-informed approach that will assist public schools with the identification of a student, teacher, or staff member who has experienced trauma; the appropriate response to trauma; and becoming a trauma-informed school. MSDE must publish the guidelines on its website.

This bill is a proactive approach to dealing with trauma-informed care in schools. One of every four children attending school has experienced a traumatic event that can affect learning and/or behavior. The benefits of implementing trauma-informed care in Maryland schools cannot be overstated. Many of the students who have been restrained or placed in seclusion are students who have sustained trauma. The use of restraint and seclusion induces additional trauma.

## HB 355/SB 302: Accountability in Education Act of 2018

**The Arc's Position:** Monitoring

**Status:** HB 355 died in W&M without a vote/SB 302 died in EHEA without a vote

**Lead Sponsors:** Senator Thomas Mike Miller/Delegate Michael Busch

This emergency Administration bill establishes the Education Monitoring Unit as an independent unit in the State to investigate, analyze, and report on upholding of teacher, student, and parent civil rights; on fraud, abuse, and waste regarding public funds and property; on child abuse, neglect and safety; and on a range of specified matters relating to public schools and public school facilities. The unit must also establish and publicize an anonymous electronic tip program. The bill establishes an investigator general position as well as an investigator general selection and review commission within the unit.

## HB 568: Education – Student Data Governance

**The Arc's Position:** Monitoring

**Status:** HB 568 Passed

**Lead Sponsor:** Delegate Anne Kaiser

This bill requires the Maryland State Department of Education (MSDE), in consultation with the Department of Information Technology (DoIT) and the county boards of education, to develop and update best practices for county boards on data governance and professional development on data governance policies and procedures. MSDE must also develop strategies to coordinate and assist local data governance staff in the counties to implement the bill's requirements

## **SB 787: Children in Out-of-Home Placement – Rights**

**The Arc's Position:** Monitoring

**Status:** SB 787 Passed

**Lead Sponsor:** Senator Bryan Simonaire

This bill requires the Department of Human Services to develop a Foster Youth Bill of Rights to describe the rights of children in out-of-home placements. The Social Services Administration (SSA), at least once per year, must provide a copy of the Foster Youth Bill of Rights to each child in an out-of-home placement who is at least age 13.

## **HB 1072: Education – Child Sexual Abuse Prevention – Instruction and Training**

**The Arc's Position:** Monitoring

**Status:** HB 1072 Passed

**Lead Sponsor:** Delegate CT Wilson

This bill requires a local board of education or a nonpublic school that receives State funds to require each employee to receive instruction with specified elements annually on the prevention, identification, and reporting of child sexual abuse. In addition, each local board of education must (1) establish and implement policies that support the prevention of child sexual abuse through ongoing training of staff that include specified elements and (2) develop employee codes of conduct that address appropriate contact between staff and students. By December 1, 2018, the Interagency Committee on School Construction (IAC) and the State Council on Child Abuse and Neglect (SCCAN) must jointly develop guidelines and best practices for the assessment and modification of physical facilities and spaces to reduce opportunities for child sexual abuse. Beginning in the 2019-2020 school year, each local board must develop policies and procedures on the use and modification of physical facilities and spaces to reduce opportunities for child sexual abuse.

## **HB 1203/SB 1141: Maryland Education Opportunity Act of 2018**

**The Arc's Position:** Monitoring

**Status:** HB 1203 died in APP without a vote/SB 1141 was Withdrawn

**Lead Sponsors:** Senator Shirley Nathan-Pulliam/Delegate Keith Haynes

This bill establishes a full tuition waiver for State residents who enroll at a community college as a candidate for a vocational certificate or an associate's degree within two years after graduating from a high school in the State or successfully completing a "GED." The bill also establishes a 50% community college tuition discount for State residents who do not have a high school diploma or GED and have been actively seeking employment but have been unemployed for at least six months. Individuals receiving waivers or discounts must be counted in computing full-time equivalent student (FTES) enrollment for the Senator John A. Cade Funding Formula for community colleges. In addition, a community college is entitled to reimbursement from the State from the Education Trust Fund (ETF) for foregone tuition revenue resulting from the bill.

## **HB 1254: Education – School Discipline – Data Collection**

**The Arc's Position:** Monitoring

**Status:** HB 1254 Passed

**Lead Sponsor:** Delegate Alonzo Washington

This bill requires the Maryland State Department of Education (MSDE) to (1) disaggregate and report data on student discipline in specified manners and (2) collect and report data on alternative school discipline practices.

## **HB 1382: Public Schools – Student Misconduct – Parent or Guardian Liability**

**The Arc's Position:** Monitoring

**Status:** HB 1382 died in W&M without a vote

**Lead Sponsor:** Delegate Robert Long

This bill prohibits a public school student from violating the local board of education's bullying, harassment, or intimidation policy by bullying, harassing, or intimidating another individual at school or retaliating against an individual for reporting such an act. Further, a public school student may not violate the local school system's code of student conduct by fighting. Any person who has legal custody or care and control of a student who is the subject of at least four reports of a violation is subject to a civil fine not to exceed \$1,000. The court may suspend the fine and establish terms and conditions that would promote positive behavioral changes of the student. In determining the amount of the fine or whether to suspend the fine, the court must consider specified information.

## **HB 1415/SB 1092: Education – Commission on Innovation and Excellence in Education**

**The Arc's Position:** Monitoring

**Status:** HB 1415 Passed/SB 1092 died in EHEA without a vote

**Lead Sponsors:** Senator Thomas Mike Miller/Delegate Michael Busch

Maryland began last year to reevaluate the need to fund our educational system and rewrite our policies on the process of educating our children. Dr. Bret Kirwin and the Kirwin Commission members have started their work and will be completing their efforts later this year. This bill began the legislative efforts to ensure momentum and definition in this work by providing nearly \$30 million dollars to create new academic programs, after school programs, enhanced teacher recruitment, creating a steering committee and early literacy programs for young learners. This bill will help to move us forward in 2019's legislative session with a more robust conversation to secure educational funding and the enhance quality education that we need in Maryland.

## **HB 1446: Public Schools – School Emergency Response Systems – Study (Safer Schools Act)**

**The Arc's Position:** Monitoring

**Status:** HB 1446 died in W&M

**Lead Sponsor:** Delegate Robert Long

This bill requires the Maryland Center for School Safety (the center), in consultation with specified entities, to conduct a study to determine best practices and procedures for the use and installation of emergency response systems designed to prevent, prepare for, respond to, and recover from a manmade or natural disaster or an emergency occurring on elementary and secondary school property. By December 1, 2018, the center must report its findings and recommendations to the General Assembly. The center must also report to local stakeholders, including local school systems.

## **HB 1457: Task Force on Higher Education Students with Chronic Health Conditions**

**The Arc's Position:** Monitoring

**Status:** HB 1457 passed in House; died in EHEA without a vote

**Lead Sponsor:** Delegate Aruna Miller

This bill establishes the Task Force on Higher Education Students with Chronic Health Conditions to be jointly appointed and staffed by the Maryland Higher Education Commission (MHEC) and the Maryland Department of Health (MDH). The Task Force would study the demographics of students with chronic health conditions (including chronic physical, mental, and behavioral health conditions), the challenges faced by the students, and the existing policies and programs.

## **HB 1488: Public Schools – School Discipline – Training Practices**

**The Arc's Position:** Monitoring

**Status:** HB 1488 died in W&M without a vote

**Lead Sponsor:** Delegate Alonzo Washington

This bill requires the Maryland State Department of Education (MSDE) to develop and implement standardized training practices on student discipline for all public school security personnel by July 1, 2019. By July 1, 2020, local school systems must provide training to all school security personnel in the public schools on the standardized training practices developed by MSDE.

# Health Care

## HB 33: Guardianship of Disabled Persons – Voluntary Admission to Mental Facility

**The Arc's Position:** Support

**Status:** HB 33 Passed

**Lead Sponsor:** Delegate Clarence Lam

This bill (1) authorizes a disabled person to apply for voluntary admission to a facility for the treatment of a mental disorder and (2) sets standards and criteria for a facility to accept a disabled person for voluntary admission. A facility may not admit a disabled person for a voluntary admission unless specified criteria are satisfied and the disabled person is able to ask for release.

## HB 251/SB 402: Education – Family Life and Human Sexuality Curriculum – Boundaries and Consent

**The Arc's Position:** Support

**Status:** HB 251 Passed/SB 402 Passed

**Lead Sponsors:** Senator Craig Zucker/Delegate Ariana Kelly

This bill requires, beginning in the 2018-2019 school year, a local board of education to provide age-appropriate instruction on the meaning of "consent" and respect for personal boundaries as part of the Family Life and Human Sexuality curriculum in every grade in which the curriculum is taught in public schools. "Consent" is defined as the unambiguous and voluntary agreement between all participants in each physical act within the course of interpersonal relationships, including respect for personal boundaries.

Recent studies have shown that people with intellectual and developmental disabilities are victims of sexual abuse at a rate that is 7 times higher than people without disabilities. The Arc Maryland supported HB 251 and SB 402 to add instruction on consent as an empowerment tool for all children and a critical step in the fight to end vulnerable adult abuse. We are making suggestions to include consideration of different learning styles to accommodate students with a wide range of abilities.

## HB 427/SB 217: Public Schools – Student Sunscreen Use – Policy

**The Arc's Position:** Support

**Status:** HB 427 Passed and Approved by the Governor/SB 217 passed in Senate; died in W&M without a vote

**Lead Sponsors:** Senator Ronald Young/Delegate Karen Young

This bill requires each local board of education to adopt a written policy authorizing a student to possess and use sunscreen on school property or at a school-sponsored activity without written permission from a health care provider. In addition, each local board of education must encourage public schools to educate students about sunscreen, sun safety, and the policy established under the bill.

Currently the MSDE School Health Service Guidelines do not address the need to support students with disabilities and sun protection. These guidelines allow medications and treatments to be given at school with parental permission but do not allow sunscreen to be used in school. This bill will allow all students in school to be protected from horrific burns and an increased risk of skin cancers, especially those with disabilities who may not be able to apply sunscreen for protection.

### **HB 879/SB 544: Health Occupations – Advanced Practice Dental Hygiene**

**The Arc's Position:** Support

**Status:** HB 879 passed in House; died in EHEA without a vote/SB 544 died in EHEA without a vote

**Lead Sponsors:** Senator Joan Conway/Delegate Bonnie Cullison

This bill establishes the Task Force on Oral Health in Maryland. The Maryland Department of Health (MDH) and the Department of Legislative Services (DLS) must provide staff for the task force. The proposed task force would analyze the current access to dental services for all Marylanders with a focus on residents affected by poverty, disabilities, or aging; identify barriers; and assess options to eliminate those barriers.

### **HB 1280/SB 660: Maryland Medical Assistance Program – Rare and Expensive Case Management Program – Waiver Amendment**

**The Arc's Position:** Support

**Status:** HB 1280 Passed/SB 660 Passed

**Lead Sponsors:** Senator Susan Lee/Delegate Marc Korman

This bill requires the Maryland Department of Health (MDH) to establish a demonstration program to cover health care services not covered by Medicaid that are provided to individuals who (1) are 21 to 64 years of age; (2) are enrolled in the Employed Individuals with Disabilities (EID) Program; and (3) have a qualifying condition as determined by the Secretary of Health. The program must be supported by State general funds. MDH may establish criteria for eligibility, covered services, and administration of the program, as well as a cap on program enrollment. By December 1, 2020, MDH must submit a report to the Governor and specified committees of the General Assembly on the program.

### **SB 4: Department of Aging – Study of Nursing Home Quality of Care**

**The Arc's Position:** Monitoring

**Status:** SB 4 Passed

**Lead Sponsor:** Senator Shirley Nathan-Pulliam

This bill alters the membership of and authorizes additional duties that may be performed by the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities. The bill also makes related clarifying changes. By November 1, 2018, the oversight committee must review the changes to oversight committee membership and duties under the bill and make recommendations on any additional legislative changes that may be necessary to specified committees of the General Assembly.

## **SB 284: Maryland Medical Assistance Program – Dental Coverage for Adults – Pilot Program**

**The Arc's Position:** Monitoring

**Status:** SB 284 Passed

**Lead Sponsor:** Senator Thomas Mac Middleton

This bill requires the Maryland Department of Health (MDH), by September 1, 2018, to apply to the federal Centers for Medicare and Medicaid Services (CMS) for an amendment to the State's § 1115 Health Choice Demonstration Waiver to implement a pilot program to provide limited dental coverage for adult Medicaid recipients. If approved, MDH must administer the pilot program. Currently, Maryland Medicaid recipients do not receive coverage for dental services after the age of 21, unless the recipient is a pregnant woman, enrolled in the Rare and Expensive Case Management program, or is receiving emergency dental services in a hospital emergency department.

## **HB 1130: Residential Treatment Centers – Mandatory Reporting of Inappropriate Sexual Behavior**

**The Arc's Position:** Monitoring

**Status:** HB 1130 Passed

**Lead Sponsor:** Delegate Geraldine Valentino-Smith

This bill requires that a privately owned and operated residential treatment center be subject to specified reporting requirements established by the Maryland Department of Health (MDH) that apply when a staff member observes, receives a complaint regarding, or otherwise has reason to believe that an individual

## **HB 1517/SB 977: Behavioral Health Services and Voluntary Placement Agreements – Children and Young Adults – Reports**

**The Arc's Position:** Monitoring

**Status:** HB 1517 Passed/SB 977 Passed

**Lead Sponsors:** Senator Katherine Klausmeier/Delegate Sheree Sample-Hughes

This bill requires the Director of the Behavioral Health Administration (BHA), by December 1 of each year, to submit a specified report on behavioral health services for children and young adults in the State. The Social Services Administration (SSA) of the Department of Human Services (DHS) must also, by December 1 of each year, submit a specified report on voluntary placement agreements for children and young adults in the State.

## HB 1696/SB 1071: Task Force to Study Access to Home Health Care for Children and Adults with Medical Disabilities and Report on Home- and Community-Based Services

**The Arc's Position:** Monitoring

**Status:** HB 1696 Passed/SB 1071 passed in Senate; died in House Rules

**Lead Sponsors:** Senator Steve Waugh/Delegate Kirill Reznik

This bill establishes the Task Force to Study Access to Home Health Care for Children and Adults with Medical Disabilities, which is to be staffed by the Maryland Department of Health (MDH). The task force must meet at least monthly. Members of the task force may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget. By November 30, 2018, the task force must report its findings and recommendations to specified committees of the General Assembly. The bill also requires MDH to conduct a review of specified information and report its findings and recommendations to the General Assembly by November 30, 2018.

## *Justice and Civil Rights*

### HB 111/SB 233: Maryland Department of Health – Defendants Found Incompetent to Stand Trial or Not Criminally Responsible – Commitment

**The Arc's Position:** Support with Comments

**Status:** HB 111 Passed/SB 233 Passed

**Lead Sponsors:** Senator Thomas Mac Middleton/Delegate Erek Barron

This bill requires a court, upon a finding that a defendant is incompetent to stand trial (IST) and is a danger to self or others, or upon a verdict that a defendant is not criminally responsible (NCR), to enter an order of commitment that requires the Maryland Department of Health (MDH) to commit the defendant to a “designated health care facility” as soon as possible but no later than 10 business days after MDH receives the order. If MDH fails to timely place the defendant in a facility, the court may impose any sanction reasonably designed to compel compliance, including requiring MDH to reimburse a detention facility for costs incurred as a result of delayed placement.

### HB 152/SB 1048: Secure Accessible Registration Act

**The Arc's Position:** Support with Comments

**Status:** HB 152 died in JUD without a vote/SB 1048 Passed

**Lead Sponsors:** Senator William Smith/Delegate Eric Luedtke

This bill modifies provisions established under Chapter 287 of 2016 by changing “electronic voter registration agencies” designated under Chapter 287 to “automatic voter registration agencies” and redefining the “electronic voter registration systems” that those agencies must establish as “automatic voter registration systems.” The State Board of Elections (SBE)

must also work with the State Comptroller to provide individuals who file a tax return electronically the opportunity to register to vote through a link to the online voter registration system.

### **HB 385: Criminal Procedure – Incompetency and Criminal Responsibility**

**The Arc's Position:** Support with Comments

**Status:** HB 385 died in JUD after receiving an Unfavorable Report

**Lead Sponsor:** Delegate Joseph Vallario

This departmental bill specifies that if a court orders the Maryland Department of Health (MDH) to examine a defendant to determine whether the defendant is incompetent to stand trial (IST) or to commit an IST defendant to a facility, the court must determine eligibility for and conditions of pretrial release in accordance with the Maryland Rules, unless the defendant is charged with a crime of violence. Additionally, MDH must admit an IST defendant to an appropriate facility within 21 days after the date of commitment and in accordance with MDH's facility and admission policy. The bill also specifies that a court must hold a hearing to determine the defendant's continued eligibility for commitment within 21 days after MDH sends a report that the defendant no longer qualifies.

### **HB 479/SB 1066: Juvenile Law – Lead Testing and Behavioral Health Assessment**

**The Arc's Position:** Support with Comments

**Status:** HB 479 died in JUD after receiving an Unfavorable Report/SB 1066 died in JPR after receiving an Unfavorable Report

**Lead Sponsors:** Senator Joan Conway/Delegate Nick Mosby

This bill requires, instead of authorizes, the juvenile court or a court exercising criminal jurisdiction in a case involving a child to order a child to undergo blood lead level testing if the child's parent or guardian consents. It requires, instead of authorizes, the juvenile court to direct the Department of Juvenile Services (DJS) or another qualified agency to make a specified study concerning a child who is subject to the jurisdiction of the juvenile court. DJS must conduct a comprehensive behavioral health assessment of the child as part of the study. The bill also requires, before trial, a court exercising criminal jurisdiction in a case involving a child to order the child to undergo a comprehensive behavioral health assessment by a physician, psychiatrist, psychologist, or any other professionally qualified person.

### **HB 786/SB 539: Correctional Services – Restrictive Housing – Limitations**

**The Arc's Position:** Support with Comments

**Status:** HB 786 passed in House; died in JPR without a vote/SB 539 died in JPR without a vote

**Lead Sponsors:** Senator Susan Lee/Delegate Jazz Lewis

This bill requires, to the extent reasonably possible, the Department of Public Safety and Correctional Services (DPSCS) to adhere to the standards of the American Corrections Association for restrictive housing in State correctional facilities.

According to a recent investigative report completed by Disability Rights Maryland: Beyond Incarceration: Lock Down for Persons with Disabilities, there is widespread harm and misuse of segregation, and legal violations in our prison system. We seek reform including safer alternatives to segregation and other punitive measures.

### **HB 944/SB 1013: First Responders – Mandatory Autism Training**

**The Arc's Position:** Submitting Letter of Information

**Status:** HB 944 died in JUD after receiving an Unfavorable Report

**Lead Sponsor:** Delegate Haven Shoemaker

This bill requires each “first responder” in the State to complete autism awareness training approved by the Maryland Police Training and Standards Commission (MPTSC).

Maryland passed the Ethan Saylor First Responder Training Law a few years ago which provides for cross-disability training for first responders.

### **HB 1464: Prince George's County – Truancy Violations – Reporting of Neglect PG**

**The Arc's Position:** Oppose and Collaborate with Education Advocacy Coalition

**Status:** HB 1464 died in JUD after receiving an Unfavorable Report

**Lead Sponsor:** Delegate Angela Angel

This bill alters the definition of “neglect” in provisions of law governing the reporting and investigation of suspected child abuse and neglect to include, in Prince George's County only, the failure of any person who has legal custody or care and control of a child who is age 5 or older and younger than age 18 to see that the child attends school or receives educational instruction. A school employee must report such persons to the Prince George's County Department of Social Services for neglect. The bill repeals, in Prince George's County only, existing criminal penalties related to the failure of a person to see that a child attends school or receives educational instruction.

### **HB 1483: Duties of a Guardian of the Person – Petition for Visitation**

**The Arc's Position:** Support with Amendments

**Status:** HB 1483 Passed

**Lead Sponsor:** Delegate Sid Saab

This bill authorizes a court, when appointing a guardian of a person of a disabled person, to require, as part of the guardian's duties, the duty to foster and preserve family relationships if it is in the best interest of the disabled person. This includes, as appropriate, assisting to arrange visitation and communication by telephone calls, personal mail, and electronic communications. The bill establishes (1) a petition process; (2) court procedures to determine visitation for specified interested parties; (3) immunity for civil liability for specified entities who deny or restrict visitation, under specified conditions; and (4) a requirement for an authorized decision maker to provide specified information about the alleged incapacitated or protected person to an interested party on written request.



The Arc Maryland

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## 2019 Legislative Calendar of Important Dates

**January 9**

**First Day of Maryland Legislative Session**

**January**

**Calendar Day & Advocacy 101 Training**

**Where?** – House of Delegates Building, 6 Bladen Street

**When?** – Exact date is TBD. Will fall within the first two weeks of January. The day begins at 9:30am & Calendar distribution begins at 10:30am

**Who?** – Chapters and Board Members are encouraged to attend!

**January 16**

**Meeting with Bernie Simons from DDA** to review the Governor's Draft Budget for FY2020

**Where?** – The Arc Howard County

**When?** – Dinner at 5:30pm; Presentations and Questions begin at 6:30pm

**February 13**

**Developmental Disabilities Day at the Legislature**

**Where?** – The Annapolis Hotel (formerly the Loews Annapolis Hotel)

**When?** – 8:00am to 2:00pm

**Who?** – Board Members, MCE Chapter Members and Coalition Partners invited to attend

**April 8**

**Sine Die**

*To create a world where children and adults with intellectual and developmental disabilities have and enjoy equal rights and opportunities.*