

# Support Children with Disabilities

The following legislation supports children with disabilities and their families

## **HB 456/SB953– Family Child Care Homes and Child Care Centers – Dispute Resolution Process – Regulations**

Requires the adoption of rules and regulations that establish a uniform and timely dispute resolution process that addresses the needs of children with disabilities and their families to access child care with appropriate services, supports, and accommodations. It requires an investigation of discrimination complaints based on a child’s disability, written findings, and appropriate remedies – including assistance to child care providers in meeting legal requirements and getting the support they need to include children with and without disabilities together.

- 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.
- There is no specific state process to make a formal complaint of discrimination on the basis of disability in getting and keeping child care.

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

Prohibits students from being suspended or expelled from pre-kindergarten and allows suspension or expulsion of students in kindergarten, first grade, or second grade only if the student has knowingly-possessed a firearm at school. The bill also requires a school to provide young students who are expelled or suspended positive behavior interventions and supports. Additionally, a school system may remedy a student’s behavior through appropriate intervention methods, including restorative practices.

- During the 2015-2016 school year, 2363 of Maryland’s youngest students in pre-kindergarten through second grade were suspended or expelled from public schools.
- 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.
- Suspensions and expulsions unnecessarily disrupt a young child’s developmental, health and educational progress.

## **HB 331/ SB 786 –Education – Behavior Intervention Plans – Physical Restraint and Seclusion**

Limits the use of restraint and seclusion in all public and nonpublic schools only to situations in which a student poses a likelihood of imminent serious physical harm and imposes additional requirements before seclusion can be used.

- Requires additional professional development for all school personnel who work directly with students on a daily basis regarding evidenced-based positive behavioral interventions, strategies, and supports, and trauma-informed interventions to challenging behavior.

**HB 174/SB 770– Education – Children with Disabilities – Individualized Education Program Process – Parental Consent**

Requires school systems to get written parental consent when an IEP team proposes one of the following changes in a student’s IEP: 1) moving a student from the diploma to certificate track, 2) including restraint or seclusion in the IEP, 3) identifying a student for the alternative assessment, or 4) initiating a change in placement. If a parent refuses to consent, in writing, the school system can choose to mediate and/or file for a due process hearing.

- If the school system files for due process, they will have the burden of proving why they want to make the change to the student’s IEP.
- This bill helps families be meaningful participants in the special education process and gives parents an equal voice in the decision-making process.

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

Requires the Maryland Higher Education Commission, the Maryland Department of Disabilities and the Developmental Disabilities Administration to develop and administer a competitive grant for eligible 2-year and/or 4-year colleges and universities to implement an inclusive higher education program 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.

- \$250,000 was included in the DDA’s FY18 budget to explore the implementation of inclusive higher education programs. The bill requires the funds be used as stated above and requires continued funding for 3 more years.
- Opportunities for inclusive higher education exist in 31 other states, but not Maryland.

**HB1061-Taskforce to Study School Emergency and Evacuation Plans**

Requires MSDE to convene a taskforce, which includes individuals with disabilities and representatives with an expertise in disability issues, to re-examine current state regulations governing school emergency and evacuation plans and to determine best practices for accommodating students, staff, and visitors with disabilities.

- Plans need to be designed for the individual needs of students with physical disabilities, those with sensory disabilities, and those who may lack understanding of an emergency situation
- Plans need to cover and protect students, school personnel, and visitors with disabilities.



**MARYLAND DEVELOPMENTAL DISABILITIES COALITION**

People on the Go of Maryland • The Arc Maryland • Maryland Disability Law Center  
Maryland Association of Community Services • Maryland Developmental Disabilities Council

## Maryland State Department of Education FY18 Budget

The Governor's proposed 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 would increase to \$21.6 million so that 1100 children with autism are supported through the Autism Waiver. **There over 10,000 students in Maryland identified as having autism, over 5000 children are on the Autism Waiver registry waiting for services and the Autism Waiver currently serves 1000 children.** This additional funding begins to address a critical need for children and their families.
- \$10.4 million for the Maryland Infants & Toddlers Program--the same funding level as FY2017. **The Maryland Infants & Toddlers Program supports over 17,000 children and their families each year. Early intervention services play a critical role in a child's development.**
- \$7 million for the Broadening Options and Opportunities for Students Today (BOOST) Program. BOOST provides scholarships to students to attend private schools. While the 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. In addition, most private schools do not have to comply with the Individuals with Disabilities Education Act (IDEA) so even if a student with a disability enrolls, the private school does not have to provide the services and supports he or she needs.
- \$7.9 million for public prekindergarten education - a \$3.7 million increase from FY2017.
- \$1 million increase in state funding for the Department of Rehabilitation Services (DORS) in order to decrease the waitlist for services by more than 600. DORS provides employment services to people with disabilities and has a budget of \$118.1 million (State and Federal funds).
- \$2.7 million increase in state funding for the Child Care Subsidy program. Total program funds would increase to \$100.7 million to provide free or reduced-priced child care and increase the subsidy rates paid to providers by 2%.

*For additional information about the bills highlighted here, please contact:*  
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