



MARYLAND DEVELOPMENTAL DISABILITIES COALITION

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

Support Children with Disabilities

The following legislation affects children with disabilities and their families:

HB 140 – Special Education – Administrative Proceedings and Judicial Actions – Attorney’s and Expert Witness Fees and Related Costs

Authorizes an Administrative Law Judge to award reasonable attorney’s fees and related costs and expert witness fees to a parent of a child with a disability if the parent wins a special education due process hearing.

- Many parents cannot afford to hire an attorney or an expert to help if they want to challenge their child’s special education program or services or if the school system requests a hearing against them. As a result, families may not pursue a case even when their child’s rights have been violated or may not be able to bring experts to help support them if they do go to a hearing.
- The possibility of recovering these expenses makes sense. School systems have access to more resources, information and expertise and are in a better position to prove if they have provided a free, appropriate public education.

HB 295 - Nonpublic Elementary and Secondary Schools – Discrimination - Prohibition

Prohibits a nonpublic elementary or secondary school that receives state funds from discriminating against any student or prospective student based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

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

Office of Administrative Hearings – Training Requirements and Curriculum for Administrative Law Judges

Requires Administrative Law Judges (ALJs) who handle special education mediation sessions and due process hearings to complete an intensive 12 hour voluntary training curriculum that must include information about special education law, best practices, implicit bias, and the perspective of parents.

- Currently, ALJs receive minimal training about special education law.
- If only ALJs who have completed the intensive training conduct special education hearings, the level of experience and expertise of the ALJs will increase and will make the administrative hearing process more fair and more equitable.

Special Education – Independent Education Evaluations – Timelines

Requires school systems to provide a written reponse within 30 days to a parent of a child with a disability who asks the school system to pay for an independent education evaluation. If the request is granted, the notice must tell parents how to make arrangements for the payment from the school system. If the request is denied, the school system must request a due process hearing within 30 days.

Maryland State Department of Education FY20 Budget

The Governor's proposed FY 2020 budget includes the following funding, among other things that will impact children with disabilities and their families:

- Less than \$1 million increase in funding for the Autism Waiver to cover the increased cost of services to the 1200 children with autism and their families supported by the Autism Waiver. **There over 10,000 students in Maryland identified as having autism, 5300 children are on the Autism Waiver registry waiting for services and the Autism Waiver currently serves 1200 children.**
- \$10.4 million for the Maryland Infants & Toddlers Program--the same funding level as FY 2019. **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.**
- \$10 million for the Broadening Options and Opportunities for Students Today (BOOST) Program. BOOST provides scholarships to students to attend private schools. Most private schools do not have to comply with the Individuals with Disabilities Education Act (IDEA) so even if a student with a disability enrolls, the private school does not have to provide the services and supports he or she needs.
- \$20 million increase for public prekindergarten education.
- Utilizing a \$34 million increase in federal funding, the Child Care Subsidy Program, which funds free or reduced-priced child care for eligible families. This increase in funds will allow more families to qualify for subsidies by changing the income eligibility requirements and raising rates so that families will be able to afford 30% of all child care programs, up from 20%.
- \$35.8 million increase for new educational programming as recommended by the Commission on Innovation and Excellence in Education (Kirwan Commission) and an additional \$200 million in reserves to help fund future costs associated with the recommendations of the Kirwan Commission.

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