



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 405: Special Education – Judicial Actions – Attorney’s Fees and Related Costs

Allows parents to recover expert witness costs if they are the prevailing party at a special education due process hearing or court proceeding.

- Federal special education law and Maryland regulations allow parents who win a hearing to recover attorney’s fees, but neither allows parents to recover the cost of experts.
- Many parents cannot afford to hire 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 155/SB 98: County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition

Protects all students, Prekindergarten-21, who are enrolled in public schools and in schools receiving public funding from discrimination 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.

Education – Restraint and Seclusion – Consideration and Reporting

Prohibits seclusion unless a school has a licensed physician, clinical psychologist, or licensed clinical social worker in the building, and requires MSDE to make recommendations about reducing restraint. It also requires local school systems to report more data about the use of restraint and seclusion, and requires the Maryland State Department of Education (MSDE) to make specific recommendations to local school systems with the highest rates of restraint and seclusion how to reduce their use.

- Also requires MSDE to develop an accountability system, partner with colleges and universities to identify gaps in teacher and service provider preparation with respect to positive behavior supports and trauma informed care, and develop a mandatory professional development program for all teachers and service providers so staff can use positive behavior supports and trauma informed care interventions.

Maryland State Department of Education FY 2022 Budget

The Governor's proposed FY 2022 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. **There are over 10,000 students in Maryland identified as having autism, 5,300 children are on the Autism Waiver registry waiting for services and the Autism Waiver currently supports 1,200 children and their families.**
- \$10.4 million for the Maryland Infants & Toddlers Program--the same funding level as FY 2021. **The Maryland Infants & Toddlers Program supports over 19,000 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.
- \$29.6 million for public prekindergarten education (Federal & Special funds).
- \$213.7 million in hold-harmless grants to ensure every county (or school system) receives more funding for education than in FY 2021 even if less students are enrolled.

MSDE's FY 2022 proposed budget totals \$7.5 billion.

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