

Chapter 387

(Senate Bill 853)

AN ACT concerning

Ethan Saylor ~~Center~~ Alliance for Self-Advocates as Educators

FOR the purpose of establishing the Ethan Saylor ~~Center~~ Alliance for Self-Advocates as Educators ~~as an independent unit of State government in the Department of Disabilities~~; establishing the purpose of the ~~Center~~ Alliance; ~~providing for the location and staffing of the Center; requiring the Center to develop and update a certain plan to establish community inclusion training priorities and goals; specifying other functions and duties of the Center~~ establishing certain requirements for the Alliance; establishing ~~the Governing Board of the Center~~ a Steering Committee for the Alliance; providing for the composition, ~~chair, and staffing~~ of the ~~Governing Board~~ Steering Committee; providing for the ~~appointment and~~ terms of certain members of the ~~Governing Board~~ Steering Committee; prohibiting a member of the ~~Governing Board~~ Steering Committee from receiving certain compensation, but authorizing the reimbursement of certain expenses; providing for the duties of the ~~Governing Board~~ Steering Committee; providing for the funding of the ~~Center~~ Alliance; ~~requiring the Governing Board to make a certain report to the Governor and the General Assembly on or before a certain date each year~~; defining certain terms; and generally relating to the establishment of the Ethan Saylor ~~Center~~ Alliance for Self-Advocates as Educators.

BY repealing and reenacting, without amendments,
Article – Health – General
Section ~~7-101(k)~~ 7-101(f) and (k)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

~~BY repealing and reenacting, without amendments,
Article – Human Services
Section 7-202
Annotated Code of Maryland
(2007 Volume and 2014 Supplement)~~

BY adding to
Article – Human Services
Section 7-501 through ~~7-505~~ 7-504 to be under the new subtitle “Subtitle 5. Ethan Saylor ~~Center~~ Alliance for Self-Advocates as Educators”
Annotated Code of Maryland
(2007 Volume and 2014 Supplement)

Preamble

WHEREAS, Over 90,000 Marylanders are individuals with intellectual and developmental disabilities, such as autism, cerebral palsy, and Down syndrome; and

WHEREAS, Individuals with intellectual and developmental disabilities, like all other Marylanders, have the right to full, meaningful, and equal participation in all aspects of community life; and

WHEREAS, Although individuals with intellectual and developmental disabilities may have cognitive challenges, these individuals, when supported and encouraged, are able to use their skills, capabilities, and experiences to make meaningful contributions to their families and communities; and

WHEREAS, The skills, capabilities, and experiences of individuals with intellectual and developmental disabilities are often unrecognized, underestimated, or misunderstood; and

WHEREAS, Many governmental and nongovernmental entities, including law enforcement officials and other first responders, receive limited training about interacting, supporting, and working with individuals with intellectual and developmental disabilities; and

WHEREAS, The lack of knowledge and understanding has a widespread and significant negative impact on the inclusion of individuals with intellectual and developmental disabilities in community life; and

WHEREAS, True inclusion of individuals with intellectual and developmental disabilities, so that the individuals feel welcomed and accepted in their communities, starts with self-advocates having the central role in educating persons that interact with individuals with intellectual and developmental disabilities; and

WHEREAS, On January 12, 2013, Robert Ethan Saylor, a 26-year-old Marylander with an intellectual disability, died in a movie theater in his community in Frederick County; and

WHEREAS, The Governor subsequently created the Commission for Effective Community Inclusion of Individuals with Intellectual and Developmental Disabilities; and

WHEREAS, The December 2013 report of the Commission for Effective Community Inclusion of Individuals with Intellectual and Developmental Disabilities recommended the establishment of a new center to prepare, coordinate, and support self-advocates as active educators in training programs on community inclusion and effective communication with individuals with intellectual and developmental disabilities for persons in various sectors across the State, including education, transportation, and health care; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

7-101.

(f) “Developmental disability” means a severe chronic disability of an individual that:

(1) Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;

(2) Is manifested before the individual attains the age of 22;

(3) Is likely to continue indefinitely;

(4) Results in an inability to live independently without external support or continuing and regular assistance; and

(5) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.

(k) “Intellectual disability” means a developmental disability that is evidenced by significantly subaverage intellectual functioning and impairment in the adaptive behavior of an individual.

Article – Human Services

~~7-202.~~

~~(a) An individual has a functional disability if the individual has a severe, chronic disability that:~~

~~(1) is attributable to a mental or physical impairment or a combination of mental and physical impairments, including a head injury;~~

~~(2) is likely to continue indefinitely;~~

~~(3) results in substantial functional limitations in at least three of the following areas of major life activity:~~

~~(i) self-care;~~

~~(ii) receptive and expressive language;~~

~~(iii) learning;~~

- ~~(iv) mobility;~~
- ~~(v) self-direction;~~
- ~~(vi) capacity for independent living; and~~
- ~~(vii) economic self-sufficiency; and~~

~~(4) reflects the individual's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services that are:~~

- ~~(i) lifelong or of extended duration; and~~
- ~~(ii) individually planned and coordinated.~~

~~(b) An individual has a developmental disability if the individual has a functional disability that is manifested before the individual attains the age of 22 years.~~

SUBTITLE 5. ETHAN SAYLOR ~~CENTER~~ ALLIANCE FOR SELF-ADVOCATES AS EDUCATORS.

7-501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(B) "CENTER" MEANS THE ETHAN SAYLOR CENTER FOR SELF-ADVOCATES AS EDUCATORS.~~

(B) "ALLIANCE" MEANS THE ETHAN SAYLOR ALLIANCE FOR SELF-ADVOCATES AS EDUCATORS.

(C) "COMMUNITY INCLUSION" MEANS CIRCUMSTANCES IN WHICH INDIVIDUALS WITH INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES ARE WELCOMED, SUPPORTED, AND INCLUDED IN ALL ASPECTS OF SOCIETY.

(D) "DEVELOPMENTAL DISABILITY" HAS THE MEANING STATED IN § 7-101 OF THE HEALTH – GENERAL ARTICLE.

~~(D) "GOVERNING BOARD" MEANS THE GOVERNING BOARD OF THE ETHAN SAYLOR CENTER FOR SELF-ADVOCATES AS EDUCATORS.~~

(E) “INTELLECTUAL DISABILITY” HAS THE MEANING STATED IN § ~~7-101(k)~~ 7-101 OF THE HEALTH – GENERAL ARTICLE.

(F) “STEERING COMMITTEE” MEANS THE STEERING COMMITTEE FOR THE ETHAN SAYLOR ALLIANCE FOR SELF-ADVOCATES AS EDUCATORS.

7-502.

(A) THERE IS AN ETHAN SAYLOR ~~CENTER~~ ALLIANCE FOR SELF-ADVOCATES AS EDUCATORS IN THE DEPARTMENT.

(B) ~~THE CENTER IS AN INDEPENDENT UNIT WITHIN STATE GOVERNMENT.~~

~~(C) THE PURPOSE OF THE CENTER ALLIANCE IS TO ADVANCE THE COMMUNITY INCLUSION OF INDIVIDUALS WITH INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES BY PREPARING AND SUPPORTING SELF-ADVOCATES TO PLAY A CENTRAL ROLE IN EDUCATING PERSONS ABOUT APPROPRIATE AND EFFECTIVE INTERACTIONS WITH INDIVIDUALS WITH INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES.~~

~~(D) THE CENTER SHALL BE BASED AT A UNIVERSITY IN THE STATE AS DETERMINED BY THE GOVERNING BOARD.~~

~~(E) (1) THE HEAD OF THE CENTER SHALL BE AN EXECUTIVE DIRECTOR OR CO-DIRECTORS, AS DETERMINED AND APPOINTED BY THE GOVERNING BOARD.~~

~~(2) THE EXECUTIVE DIRECTOR OR AT LEAST ONE OF THE CO-DIRECTORS SHALL BE AN INDIVIDUAL WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY.~~

~~(F) THE CENTER MAY EMPLOY THE ADDITIONAL STAFF NECESSARY TO CARRY OUT THE CENTER’S FUNCTIONS AS PROVIDED IN THE STATE BUDGET.~~

~~(G) (1) THE CENTER, IN CONSULTATION WITH THE GOVERNING BOARD AND STAKEHOLDERS, SHALL DEVELOP A 3-YEAR PLAN TO ESTABLISH COMMUNITY INCLUSION TRAINING PRIORITIES AND GOALS.~~

~~(2) THE INITIAL PLAN SHALL:~~

~~(i) BE BASED ON A COMPREHENSIVE NEEDS ASSESSMENT, INCLUDING AN ASSESSMENT OF EXISTING TRAINING RESOURCES AND A GAP ANALYSIS;~~

~~(II) CONTINUE AND EXPAND ON THE WORK OF THE COMMISSION FOR EFFECTIVE COMMUNITY INCLUSION OF INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES BY PRIORITIZING THE TRAINING NEEDS OF LAW ENFORCEMENT OFFICERS AND OTHER FIRST RESPONDERS; AND~~

~~(III) BE APPROVED BY THE GOVERNING BOARD.~~

~~(3) (I) THE CENTER ANNUALLY SHALL UPDATE THE 3-YEAR PLAN.~~

~~(II) THE UPDATED PLANS MAY FOCUS ON THE TRAINING NEEDS OF ADDITIONAL PUBLIC AND PRIVATE SECTORS SUCH AS COURTS, HEALTH CARE PROVIDERS, SCHOOLS, OR BUSINESSES.~~

~~(II) THE CENTER SHALL PERFORM THE FOLLOWING FUNCTIONS AND DUTIES TO ACHIEVE THE GOALS ESTABLISHED IN THE 3-YEAR PLAN:~~

~~(1) COLLABORATE WITH THE DEPARTMENT OF DISABILITIES, DISABILITY ORGANIZATIONS, COMMUNITY ORGANIZATIONS, SELF-ADVOCATES, FAMILIES, AND OTHER STAKEHOLDERS TO IMPLEMENT A COMPREHENSIVE, COORDINATED APPROACH TO IDENTIFYING, PREPARING, AND SUPPORTING INDIVIDUALS TO BE SELF-ADVOCATE EDUCATORS;~~

~~(2) IN PARTNERSHIP WITH STAKEHOLDERS:~~

~~(I) IDENTIFY BEST PRACTICES FOR TRAINING TO MEET THE PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN;~~

~~(II) IF TRAINING RESOURCES TO ADDRESS THE PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN ALREADY EXIST, CONNECT PERSONS IN THE PRIORITY SECTORS WITH SELF-ADVOCATE EDUCATORS, OR ENTITIES THAT INCLUDE SELF-ADVOCATE EDUCATORS IN A CENTRAL ROLE, TO PROVIDE THE TRAINING;~~

~~(III) IF TRAINING RESOURCES TO ADDRESS THE PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN DO NOT EXIST:~~

~~1. DEVELOP TRAINING RESOURCES; OR~~

~~2. CONTRACT WITH A PERSON FOR THE DEVELOPMENT OF TRAINING RESOURCES;~~

~~(IV) PROMOTE INTERAGENCY EFFORTS THAT SUPPORT COMMUNITY INCLUSION, INCLUDING IDENTIFYING OPPORTUNITIES FOR~~

~~SELF-ADVOCATE EDUCATORS TO PARTICIPATE IN TRAINING PROGRAMS THROUGHOUT STATE GOVERNMENT; AND~~

~~(V) PROVIDE TRAINING WITH SELF-ADVOCATE EDUCATORS IN CENTRAL AND LEADING ROLES;~~

~~(3) IF A PERSON RECEIVING TRAINING DOES NOT PROVIDE NECESSARY SUPPORT SERVICES FOR SELF-ADVOCATE EDUCATORS, PROVIDE OR IDENTIFY SOURCES TO PROVIDE THE SUPPORT SERVICES, INCLUDING COMPENSATION FOR TRAINING ACTIVITIES, TRANSPORTATION, AND OTHER RELATED EXPENSES;~~

~~(4) ESTABLISH A CLEARINGHOUSE TO DISSEMINATE INFORMATION ON BEST PRACTICES, STRATEGIES, AND RESOURCES FOR:~~

~~(I) SELF-ADVOCATES AS EDUCATORS; AND~~

~~(II) THE COMMUNITY INCLUSION TRAINING PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN;~~

~~(5) INITIATE COLLABORATIONS AND FACILITATE COORDINATION AMONG APPROPRIATE GOVERNMENTAL UNITS AND OTHER PERSONS TO LEVERAGE EXISTING RESOURCES FOR TRAINING DELIVERY; AND~~

~~(6) FOSTER COORDINATION AMONG PERSONS THAT HAVE TRAINING NEEDS AND PERSONS THAT PROVIDE TRAINING TO MEET THE PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN.~~

(C) THE ALLIANCE SHALL:

(1) BE GUIDED BY THE STEERING COMMITTEE;

(2) BUILD ON THE WORK OF THE COMMISSION FOR EFFECTIVE COMMUNITY INCLUSION OF INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES BY PRIORITIZING THE TRAINING NEEDS OF LAW ENFORCEMENT OFFICERS;

(3) CONNECT LAW ENFORCEMENT TRAINERS WITH:

(I) SELF-ADVOCATE EDUCATORS; OR

(II) ENTITIES THAT USE SELF-ADVOCATE EDUCATORS IN A CENTRAL ROLE WHEN PROVIDING TRAINING;

(4) IDENTIFY AND SUPPORT THE DEVELOPMENT OF SELF-ADVOCATE EDUCATORS;

(5) IDENTIFY RESOURCES NEEDED TO PREPARE AND SUPPORT SELF-ADVOCATE EDUCATORS; AND

(6) PROMOTE COLLABORATIVE EFFORTS THAT SUPPORT COMMUNITY INCLUSION.

7-503.

(A) THERE IS A ~~GOVERNING BOARD~~ STEERING COMMITTEE FOR THE CENTER ALLIANCE.

(B) THE ~~GOVERNING BOARD~~ STEERING COMMITTEE SHALL INCLUDE THE FOLLOWING MEMBERS:

(1) THE SECRETARY ~~OF DISABILITIES~~, OR THE SECRETARY'S DESIGNEE;

~~(2) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE SUPERINTENDENT'S DESIGNEE;~~

~~(3) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE~~ THE SUPERINTENDENT OF THE STATE POLICE, OR THE SUPERINTENDENT'S DESIGNEE;

~~(4)~~ (3) THE EXECUTIVE DIRECTOR OF THE POLICE AND CORRECTIONAL TRAINING COMMISSIONS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

~~(5) THE EXECUTIVE DIRECTOR OF THE JUDICIAL TRAINING INSTITUTE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(6) THE PUBLIC DEFENDER OF MARYLAND OR THE PUBLIC DEFENDER'S DESIGNEE;~~

~~(7) THE EXECUTIVE DIRECTOR OF THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICE SYSTEMS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(8)~~ (4) THE DEPUTY SECRETARY FOR DEVELOPMENTAL DISABILITIES IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE DEPUTY SECRETARY'S DESIGNEE; AND

(5) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE SECRETARY:

~~(9)~~ (I) A REPRESENTATIVE OF PEOPLE ON THE GO MARYLAND;

~~(10)~~ (II) A REPRESENTATIVE OF THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL;

~~(11)~~ (III) ~~A REPRESENTATIVE OF A COMMUNITY-BASED ORGANIZATION THAT SUPPORTS~~ TWO REPRESENTATIVES OF COMMUNITY-BASED ORGANIZATIONS THAT SUPPORT PEOPLE WITH INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES; AND

~~(12)~~ (IV) ~~SIX~~ FOUR MEMBERS OF THE PUBLIC WITH KNOWLEDGE OF INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES, INCLUDING AT LEAST TWO SELF-ADVOCATES AND A FAMILY MEMBER OF AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY OR DEVELOPMENTAL DISABILITY; ~~EACH APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE;~~

(V) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION; AND

(VI) OTHER MEMBERS DEEMED NECESSARY TO CARRY OUT THE WORK OF THE STEERING COMMITTEE.

~~(C) THE GOVERNOR MAY APPOINT ADDITIONAL MEMBERS BASED ON THE PRIORITIES ESTABLISHED IN THE 3-YEAR PLAN.~~

~~(D) THE GOVERNING BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.~~

~~(E)~~ (C) A MEMBER APPOINTED BY THE ~~GOVERNOR~~ SECRETARY:

~~(1) SERVES AT THE PLEASURE OF THE GOVERNOR;~~

~~(2)~~ (2) SERVES FOR A TERM OF 3 YEARS AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES; AND

~~(3)~~ (2) MAY BE REAPPOINTED ~~BUT MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.~~

~~(F) (1) UNTIL THE CENTER IS ESTABLISHED, THE DEPARTMENT OF DISABILITIES SHALL PROVIDE STAFF FOR THE GOVERNING BOARD.~~

~~(2) AFTER THE CENTER IS ESTABLISHED, THE CENTER SHALL PROVIDE STAFF FOR THE GOVERNING BOARD.~~

~~(G) (D)~~ A MEMBER OF THE ~~GOVERNING BOARD~~ STEERING COMMITTEE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ~~GOVERNING BOARD~~ STEERING COMMITTEE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

~~(H) (E)~~ THE ~~GOVERNING BOARD~~ STEERING COMMITTEE SHALL:

~~(1) DEVELOP AN IMPLEMENTATION PLAN TO PHASE IN THE ESTABLISHMENT AND OPERATION OF THE CENTER;~~

~~(2) SELECT A UNIVERSITY TO OPERATE THE CENTER;~~

~~(I) THROUGH A COMPETITIVE PROCESS; AND~~

~~(H) GIVING CONSIDERATION TO THE EXPERIENCE, KNOWLEDGE, AND CAPACITY OF THE UNIVERSITY;~~

~~(3) PROVIDE GENERAL OVERSIGHT AND DIRECTION TO THE CENTER;~~

~~(4) APPROVE THE ANNUAL BUDGET FOR THE CENTER; AND~~

~~(5) MONITOR AND EVALUATE THE CENTER'S ACTIVITIES AND OUTCOMES.~~

(1) DEVELOP PARAMETERS FOR THE ALLIANCE, INCLUDING EXPECTED OUTCOMES FOR AND EVALUATION OF THE ALLIANCE;

(2) SELECT ENTITIES TO OPERATE THE ALLIANCE THROUGH A COMPETITIVE PROCESS;

(3) PROVIDE GENERAL OVERSIGHT OF THE ALLIANCE;

(4) APPROVE THE BUDGET FOR THE ALLIANCE;

(5) REVIEW THE ALLIANCE’S ACTIVITIES AND OUTCOMES; AND

(6) DEVELOP RECOMMENDATIONS FOR SUSTAINABILITY AND EXPANSION OF THE ALLIANCE, INCLUDING:

(I) COSTS OF SUSTAINING AND EXPANDING THE ALLIANCE;

(II) POTENTIAL SOURCES OF FUNDING FOR THE ALLIANCE; AND

(III) COMPENSATION AND SUPPORTS FOR SELF-ADVOCATE EDUCATORS.

7-504.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE OPERATION OF THE ~~CENTER~~ ALLIANCE SHALL BE SUPPORTED BY:

(1) APPROPRIATIONS PROVIDED IN THE ANNUAL STATE BUDGET;

(2) GRANTS OR OTHER ASSISTANCE FROM FEDERAL, STATE, OR LOCAL GOVERNMENT; AND

(3) ANY OTHER MONEY MADE AVAILABLE TO THE ~~CENTER~~ ALLIANCE FROM ANY PUBLIC OR PRIVATE SOURCE.

(B) ~~THE GOVERNING BOARD MAY NOT USE MORE THAN 10% OF THE CENTER’S FUNDING FOR INDIRECT COSTS~~ THE OPERATION OF THE ALLIANCE IS SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET.

~~7-505.~~

~~(A) THE GOVERNING BOARD SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 15 OF EACH YEAR.~~

~~(B) THE REPORT SHALL INCLUDE:~~

~~(1) A LIST OF THE MAJOR ACTIVITIES OF THE CENTER, INCLUDING THE TRAINING ACTIVITIES CARRIED OUT BY SELF-ADVOCATE EDUCATORS;~~

~~(2) A SUMMARY OF THE CENTER’S PROGRESS ON THE GOALS AND OBJECTIVES ESTABLISHED IN THE 3 YEAR PLAN, INCLUDING EVALUATION AND OUTCOME DATA;~~

~~(3) A SUMMARY OF BARRIERS ENCOUNTERED AND LESSONS LEARNED; AND~~

~~(4) AN UPDATE ON THE CURRENT STATUS AND EFFECTIVENESS OF THE CENTER.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.