

# SENATE BILL 853

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By: **Senators Young and Montgomery**

Introduced and read first time: February 24, 2015

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Ethan Saylor Center for Self-Advocates as Educators**

3 FOR the purpose of establishing the Ethan Saylor Center for Self-Advocates as Educators  
4 as an independent unit of State government; establishing the purpose of the Center;  
5 providing for the location and staffing of the Center; requiring the Center to develop  
6 and update a certain plan to establish community inclusion training priorities and  
7 goals; specifying other functions and duties of the Center; establishing the Governing  
8 Board of the Center; providing for the composition, chair, and staffing of the  
9 Governing Board; providing for the appointment and terms of certain members of  
10 the Governing Board; prohibiting a member of the Governing Board from receiving  
11 certain compensation, but authorizing the reimbursement of certain expenses;  
12 providing for the duties of the Governing Board; providing for the funding of the  
13 Center; requiring the Governing Board to make a certain report to the Governor and  
14 the General Assembly on or before a certain date each year; defining certain terms;  
15 and generally relating to the establishment of the Ethan Saylor Center for  
16 Self-Advocates as Educators.

17 BY repealing and reenacting, without amendments,  
18 Article – Health – General  
19 Section 7–101(k)  
20 Annotated Code of Maryland  
21 (2009 Replacement Volume and 2014 Supplement)

22 BY repealing and reenacting, without amendments,  
23 Article – Human Services  
24 Section 7–202  
25 Annotated Code of Maryland  
26 (2007 Volume and 2014 Supplement)

27 BY adding to  
28 Article – Human Services

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 7–501 through 7–505 to be under the new subtitle “Subtitle 5. Ethan Saylor  
2 Center for Self–Advocates as Educators”  
3 Annotated Code of Maryland  
4 (2007 Volume and 2014 Supplement)

5 Preamble

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

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

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

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

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

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

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

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

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

34 WHEREAS, The December 2013 report of the Commission for Effective Community  
35 Inclusion of Individuals with Intellectual and Developmental Disabilities recommended the  
36 establishment of a new center to prepare, coordinate, and support self–advocates as active

1 educators in training programs on community inclusion and effective communication with  
2 individuals with intellectual and developmental disabilities for persons in various sectors  
3 across the State; now, therefore,

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

6 **Article – Health – General**

7 7–101.

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

11 **Article – Human Services**

12 7–202.

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

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

17 (2) is likely to continue indefinitely;

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

20 (i) self-care;

21 (ii) receptive and expressive language;

22 (iii) learning;

23 (iv) mobility;

24 (v) self-direction;

25 (vi) capacity for independent living; and

26 (vii) economic self-sufficiency; and

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

1 (i) lifelong or of extended duration; and

2 (ii) individually planned and coordinated.

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

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

6 **7-501.**

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

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

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

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

16 (E) "INTELLECTUAL DISABILITY" HAS THE MEANING STATED IN § 7-101(K)  
17 OF THE HEALTH - GENERAL ARTICLE.

18 **7-502.**

19 (A) THERE IS AN ETHAN SAYLOR CENTER FOR SELF-ADVOCATES AS  
20 EDUCATORS.

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

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

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

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

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

6           **(F) THE CENTER MAY EMPLOY THE ADDITIONAL STAFF NECESSARY TO**  
7 **CARRY OUT THE CENTER'S FUNCTIONS AS PROVIDED IN THE STATE BUDGET.**

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

11           **(2) THE INITIAL PLAN SHALL:**

12                   **(I) BE BASED ON A COMPREHENSIVE NEEDS ASSESSMENT,**  
13 **INCLUDING AN ASSESSMENT OF EXISTING TRAINING RESOURCES AND A GAP**  
14 **ANALYSIS;**

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

19                   **(III) BE APPROVED BY THE GOVERNING BOARD.**

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

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

24           **(H) THE CENTER SHALL PERFORM THE FOLLOWING FUNCTIONS AND**  
25 **DUTIES TO ACHIEVE THE GOALS ESTABLISHED IN THE 3-YEAR PLAN:**

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

31                   **(2) IN PARTNERSHIP WITH STAKEHOLDERS:**

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

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

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

10                   **1. DEVELOP TRAINING RESOURCES; OR**

11                   **2. CONTRACT WITH A PERSON FOR THE DEVELOPMENT**  
12 **OF TRAINING RESOURCES;**

13           **(IV) PROMOTE INTERAGENCY EFFORTS THAT SUPPORT**  
14 **COMMUNITY INCLUSION, INCLUDING IDENTIFYING OPPORTUNITIES FOR**  
15 **SELF-ADVOCATE EDUCATORS TO PARTICIPATE IN TRAINING PROGRAMS**  
16 **THROUGHOUT STATE GOVERNMENT; AND**

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

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

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

26                   **(I) SELF-ADVOCATES AS EDUCATORS; AND**

27                   **(II) THE COMMUNITY INCLUSION TRAINING PRIORITIES**  
28 **ESTABLISHED IN THE 3-YEAR PLAN;**

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

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

4 **7-503.**

5           **(A) THERE IS A GOVERNING BOARD OF THE CENTER.**

6           **(B) THE GOVERNING BOARD SHALL INCLUDE THE FOLLOWING MEMBERS:**

7                   **(1) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S**  
8 **DESIGNEE;**

9                   **(2) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE**  
10 **SUPERINTENDENT'S DESIGNEE;**

11                   **(3) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S**  
12 **DESIGNEE;**

13                   **(4) THE EXECUTIVE DIRECTOR OF THE POLICE AND CORRECTIONAL**  
14 **TRAINING COMMISSIONS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;**

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

17                   **(6) THE PUBLIC DEFENDER OF MARYLAND OR THE PUBLIC**  
18 **DEFENDER'S DESIGNEE;**

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

22                   **(8) THE DEPUTY SECRETARY FOR DEVELOPMENTAL DISABILITIES IN**  
23 **THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE DEPUTY**  
24 **SECRETARY'S DESIGNEE;**

25                   **(9) A REPRESENTATIVE OF PEOPLE ON THE GO MARYLAND;**

26                   **(10) A REPRESENTATIVE OF THE MARYLAND DEVELOPMENTAL**  
27 **DISABILITIES COUNCIL;**

1           **(11) A REPRESENTATIVE OF A COMMUNITY-BASED ORGANIZATION**  
2 **THAT SUPPORTS PEOPLE WITH INTELLECTUAL AND DEVELOPMENTAL**  
3 **DISABILITIES; AND**

4           **(12) SIX MEMBERS OF THE PUBLIC WITH KNOWLEDGE OF**  
5 **INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, INCLUDING AT LEAST TWO**  
6 **SELF-ADVOCATES AND A FAMILY MEMBER OF AN INDIVIDUAL WITH AN**  
7 **INTELLECTUAL OR DEVELOPMENTAL DISABILITY, EACH APPOINTED BY THE**  
8 **GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.**

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

11           **(D) THE GOVERNING BOARD SHALL ELECT A CHAIR FROM AMONG ITS**  
12 **MEMBERS.**

13           **(E) A MEMBER APPOINTED BY THE GOVERNOR:**

14               **(1) SERVES AT THE PLEASURE OF THE GOVERNOR;**

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

17               **(3) MAY BE REAPPOINTED BUT MAY NOT SERVE MORE THAN TWO**  
18 **CONSECUTIVE TERMS.**

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

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

23           **(G) A MEMBER OF THE GOVERNING BOARD:**

24               **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**  
25 **GOVERNING BOARD; BUT**

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

28           **(H) THE GOVERNING BOARD SHALL:**



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

3           **(2) SELECT A UNIVERSITY TO OPERATE THE CENTER:**

4                 **(I) THROUGH A COMPETITIVE PROCESS; AND**

5                 **(II) GIVING CONSIDERATION TO THE EXPERIENCE,**  
6 **KNOWLEDGE, AND CAPACITY OF THE UNIVERSITY;**

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

8           **(4) APPROVE THE ANNUAL BUDGET FOR THE CENTER; AND**

9           **(5) MONITOR AND EVALUATE THE CENTER'S ACTIVITIES AND**  
10 **OUTCOMES.**

11 **7-504.**

12           **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE OPERATION OF THE**  
13 **CENTER SHALL BE SUPPORTED BY:**

14                 **(1) APPROPRIATIONS PROVIDED IN THE ANNUAL STATE BUDGET;**

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

17                 **(3) ANY OTHER MONEY MADE AVAILABLE TO THE CENTER FROM ANY**  
18 **PUBLIC OR PRIVATE SOURCE.**

19           **(B) THE GOVERNING BOARD MAY NOT USE MORE THAN 10% OF THE**  
20 **CENTER'S FUNDING FOR INDIRECT COSTS.**

21 **7-505.**

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

25           **(B) THE REPORT SHALL INCLUDE:**

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

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

4           **(3) A SUMMARY OF BARRIERS ENCOUNTERED AND LESSONS**  
5 **LEARNED; AND**

6           **(4) AN UPDATE ON THE CURRENT STATUS AND EFFECTIVENESS OF**  
7 **THE CENTER.**

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
9 1, 2015.