



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

Senate Finance Committee

SB 168: Maryland Developmental Disabilities Council – Establishment

February 7, 2023

Position: Support

The Maryland Developmental Disabilities Council (Council) is an independent, public policy organization that creates change to make it possible for people with developmental disabilities to live the lives they want with the support they need. Our vision is that people with and without disabilities in Maryland live, learn, work, and play together. We have been creating change to make that possible and improve the lives of people with developmental disabilities since 1971.

The Council was established through federal law and operates according to the law's mandates and related regulations and policies. **The federal law – the Developmental Disabilities Assistance and Bill of Rights Act (DD Act) – guides our work, and all of our funding comes from the federal government.** The Council is located within state government, but we are independent. **The DD Act explicitly requires this independence, stating that the State must provide assurance that any “agency, office or entity of the State, will not interfere with the advocacy, capacity building, and systemic change activities, budget, personnel, State plan development, or plan implementation of the Council.” This is the “non-interference clause.”** People with developmental disabilities and family members of people with developmental disabilities lead our work.

WHAT does this legislation do?

- **Establishes the Maryland Developmental Disabilities Council as an independent unit of state government.** Currently, the Council is a program of the Maryland Department of Disabilities (MDOD). The Council and MDOD agree that this restructuring is necessary for the reasons outlined below.
- **Updates an outdated Executive Order and codifies our authority in state law.** In 1971, the governor formally established the Council by executive order to carry out the functions outlined in the DD Act. That executive order was updated in 1987, but has not been updated since.
- **Outlines other requirements that mirror the federal law.**
- **Codifies that a state entity may not interfere with the Council's work, budget, personnel, or state plan development or implementation.** This aligns with the requirement of the DD Act and allows the Council to continue our advocacy, capacity building, and systems change efforts.

WHY is this legislation important?

- It updates language, aligns with federal law to be current and consistent, moves us out of the Department of Disabilities, and codifies current operations.
- Moving the Council from under the structure of MDOD better aligns with the spirit and intent of the DD Act.

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Dee Sapp, *Chairperson* • Rachel London, Esq., *Executive Director*

- While MDOD and the Council work closely together, and have a strong, positive, and productive working relationship, being within the formal structure is cumbersome, unnecessary, and can lead to misunderstandings because the Council does not operate under the direction of the Governor or MDOD. **As federal law requires, the Council's positions, decisions, and actions are solely our own and should not reflect on MDOD.**
- The Council will continue to create change and improve lives by:
 - Leading the way with new ideas and taking bold steps to improve the lives of people with developmental disabilities.
 - Empowering people to advocate effectively for themselves
 - Advocating for people with developmental disabilities have the same opportunities in life as others.
 - Advising leaders in state government and the legislature to improve laws, policies, programs, and services.
 - Finding solutions, testing new ideas, and making a difference.
- The Department of Disabilities and all of our colleagues and partners support this move, and Maryland will join the majority of other DD Councils that exist under their state laws rather than executive orders.

The Council will remain accountable to applicable state and federal laws, regulations, and policies, and will continue to create change, but **we will be able to do this – and continue to be innovative - without any misunderstanding and while operating in a more streamlined manner.**

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