

Education Advocacy Coalition

for Students with Disabilities

HOUSE WAYS AND MEANS COMMITTEE

HOUSE BILL 167: PUBLIC SCHOOLS—STUDENT HEALTH—CERTIFICATE OF DENTAL HEALTH

DATE: JANUARY 31, 2024

POSITION: LETTER OF INFORMATION

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of more than 40 organizations and individuals concerned with education policy for students with disabilities in Maryland provides this letter of information regarding House Bill 167, which would require each student enrolled in a public elementary or secondary school in the state to submit to the school a certificate of dental health. House Bill 167 would further require the Maryland State Department of Education, in consultation with the Maryland Department of Health, to adopt regulations to establish standards for periodic dental examinations and a schedule for the submission of a certificate of dental health by students. Although the EAC certainly supports dental health for all students, House Bill 167 could potentially have the unintended consequence of causing some children to be excluded from school if the certificate of dental health is required for enrollment or continued enrollment:

- 1) Children with disabilities: Some children with disabilities have significant sensory or behavior challenges that make them unable to tolerate routine dental care. These children may require sedation for routine dental care, making dental screening an onerous and major medical procedure. Some children have a constellation of disabilities that makes sedation unsafe. Additionally, many parents of children with disabilities have great difficulty finding dentists who are willing to treat their children. If dental screening is a prerequisite for school attendance, these children—children who need special education and related services and are guaranteed those services by law—would be excluded from school.
- 2) Children whose legal status makes them ineligible for Medical Assistance: All children, regardless of their legal status, have a right to attend school. However, some children may not be at a point in the immigration process at which they have access to Medicaid. House Bill 167 presupposes that children will be eligible for Medicaid or otherwise have dental insurance. If children are unable to access a dental screening because they do not have dental insurance or Medicaid, they will be excluded from school if dental screening is a prerequisite for school attendance.
- 3) Both of these issues could be addressed by an amendment stating that children cannot be excluded from school if they are unable to access dental screening because of disability, highly mobile (homeless) status, migrant or citizenship status or lack of insurance.

Please contact Leslie Seid Margolis, Co-Chairperson, at lesliem@disabilityrightsmd.org or 410-370-5730 with any questions. (Over)

Respectfully submitted,

Selene Almazan, Selene Almazan Law, LLC

Rene Averitt-Sanzone, The Parents' Place of Maryland

Linda Barton, MSED, Education Advocate

Beth Benevides, Autism Society of Maryland

Melanie Carlos, xMinds (Partnership for Extraordinary Minds)

Rich Ceruolo, Parent Advocacy Consortium

Michelle Davis, ABCs for Life Success

Jennifer Engel Fisher, Weinfeld Education Group

Lisa Frank, Andrea Bennett, Jen Ritchotte and Amy Tonti, Special Kids Company

Riya Gupta, Strong Schools Maryland

Kalman Hettleman, Independent Advocate

Lindsay Muir, Abilities Network

Nicole Joseph, Esq. and Kate Raab, Law Offices of Nicole Joseph

Rosemary Kitzinger and Marge Guldán, Bright Futures, LLC

Ande Kolp, The Arc Maryland

Rachel London, Maryland Developmental Disabilities Council

Leslie Seid Margolis, Disability Rights Maryland

Mark B. Martin, Law Offices of Mark B. Martin, P.A.

Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center

Ronza Othman, National Federation of the Blind of Maryland

Maria Ott, Attorney

Rebecca Rienzi, Pathfinders for Autism

Jaime Seaton, BGS Law, LLC

Kelly Spanoghe, Education Consultant

Ronnetta Stanley, M.Ed., Loud Voices Together

Wayne Steedman, Steedman Law Group, LLC

Maureen van Stone, Annie Carver and Tyler Cochran, Project HEAL at Kennedy Krieger Institute

Jessica Williams, Education Due Process Solutions, LLC

Liz Zogby, Maryland Down Syndrome Advocacy Coalition

Additional signatories:

Ellie Mitchell, Maryland Out-of-School-Time (MOST)

Rick Tyler, Maryland Education Coalition