

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 10-23: HEALTH – INTELLECTUAL AND DEVELOPMENTAL DISABILITIES COMMISSION – ESTABLISHED

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 10-23 will have a positive impact on racial equity and social justice (RESJ) in the County. The Intellectual and Developmental Disabilities (IDD) Commission could advance social justice in the County through addressing inequities in services and supports for constituents with IDD. Further, data on the Developmental Disabilities Administration's waitlist suggests that Black constituents with IDD may have a particular need for addressing gaps in services. However, given the resources devoted to the Bill and the lack of RESJ focus in the scope of the proposed commission, OLO anticipates the positive RESJ impact will be minimal.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF BILL 10-23

The National Institute of Child Health and Human Development describes IDD as “differences that are usually present at birth and that uniquely affect the trajectory of the individual’s physical, intellectual, and/or emotional development.”³ IDD can affect multiple body parts or systems, such as the nervous system, sensory system, and metabolism.⁴ Examples of IDD include cerebral palsy, Down syndrome, and autism spectrum disorders (ASD).⁵

If enacted, Bill 10-23 would establish an Intellectual and Developmental Disabilities Commission in the County. The intent of establishing the IDD Commission is “to advise the County Council and County Executive, and to better coordinate the provision of services to individuals with IDD and their families.”⁶ If established, the IDD Commission would join the broader group of over 80 Boards, Committees, and Commissions (BCCs) in the County.⁷

The IDD Commission established by the Bill would be comprised of 19 voting members and 6 non-voting members and receive staff support from the Department of Health and Human Services. The Commission would be required to report to the County Council and County Executive annually. Prescribed responsibilities for the Commission range from instituting and conducting educational programs, to reviewing and reporting on current gaps in services. A more detailed list of responsibilities is available within the introduction staff report.⁸

Bill 10-23, Health – Intellectual and Developmental Disabilities Commission - Established, was introduced by the Council on February 14, 2023.

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IDD AND RACIAL EQUITY

People with IDD of all races and ethnicities experience numerous systemic inequities. A 2022 article published in the Journal of the American Medical Association (JAMA) noted that people with IDD had among the highest rates of infection and death during the COVID-19 pandemic.⁹ The researchers also identified three systemic health inequities experienced by people with IDD:

- Stigma, exclusion, and devaluing the equal worth of persons with IDD;
- Underrepresentation in population epidemiology and research; and
- Inadequate access to high-quality care and social services tailored to needs.¹⁰

The interaction of structural racial inequities within the social determinants of health,¹¹ and structural inequities experienced by people with IDD results in worse outcomes for Black, Indigenous, and Other People of Color (BIPOC) with IDD. For instance:

- A study of national survey data on health status among adults with IDD found that “Latino and Black adults with IDD had worse health outcomes compared to White adults with IDD.”¹²
- A study of national survey data on health service utilization among adults with IDD found that BIPOC “are disadvantaged in several essential areas of health care utilization and that Hispanic Americans are particularly underserved.”¹³
- A study of over 30 million death certificates in the United States from 2005 to 2017 found that BIPOC adults with IDD are at a greater risk of premature death than White adults with IDD. The study also found that racial disparities in age at death was most pronounced among adults with cerebral palsy.¹⁴
- A 2021 report from the Office of Special Education Programs (OSEP) within the U.S. Department of Education highlighted that, among children with disabilities served under the Individuals with Disabilities Education Act (IDEA) Part B, “Black or African American students with disabilities are more likely to be identified with intellectual disability or emotional disturbance than all students with disabilities and more likely to receive a disciplinary removal than all students with disabilities.” The study also found that “American Indian or Alaska Native students with disabilities are more likely to drop out than all students with disabilities and less likely to be inside regular class less than 40% of the day than all students with disabilities.”¹⁵

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 10-23 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

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For the first question, OLO could not locate comprehensive data on rates of people with IDD (both children and adults) by race and ethnicity at the County, state, or national level. Thus, as an approximation, OLO considered the demographics of County adults served through the Maryland Developmental Disabilities Administration (DDA) Community Services Program.

Data in Table 1 demonstrates that White and Black constituents are overrepresented among DDA's program participants; Asian and Latinx constituents are underrepresented, while Native American and Pacific Islander constituents are proportionately represented. Black constituents are also overrepresented among people on the waiting list for DDA services.

Table 1: Percent of County Adult Population and People Served through DDA Community Services Program by Program, Race and Ethnicity, Montgomery County, Fiscal Year 2022

Race and ethnicity	County Population 18 and Over	Waiver Programs – New Participants	Transitioning Youth – New Participants	Traditional/Self-Directed Groups – All Participants	Waiting List
Asian	16.0	12.4	12.8	9.8	12.7
Black	18.1	28.2	28.9	23.4	30.6
Native American	0.6	0.0	0.0	0.1	0.2
Pacific Islander	0.1	0.0	0.0	0.0	0.3
White	45.6	52.9	50.0	58.1	46.9
Latinx	18.6	10.6	13.9	2.3	10.2

Source: 2020 Decennial Census, Census Bureau and Report on Demographic Data of Individuals Served through DDA Community Services Program, Maryland Department of Health.¹⁶

For the second question, OLO considered how this Bill could address systemic inequities for constituents with IDD, and in particular BIPOC constituents with IDD. Establishing an IDD Commission could help to better coordinate services and supports for constituents with IDD. In their 2022 Annual Report, the County's Commission on People with Disabilities identified the establishment of an independent advisory council focused on developmental disabilities as a budget priority for FY24. The Commission proposed this was necessary to better educate and advise the County on developmental disabilities, and to improve service coordination at the state level.¹⁷ On the other hand, the scope of the IDD Commission prescribed in Bill 10-23 does not specify activities related to RESJ. Thus, it is unclear whether racial inequities experienced by BIPOC constituents with IDD will be addressed through the proposed commission.

Taken together, OLO anticipates Bill 10-23 will have a positive impact on RESJ in the County. The IDD Commission could advance social justice in the County through addressing inequities in services and supports for constituents with IDD. Further, data on the DDA's waitlist suggests that Black constituents with IDD may have a particular need for addressing gaps in services.

The Office of Management and Budget estimates Bill 10-23 would cost between \$52,200 and \$63,600 annually for personnel expenses.¹⁸ Given the resources devoted to the Bill and the lack of RESJ focus in the scope of the proposed commission, OLO anticipates the positive RESJ impact will be minimal.

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RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.¹⁹ OLO anticipates Bill 10-23 will have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments. However, if the Council seeks to improve the RESJ impact of the Bill, OLO offers one item for consideration:

- **Consider items offered for Bill 8-23 to advance RESJ through BCCs.** Considerations include amending the RESJ Act to require BCCs to undergo RESJ training and develop RESJ action plans; amending Executive Regulations to require BCCs to develop RESJ action plans; and requesting a diversity audit of BCCs. Particularly for the IDD Commission, integrating a RESJ focus and ensuring diversity could help address racial inequities and disparities experienced by BIPOC constituents with IDDs.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

² Ibid

³ “About Intellectual and Developmental Disabilities (IDDs),” National Institute of Child Health and Human Development, National Institutes of Health. <https://www.nichd.nih.gov/health/topics/idds/conditioninfo>

⁴ Ibid

⁵ Ibid

⁶ Introduction Staff Report for Bill 10-23, Montgomery County Council, Introduced February 14, 2023.

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230214/20230214_2C.pdf

⁷ Board, Committees, and Commissions, Office of the County Executive, Montgomery County, Maryland.

<https://www.montgomerycountymd.gov/boards/list.html>

⁸ Introduction Staff Report for Bill 10-23

⁹ Kenton Johnston, et al, “Health Equity for Individuals With Intellectual and Developmental Disabilities,” October 7, 2022.

<https://jamanetwork.com/journals/jama/fullarticle/2797393>

¹⁰ Ibid

¹¹ “Racism and Health,” Centers for Disease Control and Prevention. <https://www.cdc.gov/minorityhealth/racism-disparities/index.html>

¹² Sandra Magaña, et al, “Racial and Ethnic Health Disparities Among People With Intellectual and Developmental Disabilities,” June 1, 2016. <https://pubmed.ncbi.nlm.nih.gov/27268472/>

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¹³ Haleigh M. Scott and Susan Havercamp, “Race and Health Disparities in Adults with Intellectual and Developmental Disabilities Living in the United States,” *Intellectual and Developmental Disabilities*, December 1, 2014.

<https://pubmed.ncbi.nlm.nih.gov/25409129/>

¹⁴ Scott Landes, et al, “Racial-Ethnic Inequities in Age at Death Among Adults with/without Intellectual and Developmental Disability in the United States,” *Preventative Medicine*, March 2022. <https://www.maxwell.syr.edu/research/article/racial-ethnic-inequities-in-age-at-death-among-adults-with-without-idd>

¹⁵ “OSEP Releases Fast Facts on the Race and Ethnicity of Children with Disabilities Served under IDEA Part B,” Office of Special Education and Rehabilitative Services Blog, U.S. Department of Education, August 10, 2021.

<https://sites.ed.gov/osers/2021/08/osep-releases-fast-facts-on-the-race-and-ethnicity-of-children-with-disabilities-served-under-idea-part-b/>

¹⁶ Memo from Dennis R. Schrader to Chair of Senate Budget and Taxation Committee and Chair of House Appropriations Committee 3, January 9, 2023. https://dlslibrary.state.md.us/publications/JCR/2022/2022_112-113.pdf

¹⁷ Commission on People with Disabilities Annual Report, Department of Health and Human Services, October 1, 2022.

<https://www.montgomerycountymd.gov/HHS-Program/Resources/Files/A%26D%20Docs/CPWD/CPWD2022AnnualReport.pdf>

¹⁸ Fiscal Impact Statement for Bill 10-23, Office of Management and Budget, March 2, 2023.

¹⁹ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council