

SENATE BILL 797

F1, O3

4lr2758
CF HB 903

By: ~~Senator Hester~~ Senators Hester, Augustine, Brooks, Feldman, Kagan, Simonaire, M. Washington, Watson, and Lewis Young

Introduced and read first time: February 1, 2024

Assigned to: Education, Energy, and the Environment and Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2024

CHAPTER _____

1 AN ACT concerning

2 **Education – Access to Attorneys, Advocates, and Consultants for Special**
3 **Education Program and Fund – Established**

4 FOR the purpose of requiring certain information about the Access to Attorneys, Advocates,
5 and Consultants for Special Education Program to be provided to the parents of a
6 child with a disability under certain circumstances; ~~requiring certain public agencies~~
7 ~~to compile, collect, and report certain information;~~ establishing the Access to
8 Attorneys, Advocates, and Consultants for Special Education Program; establishing
9 the Access to Attorneys, Advocates, and Consultants for Special Education Fund;
10 requiring interest earnings of the Fund to be credited to the Fund; and generally
11 relating to the Access to Attorneys, Advocates, and Consultants for Special
12 Education Program and Fund.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 8–405(b) and (e) and 8–413(b) and (c)
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Education
20 Section 8–413(a)(1), (5), and (6) and (l)
21 Annotated Code of Maryland
22 (2022 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Education
3 Section 8–413(m) and 8–413.1
4 Annotated Code of Maryland
5 (2022 Replacement Volume and 2023 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article – State Finance and Procurement
8 Section 6–226(a)(2)(i)
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2023 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 6–226(a)(2)(ii)189. and 190.
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2023 Supplement)

16 BY adding to
17 Article – State Finance and Procurement
18 Section 6–226(a)(2)(ii)191.
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2023 Supplement)

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

23 **Article – Education**

24 8–405.

25 (b) (1) When a team of qualified professionals and the parents meet for the
26 purpose of discussing the identification, evaluation, educational program, or the provision
27 of a free appropriate public education of a child with a disability:

28 (i) The parents of the child shall be afforded the opportunity to
29 participate and shall be provided reasonable notice in advance of the meeting; and

30 (ii) Reasonable notice shall be at least 10 calendar days in advance
31 of the meeting, unless an expedited meeting is being conducted to:

32 1. Address disciplinary issues;

33 2. Determine the placement of the child with a disability not
34 currently receiving educational services; or

3. Meet other urgent needs of a child with a disability to ensure the provision of a free appropriate public education.

(2) (i) 1. At the initial evaluation meeting, the parents of the child shall be provided:

A. In plain language, an oral and written explanation of the parents' rights and responsibilities in the individualized education program process and a program procedural safeguards notice;

B. Written information that the parents may use to contact early intervention and special education family support services staff members within the local school system and a brief description of the services provided by the staff members; [and]

C. Written information on the Special Education Ombudsman and toll-free telephone number established under Title 6, Subtitle 5 of the State Government Article; **AND**

D. WRITTEN INFORMATION ABOUT THE ACCESS TO ATTORNEYS, ADVOCATES, AND CONSULTANTS FOR SPECIAL EDUCATION PROGRAM ESTABLISHED UNDER § 8-413.1 OF THIS SUBTITLE.

2. If a parent's native language is not English, the information in subsubparagraph 1B [and], C, **AND D** of this subparagraph shall be provided to the parent in the parent's native language.

(ii) The parents may request the information provided under subparagraph (i) of this paragraph at any subsequent meeting.

(iii) If a child who has an individualized education program developed in another school system moves into a different local school system, that local school system shall provide the information required under subparagraph (i)1B [and], C, **AND D** of this paragraph at the time of the first written communication with the parents regarding the child's individualized education program or special education services.

(iv) A local school system shall publish information that a parent may use to contact early intervention and special education family support services staff members within the local school system and a brief description of the services provided by the staff members in a prominent place on the section of its website relating to special education services.

(3) Failure to provide the information required under paragraph (2)(i)1B [and], C, **AND D** of this subsection does not constitute grounds for a due process complaint under § 8-413 of this subtitle.

(4) (i) A parent may request an independent educational evaluation at public expense in accordance with regulations adopted by the Department if:

1. The parent disagrees with the educational evaluation of the student that was conducted by the local school system; or

2. The parent submits to the local school system a written request for an educational evaluation conducted by the local school system and the local school system:

A. Does not respond to the request within 30 days as required under subparagraph (ii) of this paragraph; or

B. Approves the request but the educational evaluation meeting does not occur, through no fault of the parent, within:

I. 60 days after the date on which the request was received by the local school system; or

II. If the State is under a state of emergency proclaimed by the Governor, 90 days after the date on which the request was received by the local school system.

(ii) The local school system shall provide a written response approving or denying a request within 30 days of the date the request was made.

(iii) If the local school system approves a request, the written response shall advise the parent of the process for arranging the evaluation at public expense.

(iv) If the local school system denies a request, the local school system shall file a due process complaint under § 8–413 of this subtitle within 30 days of the date of the denial.

(5) (i) If, during an individualized education program team meeting, a parent disagrees with the child's individualized education program or the special education services provided to the child, the individualized education program team shall provide the parent with, in plain language:

1. An oral and a written explanation of the parent's right to request mediation in accordance with § 8–413 of this subtitle;

2. Contact information, including a telephone number that a parent may use to receive more information about the mediation process; [and]

3. Information regarding pro bono representation and other free or low-cost legal and related services available in the area; **AND**

4. WRITTEN INFORMATION ABOUT THE ACCESS TO ATTORNEYS, ADVOCATES, AND CONSULTANTS FOR SPECIAL EDUCATION PROGRAM ESTABLISHED UNDER § 8-413.1 OF THIS SUBTITLE.

(ii) A parent may request the information provided under subparagraph (i) of this paragraph at any individualized education program team meeting.

(6) (i) If the native language spoken by a parent who requests information under paragraph (5) of this subsection is spoken by more than 1% of the student population in the local school system, the parent may request that the information be translated into the parent's native language.

(ii) If a parent makes a request under subparagraph (i) of this paragraph, the individualized education program team shall provide the parent with the translated document within 30 days after the date of the request.

(e) (1) (i) Except as provided in paragraph (2) of this subsection, and subject to subparagraphs (ii) and (iii) of this paragraph, at least 5 business days before a scheduled meeting of the individualized education program team or other multidisciplinary education team for any purpose for a child with a disability, appropriate school personnel shall provide the parents of the child with [an]:

1. AN accessible copy of each assessment, report, data chart, draft individualized education program, or other document that either team plans to discuss at the meeting;

2. NOTIFICATION OF THE RIGHT OF THE PARENT TO BE ACCOMPANIED TO THE MEETING BY ANY INDIVIDUAL WHO HAS KNOWLEDGE OR ~~SPECIAL~~ EXPERTISE REGARDING THE STUDENT; AND

3. WRITTEN INFORMATION ABOUT THE ACCESS TO ATTORNEYS, ADVOCATES, AND CONSULTANTS FOR SPECIAL EDUCATION PROGRAM ESTABLISHED UNDER § 8-413.1 OF THIS SUBTITLE.

(ii) Subject to subparagraph (i) of this paragraph, an assessment, report, data chart, or other document prepared by a school psychologist or other medical professional that either team plans to discuss at the meeting may be provided to the parents of the child orally and in writing prior to the meeting.

(iii) The parents of a child may notify appropriate school personnel that they do not want to receive the documents required to be provided under subparagraph (i) of this paragraph.

(2) (i) Subject to subparagraph (ii) of this paragraph, appropriate school personnel are not required to comply with paragraph (1) of this subsection in the event of an extenuating circumstance.

(ii) In the event of an extenuating circumstance, appropriate school personnel who fail to comply with paragraph (1) of this subsection shall document the extenuating circumstance and communicate that information to the parents of the child.

8–413.

(a) (1) In this section the following words have the meanings indicated.

(5) “Parent” means:

(i) A child’s natural or adoptive parents, a guardian, or a person acting as a parent of a child, such as a relative or a stepparent with whom the child lives;

(ii) A foster parent with whom a child lives if the foster parent has been granted limited guardianship for educational decision making purposes by the court that placed the child in foster care;

(iii) Another individual who is legally responsible for the child’s welfare; or

(iv) A parent surrogate appointed in accordance with § 8–412 of this subtitle.

(6) “Public agency” means the State Department of Education, a local school system, the Juvenile Services Education Program, or any State agency responsible for providing education to students with disabilities, including the Maryland School for the Blind and the Maryland School for the Deaf.

(b) (1) The parent of a child with a disability or a public agency may formally request mediation at any time to resolve any disagreement between the parties regarding the child’s special education services or program.

(2) If a parent files a due process complaint against a public agency concerning the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education, any party shall be given the opportunity to request mediation of those aspects of the decision subject to dispute.

(3) The request for mediation may not be used to deny or delay the parent’s rights under federal law or this section.

(4) Any party to the mediation has the right to be accompanied and advised by counsel.

(5) Mediation shall be conducted in accordance with departmental regulations.

(6) A mediation agreement shall be in writing and is enforceable in a court of competent jurisdiction in accordance with federal law.

(7) The Department shall make a staff member available to assist a parent in understanding the mediation process.

(8) BEFORE MEDIATION BEGINS, THE DEPARTMENT SHALL NOTIFY A PARENT ABOUT THE ACCESS TO ATTORNEYS, ADVOCATES, AND CONSULTANTS FOR SPECIAL EDUCATION PROGRAM ESTABLISHED UNDER § 8-413.1 OF THIS SUBTITLE.

(c) (1) Before conducting a due process hearing in accordance with subsection (d) of this section, the public agency shall provide the parent with [an]:

(I) AN opportunity to resolve the due process complaint at a resolution session in accordance with federal law; AND

(II) NOTIFICATION ABOUT THE ACCESS TO ATTORNEYS, ADVOCATES, AND CONSULTANTS FOR SPECIAL EDUCATION PROGRAM ESTABLISHED UNDER § 8-413.1 OF THIS SUBTITLE.

(2) A resolution session agreement shall be in writing and enforceable in a court of competent jurisdiction in accordance with federal law.

(3) A written resolution agreement may be voided by the parties within 3 business days of execution in accordance with federal law.

(l) (1) The court may award reasonable attorney's fees and related costs, including expert witness fees and costs, to the parent of a child with a disability who is a prevailing party in accordance with this subsection.

(2) Subject to paragraph (3) of this subsection, attorney's fees may not be awarded and related costs may not be reimbursed for services performed after the date a written offer of settlement is made to a parent if:

(i) The settlement offer is made more than 14 days before the start of the proceeding;

(ii) The settlement offer is not accepted within 14 days; and

(iii) The court finds that the relief finally obtained by the parent is not more favorable to the parent than the settlement offer.

(3) An award of attorney's fees and related costs, including expert witness fees and costs, may be made to a parent who is the prevailing party and who was substantially justified in rejecting a settlement offer.

~~(M) (1) A PUBLIC AGENCY ANNUALLY SHALL COLLECT THE FOLLOWING INFORMATION FOR EACH INDIVIDUALIZED EDUCATION PROGRAM, MEDIATION PROCEEDING, AND DUE PROCESS PROCEEDING:~~

~~(I) THE NATURE OF THE DISPUTE; AND~~

~~(II) THE STUDENT'S:~~

~~1. GRADE LEVEL;~~

~~2. SPECIAL EDUCATION PLACEMENT;~~

~~3. DISABILITY CATEGORY;~~

~~4. RACE;~~

~~5. ETHNICITY;~~

~~6. GENDER;~~

~~7. ENGLISH LEARNER STATUS; AND~~

~~8. FREE AND REDUCED PRICE MEALS STATUS.~~

~~(2) THE DEPARTMENT SHALL COMPILE THE INFORMATION COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND, ON OR BEFORE NOVEMBER 1 EACH YEAR, SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.~~

8-413.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "ADVOCATE" MEANS AN INDIVIDUAL WHO, FOR COMPENSATION, PROVIDES SUPPORT AND GUIDANCE TO A STUDENT WITH A DISABILITY AND THE PARENTS OF A STUDENT WITH A DISABILITY IN OBTAINING SPECIAL EDUCATION SERVICES IN ACCORDANCE WITH FEDERAL AND STATE LAW FROM A PUBLIC AGENCY.

1 **(II) “ADVOCATE” DOES NOT INCLUDE AN ATTORNEY ACTING IN**
2 **A CAPACITY OF LEGAL COUNSEL TO A STUDENT WITH A DISABILITY IN OBTAINING**
3 **SPECIAL EDUCATION SERVICES.**

4 **~~(2)~~ (3) “CONSULTANT” MEANS AN INDIVIDUAL WITH A DEGREE OR**
5 **CERTIFICATION IN A FIELD THAT IS DIRECTLY RELATED TO SPECIAL EDUCATION OR**
6 **RELATED SERVICES WHOSE KNOWLEDGE CAN BE HELPFUL IN DETERMINING HOW**
7 **TO MEET A STUDENT’S SPECIAL EDUCATION NEEDS IN ACCORDANCE WITH FEDERAL**
8 **AND STATE LAW.**

9 **~~(3)~~ (4) “ELIGIBLE STUDENT” MEANS A STUDENT WITH A**
10 **DISABILITY WHOSE PARENT HAS:**

11 **(I) A HOUSEHOLD INCOME OF NOT MORE THAN 150% OF THE**
12 **MARYLAND LEGAL SERVICES CORPORATION INCOME GUIDELINES; AND**

13 **(II) MADE AT LEAST ONE ATTEMPT TO RESOLVE A**
14 **DISAGREEMENT WITH A PUBLIC AGENCY REGARDING THE CHILD’S SPECIAL**
15 **EDUCATION SERVICES OR PROGRAM.**

16 **~~(4)~~ (5) “FUND” MEANS THE ACCESS TO ATTORNEYS, ADVOCATES,**
17 **AND CONSULTANTS FOR SPECIAL EDUCATION FUND.**

18 **~~(5)~~ (6) “INDIVIDUALIZED EDUCATION PROGRAM” HAS THE SAME**
19 **MEANING AS ~~PROVIDED~~ STATED IN THE FEDERAL INDIVIDUALS WITH DISABILITIES**
20 **EDUCATION ACT.**

21 **~~(6)~~ (7) “PARENT” HAS THE MEANING STATED IN § 8-413 OF THIS**
22 **SUBTITLE.**

23 **~~(7)~~ (8) “PROGRAM” MEANS THE ACCESS TO ATTORNEYS,**
24 **ADVOCATES, AND CONSULTANTS FOR SPECIAL EDUCATION PROGRAM.**

25 **~~(8)~~ (9) “PUBLIC AGENCY” HAS THE MEANING STATED IN § 8-413 OF**
26 **THIS SUBTITLE.**

27 **(B) (1) THERE IS AN ACCESS TO ATTORNEYS, ADVOCATES, AND**
28 **CONSULTANTS FOR SPECIAL EDUCATION PROGRAM.**

29 **(2) THE PURPOSE OF THE PROGRAM IS TO DIRECT RESOURCES AND**
30 **SERVICES TO ELIGIBLE STUDENTS TO PROVIDE ACCESS TO LEGAL, ADVOCACY, AND**
31 **CONSULTANT SERVICES AS REQUIRED UNDER THIS SECTION.**

1 **(3) (I) THE PROGRAM SHALL BE ADMINISTERED BY THE**
2 **MARYLAND VOLUNTEER LAWYERS SERVICE.**

3 **(II) THE MARYLAND VOLUNTEER LAWYERS SERVICE SHALL:**

4 1. **ADVERTISE THE PROGRAM;**

5 2. **SEEK QUALIFIED ATTORNEYS, ADVOCATES, AND**
6 **CONSULTANTS INTERESTED IN BEING INCLUDED ON A REFERRAL LIST TO BE**
7 **PROVIDED TO ELIGIBLE STUDENTS;**

8 3. **COMPILE AND MAINTAIN A REFERRAL LIST OF**
9 **QUALIFIED ATTORNEYS, ADVOCATES, AND CONSULTANTS;**

10 4. **DEVELOP CRITERIA TO DETERMINE THE REQUIRED**
11 **QUALIFICATIONS OF ATTORNEYS, ADVOCATES, AND CONSULTANTS TO PARTICIPATE**
12 **IN THE PROGRAM;**

13 5. **DEVELOP, IN CONSULTATION WITH THE**
14 **DEPARTMENT, LOCAL SCHOOL SYSTEM SPECIAL EDUCATION DIRECTORS,**
15 **DISABILITY RIGHTS ADVOCATES, AND REPRESENTATIVES FROM THE JUDICIARY,**
16 **TRAINING FOR ADVOCATES AND CONSULTANTS ON FEDERAL AND STATE SPECIAL**
17 **EDUCATION LAW AND PROCEDURES;**

18 6. **DEVELOP AND DISTRIBUTE TO APPROPRIATE PUBLIC**
19 **AGENCIES THE WRITTEN INFORMATIONAL MATERIALS REQUIRED TO BE PROVIDED**
20 **TO PARENTS UNDER § 8-405 OF THIS SUBTITLE;**

21 ~~5.~~ 7. **ENSURE THAT PUBLIC AGENCIES PROVIDE**
22 **NOTIFICATION OF THE PROGRAM IN ACCORDANCE WITH SUBSECTION (C) OF THIS**
23 **SECTION;**

24 ~~6.~~ 8. **PROVIDE THE REFERRAL LIST TO ELIGIBLE**
25 **STUDENTS WHO CONTACT THE MARYLAND VOLUNTEER LAWYERS SERVICE;**

26 ~~7.~~ 9. **COMPILE DATA IN ACCORDANCE WITH SUBSECTION**
27 **(F) OF THIS SECTION; AND**

28 ~~8.~~ 10. **STUDY AND EVALUATE:**

29 A. **THE SERVICES PROVIDED BY THE PROGRAM; AND**

1 **B. RESOURCES NEEDED TO INCREASE THE ACCESS OF**
2 **ELIGIBLE STUDENTS TO ATTORNEYS, ADVOCATES, AND CONSULTANTS IN SPECIAL**
3 **EDUCATION MATTERS.**

4 **(4) (I) THE MARYLAND VOLUNTEER LAWYERS SERVICE MAY**
5 **PROVIDE OR AUTHORIZE OTHER NONPROFIT ORGANIZATIONS TO PROVIDE TO**
6 **ADVOCATES AND CONSULTANTS THE TRAINING DEVELOPED UNDER PARAGRAPH**
7 **(3)(II)5 OF THIS SUBSECTION.**

8 **(II) AN ADVOCATE OR CONSULTANT SHALL COMPLETE THE**
9 **TRAINING PROVIDED IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS**
10 **PARAGRAPH TO QUALIFY TO PARTICIPATE IN AND RECEIVE PAYMENT UNDER THE**
11 **PROGRAM.**

12 ~~**(4)**~~ **(5) THE PROGRAM MAY SERVE ONLY ELIGIBLE STUDENTS WHO**
13 **MEET AT LEAST ONE OF THE FOLLOWING:**

14 **(I) A MORE RESTRICTIVE OR LESS RESTRICTIVE PLACEMENT IS**
15 **BEING PROPOSED FOR THE ELIGIBLE STUDENT AND THE PARENT DISAGREES WITH**
16 **THE PROPOSAL;**

17 **(II) A REDUCTION IN INSTRUCTIONAL OR RELATED SERVICES IS**
18 **BEING PROPOSED FOR THE ELIGIBLE STUDENT AND THE PARENT DISAGREES WITH**
19 **THE PROPOSAL;**

20 **(III) THE ELIGIBLE STUDENT HAS BEEN SUSPENDED OR**
21 **OTHERWISE REMOVED FROM SCHOOL FOR MORE THAN 10 DAYS;**

22 **(IV) THE SCHOOL HAS REQUESTED A DUE PROCESS HEARING**
23 **AGAINST THE ELIGIBLE STUDENT OR PARENT;**

24 **(V) THE ELIGIBLE STUDENT HAS BEEN RESTRAINED OR**
25 **PLACED IN SECLUSION MORE THAN 10 TIMES;**

26 **(VI) THE SCHOOL HAS PROPOSED TO ENROLL AN ELIGIBLE**
27 **STUDENT IN AN ALTERNATIVE EDUCATION PROGRAM AND THE PARENT DISAGREES**
28 **WITH THE PROPOSAL; OR**

29 **(VII) THE PARENT'S NATIVE LANGUAGE IS NOT ENGLISH AND**
30 **THE PARENT SEEKS ASSISTANCE WITH NAVIGATING THE SPECIAL EDUCATION**
31 **NEEDS OF THE ELIGIBLE STUDENT.**

32 **(C) ALL PUBLIC AGENCIES SHALL INCLUDE INFORMATION ABOUT THE**
33 **PROGRAM IN THE PARENT'S RIGHTS DOCUMENTS DISTRIBUTED TO FAMILIES IN THE**

1 INDIVIDUALIZED EDUCATION PROGRAM MEETINGS AND BEFORE MEDIATION OR
2 DUE PROCESS HEARINGS UNDER § 8-413 OF THIS SUBTITLE.

3 (D) (1) THERE IS AN ACCESS TO ATTORNEYS, ADVOCATES, AND
4 CONSULTANTS FOR SPECIAL EDUCATION FUND.

5 (2) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR
6 FAMILIES OF ELIGIBLE STUDENTS WITH LIMITED FINANCIAL RESOURCES TO ACCESS
7 LEGAL ASSISTANCE, ADVOCACY, AND CONSULTATION SERVICES IN SPECIAL
8 EDUCATION MATTERS.

9 (3) ~~THE MARYLAND VOLUNTEER LAWYERS SERVICE~~ DEPARTMENT
10 SHALL ADMINISTER THE FUND.

11 (4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
12 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

13 (II) THE STATE TREASURER SHALL HOLD THE FUND
14 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

15 (5) THE FUND CONSISTS OF:

16 (I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE
17 FUND;

18 (II) INTEREST EARNINGS;

19 (III) REIMBURSEMENTS FROM ATTORNEYS, ADVOCATES, AND
20 CONSULTANTS DUE TO RECOUPMENT OF FEES; AND

21 (IV) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED
22 FOR THE BENEFIT OF THE FUND.

23 (6) ~~THE FUND MAY BE USED ONLY~~ MARYLAND VOLUNTEER LAWYERS
24 SERVICE MAY USE THE FUND ONLY FOR:

25 (I) SERVICES PROVIDED TO ELIGIBLE STUDENTS BY
26 ATTORNEYS, ADVOCATES, AND CONSULTANTS;

27 (II) DEVELOPMENT AND DISTRIBUTION OF WRITTEN
28 INFORMATIONAL MATERIALS FOR PARENTS;

29 ~~(H)~~ (III) OUTREACH AND EDUCATION ACTIVITIES; AND

1 ~~(III)~~ (IV) ADMINISTRATIVE EXPENSES OF THE MARYLAND
2 VOLUNTEER LAWYERS SERVICE.

3 (7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE
4 FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

5 (II) ANY INTEREST EARNINGS OF THE FUND SHALL BE
6 CREDITED TO THE FUND.

7 (8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN
8 ACCORDANCE WITH THE STATE BUDGET.

9 (9) (I) BEGINNING IN FISCAL YEAR 2026, THE GOVERNOR SHALL
10 INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF ~~\$2,000,000~~
11 \$1,000,000 TO THE FUND.

12 (II) EXCLUDING EXPENDITURES FOR ADMINISTERING THE
13 PROGRAM, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

14 1. APPROXIMATELY 25% OF THE ANNUAL
15 APPROPRIATION BE USED FOR PROVIDING REPRESENTATION OF ELIGIBLE
16 STUDENTS IN DUE PROCESS HEARINGS AND COURT PROCEEDINGS; AND

17 2. APPROXIMATELY 75% OF THE ANNUAL
18 APPROPRIATION BE USED FOR PROVIDING CONSULTATION, REPRESENTATION, OR
19 ADVOCACY OF ELIGIBLE STUDENTS.

20 (10) MONEY EXPENDED FROM THE FUND FOR THE PROGRAM IS
21 SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT
22 OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAM OR FOR ANY OTHER
23 CIVIL LEGAL SERVICES FUNDED IN THE STATE'S ANNUAL OPERATING BUDGET.

24 (E) (1) AN ELIGIBLE STUDENT WHO IS INTERESTED IN SECURING THE
25 SERVICES OF AN ATTORNEY, AN ADVOCATE, OR A CONSULTANT UNDER THE
26 PROGRAM SHALL REGISTER WITH AND PROVIDE ANY INFORMATION REQUIRED BY
27 THE MARYLAND VOLUNTEER LAWYERS SERVICE.

28 (2) (I) AN ATTORNEY, AN ADVOCATE, OR A CONSULTANT WHO IS
29 INCLUDED ON THE REFERRAL LIST MAINTAINED BY THE MARYLAND VOLUNTEER
30 LAWYERS SERVICE MAY RECEIVE THE INDIVIDUAL'S CUSTOMARY RATE, UP TO \$200
31 PER HOUR, TO PROVIDE SERVICES TO THE ELIGIBLE STUDENT UNDER THE
32 PROGRAM.

(II) ON QUARTERLY SUBMISSION OF PROOF OF SERVICES, THE MARYLAND VOLUNTEER LAWYERS SERVICE SHALL DIRECTLY PAY THE ATTORNEY, ADVOCATE, OR CONSULTANT ON BEHALF OF THE ELIGIBLE STUDENT.

(III) FUNDS RECEIVED BY AN ATTORNEY, AN ADVOCATE, OR A CONSULTANT UNDER THE PROGRAM DO NOT NEED TO BE REPAID TO THE PROGRAM UNLESS THE ELIGIBLE STUDENT IS THE PREVAILING PARTY IN A PROCEEDING AND FEES HAVE BEEN AWARDED TO THE ELIGIBLE STUDENT.

(3) (I) PROGRAM FUNDS SHALL BE ALLOCATED ON A FIRST-COME, FIRST-SERVED BASIS.

(II) 1. AN ELIGIBLE STUDENT IS LIMITED TO A LIFETIME MAXIMUM OF \$20,000 OF SERVICES PROVIDED UNDER THE PROGRAM.

2. AN ELIGIBLE STUDENT MAY NOT RECEIVE MORE THAN THE MAXIMUM INDIVIDUAL AMOUNT FOR SERVICES UNDER THE PROGRAM UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.

(F) (1) THE MARYLAND VOLUNTEER LAWYERS SERVICE SHALL COLLECT THE FOLLOWING DATA ON AN ANNUAL BASIS:

(I) TOTAL AMOUNT OF FUNDS DISBURSED FROM THE FUND;

(II) AMOUNT OF FUNDS DISBURSED DISAGGREGATED BY THE NUMBER OF:

1. ELIGIBLE STUDENTS SERVED;

2. ATTORNEYS WHO PROVIDED SERVICES;

3. ADVOCATES WHO PROVIDED SERVICES; AND

4. CONSULTANTS WHO PROVIDED SERVICES; ~~AND~~

(III) THE TYPE OF SERVICE THE FUNDS WERE USED FOR, INCLUDING MEDIATION, DUE PROCESS HEARINGS, OR COURT PROCEEDINGS, AND LEGAL REPRESENTATION, ADVOCACY, AND CONSULTANCY SERVICES; AND

~~(III)~~ (IV) THE AMOUNT OF MONEY RETURNED TO THE FUND DUE TO RECOUPMENT OF FEES.

(2) ON OR BEFORE OCTOBER 1, 2025, AND EACH OCTOBER 1 THEREAFTER, THE MARYLAND VOLUNTEER ATTORNEYS SERVICE SHALL COMPILE

1 THE INFORMATION COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND
2 SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF
3 THE STATE GOVERNMENT ARTICLE.

4 (G) THE MARYLAND VOLUNTEER LAWYERS SERVICE MAY ADOPT POLICIES
5 AND PROCEDURES TO CARRY OUT THIS SECTION.

6 **Article – State Finance and Procurement**

7 6–226.

8 (a) (2) (i) Notwithstanding any other provision of law, and unless
9 inconsistent with a federal law, grant agreement, or other federal requirement or with the
10 terms of a gift or settlement agreement, net interest on all State money allocated by the
11 State Treasurer under this section to special funds or accounts, and otherwise entitled to
12 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
13 Fund of the State.

14 (ii) The provisions of subparagraph (i) of this paragraph do not apply
15 to the following funds:

16 189. the Teacher Retention and Development Fund; [and]

17 190. the Protecting Against Hate Crimes Grant Fund; AND

18 **191. THE ACCESS TO ATTORNEYS, ADVOCATES, AND**
19 **CONSULTANTS FOR SPECIAL EDUCATION FUND.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.