

SENATE BILL 797

F1, O3

(4lr2758)

ENROLLED BILL

— *Education, Energy, and the Environment and Budget and Taxation/Ways and Means* —

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

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

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;* ~~requiring certain public agencies~~
8 ~~to compile, collect, and report certain information;~~ establishing the Access to
9 Attorneys, Advocates, and Consultants for Special Education Program; establishing
10 the Access to Attorneys, Advocates, and Consultants for Special Education Fund;
11 requiring interest earnings of the Fund to be credited to the Fund; and generally
12 relating to the Access to Attorneys, Advocates, and Consultants for Special
13 Education Program and Fund.

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 8–405(b) and (e) and 8–413(b) and (c)
4 Annotated Code of Maryland
5 (2022 Replacement Volume and 2023 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article – Education
8 Section 8–413(a)(1), (5), and (6) and (l)
9 Annotated Code of Maryland
10 (2022 Replacement Volume and 2023 Supplement)

11 BY adding to
12 Article – Education
13 Section 8–413(m) and 8–413.1
14 Annotated Code of Maryland
15 (2022 Replacement Volume and 2023 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – State Finance and Procurement
18 Section 6–226(a)(2)(i)
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – State Finance and Procurement
23 Section 6–226(a)(2)(ii)189. and 190.
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2023 Supplement)

26 BY adding to
27 Article – State Finance and Procurement
28 Section 6–226(a)(2)(ii)191.
29 Annotated Code of Maryland
30 (2021 Replacement Volume and 2023 Supplement)

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

33 **Article – Education**

34 8–405.

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

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

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

1. Address disciplinary issues;

2. Determine the placement of the child with a disability not 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 subparagraph 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,

1 **AND D** of this paragraph at the time of the first written communication with the parents
2 regarding the child's individualized education program or special education services.

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

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

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

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

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

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

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

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

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

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

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

32 (iv) If the local school system denies a request, the local school system
33 shall file a due process complaint under § 8–413 of this subtitle within 30 days of the date
34 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.

(1) (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 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.

~~(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~~

~~(H) 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.~~

~~(H) "ADVOCATE" DOES NOT INCLUDE AN ATTORNEY ACTING IN A CAPACITY OF LEGAL COUNSEL TO A STUDENT WITH A DISABILITY IN OBTAINING SPECIAL EDUCATION SERVICES.~~

(2) (I) "ADVOCATE" MEANS AN INDIVIDUAL WHO, FOR COMPENSATION, PROVIDES SUPPORT AND GUIDANCE DURING INDIVIDUALIZED EDUCATION PROGRAM MEETINGS, MEDIATION PROCEEDINGS, OR DUE PROCESS PROCEEDINGS TO:

1. A STUDENT WITH A DISABILITY; OR

2. THE PARENT OR GUARDIAN OF A STUDENT WITH A DISABILITY.

(II) "ADVOCATE" DOES NOT INCLUDE:

1. AN ATTORNEY ACTING IN A LEGAL CAPACITY TO REPRESENT A STUDENT WITH A DISABILITY; OR

2. A CONSULTANT.

~~(2) (3)~~ "CONSULTANT" MEANS AN INDIVIDUAL WITH A DEGREE OR CERTIFICATION IN A FIELD THAT IS DIRECTLY RELATED TO SPECIAL EDUCATION OR RELATED SERVICES WHOSE KNOWLEDGE CAN BE HELPFUL IN DETERMINING HOW TO MEET A STUDENT'S SPECIAL EDUCATION NEEDS IN ACCORDANCE WITH FEDERAL AND STATE LAW.

~~(3) (4)~~ "ELIGIBLE STUDENT" MEANS A STUDENT WITH A DISABILITY WHOSE PARENT HAS:

~~(I) A HOUSEHOLD INCOME OF NOT MORE THAN 150% OF THAT MEETS THE ANNUAL INCOME CRITERIA AS DETERMINED BY THE MARYLAND LEGAL SERVICES CORPORATION INCOME GUIDELINES VOLUNTEER LAWYERS SERVICE OF NOT MORE THAN 150% OF THE MARYLAND LEGAL SERVICES CORPORATION INCOME GUIDELINES USED BY THE MARYLAND VOLUNTEER LAWYERS SERVICE; AND~~

~~(II) MADE AT LEAST ONE ATTEMPT TO RESOLVE A DISAGREEMENT WITH A PUBLIC AGENCY REGARDING THE CHILD'S SPECIAL EDUCATION SERVICES OR PROGRAM.~~

~~(4) (5)~~ "FUND" MEANS THE ACCESS TO ATTORNEYS, ADVOCATES, AND CONSULTANTS FOR SPECIAL EDUCATION FUND.

1 ~~(5)~~ (6) “INDIVIDUALIZED EDUCATION PROGRAM” HAS THE SAME
2 MEANING AS ~~PROVIDED~~ STATED IN THE FEDERAL INDIVIDUALS WITH DISABILITIES
3 EDUCATION ACT.

4 ~~(6)~~ (7) “PARENT” HAS THE MEANING STATED IN § 8-413 OF THIS
5 SUBTITLE.

6 ~~(7)~~ (8) “PROGRAM” MEANS THE ACCESS TO ATTORNEYS,
7 ADVOCATES, AND CONSULTANTS FOR SPECIAL EDUCATION PROGRAM.

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

10 (B) (1) THERE IS AN ACCESS TO ATTORNEYS, ADVOCATES, AND
11 CONSULTANTS FOR SPECIAL EDUCATION PROGRAM.

12 (2) THE PURPOSE OF THE PROGRAM IS TO DIRECT RESOURCES AND
13 SERVICES TO ELIGIBLE STUDENTS TO PROVIDE ACCESS TO LEGAL, ADVOCACY, AND
14 CONSULTANT SERVICES AS REQUIRED UNDER THIS SECTION.

15 (3) (I) THE PROGRAM SHALL BE ADMINISTERED BY THE
16 MARYLAND ~~VOLUNTEER LAWYERS SERVICE~~ LEGAL SERVICES CORPORATION
17 VOLUNTEER LAWYERS SERVICE.

18 (II) THE MARYLAND ~~VOLUNTEER LAWYERS SERVICE~~ LEGAL
19 SERVICES CORPORATION VOLUNTEER LAWYERS SERVICE SHALL:

20 1. ADVERTISE THE PROGRAM;

21 2. SEEK QUALIFIED ATTORNEYS, ADVOCATES, AND
22 CONSULTANTS INTERESTED IN BEING INCLUDED ON A REFERRAL LIST TO BE
23 PROVIDED TO ELIGIBLE STUDENTS;

24 3. COMPILE AND MAINTAIN A REFERRAL LIST OF
25 QUALIFIED ATTORNEYS, ADVOCATES, AND CONSULTANTS;

26 4. DEVELOP CRITERIA TO DETERMINE THE REQUIRED
27 QUALIFICATIONS OF ATTORNEYS, ADVOCATES, AND CONSULTANTS TO PARTICIPATE
28 IN THE PROGRAM;

29 5. DEVELOP, IN CONSULTATION WITH THE
30 DEPARTMENT, LOCAL SCHOOL SYSTEM SPECIAL EDUCATION DIRECTORS,
31 DISABILITY RIGHTS ADVOCATES, AND REPRESENTATIVES FROM THE JUDICIARY,

TRAINING FOR ADVOCATES AND CONSULTANTS ON FEDERAL AND STATE SPECIAL
EDUCATION LAW AND PROCEDURES;

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

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

~~6.~~ 8. PROVIDE THE REFERRAL LIST TO ELIGIBLE
STUDENTS WHO CONTACT THE MARYLAND ~~VOLUNTEER LAWYERS SERVICE~~ LEGAL
SERVICES CORPORATION VOLUNTEER LAWYERS SERVICE;

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

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

A. THE SERVICES PROVIDED BY THE PROGRAM; AND

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

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

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

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

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

1 (II) A REDUCTION IN INSTRUCTIONAL OR RELATED SERVICES IS
2 BEING PROPOSED FOR THE ELIGIBLE STUDENT AND THE PARENT DISAGREES WITH
3 THE PROPOSAL;

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

6 (IV) THE SCHOOL HAS REQUESTED A DUE PROCESS HEARING
7 AGAINST THE ELIGIBLE STUDENT OR PARENT;

8 (V) THE ELIGIBLE STUDENT HAS BEEN RESTRAINED OR
9 PLACED IN SECLUSION MORE THAN 10 TIMES;

10 (VI) THE SCHOOL HAS PROPOSED TO ENROLL AN ELIGIBLE
11 STUDENT IN AN ALTERNATIVE EDUCATION PROGRAM AND THE PARENT DISAGREES
12 WITH THE PROPOSAL; OR

13 (VII) THE PARENT'S NATIVE LANGUAGE IS NOT ENGLISH AND
14 THE PARENT SEEKS ASSISTANCE WITH NAVIGATING THE SPECIAL EDUCATION
15 NEEDS OF THE ELIGIBLE STUDENT.

16 (C) ALL PUBLIC AGENCIES SHALL INCLUDE INFORMATION ABOUT THE
17 PROGRAM IN THE PARENT'S RIGHTS DOCUMENTS DISTRIBUTED TO FAMILIES IN THE
18 INDIVIDUALIZED EDUCATION PROGRAM MEETINGS AND BEFORE MEDIATION OR
19 DUE PROCESS HEARINGS UNDER § 8-413 OF THIS SUBTITLE.

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

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

26 (3) ~~THE MARYLAND VOLUNTEER LAWYERS SERVICE~~ DEPARTMENT
27 SHALL ADMINISTER THE FUND.

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

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

32 (5) THE FUND CONSISTS OF:

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

(II) INTEREST EARNINGS;

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

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

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

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

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

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

~~(H)~~ (IV) ADMINISTRATIVE EXPENSES OF THE ~~MARYLAND
VOLUNTEER LAWYERS SERVICE DEPARTMENT AND THE MARYLAND LEGAL
SERVICES CORPORATION~~ VOLUNTEER LAWYERS SERVICE.

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

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

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

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

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

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

4 2. APPROXIMATELY 75% OF THE ANNUAL
5 APPROPRIATION BE USED FOR PROVIDING CONSULTATION, REPRESENTATION, OR
6 ADVOCACY OF ELIGIBLE STUDENTS.

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

11 (E) (1) AN ELIGIBLE STUDENT WHO IS INTERESTED IN SECURING THE
12 SERVICES OF AN ATTORNEY, AN ADVOCATE, OR A CONSULTANT UNDER THE
13 PROGRAM SHALL REGISTER WITH AND PROVIDE ANY INFORMATION REQUIRED BY
14 THE MARYLAND ~~VOLUNTEER LAWYERS SERVICE~~ LEGAL SERVICES CORPORATION
15 VOLUNTEER LAWYERS SERVICE.

16 (2) (I) AN ATTORNEY, AN ADVOCATE, OR A CONSULTANT WHO IS
17 INCLUDED ON THE REFERRAL LIST MAINTAINED BY THE MARYLAND ~~VOLUNTEER~~
18 ~~LAWYERS SERVICE~~ LEGAL SERVICES CORPORATION VOLUNTEER LAWYERS
19 SERVICE MAY RECEIVE THE INDIVIDUAL'S CUSTOMARY RATE, UP TO \$200 PER
20 HOUR, TO PROVIDE SERVICES TO THE ELIGIBLE STUDENT UNDER THE PROGRAM.

21 (II) ON QUARTERLY SUBMISSION OF PROOF OF SERVICES, THE
22 MARYLAND ~~VOLUNTEER LAWYERS SERVICE~~ LEGAL SERVICES CORPORATION
23 VOLUNTEER LAWYERS SERVICE SHALL DIRECTLY PAY THE ATTORNEY, ADVOCATE,
24 OR CONSULTANT ON BEHALF OF THE ELIGIBLE STUDENT UP TO THE LIMIT
25 DESCRIBED IN PARAGRAPH (3)(II) OF THIS SUBSECTION.

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

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

32 (II) 1 AN ELIGIBLE STUDENT IS LIMITED TO A LIFETIME
33 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~~ LEGAL SERVICES CORPORATION 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~~ AMOUNT OF FUNDS DISBURSED DISAGGREGATED BY THE TYPE OF SERVICE, INCLUDING:

1. DISPUTE RESOLUTION PROCEEDINGS, INCLUDING MEDIATION, DUE PROCESS HEARINGS, AND COURT PROCEEDINGS; AND

2. ASSISTANCE AND SUPPORT SERVICES, INCLUDING CONSULTANCY, ADVOCACY, AND LEGAL 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~~ LEGAL SERVICES CORPORATION VOLUNTEER LAWYERS SERVICE SHALL COMPILE THE INFORMATION COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

(G) ~~THE MARYLAND VOLUNTEER LAWYERS SERVICE~~ ~~LEGAL SERVICES CORPORATION~~ VOLUNTEER LAWYERS SERVICE MAY ADOPT POLICIES AND PROCEDURES TO CARRY OUT THIS SECTION.

Article – State Finance and Procurement

6–226.

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

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

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

190. the Protecting Against Hate Crimes Grant Fund; AND

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.