

# HOUSE BILL 1310

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By: **Delegates Ebersole, Fennell, Hixson, Kelly, Shoemaker, Tarlau, and Turner**

Introduced and read first time: February 10, 2017

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Ethical Special Education Advocate Certificate Program**

3 FOR the purpose of requiring the State Department of Education to establish the Ethical  
4 Special Education Advocate Certificate Program on or before a certain date;  
5 specifying the purpose of the Program; specifying certain qualifications and  
6 application procedures for a certain certificate; requiring the Department to issue a  
7 certificate to any applicant who meets certain requirements; authorizing an  
8 applicant to petition for judicial review of a decision of the Department that relates  
9 to issuing or renewing a certificate; providing that a certificate authorizes an  
10 individual to represent to the public that the individual is a certified ethical special  
11 education advocate while the certificate is effective; providing for the renewal of a  
12 certificate; requiring the Department to adopt certain regulations; defining a certain  
13 term; and generally relating to the Ethical Special Education Advocate Certificate  
14 Program.

15 BY adding to

16 Article – Education

17 Section 8-420

18 Annotated Code of Maryland

19 (2014 Replacement Volume and 2016 Supplement)

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

22 **Article – Education**

23 **8-420.**

24 **(A) IN THIS SECTION, “PROGRAM” MEANS THE ETHICAL SPECIAL**  
25 **EDUCATION ADVOCATE CERTIFICATE PROGRAM IN THE DEPARTMENT.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



3 (C) THE PURPOSE OF THE PROGRAM IS FOR THE DEPARTMENT TO  
4 ADMINISTER A VOLUNTARY CERTIFICATE PROGRAM FOR ETHICAL SPECIAL  
5 EDUCATION ADVOCATES.

6 (D) TO APPLY FOR A CERTIFICATE, AN APPLICANT SHALL:

9 (2) PAY TO THE DEPARTMENT THE APPLICATION FEE SET BY THE  
10 DEPARTMENT.

11                   **(E) TO QUALIFY FOR A CERTIFICATE AS AN ETHICAL SPECIAL EDUCATION**  
12 **ADVOCATE, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE FOLLOWING**  
13 **REQUIREMENTS:**

**14 (1) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER;**

15 (2) THE APPLICANT SHALL BE AT LEAST 21 YEARS OLD; AND

17 (I) HAVE COMPLETED AN ONLINE TRAINING MODULE OR  
18 WEBINAR APPROVED BY THE DEPARTMENT THAT INCLUDES TRAINING ON THE  
19 ETHICAL GUIDELINES AND RECOMMENDATIONS OF THE NATIONAL COUNCIL OF  
20 PARENT ADVOCATES AND ATTORNEYS VOLUNTARY CODE OF ETHICS FOR SPECIAL  
21 EDUCATION ADVOCATES; AND

22 (II) PASS AN ONLINE EXAMINATION APPROVED BY THE BOARD  
23 ON THE ONLINE TRAINING MODULE OR WEBINAR.

24 (F) THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO ANY APPLICANT  
25 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

26 (G) THE DEPARTMENT SHALL INCLUDE ON EACH CERTIFICATE THAT THE  
27 BOARD ISSUES:

**(1) THE FULL NAME OF THE CERTIFICATE HOLDER; AND**

**(2) A SERIAL NUMBER.**

2 (H) THE DEPARTMENT MAY ISSUE A CERTIFICATE TO REPLACE A LOST,  
3 DESTROYED, OR MUTILATED CERTIFICATE IF THE CERTIFICATE HOLDER PAYS THE  
4 CERTIFICATE REPLACEMENT FEE SET BY THE DEPARTMENT.

5 (I) AN APPLICANT TO WHOM THE DEPARTMENT HAS ISSUED A  
6 CERTIFICATE UNDER THIS SECTION SHALL MAINTAIN ON FILE WITH THE  
7 DEPARTMENT THE APPLICANT'S CURRENT RESIDENTIAL ADDRESS AND BUSINESS  
8 ADDRESS AND UPDATE THE INFORMATION WHENEVER CHANGES IN RESIDENCY OR  
9 EMPLOYMENT OCCUR.

10 (J) THE APPLICANT MAY PETITION FOR JUDICIAL REVIEW OF A DECISION  
11 OF THE DEPARTMENT THAT RELATES TO ISSUING OR RENEWING A CERTIFICATE AS  
12 ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

13 (K) A CERTIFICATE AUTHORIZES AN INDIVIDUAL TO REPRESENT TO THE  
14 PUBLIC THAT THE INDIVIDUAL IS A CERTIFIED ETHICAL SPECIAL EDUCATION  
15 ADVOCATE WHILE THE CERTIFICATE IS EFFECTIVE.

16 (L) (1) A CERTIFICATE EXPIRES ON A DATE SET BY THE DEPARTMENT,  
17 UNLESS THE CERTIFICATE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN  
18 THIS SECTION.

21 (M) AT LEAST 1 MONTH BEFORE THE CERTIFICATE EXPIRES, THE  
22 DEPARTMENT SHALL SEND TO THE CERTIFIED ETHICAL SPECIAL EDUCATION  
23 ADVOCATE, BY ELECTRONIC MEANS OR FIRST-CLASS MAIL TO THE LAST KNOWN  
24 ELECTRONIC OR PHYSICAL ADDRESS OF THE ADVOCATE, A RENEWAL NOTICE THAT  
25 STATES:

**(1) THE DATE ON WHICH THE CURRENT CERTIFICATE EXPIRES:**

30 (3) THE AMOUNT OF THE RENEWAL FEE.

1                   (N) BEFORE THE CERTIFICATE EXPIRES, THE SPECIAL EDUCATION  
2 ADVOCATE MAY RENEW IT FOR AN ADDITIONAL 2-YEAR TERM IF THE SPECIAL  
3 EDUCATION ADVOCATE:

4                   (1) OTHERWISE IS ENTITLED TO OBTAIN A CERTIFICATE;

5                   (2) PAYS TO THE DEPARTMENT THE RENEWAL FEE SET BY THE  
6 DEPARTMENT; AND

7                   (3) SUBMITS TO THE DEPARTMENT:

8                   (I) A RENEWAL APPLICATION ON THE FORM THAT THE  
9 DEPARTMENT REQUIRES; AND

10                   (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY  
11 QUALIFICATIONS AND REQUIREMENTS SET BY THE DEPARTMENT FOR CERTIFICATE  
12 RENEWAL.

13                   (O) THE DEPARTMENT SHALL RENEW THE CERTIFICATE OF EACH SPECIAL  
14 EDUCATION ADVOCATE WHO MEETS THE REQUIREMENTS OF THIS SECTION.

15                   (P) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE  
16 PROVISIONS OF THIS SECTION.

17                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
18 1, 2017.