

SENATE BILL 853

F1
SB 1016/19 – EHE

0lr3141
CF 0lr3699

By: **Senators Patterson and Benson**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring the State Department of Education to establish the Voluntary
4 Ethical 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; providing for the construction of this Act; and generally relating to the
14 Voluntary Ethical Special Education Advocate Certificate Program.

15 BY adding to

16 Article – Education

17 Section 8–420

18 Annotated Code of Maryland

19 (2018 Replacement Volume and 2019 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 VOLUNTARY ETHICAL**
25 **SPECIAL EDUCATION ADVOCATE CERTIFICATE PROGRAM IN THE DEPARTMENT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) ON OR BEFORE JULY 1, 2021, THE DEPARTMENT SHALL ESTABLISH A**
2 **VOLUNTARY ETHICAL SPECIAL EDUCATION ADVOCATE CERTIFICATE PROGRAM.**

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:**

7 **(1) SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM**
8 **THAT THE DEPARTMENT REQUIRES; AND**

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**

16 **(3) THE APPLICANT SHALL, AT A MINIMUM:**

17 **(I) HAVE COMPLETED AN ONLINE TRAINING MODULE OR**
18 **WEBINAR APPROVED BY THE DEPARTMENT; AND**

19 **(II) PASS AN ONLINE EXAMINATION APPROVED BY THE STATE**
20 **BOARD ON THE ONLINE TRAINING MODULE OR WEBINAR.**

21 **(F) THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO ANY APPLICANT**
22 **WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

23 **(G) THE DEPARTMENT SHALL INCLUDE ON EACH CERTIFICATE THAT THE**
24 **STATE BOARD ISSUES:**

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

26 **(2) A SERIAL NUMBER.**

27 **(H) THE DEPARTMENT MAY ISSUE A CERTIFICATE TO REPLACE A LOST,**

1 DESTROYED, OR MUTILATED CERTIFICATE IF THE CERTIFICATE HOLDER PAYS THE
2 CERTIFICATE REPLACEMENT FEE SET BY THE DEPARTMENT.

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

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

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

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

17 (2) A CERTIFICATE MAY NOT BE RENEWED FOR A TERM LONGER THAN
18 2 YEARS.

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

24 (1) THE DATE ON WHICH THE CURRENT CERTIFICATE EXPIRES;

25 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
26 RECEIVED BY THE DEPARTMENT FOR THE RENEWAL TO BE ISSUED AND MAILED
27 BEFORE THE CERTIFICATE EXPIRES; AND

28 (3) THE AMOUNT OF THE RENEWAL FEE.

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

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

1 **(2) PAYS TO THE DEPARTMENT THE RENEWAL FEE SET BY THE**
2 **DEPARTMENT; AND**

3 **(3) SUBMITS TO THE DEPARTMENT:**

4 **(I) A RENEWAL APPLICATION ON THE FORM THAT THE**
5 **DEPARTMENT REQUIRES; AND**

6 **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**
7 **QUALIFICATIONS AND REQUIREMENTS SET BY THE DEPARTMENT FOR CERTIFICATE**
8 **RENEWAL.**

9 **(O) THE DEPARTMENT SHALL RENEW THE CERTIFICATE OF EACH SPECIAL**
10 **EDUCATION ADVOCATE WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

11 **(P) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE**
12 **PROVISIONS OF THIS SECTION.**

13 **(Q) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT OR PREVENT A**
14 **PARENT OR GUARDIAN FROM CHOOSING A NONCERTIFIED ADVOCATE OR ANY**
15 **OTHER ADVOCATE TO ADVOCATE ON THEIR BEHALF IN ANY PROCEEDING OR**
16 **PROCESS IN ACCORDANCE WITH THE FEDERAL INDIVIDUALS WITH DISABILITIES**
17 **EDUCATION ACT.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2020.