

SENATE BILL 266

F1
SB 853/20 – EHE

(PRE-FILED)

11r0949
CF HB 273

By: **Senators Patterson and Benson**

Requested: October 13, 2020

Introduced and read first time: January 13, 2021

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 2020 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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SPECIAL EDUCATION ADVOCATE CERTIFICATE PROGRAM IN THE DEPARTMENT.**

2 **(B) ON OR BEFORE JULY 1, 2022, THE DEPARTMENT SHALL ESTABLISH A**
3 **VOLUNTARY ETHICAL SPECIAL EDUCATION ADVOCATE CERTIFICATE PROGRAM.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **(2) A CERTIFICATE MAY NOT BE RENEWED FOR A TERM LONGER THAN**
19 **2 YEARS.**

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

25 **(1) THE DATE ON WHICH THE CURRENT CERTIFICATE EXPIRES;**

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

29 **(3) THE AMOUNT OF THE RENEWAL FEE.**

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

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

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

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

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

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

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

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2021.