

SB0797/823727/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 797
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Senator Hester**” and substitute “**Senators Hester, Augustine, Brooks, Feldman, Kagan, Simonaire, M. Washington, Watson, and Lewis Young**”; in line 4, after “information” insert “about the Access to Attorneys, Advocates, and Consultants for Special Education Program”; and strike beginning with “requiring” in line 5 down through “information;” in line 6.

AMENDMENT NO. 2

On page 5, in line 20, strike “SPECIAL”.

On pages 7 and 8, strike in their entirety the lines beginning with line 31 on page 7 through line 14 on page 8, inclusive.

On page 8, after line 17, insert:

“(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.

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

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and in lines 18 and 23, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively.

On page 9, in lines 4, 6, 9, 11, and 13, strike “(4)”, “(5)”, “(6)”, “(7)”, and “(8)”, respectively, and substitute “(5)”, “(6)”, “(7)”, “(8)”, and “(9)”, respectively; in line 7, strike “PROVIDED” and substitute “STATED”; in line 24, after “SEEK” insert “QUALIFIED”; and in line 27, after “OF” insert “QUALIFIED”.

On page 10, after line 3, insert:

“5. DEVELOP, IN CONSULTATION WITH THE DEPARTMENT, LOCAL SCHOOL SYSTEM SPECIAL EDUCATION DIRECTORS, 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;”;

in lines 4, 7, 9, and 11, strike “5.”, “6.”, “7.”, and “8.”, respectively, and substitute “7.”, “8.”, “9.”, and “10.”, respectively; after line 15, insert:

“(4) (I) THE MARYLAND 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

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PARAGRAPH TO QUALIFY TO PARTICIPATE IN AND RECEIVE PAYMENT UNDER THE PROGRAM.”;

and in line 16, strike “(4)” and substitute “(5)”.

On page 11, in line 17, strike “MARYLAND VOLUNTEER LAWYERS SERVICE” and substitute “DEPARTMENT”.

On page 12, in line 1, strike “FUND MAY BE USED ONLY” and substitute “MARYLAND VOLUNTEER LAWYERS SERVICE MAY USE THE FUND ONLY”; after line 3, insert:

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

in lines 4 and 5, strike “(II)” and “(III)”, respectively, and substitute “(III)” and “(IV)”, respectively; and in line 14, strike “\$2,000,000” and substitute “\$1,000,000”.

On page 13, in line 15, after “(II)” insert “1.”; after line 16, insert:

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

in line 25, strike “AND”; after line 25, insert:

“(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”;

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and in line 26, strike “(III)” and substitute “(IV)”.