



Senate Education, Energy and the Environment Committee

**SB797: Access to Attorneys, Advocates, and Consultants for Special Education-
Program and Fund
February 23, 2024**

Position: Support

The Arc Maryland is a statewide organization that works to protect and advance the rights and quality of life of people with developmental disabilities.

SB 797 establishes the Access to Attorneys, Advocates, and Consultants for Special Education Program. The purpose of the Program is to provide funding for resources and services to eligible students with disabilities and their families who need legal, advocacy, and consultant services.

An eligible student is a student with a disability who comes from a household income not more than 150% of the Maryland Legal Services Corporation Guidelines (\$102,333 for a family). This income threshold is slightly higher than the usual MLSC guidelines¹ so that more families are eligible. Even with a median income household, it is very difficult for families of children with disabilities to afford attorneys, advocates, and consultants.

The eligible student must also meet one of the following criteria for situations that would deem the student eligible for access:

- On Page 10, lines 16-29 and page 11, lines 1-6: this includes the situations that require parental consent, and one situation left out of the parental consent law of 2017: a change in placement to which the parent disagrees. Also eligible would be a student who has been suspended or removed from school for more than 10 days, if a parent's native language is not English, and if a student has been restrained or placed in seclusion more than 10 times.

The Maryland Volunteer Lawyers Services (MVLS) would administer the program and have responsibilities to advertise the program, and seek attorneys advocates and consultants along with the criteria it will use to establish a person on their referral list is qualified. They also need to ensure school systems provide the information to families, and compile data.

The funding for the Program includes an appropriation of \$2m in General Funds. Of note, 25% of the fund can be used for legal representation in due process hearings and court proceedings, and 75% can be used for consultation, representation, or advocacy. More of the

fund is set aside to resolve problems before they go to due process and we appreciate the preventative nature in this structuring of the program.

Similar to the Access to Counsel in Evictions bill that the General Assembly voted to create last year- counsel to support people in housing eviction proceedingsⁱⁱ- we believe this Program is important to support families as they navigate the special education process for their children. By having access to attorneys, advocates, and consultants to provide families support when needed and under certain circumstances, we anticipate more positive outcomes for students with disabilities, and increased ability of the team to both resolve matters timely and before escalation to due process.

We ask the committee for a Favorable report on SB 797.

For more information, please contact:

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ⁱ <https://www.mlsc.org/wp-content/uploads/2024-MLSC-Income-Guidelines-Final.pdf>

ⁱⁱ Access to Counsel in Evictions- Funding (2023 Session)

[https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0756?ys=2023RS&search=Tr
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