



PSSAM
Public School Superintendents' Association
OF MARYLAND

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BILL: SB 797

TITLE: Education - Access to Attorneys, Advocates, and Consultants for Special Education Program and Fund - Established

DATE: February 23, 2024

POSITION: Support with Amendments

COMMITTEE: Senate Education, Energy, and the Environment Committee
Senate Budget and Taxation Committee

CONTACT: Mary Pat Fannon, Executive Director, PSSAM

The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four public school superintendents, **supports SB 797 with amendments.**

Senate Bill 797 establishes the Access to Attorneys, Advocates, and Consultants for Special Education Fund and Program. This program is to be administered by the Maryland Volunteer Lawyers Service (MVLS) to provide legal and non-legal (advocacy) special education assistance to students and families.

Local superintendents consistently place top priority on providing special education services to our students. We strive to ensure that our students receive high quality special education programs and instruction that will meet their individual needs. We work diligently to adhere to comprehensive federal and state requirements to serve our special education students.

PSSAM supports the innovative nature of this legislation, but suggests several amendments to ensure the program's successful implementation.

The bill should be amended to further define "advocate" to provide quality control on who is being paid to speak for, or represent, some of our most vulnerable students. Similarly, there should be more stringent requirements and criteria delineated regarding training for attorneys, advocates and consultants to ensure that they are knowledgeable on all aspects of state and federal special education regulations and statutes. According to our special education directors, a misinformed advocate or representative can do serious damage to the delicate and deliberative process of ensuring the most appropriate special education services. The bill could be amended to require the MVLS share and develop training and vetting criteria without a group of stakeholders before embarking on the recruitment process; this group should include MSDE,

local special education directors, disability rights advocates, and representatives from the Judiciary.

It may be useful to amend the bill's income thresholds to match the eligibility standards set by the federal Free and Reduced Price Meals (FARMS) program that are more familiar to families and staff. Additionally, the bill established a list of program eligibility that slightly differs from the existing criteria for a due process proceeding that may be filed under the Individuals with Disabilities Act (IDEA); this too may be confusing for families and LEA staff.

Lastly, we request that the new reporting requirements by LEAs be removed from this bill (p. 8, lines 1-17). The new requirements are not related to the work of the new Program or Fund, are largely duplicative of other special education reporting, and do not have a clear purpose or rationale for additional reporting. Special educators are responsible for important medical billing and related administrative functions that require accurate data recordation and meaningful reports that are shared with families on a formal basis each quarter and on an informal basis throughout the student's tenure with the school system. These existing reports allow the school team and parents to effectively understand student needs, track progress, and pivot practices and strategies for success. The bill's new reporting requirements do not appear to enhance this process and unless explained, would be appropriately amended out of this bill.

PSSAM supports a special education system that respects the dedication and professional expertise of special educators and school administrators to develop, in collaboration with parents, individual education programs (IEPs) to identify and determine the most appropriate services for students. With the amendments described above, PSSAM welcomes the additional services SB 797 would provide to our special education students and families.

For these reasons, PSSAM requests a **favorable with amendments** report on Senate Bill 797.