



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

Senate Education, Energy, and the Environment Committee

SB 797: Education – Access to Attorneys, Advocates, and Consultants for Special Education

Program and Fund - Established

February 23, 2024

Position: Support

The Maryland Developmental Disabilities Council (Council) creates change to make it possible for people with developmental disabilities to live the lives they want with the support they need. SB 797 makes sure that happens for students with disabilities.

WHAT does this legislation do?

- Establishes the Access to Attorneys, Advocates, and Consultants for Special Education Program to provide funding for resources and services to eligible students with disabilities and their families who need legal, advocacy, and consultant services.
- Requires funds to be used only for services provided to eligible students by attorneys, advocates, and consultants; outreach and education activities; and administrative expenses.
- Identifies the intent of the funds to mostly (about 75% of the funds) pay for consultation, representation, or advocacy prior to any hearings or court proceedings.
- Requires data to be collected.

WHY is this legislation important?

- **More support leads to better outcomes for students.** State and federal law requires the provision of a free, appropriate public education in the least restrictive environment. These laws also afford many protections for students with disabilities, including the development and implementation of an Individualized Education Program (IEP). The IEP sets goals, tracks progress, and should lead to positive outcomes and the student's success in school. IEPs are developed by a multidisciplinary team of educators and related service providers as well as parents and the student. Despite parents being full members of the IEP team, schools have access to more resources, information, and expertise, while many families struggle to understand and navigate the special education process.
- **Many families need and want advocacy support as they navigate the special education process for their children.** Having support and assistance helps parents advocate for their children and increases the likelihood that issues will resolve at the meeting table rather than in a hearing. Low- and moderately low-income families will benefit from this Program and Fund which will create additional access to these much-needed resources.
- **Few free and low cost legal options are available for families.** By allowing low and lower income families to access assistance, more families will be able to get the advice, support, and representation that other families are able to secure on their own, and will be better able to address difficult issues with their child's team.

- **More data for decision-makers.** The collection of data about the use of this Program and Fund allows policymakers and state and local education leaders will better understand the persistent challenges faced by families. Such information could lead to better policies, practice, guidance, and technical assistance that prevents disputes in the future.

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