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Education, Energy, and
Environment Committee

Chair, Joint Committee on
Cybersecurity, Information Technology
and Biotechnology



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of SB 797 - Access to Attorneys, Advocates, and Consultants for Special Education Program and Fund

February 23, 2024

Chairman Feldman, Vice-Chair Kagan, and members of the Education, Energy, and the Environment Committee:

Thank you for your consideration of Senate Bill 797, which will establish the Access to Attorneys, Advocates, and Consultants for Special Education Fund and Program.

This topic may be familiar to the committee, as Senator A. Washington sponsored SB926 last session which sought to achieve the same goal, and I had a similar local bill for Howard County in 2022, HB865. Both of these bills attempted to shift the burden of proof in Individual Education Plan (IEP) disputes from the parents to the school system. However, SB 797 takes a different approach.

For context, under current state and federal law, children with disabilities IEPs are entitled to receive a free, appropriate public education (FAPE). The IEP is a critical tool for parents and schools to document the goals for each student and the special education-related services that the school will provide to the student in order to achieve those goals.

Unfortunately, as schools go through the process of creating IEPs and outlining services a student with disabilities may need, a student may be denied services or support that may be crucial for their success. Families across the state of Maryland have sacrificed countless hours and resources, hoping to have their local school system fulfill the needs of their children with little success. Between 2014 and 2019, families with children with disabilities lost more than 85% of the time in a disagreement against the district.¹

In these cases, families may hire a lawyer to dispute the school's decision. Parents who file a complaint and have a lawyer are twice as likely to get what they are seeking compared to parents

¹ [‘Why would we even try?’ Parents of disabled students almost never win in fights against Maryland districts](#)

who go through the same process without a lawyer.² The resulting effect is that those who are most vulnerable and don't have the financial resources to hire a lawyer are the most likely not to have their decisions changed, regardless of the needs of the child.

As a result, it is crucial that access to attorneys, advocates, and consultants be expanded to all Maryland residents to ensure that parents are empowered to take full advantage of the services our schools offer.

To ensure that every parent has the resources for a lawyer, this bill will:

1. Establish the Access to Attorneys, Advocates, and Consultants for Special Education Program Fund and Program
2. Outline the responsibilities of the Maryland Volunteer Lawyers Service in managing the program and fund.
3. Require written information about the Access to Attorneys, Advocates, and Consultants for the Special Education Program must be advertised to parents.
4. Require information for each individualized education program, and mediation proceeding to be collected and compiled in a final report for the General Assembly
5. Require that in FY 2026, the Governor will include an appropriation of \$2,000,000 for the fund in their budget.

This bill recognizes and addresses the unique challenges faced by Maryland families with children with disabilities, acknowledging the disproportionate impact these challenges can have on their ability to effectively navigate the appeals process. It bridges the gap in understanding and resources by helping the least informed access an informed attorney to ensure that every family, irrespective of their socioeconomic background, can actively participate in advocating for their children's educational needs. This legislation is not just about addressing the disparities in the appeals system but is a crucial step toward fostering a more inclusive and supportive educational environment for all students in Maryland.

For these reasons, I respectfully request a favorable report on SB797.

Sincerely,



Senator Katie Fry Hester
Howard and Montgomery Counties

² [Maryland parents battle with school districts to get special education services for their children](#)