



Board of Education of Howard County  
Testimony Submitted to the Maryland House of Delegates,  
Ways and Means Committee  
March 27, 2024

Board of Education  
of Howard County

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**SB0797: FAVORABLE**

**Access to Attorneys, Advocates, and Consultants for Special Education Program and Fund – Established**

The Board of Education of Howard County (the Board) supports **SB0797 Access to Attorneys, Advocates, and Consultants for Special Education Program and Fund – Established**. Recognizing the school system’s role in providing special education services under the federal Individuals with Disabilities Education Act (IDEA), the Board has supported legislation for several years that would shift the burden of proof to the school system in due process cases under Education Article § 8–413. While SB0797 takes a different approach, the availability of funding to support families financially with legal support and advocacy can similarly allow local school systems to establish and reinforce a culture of partnership with parents.

SB0797 establishes the Access to Attorneys, Advocates, and Consultants for Special Education Program administered by the Maryland Volunteer Lawyers Association. Beginning in FY2026, as amended by the Senate, the bill requires the Governor to provide an annual appropriation of \$1 million to the program with the purpose of providing access to legal, advocacy, and consultant services to eligible special education students.

An area that remains in SB0797 and is potentially confusing is the creation of a new list of eligibility rather than existing reasons why a due process proceeding may be filed under IDEA if the intent is legal advocacy and support for families during this process. This Committee might consider the impact of this section currently under (5) on page 11.

Two amendments passed by the Senate move the bill in a beneficial way. The original language identified an “eligible student” under the bill as a student with a disability whose parent has a household income of not more than 150% of the Maryland Legal Services Corporation income guidelines and made at least one attempt to resolve a disagreement with a public agency regarding the child’s special education services or program. That threshold for poverty levels of eligible students may be confusing to families who are familiar with school poverty indicators as set by the federal Free and Reduced Price Meals (FARMS) program. By leaving this level up to the Maryland Legal Services to identify, perhaps a threshold more closely aligned to school systems can be identified. The amendment to identify specific advocate training required, which has the potential to elevate the experience associated with the newly established program under the Maryland Legal Services, will also better serve families.

For these reasons, we urge a FAVORABLE report of SB0797 from this Committee.