



MLSC

MARYLAND LEGAL SERVICES CORPORATION

IOLTA - INTEREST ON LAWYER TRUST ACCOUNTS

Senate Bill 797

“Education - Access to Attorneys, Advocates, and Consultants for Special Education Program and Fund - Established”

House Ways and Means Committee

Crossover Hearing Date: March 27, 2024

Position: Favorable with Amendments

Senate Bill 797 establishes the Access to Attorneys, Advocates, and Consultants for Special Education (AAACSE) Program to be administered by the Maryland Volunteer Lawyers Service (MVLS). The AAACSE Program directs resources and services to eligible students to provide access to legal, advocacy, and consultant services. MLSC recognizes the critical need for support many Maryland families face when attempting to navigate the special education system on behalf of their children.

MLSC was legislatively created in 1982 as a nonprofit corporation to distribute funds from the Interest on Lawyer Trust Accounts (IOLTA) program and other sources for the provision of civil legal services to low-income Marylanders. It is the state’s largest funder of civil legal services. It is the understanding of MLSC that SB797 will be amended to remove MVLS and substitute MLSC instead as the administrator of the AAACSE program. MLSC supports such amendments as they conform with the mission and current capabilities of the organization, as well as with the legislative scheme to fund civil legal services. MLSC would respectfully request that any amendments would make clear that MLSC would *administer grants to eligible nonprofit organizations, who in turn would administer the program*. MLSC does not provide direct services, and in fact is statutorily prohibited from doing so. This is more in-line with the amendments in the House version of SB797, HB903 (as opposed to SB797 which has the Department of Education funding the program and MVLS administering it).

Additionally, under current statute MLSC may only fund legal services programs providing representation to Marylanders who are at or below 50% of Maryland median income. It is MLSC’s understanding that the legislature has a strong desire to include an exception to that rule, by allowing representation under AAACSE for individuals that meet up to 150% of the MLSC income-eligibility guidelines and by allowing the funding to include not only legal services, but consultants and advocates as well. MLSC supports these allowance as unique and necessary in an adversarial educational setting, but would respectfully request that the exceptions be explicit and narrowly tailored to the AAACSE program, so as to avoid future confusion with other programs administered by MLSC. Finally, MLSC would respectfully request that the amendments are clear that grantees would be responsible for paying the attorneys, advocates, or consultants and that MLSC would reimburse the grantees upon receipt of quarterly billing, up to the limit of the grant.

MLSC asks for favorable consideration of Senate Bill 797 as amended. If we can provide any further information or assistance, please do not hesitate to contact Michelle Siri, Executive Director, at 410-576-9494 x1009, or msiri@mlsc.org.