

**Testimony of the
Baltimore City Board of School Commissioners
Support with Amendments
Senate Bill 797– Education – Access to
Attorneys, Advocates, and Consultants for Special Education
Program and Fund – Established**

March 26, 2024

The Baltimore City Board of School Commissioners (the Board) supports with amendments Senate Bill 797 as a path for parents and guardians to maneuver through the myriad of special education regulations and laws to support their child to receive a free and appropriate public-school education.

The Board appreciates the spirit of the proposed legislation and understands that this compromised legislation was worked on by various advocates. The Board also notes there are many cases where involvement of an attorney might prove quite helpful to steering a family in a reasonable direction. That said, some thoughts for consideration:

1. Since there is a burden-shifting provision if school systems refuse to mediate, the bill should include a requirement that parents receiving attorney funding through this program must participate in mediation.
2. Any attorney seeking to participate in this program should be required to first participate in a training, ideally run by MSDE, perhaps in consultation with MABE and DBM, if appropriate.
3. In terms of fees, there should be a requirement that fees are for reasonably incurred fees, not just reimbursement of any of fees incurred.
4. It would be helpful to add some provisions to reduce the length/costs of due process hearings (e.g., requiring appointed attorneys to work with school systems to stipulate to uncontested facts; requiring families with appointed attorneys to agree to observations, especially if their children are parentally placed
5. Consideration should be given to excluding families who privately place their students at non-public schools from access to this program.

6. There are some cases where it would actually benefit all parties, including the school systems, for the parents to be appointed an attorney. As such, the bill should include a provision allowing school systems to request that the program appoint an attorney.

For the forgoing reasons, the Baltimore City Board of School Commissioners supports, with amendments, Senate Bill 797 and urges a favorable report with the amendments.

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