



DATE: March 27, 2024 **COMMITTEE:** House Ways and Means
BILL NO: Senate Bill 797
BILL TITLE: Ed. – Access to Attys, Advocates, and Consultants for Sp. Ed. Program and Fund – Est.
POSITION: Support

Kennedy Krieger Institute supports Senate Bill 797 – Education – Access to Attorneys, Advocates, and Consultants for Special Education Program and Fund - Established

Bill Summary:

Senate Bill 797 establishes the Access to Attorneys, Advocates, and Consultants for Special Education Program and Fund, which will fund access to legal, advocacy, and consultant services for Maryland families in the special education process.

Background:

Kennedy Krieger Institute provides specialized services to patients nationally and internationally. Kennedy Krieger Institute is dedicated to improving the lives of children and young adults with developmental, behavioral, cognitive, and physical challenges. Kennedy Krieger’s services include inpatient, outpatient, school-based and community-based programs.

The Maryland Center for Developmental Disabilities (MCDD) at Kennedy Krieger Institute is proud to be Maryland’s University Center for Excellence in Developmental Disabilities Education, Research, and Service (UCEDD) and a member of the national Association of University Centers on Disabilities (AUCD). Project HEAL (Health, Education, Advocacy, and Law) is a community-based program of the MCDD that provides comprehensive advocacy and civil legal services, including in special education matters, for children with intellectual and developmental disabilities.

Rationale:

Kennedy Krieger supports increased access to attorneys, advocates, and consultants. The special education process can be difficult for non-expert parents to navigate and understand. Additionally, when a nonrepresented parent files for due process, they often do not win. A due process complaint typically addresses the identification, evaluation, educational placement, or the provision of a free appropriate public education to which all students are entitled. It is the main formal dispute resolution process when parents disagree with an individualized education program (IEP) team decision.

From fiscal year 2014 to fiscal year 2023, roughly 0.5% of unrepresented parent teams won their due process hearing. In the same period, when represented by an attorney, the parent team win rate was 25%. Having access to an attorney can make a big difference in the outcome of a due process case, but currently many parents cannot afford to exercise this right as it is costly to hire an attorney for a due process hearing.

By expanding access to attorneys, advocates, and consultants, more families will have access to representation or services that can help them navigate the system or defend their child’s rights.

Kennedy Krieger Institute requests a favorable report on Senate Bill 797.