

SENATE BILL 504

F1, P1

0lr0522
CF HB 699

By: **Senators Pinsky, Augustine, Feldman, Guzzone, and Zucker**

Introduced and read first time: January 29, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 5, 2020

CHAPTER _____

1 AN ACT concerning

2 **Office of the Attorney General – Special Education Ombudsman**

3 FOR the purpose of establishing the Special Education Ombudsman in the Office of the
4 Attorney General; providing for the purpose, appointment, and expenses of the
5 Ombudsman; requiring the Attorney General, in cooperation with the Secretary of
6 Budget and Management, to set minimum salary, qualifications, and experience
7 standards for the Ombudsman and certain staff; providing for the duties of the
8 Ombudsman; requiring the Ombudsman to treat communications as confidential
9 and to reveal the details of certain communications only under certain
10 circumstances; requiring the Ombudsman to arrange for a certain toll-free telephone
11 number to provide certain assistance; requiring the Ombudsman, each year
12 beginning on a certain date, to submit a certain report to certain committees of the
13 General Assembly; defining a certain term; and generally relating to the Special
14 Education Ombudsman.

15 BY adding to

16 Article – State Government
17 Section 6–501 through 6–506 to be under the new subtitle “Subtitle 5. Special
18 Education Ombudsman”
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2019 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – State Government

SUBTITLE 5. SPECIAL EDUCATION OMBUDSMAN.

6–501.

IN THIS SUBTITLE, “OMBUDSMAN” MEANS THE SPECIAL EDUCATION OMBUDSMAN.

6–502.

(A) THERE IS A SPECIAL EDUCATION OMBUDSMAN IN THE OFFICE OF THE ATTORNEY GENERAL.

(B) THE PURPOSE OF THE OMBUDSMAN IS TO SERVE AS A RESOURCE TO PROVIDE INFORMATION AND SUPPORT TO PARENTS, STUDENTS, AND EDUCATORS REGARDING SPECIAL EDUCATION RIGHTS AND SERVICES.

6–503.

(A) THE ATTORNEY GENERAL SHALL APPOINT THE OMBUDSMAN.

(B) SALARIES OF THE OMBUDSMAN AND STAFF UNDER THE OMBUDSMAN AND EXPENSES RELATED TO THE OPERATION OF THE TOLL-FREE TELEPHONE NUMBER ESTABLISHED UNDER § 6–505 OF THIS SUBTITLE, RENT, EQUIPMENT, SUPPLIES, AND GENERAL OPERATIONS SHALL BE AS PROVIDED IN THE STATE BUDGET.

(C) IN COOPERATION WITH THE SECRETARY OF BUDGET AND MANAGEMENT, THE ATTORNEY GENERAL SHALL SET MINIMUM SALARY, QUALIFICATIONS, AND EXPERIENCE STANDARDS FOR THE OMBUDSMAN AND ANY STAFF UNDER THE OMBUDSMAN.

6–504.

(A) THE OMBUDSMAN SHALL:

(1) SERVE AS A SOURCE OF KNOWLEDGE AND INFORMATION ON THE STATE AND FEDERAL LAWS, RULES, AND REGULATIONS GOVERNING THE EDUCATION OF STUDENTS WITH DISABILITIES FOR PARENTS, STUDENTS, EDUCATORS, AND INTERESTED MEMBERS OF THE PUBLIC;

(2) PROVIDE IMPARTIAL INFORMATION TO THE PARENTS OF

1 STUDENTS WITH DISABILITIES ON HOW TO NAVIGATE THE PROCESS OF OBTAINING
2 SPECIAL EDUCATION EVALUATIONS AND SERVICES;

3 (3) PROVIDE IMPARTIAL INFORMATION TO PARENTS, PUBLIC
4 SCHOOLS, AND EDUCATORS ON THE PROCEDURES FOR RESOLVING DISAGREEMENTS
5 AND DISPUTES REGARDING THE PROVISION OF SPECIAL EDUCATION OR
6 DISCIPLINARY ACTION TAKEN AGAINST STUDENTS WITH DISABILITIES;

7 (4) EXPLAIN TO PARENTS OF CHILDREN WITH DISABILITIES THE
8 RIGHTS OF PARENTS AND STUDENTS AND HOW THE PARENTS MAY AVAIL
9 THEMSELVES OF THOSE RIGHTS;

10 (5) WORK NEUTRALLY AND OBJECTIVELY WITH ALL PERSONS TO
11 ENSURE THAT THE SPECIAL EDUCATION SYSTEM FUNCTIONS AS INTENDED;

12 (6) IDENTIFY ANY PATTERNS OF COMPLAINTS MADE BY PARENTS OF
13 STUDENTS WITH DISABILITIES AND INFORM THE STATE DEPARTMENT OF
14 EDUCATION ABOUT ANY SUCH PATTERN; AND

15 (7) SERVE AS A GENERAL RESOURCE FOR DISABILITY-RELATED
16 INFORMATION AND MAKE REFERRALS TO AVAILABLE STATE AND FEDERAL
17 SERVICES AND PROGRAMS FOR INDIVIDUALS WITH DISABILITIES.

18 (B) IN PERFORMING THE DUTIES ASSIGNED UNDER THIS SECTION, THE
19 OMBUDSMAN SHALL TREAT ALL COMMUNICATIONS AS CONFIDENTIAL AND MAY
20 REVEAL THE DETAILS OF ANY COMMUNICATION ONLY IF:

21 (1) NECESSARY TO ACHIEVE THE OMBUDSMAN'S DUTIES; AND

22 (2) DONE IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL
23 LAW.

24 **6-505.**

25 THE OMBUDSMAN SHALL ARRANGE FOR A TOLL-FREE TELEPHONE NUMBER,
26 AVAILABLE IN ENGLISH AS WELL AS OTHER APPROPRIATE LANGUAGES, TO ASSIST
27 AN INDIVIDUAL SEEKING INFORMATION OR ADVICE ABOUT SPECIAL EDUCATION.

28 **6-506.**

29 ON OR BEFORE JULY 1, 2022, AND EACH JULY 1 THEREAFTER, THE
30 OMBUDSMAN SHALL, CONSISTENT WITH FEDERAL AND STATE PRIVACY LAWS AND
31 IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, SUBMIT A REPORT TO THE

1 **SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND**
2 **THE HOUSE COMMITTEE ON WAYS AND MEANS THAT INCLUDES:**

3 **(1) THE NUMBER AND TYPE OF CALLS RECEIVED ON THE TOLL-FREE**
4 **TELEPHONE NUMBER DURING THE PREVIOUS YEAR;**

5 **(2) ANY PATTERNS OF COMPLAINTS FILED BY PARENTS IDENTIFIED**
6 **UNDER § 6-504(A)(7) OF THIS SUBTITLE;**

7 **(3) A SUMMARY OF THE SERVICES PROVIDED BY THE OMBUDSMAN**
8 **DURING THE PREVIOUS YEAR; AND**

9 **(4) ANY RECOMMENDATIONS THE OMBUDSMAN DETERMINES ARE**
10 **APPROPRIATE AND NECESSARY CONCERNING THE STATE’S IMPLEMENTATION OF**
11 **SPECIAL EDUCATION SERVICES AND PROCEDURES.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.