

# SENATE BILL 504

F1, P1

0lr0522  
CF 0lr3527

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

Introduced and read first time: January 29, 2020

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

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:

23 **Article – State Government**

24 **SUBTITLE 5. SPECIAL EDUCATION OMBUDSMAN.**

25 **6–501.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **6-502.**

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

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

9 **6-503.**

10           (A) THE ATTORNEY GENERAL SHALL APPOINT THE OMBUDSMAN.

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

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

20 **6-504.**

21           (A) THE OMBUDSMAN SHALL:

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

26                   (2) PROVIDE IMPARTIAL INFORMATION TO THE PARENTS OF  
27 STUDENTS WITH DISABILITIES ON HOW TO NAVIGATE THE PROCESS OF OBTAINING  
28 SPECIAL EDUCATION EVALUATIONS AND SERVICES;

29                   (3) PROVIDE IMPARTIAL INFORMATION TO PARENTS, PUBLIC  
30 SCHOOLS, AND EDUCATORS ON THE PROCEDURES FOR RESOLVING DISAGREEMENTS

1 AND DISPUTES REGARDING THE PROVISION OF SPECIAL EDUCATION OR  
2 DISCIPLINARY ACTION TAKEN AGAINST STUDENTS WITH DISABILITIES;

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

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

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

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

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

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

18 (2) DONE IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL  
19 LAW.

20 **6-505.**

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

24 **6-506.**

25 ON OR BEFORE JULY 1, 2022, AND EACH JULY 1 THEREAFTER, THE  
26 OMBUDSMAN SHALL, CONSISTENT WITH FEDERAL AND STATE PRIVACY LAWS AND  
27 IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, SUBMIT A REPORT TO THE  
28 SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND  
29 THE HOUSE COMMITTEE ON WAYS AND MEANS THAT INCLUDES:

30 (1) THE NUMBER AND TYPE OF CALLS RECEIVED ON THE TOLL-FREE  
31 TELEPHONE NUMBER DURING THE PREVIOUS YEAR;

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

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

5                   **(4) ANY RECOMMENDATIONS THE OMBUDSMAN DETERMINES ARE**  
6 **APPROPRIATE AND NECESSARY CONCERNING THE STATE'S IMPLEMENTATION OF**  
7 **SPECIAL EDUCATION SERVICES AND PROCEDURES.**

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
9 1, 2020.