

SPECIAL EDUCATION OMBUDSMAN REPORT

2023-2024

STATE OF MARYLAND OFFICE OF THE ATTORNEY GENERAL

July 2024

CANDACE McLAREN LANHAM
Chief Deputy Attorney General



CAROLYN A. QUATTROCKI
Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

JONATHAN M. SMITH
Chief, Civil Rights Division

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
YOUR DEPARTMENT'S NAME**

ANTHONY G. BROWN
Attorney General

July 1, 2024

The Honorable Brian J. Feldman
Chair, Senate Education, Health, and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

The Honorable Vanessa E. Atterbary
Chair, House Ways and Means Committee
Room 131
House Office Building
Annapolis, Maryland 21401

Re: §6-506 of the State Government Article; MSAR #12813 – Special Education
Ombudsman Annual Report

Dear Chairs Feldman and Atterbary:

Pursuant to § 6-506 of the State Government Article, “[o]n or before July 1, 2022, and each July 1 thereafter, the Ombudsman shall, consistent with federal and state privacy laws and in accordance with § 2-1257 of this Article, submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means that includes: (1) the number and type of calls received on the toll-free telephone number during the previous year; (2) any patterns of complaints filed by parents identified under § 6-504(a)(7) of this subtitle; (3) a summary of the services provided by the Ombudsman during the previous year; and (4) any recommendations the Ombudsman determines are appropriate and necessary concerning the State’s implementation of special education services and procedures.”

In the budget for fiscal year 2024, funds were appropriated for a single position to staff the Special Education Ombudsman. The fiscal note for Senate Bill 504 of 2020, that established the Office of Special Education Ombudsman, reflected necessary funding for an office of 2.5 persons

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to serve the more than 10,000 children with special education needs State-wide, through parent and school official education, the operation of a toll-free hotline, and the identification and reporting of patterns of complaint to the State Department of Education.

The Office of the Attorney General made a diligent search for a qualified candidate to serve as Ombudsman. Offers were made to two highly qualified, well-regarded candidates who ultimately declined the position upon learning of the lack of adequate resources and administrative support to perform the wide-ranging functions of the office. In light of the failed search and the resource concerns, the Attorney General has not filled the position.

The functions assigned to the Special Education Ombudsman overlap with the Division of Early Intervention and Special Education Services of the Maryland State Department of Education. Given the resource limitations and the overlapping jurisdiction, the Office of the Attorney General respectfully suggests the function of the Special Education Ombudsman might be better located in the State Department of Education.

Sincerely,



Anthony G. Brown

Cc: Sarah T. Albert
Mandated Reports Specialist Library and Information Services
90 State Circle
Annapolis, Maryland 21401