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**By: Senator Dorman**

Introduced and read first time: January 31, 1997

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Community Transitional Education Programs**

3 FOR the purpose of authorizing the Secretary of Human Resources to establish a certain  
4 demonstration project using the community transitional education programming  
5 model for certain children and adolescents; specifying the purpose of the  
6 demonstration project; specifying the components and requirements of a community  
7 transitional education program; requiring a person desiring to operate a community  
8 transitional education program to obtain a license from the Secretary and obtain  
9 accreditation from the State Department of Education for a certain component of  
10 the program; requiring the Secretary to adopt certain regulations; specifying the  
11 types of children and adolescents that may be placed in a community transitional  
12 education program; defining certain terms; and generally relating to community  
13 transitional education programs.

14 BY adding to

15 Article 88A - Department of Human Resources  
16 Section 146 through 156 to be under the new subtitle "Community Transitional  
17 Education Programs for Children and Adolescents with Special Needs"  
18 Annotated Code of Maryland  
19 (1995 Replacement Volume and 1996 Supplement)

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

22 **Article 88A - Department of Human Resources**

23 COMMUNITY TRANSITIONAL EDUCATION PROGRAMS FOR CHILDREN AND  
24 ADOLESCENTS WITH SPECIAL NEEDS

25 146.

26 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
27 INDICATED.

28 (B) "COMMUNITY TRANSITIONAL EDUCATION PROGRAM" MEANS A GROUP  
29 OF JOINTLY OPERATING CENTERS OR UNITS, THE COLLECTIVE PURPOSE OF WHICH  
30 IS TO PROVIDE A SEQUENTIAL SERIES OF EDUCATIONAL CARE, TRAINING,

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1 TREATMENT, HABILITATION, AND REHABILITATION SERVICES TO CHILDREN AND  
2 ADOLESCENTS WHO HAVE DEVELOPMENTAL DISABILITIES OR SEVERE OR  
3 MODERATE MALADAPTIVE BEHAVIORS.

4 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN RESOURCES.

5 (D) "DEVELOPMENTAL DISABILITY" HAS THE MEANING STATED IN § 7-101(E)  
6 OF THE HEALTH - GENERAL ARTICLE.

7 (E) "PROGRAM" MEANS A COMMUNITY TRANSITIONAL EDUCATION  
8 PROGRAM.

9 (F) "SECRETARY" MEANS THE SECRETARY OF HUMAN RESOURCES.

10 147.

11 (A) THE SECRETARY MAY DEVELOP AND IMPLEMENT A DEMONSTRATION  
12 PROJECT TO SERVE AND MEET THE SPECIAL NEEDS OF CHILDREN AND  
13 ADOLESCENTS RETURNING TO THE STATE WHO ARE CURRENTLY IN OUT-OF-STATE  
14 PLACEMENTS AND TO OFFER IN-STATE PLACEMENT FOR CHILDREN AND  
15 ADOLESCENTS WITH DEVELOPMENTAL DISABILITIES AND MODERATE OR SEVERE  
16 MALADAPTIVE BEHAVIORS AS AN ALTERNATIVE TO OUT-OF-STATE PLACEMENT.

17 (B) (1) THE DEPARTMENT SHALL BASE THE DEMONSTRATION PROJECT ON  
18 THE COMMUNITY TRANSITIONAL EDUCATION PROGRAMMING MODEL DESCRIBED  
19 IN § 148 OF THIS SUBTITLE.

20 (2) THE DEMONSTRATION PROJECT MAY SERVE A MAXIMUM OF 40  
21 CHILDREN AND ADOLESCENTS AT ANY ONE TIME.

22 148.

23 (A) ANY COMMUNITY TRANSITIONAL EDUCATION PROGRAM ESTABLISHED  
24 AND LICENSED UNDER THIS SUBTITLE SHALL INCLUDE A MINIMUM OF TWO  
25 COMPONENT CENTERS OR UNITS, AS DESCRIBED IN THIS SUBSECTION, ONE OF  
26 WHICH SHALL BE EITHER AN INTENSIVE TREATMENT AND EDUCATIONAL CENTER  
27 OR A TRANSITIONAL TRAINING AND EDUCATIONAL CENTER THAT PROVIDES  
28 SERVICES TO CHILDREN AND ADOLESCENTS WITH SEVERE OR MODERATE  
29 MALADAPTIVE BEHAVIORS IN THE FOLLOWING SEQUENTIAL ORDER:

30 (1) AN INTENSIVE TREATMENT AND EDUCATIONAL CENTER THAT IS A  
31 SELF-CONTAINED RESIDENTIAL UNIT PROVIDING INTENSIVE PSYCHOLOGICAL AND  
32 EDUCATIONAL PROGRAMMING TO CHILDREN AND ADOLESCENTS WITH SEVERE  
33 MALADAPTIVE BEHAVIORS WHOSE BEHAVIORS PRECLUDE PLACEMENT IN A LESS  
34 RESTRICTIVE ENVIRONMENT TO THE THREAT OF DANGER OR INJURY TO  
35 THEMSELVES OR OTHERS;

36 (2) A TRANSITIONAL TRAINING AND EDUCATIONAL CENTER THAT IS A  
37 RESIDENTIAL UNIT FOR CHILDREN AND ADOLESCENTS WITH MODERATE  
38 MALADAPTIVE BEHAVIORS PROVIDING CONCENTRATED PSYCHOLOGICAL AND  
39 EDUCATIONAL PROGRAMMING EMPHASIZING A TRANSITION TOWARD A LESS  
40 RESTRICTIVE ENVIRONMENT;

1 (3) A COMMUNITY TRANSITION RESIDENCE THAT IS A RESIDENTIAL  
2 UNIT PROVIDING EDUCATIONAL PROGRAMS AND THOSE SUPPORT SERVICES,  
3 TRAINING, AND CARE AS ARE NEEDED TO ASSIST CHILDREN AND ADOLESCENTS  
4 WITH MALADAPTIVE BEHAVIORS TO AVOID REGRESSION TO MORE RESTRICTIVE  
5 ENVIRONMENTS WHILE PREPARING THEM FOR MORE INDEPENDENT LIVING;

6 (4) AN ALTERNATIVE LIVING CENTER THAT IS A RESIDENTIAL UNIT  
7 PROVIDING AN EDUCATIONAL AND FAMILY LIVING ENVIRONMENT FOR CHILDREN  
8 AND ADOLESCENTS WITH MALADAPTIVE BEHAVIORS IN A MODERATELY  
9 UNRESTRICTED SETTING; AND

10 (5) AN INDEPENDENT LIVING EDUCATION CENTER THAT IS A FACILITY  
11 PROVIDING A FAMILY LIVING ENVIRONMENT FOR CHILDREN AND ADOLESCENTS  
12 WITH MALADAPTIVE BEHAVIORS, IN A LARGELY UNRESTRICTED SETTING THAT  
13 INCLUDES EDUCATION AND MONITORING APPROPRIATE TO SUPPORT THE  
14 DEVELOPMENT OF INDEPENDENT LIVING SKILLS BY THE CHILDREN AND  
15 ADOLESCENTS.

16 (B) CENTERS OR UNITS, AS DESCRIBED UNDER SUBSECTION (A) OF THIS  
17 SECTION, THAT ARE COMPONENTS OF A COMMUNITY TRANSITIONAL EDUCATION  
18 PROGRAM ARE SUBJECT TO THE LICENSE ISSUED TO THE COMMUNITY  
19 TRANSITIONAL EDUCATION PROGRAM AND MAY BE LOCATED ON EITHER SINGLE  
20 OR MULTIPLE SITES.

21 (C) COMMUNITY TRANSITIONAL EDUCATION PROGRAMS SHALL DEVELOP  
22 INDIVIDUAL EDUCATION PLANS FOR EACH CHILD OR ADOLESCENT WITH  
23 MALADAPTIVE BEHAVIORS BEING SERVED IN THE PROGRAM.

24 (D) ANY PERSON OPERATING A COMMUNITY TRANSITIONAL EDUCATION  
25 PROGRAM UNDER THIS SUBTITLE SHALL GIVE EMPLOYMENT PREFERENCE TO  
26 INDIVIDUALS PARTICIPATING IN THE YOUNG FATHERS' PROGRAM AND RECIPIENTS  
27 OF FAMILY INVESTMENT PROGRAM BENEFITS IN HIRING STAFF FOR THE PROGRAM.

28 149.

29 (A) THE SECRETARY SHALL ADOPT REGULATIONS FOR ESTABLISHING,  
30 LICENSING, AND OPERATING COMMUNITY TRANSITIONAL EDUCATION PROGRAMS,  
31 INCLUDING MINIMUM STANDARDS OF QUALITY AND ADEQUACY OF CARE.

32 (B) THESE REGULATIONS SHALL ENSURE AT LEAST THAT:

33 (1) THE PROPOSED STAFF WILL BE ADEQUATE TO PROPERLY  
34 SUPERVISE CHILDREN AND ADOLESCENTS IN THE PROGRAM;

35 (2) PROCEDURES UNDER WHICH THE PROPOSED PROGRAM WILL  
36 RECEIVE, INVESTIGATE, DOCUMENT, AND DISPOSE OF WRITTEN COMPLAINTS FROM  
37 NEIGHBORHOOD RESIDENTS IS ACCEPTABLE; AND

38 (3) THE PROPOSED CARE OR TREATMENT AND SERVICES:

39 (I) REASONABLY CAN BE EXPECTED TO BENEFIT CHILDREN AND  
40 ADOLESCENTS IN THE PROGRAM; AND

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1 (II) WILL BE PROVIDED BY AN ADEQUATE STAFF OR, UNDER  
2 AGREEMENT, BY A PROVIDER OF MENTAL HEALTH SERVICES.

3 (C) THE DEPARTMENT SHALL CONDUCT ANNUAL INSPECTIONS AND  
4 REVIEWS OF COMMUNITY TRANSITIONAL EDUCATION PROGRAMS.

5 150.

6 (A) A PERSON SHALL BE LICENSED BY THE SECRETARY BEFORE THE PERSON  
7 MAY OPERATE A COMMUNITY TRANSITIONAL EDUCATION PROGRAM.

8 (B) IN ADDITION TO OBTAINING A LICENSE FROM THE SECRETARY TO  
9 OPERATE A COMMUNITY TRANSITIONAL EDUCATION PROGRAM, A PERSON  
10 SEEKING TO OPERATE A PROGRAM SHALL OBTAIN ACCREDITATION FROM THE  
11 STATE DEPARTMENT OF EDUCATION FOR THE EDUCATION COMPONENT OF THE  
12 PROGRAM PRIOR TO BEGINNING OPERATION.

13 151.

14 (A) AN APPLICANT FOR A LICENSE SHALL SUBMIT AN APPLICATION TO THE  
15 SECRETARY ON THE FORM THAT THE SECRETARY REQUIRES.

16 (B) THE APPLICATION SHALL:

17 (1) BE SIGNED AND VERIFIED BY THE APPLICANT; AND

18 (2) CONTAIN:

19 (I) THE NAME AND ADDRESS OF THE APPLICANT;

20 (II) THE NUMBER AND LOCATION OF THE COMPONENT CENTERS  
21 OR UNITS THAT WILL COMPOSE THE COMMUNITY TRANSITIONAL EDUCATION  
22 PROGRAM;

23 (III) A DESCRIPTION OF THE TYPES OF SERVICES AND TREATMENT  
24 TO BE PROVIDED BY THE COMMUNITY TRANSITIONAL EDUCATION PROGRAM;

25 (IV) THE NUMBER AND TYPE OF RESIDENTS OR CLIENTS FOR  
26 WHICH MAINTENANCE, CARE, EDUCATION, OR TREATMENT IS TO BE PROVIDED BY  
27 THE COMMUNITY TRANSITIONAL EDUCATION PROGRAM;

28 (V) A STATEMENT THAT THE APPLICANT WILL COMPLY WITH THE  
29 LAWS AND REGULATIONS THAT RELATE TO ESTABLISHING AND OPERATING A  
30 COMMUNITY TRANSITIONAL EDUCATION PROGRAM;

31 (VI) A STATEMENT THAT THE APPLICANT HAS SUFFICIENT  
32 FINANCIAL RESOURCES TO ESTABLISH AND OPERATE THE COMMUNITY  
33 TRANSITIONAL EDUCATION PROGRAM OR THAT THOSE RESOURCES ARE  
34 AVAILABLE TO THE APPLICANT;

35 (VII) THE NAME OF THE INDIVIDUAL OR INDIVIDUALS UNDER  
36 WHOSE MANAGEMENT OR SUPERVISION THE PROGRAM WILL BE CONDUCTED;

37 (VIII) INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND  
38 TRAINING OF EMPLOYEES OF THE PROGRAM; AND

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1 (IX) ANY OTHER INFORMATION THAT THE SECRETARY MAY  
2 REQUIRE.

3 152.

4 THE SECRETARY SHALL ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE  
5 REQUIREMENTS OF THIS SUBTITLE.

6 153.

7 (A) A LICENSE EXPIRES ON THE SECOND ANNIVERSARY OF ITS EFFECTIVE  
8 DATE, UNLESS THE LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS  
9 SECTION.

10 (B) BEFORE THE LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY  
11 RENEW IT FOR AN ADDITIONAL 2-YEAR TERM IF THE LICENSEE OTHERWISE IS  
12 ENTITLED TO BE LICENSED.

13 154.

14 (A) THE SECRETARY SHALL DENY A LICENSE TO ANY APPLICANT OR  
15 SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE FAILS TO MEET  
16 THE REQUIREMENTS OF THIS SUBTITLE.

17 (B) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE  
18 ACT, BEFORE THE SECRETARY TAKES ANY ACTION UNDER THIS SECTION, THE  
19 SECRETARY SHALL GIVE THE APPLICANT OR LICENSEE NOTICE AND AN  
20 OPPORTUNITY FOR A HEARING.

21 155.

22 (A) APPLICATION FOR PLACEMENT OF A CHILD OR ADOLESCENT IN A  
23 COMMUNITY TRANSITIONAL EDUCATION PROGRAM LICENSED UNDER THIS  
24 SUBTITLE MAY BE MADE UNDER THIS SECTION BY:

25 (1) AN INDIVIDUAL WHO IS 16 YEARS OLD OR OLDER;

26 (2) A PARENT OR GUARDIAN ON BEHALF OF THE CHILD OR  
27 ADOLESCENT;

28 (3) WITH THE CONSENT OF THE PARENT OR GUARDIAN OF THE CHILD  
29 OR ADOLESCENT, A PSYCHIATRIST OR PSYCHOLOGIST WHO TREATS THE CHILD OR  
30 ADOLESCENT;

31 (4) ON BEHALF OF A CHILD OR ADOLESCENT, A LOCAL DEPARTMENT  
32 OF SOCIAL SERVICES WHEN THE LOCAL DEPARTMENT HAS CUSTODY OR  
33 GUARDIANSHIP OF THE CHILD OR ADOLESCENT UNDER § 3-820 OF THE COURTS AND  
34 JUDICIAL PROCEEDINGS ARTICLE; OR

35 (5) ON BEHALF OF A CHILD OR ADOLESCENT, THE DEPARTMENT OF  
36 JUVENILE JUSTICE WHEN THE DEPARTMENT HAS CUSTODY OR GUARDIANSHIP OF  
37 THE CHILD OR ADOLESCENT UNDER § 3-820 OF THE COURTS AND JUDICIAL  
38 PROCEEDINGS ARTICLE.

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1 (B) THE APPLICANT SHALL SUBMIT A FORMAL, WRITTEN APPLICATION TO  
2 THE SECRETARY THAT CONTAINS THE PERSONAL INFORMATION AND IS ON THE  
3 FORM REQUIRED BY THE SECRETARY.

4 (C) A PERSON OPERATING A COMMUNITY TRANSITIONAL EDUCATION  
5 PROGRAM LICENSED UNDER THIS SUBTITLE MAY NOT ACCEPT AN INDIVIDUAL  
6 UNDER THIS SECTION UNLESS:

7 (1) THE INDIVIDUAL IS UNDER THE AGE OF 18 YEARS;

8 (2) THE INDIVIDUAL HAS A DEVELOPMENTAL DISABILITY AND  
9 MODERATE OR SEVERE MALADAPTIVE BEHAVIOR DISORDER;

10 (3) THE INDIVIDUAL, BECAUSE OF THE DEVELOPMENTAL DISABILITY  
11 OR MODERATE OR SEVERE MALADAPTIVE BEHAVIOR DISORDER, REQUIRES  
12 RESIDENTIAL SERVICES NOT AVAILABLE IN THE HOME;

13 (4) THE INDIVIDUAL IS OR SHOULD BE RECEIVING TREATMENT FOR  
14 THE DEVELOPMENTAL DISABILITY OR MODERATE OR SEVERE MALADAPTIVE  
15 BEHAVIOR DISORDER; AND

16 (5) THERE IS NO LESS RESTRICTIVE FORM OF TREATMENT THAT IS  
17 CONSISTENT WITH THE WELFARE AND SAFETY OF THE CHILD OR ADOLESCENT.

18 (D) WITHIN 60 DAYS AFTER THE SECRETARY RECEIVES AN APPLICATION FOR  
19 PLACEMENT OF A CHILD OR ADOLESCENT IN A COMMUNITY TRANSITIONAL  
20 EDUCATION PROGRAM, THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL:

21 (1) DETERMINE WHETHER THE CHILD OR ADOLESCENT MEETS THE  
22 REQUIREMENTS FOR PLACEMENT UNDER THIS SECTION; AND

23 (2) IF SO, APPROVE THE APPLICATION FOR PLACEMENT IN A  
24 COMMUNITY TRANSITIONAL EDUCATION PROGRAM.

25 (E) AFTER A CHILD OR ADOLESCENT HAS BEEN APPROVED FOR PLACEMENT  
26 IN A COMMUNITY TRANSITIONAL EDUCATION PROGRAM AND AFTER ACCEPTANCE  
27 BY THE PROGRAM, UNLESS THE PROGRAM RECEIVES APPROVAL FROM THE  
28 SECRETARY, THE CHILD OR ADOLESCENT MAY NOT BE DISENROLLED FROM THE  
29 PROGRAM.

30 156.

31 THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE COMMUNITY  
32 TRANSITIONAL EDUCATION PROGRAMS TO PROVIDE SERVICES ONLY TO CHILDREN  
33 AND ADOLESCENTS WITH DEVELOPMENTAL DISABILITIES.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 1997.