

SENATE BILL 476

E3

71r1527

By: **Senator Zirkin**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2007

CHAPTER _____

1 AN ACT concerning

2 ~~Juveniles—Group Home Education Program~~
3 **Task Force to Study Group Home Education and Placement Practices**

4 FOR the purpose of ~~requiring the Department of Juvenile Services, in cooperation~~
5 ~~with the State Department of Education, to establish a Group Home Education~~
6 ~~Program in certain group homes in the State on or before a certain date;~~
7 ~~providing for the purpose of the Program; making certain provisions relating to~~
8 ~~education applicable to the Program; authorizing the Program to be conducted~~
9 ~~at certain locations; requiring teachers in the Program to take certain actions;~~
10 ~~requiring the curriculum of the Program to be developed under the jurisdiction~~
11 ~~of the State Department of Education; providing for certain funding;~~
12 ~~authorizing the Department of Juvenile Services and the State Department of~~
13 ~~Education to adopt certain regulations; and generally relating to the Group~~
14 ~~Home Education Program~~ establishing a Task Force to Study Group Home
15 Education and Placement Practices; providing for the membership and staffing
16 of the Task Force; providing that the members of the Task Force may not
17 receive compensation but are entitled to a certain reimbursement; establishing
18 the duties of the Task Force; requiring the Task Force to submit certain reports
19 to the Governor and the General Assembly on or before certain dates; providing
20 for the termination of this Act; and generally relating to the Task Force to
21 Study Group Home Education and Placement Practices.

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.



1 ~~BY repealing and reenacting, without amendments,~~
 2 ~~Article — Human Services~~
 3 ~~Section 9-231~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(As enacted by Chapter ___ (S.B.6) of the Acts of the General Assembly of 2007)~~

6 ~~BY adding to~~
 7 ~~Article — Human Services~~
 8 ~~Section 9-231.1~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(As enacted by Chapter ___ (S.B.6) of the Acts of the General Assembly of 2007)~~

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

13 ~~**Article — Human Services**~~

14 ~~**9-231.**~~

15 ~~(a) The Department may place children in group homes and institutions~~
 16 ~~operated by nonprofit or for-profit entities to provide for their care, diagnosis,~~
 17 ~~training, education, and rehabilitation.~~

18 ~~(b) (1) The Department shall reimburse the entities described in~~
 19 ~~subsection (a) of this section for the cost of the services at appropriate monthly rates~~
 20 ~~that the Department determines, as provided in the State budget.~~

21 ~~(2) The Department may establish different reimbursement rates for~~
 22 ~~homes and institutions that provide intermediate services and homes and institutions~~
 23 ~~that provide full services.~~

24 ~~(c) The Department may not place a child in a group home or other~~
 25 ~~residential facility that is not operating in compliance with applicable State licensing~~
 26 ~~laws.~~

27 ~~**9-231.1.**~~

28 ~~(A) ON OR BEFORE SEPTEMBER 1, 2011, THE DEPARTMENT, IN~~
 29 ~~COOPERATION WITH THE STATE DEPARTMENT OF EDUCATION, SHALL~~
 30 ~~ESTABLISH A GROUP HOME EDUCATION PROGRAM IN ALL GROUP HOMES IN~~
 31 ~~THE STATE THAT:~~

1 ~~(1) ACCEPT CHILDREN COMMITTED TO THE CUSTODY OF THE~~
2 ~~DEPARTMENT; AND~~

3 ~~(2) ARE LICENSED BY THE DEPARTMENT.~~

4 ~~(B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE EDUCATIONAL~~
5 ~~INSTRUCTION FOR 12 MONTHS OF THE YEAR BY TEACHERS WHO HOLD A~~
6 ~~CERTIFICATE UNDER TITLE 6, SUBTITLE 1 OF THE EDUCATION ARTICLE.~~

7 ~~(C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE~~
8 ~~PROVISIONS OF DIVISION I AND DIVISION II OF THE EDUCATION ARTICLE~~
9 ~~SHALL APPLY TO THE PROGRAM ESTABLISHED UNDER THIS SECTION.~~

10 ~~(2) THE PROGRAM MAY BE CONDUCTED ON-SITE AT THE GROUP~~
11 ~~HOME OR AT A REMOTE LOCATION DEDICATED SPECIFICALLY TO EDUCATING~~
12 ~~CHILDREN WHO ARE A PART OF THE PROGRAM.~~

13 ~~(D) (1) THE TEACHERS IN THE PROGRAM SHALL DEVELOP AN~~
14 ~~INDIVIDUALIZED PLAN FOR EDUCATION FOR EACH CHILD IN THE PROGRAM~~
15 ~~WHO DOES NOT RECEIVE AN INDIVIDUALIZED EDUCATION PROGRAM, AS~~
16 ~~DEFINED IN § 8-408 OF THE EDUCATION ARTICLE.~~

17 ~~(2) FOR EACH CHILD IN THE PROGRAM, THE TEACHERS SHALL~~
18 ~~PROVIDE A MONTHLY REPORT TO THE CHILD'S PARENTS, THE JUVENILE COURT,~~
19 ~~AND THE DEPARTMENT ON THE CHILD'S PROGRESS IN THE PROGRAM.~~

20 ~~(E) (1) THE CURRICULUM OF THE PROGRAM SHALL BE DEVELOPED~~
21 ~~UNDER THE JURISDICTION OF THE STATE DEPARTMENT OF EDUCATION.~~

22 ~~(2) FUNDING FOR THE PROGRAM SHALL INCLUDE ANY MONEYS~~
23 ~~THAT TRANSFER WITH THE CHILD FROM THE SCHOOL SYSTEM OF THE CHILD'S~~
24 ~~RESIDENCE.~~

25 ~~(F) THE DEPARTMENT AND THE STATE DEPARTMENT OF EDUCATION~~
26 ~~MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.~~

27 (a) There is a Task Force to Study Group Home Education and Placement
28 Practices.

1 **(b) The Task Force consists of the following members:**

2 **(1) two members of the Senate of Maryland, appointed by the**
3 **President of the Senate;**

4 **(2) two members of the House of Delegates, appointed by the Speaker**
5 **of the House;**

6 **(3) the Secretary of Human Resources, or the Secretary's designee;**

7 **(4) the Secretary of Juvenile Services, or the Secretary's designee;**

8 **(5) the Secretary of Health and Mental Hygiene, or the Secretary's**
9 **designee;**

10 **(6) the Secretary of Budget and Management, or the Secretary's**
11 **designee;**

12 **(7) the State Superintendent of Schools, or the Superintendent's**
13 **designee;**

14 **(8) the Executive Director of the Governor's Office for Children, or the**
15 **Executive Director's designee; and**

16 **(9) the following members, appointed by the Governor:**

17 **(i) two representatives of local departments of social services;**

18 **(ii) two representatives of nonprofit service providers;**

19 **(iii) one representative of the State Coordinating Council;**

20 **(iv) one representative of a local coordinating council; and**

21 **(v) two representatives of the child advocacy community.**

22 **(c) The President of the Senate and the Speaker of the House shall jointly**
23 **designate the chair of the Task Force.**

24 **(d) The Department of Legislative Services shall provide staff for the Task**
25 **Force.**

26 **(e) A member of the Task Force:**

1 (1) may not receive compensation as a member of the Task Force; but

2 (2) is entitled to reimbursement for expenses under the Standard
3 State Travel Regulations, as provided in the State budget.

4 (f) (1) The Task Force shall:

5 (i) examine the current status of group home education and
6 placement practices in out-of-home placements licensed by State agencies; and

7 (ii) make recommendations for future requirements for the
8 placement of children in State licensed programs.

9 (2) The Task Force shall consider the following while making its
10 findings and recommendations:

11 (i) funding requirements for:

12 1. programs for children committed to the Department of
13 Juvenile Services and the Department of Human Resources;

14 2. alternative programs;

15 3. separate programs versus commingled programs; and

16 4. other State agencies;

17 (ii) the feasibility of separate programs and facilities for
18 children commingled in programs licensed by the Department of Juvenile Services, the
19 Department of Human Resources, the Department of Health and Mental Hygiene, and
20 the Maryland State Department of Education;

21 (iii) studies related to the commingling of children committed to
22 the Department of Juvenile Services and the Department of Human Resources;

23 (iv) the demographics of children committed to the Department
24 of Juvenile Services and the Department of Human Resources;

25 (v) the educational needs of youth served by group homes;

26 (vi) the fiscal impact of prohibiting commingling of children on
27 current and future providers;

1 (vii) the number of negative incidents in commingled and
 2 noncommingled programs; and

3 (viii) the commitment history of children in commingled and
 4 noncommingled programs.

5 (g) The Task Force shall submit to the Governor and, in accordance with §
 6 2-1246 of the State Government Article, the General Assembly:

7 (1) an interim report of its findings and recommendations on or before
 8 December 1, 2007; and

9 (2) a final report of its findings and recommendations on or before
 10 December 1, 2008.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 12 ~~October~~ July 1, 2007. It shall remain effective for a period of 2 years and, at the end of
 13 June 30, 2009, with no further action required by the General Assembly, this Act shall
 14 be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.