

Article - Education

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§8-417.

(a) (1) In this section the following words have the meanings indicated.

(2) “Nonpublic general education school” means a nonpublic school approved under COMAR 13A.09.10 pursuant to § 2-206 of this article and operated in conjunction with residential or nonresidential child care programs licensed or approved by the Department, the Department of Health and Mental Hygiene, the Department of Human Resources, or the Department of Juvenile Services.

(3) “Nonresidential child care program” means a program that:

(i) Provides services for children in a nonresidential setting, designed to achieve objectives related to the needs of children at risk of out-of-home placement; and

(ii) Is licensed or approved by the Department of Health and Mental Hygiene, the Department of Human Resources, or the Department of Juvenile Services.

(4) “Residential child care program” means a program that:

(i) Provides care for children 24 hours a day within a structured set of services and activities designed to achieve objectives related to the needs of the children served; and

(ii) Is licensed by the Department of Health and Mental Hygiene, the Department of Human Resources, or the Department of Juvenile Services.

(b) (1) The Department of Education, as the fiscal agent of the Children’s Cabinet Fund under Title 8, Subtitle 5 of the Human Services Article, shall administer and implement a redesigned rate setting process for nonpublic general education schools, residential child care programs, and nonresidential child care programs.

(2) The Department of Human Resources, the Department of Juvenile Services, the Department of Budget and Management, the Department of Health and Mental Hygiene, and the Governor’s Office for Children shall participate with the Department in the development and implementation of rates in programs licensed or approved by those agencies to the extent required by federal and State law.

(c) (1) A decision as to the amount or implementation of rates established under this section may be appealed by sending a written request for appeal to the Children’s Cabinet.

(2) The request shall set forth the specific objections to the decision as to the amount or implementation of rates established under this section.

(3) The Children's Cabinet or designees shall issue a final, binding opinion upholding, reversing, or modifying the rates set by the Interagency Rates Committee within 30 days after receipt of the request for appeal.

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