

# SENATE BILL 102

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(PRE-FILED)

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request  
– Departmental – Office for Children)**

Requested: October 29, 2015

Introduced and read first time: January 13, 2016

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Governor’s Office for Children and Services to Children**

3 FOR the purpose of repealing provisions of law establishing the Advisory Council to the  
4 Children’s Cabinet and the Council’s purpose; repealing provisions of law  
5 establishing the State Coordinating Council for Children and relating to the  
6 Council’s membership, chair, staff, and duties; repealing a requirement that a local  
7 school system seeking nonpublic tuition payment obtain funding approval from  
8 certain coordinating councils; repealing a requirement that the Governor’s Office for  
9 Children participate with the State Department of Education in the development  
10 and implementation of rates for programs licensed or approved by certain State  
11 units; altering the membership of the State Early Childhood Development Advisory  
12 Council; altering the membership of the Council for the Procurement of Health,  
13 Educational, and Social Services; repealing a requirement that the Juvenile Justice  
14 Monitoring Unit collaborate with the Governor’s Office for Children in certain  
15 matters relating to the licensing and monitoring of children’s residential facilities;  
16 repealing a requirement that the Juvenile Justice Monitoring Unit report annually  
17 to the Executive Director of the Governor’s Office for Children; repealing certain  
18 definitions; making conforming changes; and generally relating to the Governor’s  
19 Office for Children and services to children.

20 BY repealing

21 Article – Human Services

22 Section 8–201 and 8–202 and the subtitle “Subtitle 2. Advisory Council to Children’s  
23 Cabinet”; and 8–401 through 8–404

24 Annotated Code of Maryland

25 (2007 Volume and 2015 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article – Education

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Section 7–1601  
2 Annotated Code of Maryland  
3 (2014 Replacement Volume and 2015 Supplement)
- 4 BY repealing and reenacting, with amendments,  
5 Article – Education  
6 Section 7–1603(a) and 8–417(b)  
7 Annotated Code of Maryland  
8 (2014 Replacement Volume and 2015 Supplement)
- 9 BY repealing  
10 Article – Education  
11 Section 8–406(f)  
12 Annotated Code of Maryland  
13 (2014 Replacement Volume and 2015 Supplement)
- 14 BY repealing and reenacting, with amendments,  
15 Article – Human Services  
16 Section 8–101, 8–405, 8–406, 8–407, and 8–408  
17 Annotated Code of Maryland  
18 (2007 Volume and 2015 Supplement)
- 19 BY repealing and reenacting, without amendments,  
20 Article – State Finance and Procurement  
21 Section 12–110(b)  
22 Annotated Code of Maryland  
23 (2015 Replacement Volume)
- 24 BY repealing and reenacting, with amendments,  
25 Article – State Finance and Procurement  
26 Section 12–110(c)  
27 Annotated Code of Maryland  
28 (2015 Replacement Volume)
- 29 BY repealing and reenacting, with amendments,  
30 Article – State Government  
31 Section 6–401, 6–404(8), and 6–406  
32 Annotated Code of Maryland  
33 (2014 Replacement Volume and 2015 Supplement)
- 34 BY repealing and reenacting, without amendments,  
35 Article – State Government  
36 Section 6–402  
37 Annotated Code of Maryland  
38 (2014 Replacement Volume and 2015 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That Section(s) 8–201 and 8–202 and the subtitle “Subtitle 2. Advisory Council to  
3 Children’s Cabinet” of Article – Human Services of the Annotated Code of Maryland be  
4 repealed.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
6 as follows:

7 **Article – Education**

8 7–1601.

9 In this subtitle, “Council” means the State Early Childhood Advisory Council.

10 7–1603.

11 (a) The Council consists of the following members:

12 (1) One member of the Senate of Maryland, appointed by the President of  
13 the Senate;

14 (2) One member of the House of Delegates, appointed by the Speaker of the  
15 House;

16 (3) The State Superintendent of Schools, or the Superintendent’s designee;

17 (4) The Secretary of Health and Mental Hygiene, or the Secretary’s  
18 designee;

19 (5) The Director of the Head Start State Collaboration, or the Director’s  
20 designee;

21 (6) [The Executive Director of the Governor’s Office for Children, or the  
22 Executive Director’s designee;

23 (7)] The Assistant State Superintendent of the Division of Early Childhood  
24 Development, or the Assistant State Superintendent’s designee;

25 [(8)] (7) The Director of the Office of Child Care within the Division of  
26 Early Childhood Development, or the Director’s designee;

27 [(9)] (8) The Assistant State Superintendent of the Division of Special  
28 Education/Early Intervention Services, or the Assistant State Superintendent’s designee;

29 [(10)] (9) The following members, appointed by the Governor:

30 (i) One representative of a local education agency;

- 1 (ii) One representative of an institution of higher education in the  
2 State;
- 3 (iii) One representative of the Maryland State Child Care  
4 Association;
- 5 (iv) One representative of the Maryland State Family Child Care  
6 Association;
- 7 (v) One representative of the Maryland Association for the  
8 Education of Young Children;
- 9 (vi) One representative of the Maryland School Age Child Care  
10 Alliance;
- 11 (vii) One representative of a nonpublic prekindergarten provider;
- 12 (viii) One representative of a Head Start agency in the State;
- 13 (ix) One representative of a local management board;
- 14 (x) One representative of the State Interagency Coordinating  
15 Council;
- 16 (xi) One representative of the Ready at Five Partnership;
- 17 (xii) One representative of the Maryland Parent Teacher Association;
- 18 (xiii) One representative of the Maryland Library Association;
- 19 (xiv) One representative of the business community with  
20 demonstrated leadership in early childhood care and education;
- 21 (xv) One representative of the Maryland Family Network;
- 22 (xvi) One representative of the Office of Child Care Advisory Council;
- 23 (xvii) One representative of the Maryland State Education Association;
- 24 (xviii) One representative of the Service Employees International  
25 Union;
- 26 (xix) One representative of the Department of Disabilities;
- 27 (xx) One representative of the Social Services Administration of the  
28 Department of Human Resources;

- 1 (xxi) One representative of a philanthropic institution;
- 2 (xxii) One representative of the Maryland Association of Elementary  
3 School Principals;
- 4 (xxiii) One representative of a local government agency that provides  
5 services to children;
- 6 (xxiv) One representative of a local Community Action Agency;
- 7 (xxv) One representative of the Maryland Chapter of the American  
8 Academy of Pediatrics;
- 9 (xxvi) One representative who provides school health services to  
10 children;
- 11 (xxvii) One representative of the Maryland Developmental Disabilities  
12 Council;
- 13 (xxviii) One representative of the Maryland Council for American  
14 Private Education;
- 15 (xxix) One representative from the Maryland Association of Boards of  
16 Education;
- 17 (xxx) One representative from the Home Visiting Alliance; and
- 18 (xxxi) One representative who advocates for homeless children; and
- 19 **[(11)] (10)** One ex-officio member, appointed by the Council.

20 8-406.

21 **[(f)** In addition to meeting the requirements of this subtitle, a local school system  
22 seeking nonpublic tuition payment shall obtain funding approval from the local  
23 coordinating council and the State Coordinating Council in accordance with departmental  
24 regulations.]

25 8-417.

26 **(b)** (1) The Department of Education, as the fiscal agent of the Children's  
27 Cabinet Fund under Title 8, Subtitle 5 of the Human Services Article, shall administer and  
28 implement a redesigned rate setting process for nonpublic general education schools,  
29 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, AND 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.

### Article – Human Services

8–101.

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

(b) “Agencies of the Children’s Cabinet” includes:

(1) the Department of Budget and Management;

(2) the Department of Disabilities;

(3) the Department of Health and Mental Hygiene;

(4) the Department of Human Resources;

(5) the Department of Juvenile Services; and

(6) the State Department of Education.

(c) (1) “Child in need of out-of-state placement” means a child who is recommended by a public agency for out-of-home placement outside of the State.

(2) “Child in need of out-of-state placement” does not include a child:

(i) placed in foster care, as defined in § 5–501 of the Family Law Article; or

(ii) who is in a hospital for 30 continuous days or less.

(d) “Child with intensive needs” means a child who has behavioral, educational, developmental, or mental health needs that cannot be met through available public agency resources because:

(1) the child’s needs exceed the resources of a single public agency; or

(2) there is no legally mandated funding source to meet the child’s needs.

(e) “Core service agency” has the meaning stated in § 7.5–101 of the Health – General Article.

1 (f) ["Council" means the State Coordinating Council for Children.

2 (g) "Evidence-based" means meeting the criteria for an evidence-based early  
3 childhood home visiting service delivery model as defined by the federal Department of  
4 Health and Human Services.

5 (h) (G) "Executive Director" means the Executive Director of the Governor's  
6 Office for Children.

7 (i) (H) (1) "Family" means an eligible child's natural, adoptive, or foster  
8 parents.

9 (2) "Family" includes:

10 (i) a guardian;

11 (ii) a person acting as a parent of a child; and

12 (iii) a relative or stepparent with whom a child lives.

13 (j) (I) (1) "Home visiting program" means a program or initiative that:

14 (i) contains home visiting as a primary service delivery strategy;

15 (ii) offers services on a voluntary basis to pregnant women,  
16 expectant fathers, and parents and caregivers of children from birth to kindergarten entry;  
17 and

18 (iii) targets participant outcomes that may include:

19 1. improved maternal and child health;

20 2. prevention of child injuries, child abuse or maltreatment,  
21 and reduction of emergency department visits;

22 3. improvements in school readiness and achievement;

23 4. reduction in crime or domestic violence;

24 5. improvements in family economic self-sufficiency;

25 6. improvements in the coordination of and referrals to other  
26 community resources and supports; or

27 7. improvements in parenting skills related to child  
28 development.

1           (2) “Home visiting program” includes those program models identified in  
2 the Home Visiting Evidence of Effectiveness project of the federal Department of Health  
3 and Human Services.

4           (3) “Home visiting program” does not include:

5                   (i) programs with few or infrequent visits;

6                   (ii) programs in which home visiting is supplemental to other  
7 services; or

8                   (iii) in-home services delivered through provisions of an  
9 individualized family service plan or an individualized education program under Part C or  
10 Part B of the federal Individuals with Disabilities Education Act.

11           [(k)] (J) “Hospital” has the meaning stated in § 19–301 of the Health – General  
12 Article.

13           [(k–1)] (K) “Local behavioral health authority” has the meaning stated in §  
14 7.5–101 of the Health – General Article.

15           (l) “Local management board” means an entity established or designated by a  
16 county under Subtitle 3 of this title to ensure the implementation of a local, interagency  
17 service delivery system for children, youth, and families.

18           (m) “Office” means the Governor’s Office for Children.

19           (n) “Promising” means a home visiting program or practice that:

20                   (1) does not yet meet the standard for evidence–based practices; and

21                   (2) meets the criteria of a promising approach as defined by the federal  
22 Department of Health and Human Services.

23           (o) “Public agency” means a State or local government unit or a  
24 quasi–governmental entity.

25           (p) (1) “Residential child care program” means an entity that provides 24–hour  
26 per day care for children within a structured set of services and activities that are designed  
27 to achieve specific objectives relative to the needs of the children served and that include  
28 the provision of food, clothing, shelter, education, social services, health, mental health,  
29 recreation, or any combination of these services and activities.

30           (2) “Residential child care program” includes a program:

31                   (i) licensed by:



- 1 1. the Department of Health and Mental Hygiene;
- 2 2. the Department of Human Resources; or
- 3 3. the Department of Juvenile Services; and

4 (ii) that is subject to the licensing regulations of the members of the  
5 Children's Cabinet governing the operations of residential child care programs.

6 [8-401.

7 There is a State Coordinating Council for Children in the Office.]

8 [8-402.

9 (a) The Council consists of the following members:

10 (1) the Executive Director of the Governor's Office for Children, or the  
11 Executive Director's designee;

12 (2) the Secretary of Juvenile Services, or the Secretary's designee;

13 (3) the Secretary of Health and Mental Hygiene, or the Secretary's  
14 designee;

15 (4) the Secretary of Human Resources, or the Secretary's designee; and

16 (5) the State Superintendent of Schools, or the Superintendent's designee.

17 (b) The Secretary of Budget and Management, or the Secretary's designee, shall  
18 serve as a nonvoting ex officio Council member.

19 (c) The Secretary of Disabilities, or the Secretary's designee, shall serve as a  
20 nonvoting ex officio Council member.

21 (d) The Children's Cabinet shall designate up to three individuals to serve on the  
22 Council on a rotating basis to represent each of the following stakeholder groups:

23 (1) family members or family advocates; and

24 (2) youth or youth advocates.]

25 [8-403.

26 (a) (1) The office of chair of the Council shall rotate annually among the  
27 members of the Council appointed under § 8-402(a) of this subtitle, in the order listed in  
28 that subsection.

1 (2) The term of the chair is 1 year.

2 (b) The Office shall provide staff support for the Council.]

3 [8-404.

4 The Council shall address the population of children who are in out-of-state  
5 placements or are recommended for out-of-state placements, including:

6 (1) reviewing recommendations for State funding of the individual  
7 placement of a child in need of out-of-state placement;

8 (2) coordinating the monitoring of out-of-state residential facilities for  
9 children as required by statute;

10 (3) tracking the types, costs, and effectiveness of services required to meet  
11 the needs of children who are recommended for out-of-state placements;

12 (4) providing training and technical assistance to local agency and  
13 community partners;

14 (5) making recommendations to the appropriate secretary on the  
15 development of regulations to carry out this subtitle; and

16 (6) performing other related activities that the Children's Cabinet  
17 identifies.]

18 [8-405.] **8-401.**

19 There is a local care team in each county.

20 [8-406.] **8-402.**

21 (a) Each local care team shall include:

22 (1) at least one representative from:

23 (i) the Department of Juvenile Services;

24 (ii) the Developmental Disabilities Administration;

25 (iii) the Behavioral Health Administration;

26 (iv) if determined to be appropriate by the Behavioral Health  
27 Administration, the local core service agency or local behavioral health authority;

1 (v) the local school system;

2 (vi) the local health department;

3 (vii) the local department of social services; and

4 (viii) the local management board;

5 (2) a parent, parent advocate, or both, appointed by the chair of the local  
6 care team in consultation with the child advocacy community; and

7 (3) a nonvoting representative of the local office of the division of  
8 rehabilitative services to represent individuals who are 16 years old and older.

9 (b) Each local care team shall establish the terms of its members.

10 (c) Each local care team shall select its chair from among its members for a  
11 designated term of office.

12 (d) Each local care team:

13 (1) shall determine which of its members will have responsibility for its  
14 administrative functions; and

15 (2) if two or more members will share the responsibility, shall determine  
16 the rotation of the administrative functions.

17 (e) Subject to the availability of funds, a parent or parent advocate who is a  
18 member of a local care team may receive:

19 (1) the compensation provided in the State or local budget; and

20 (2) reimbursement for expenses, in accordance with the Standard State  
21 Travel Regulations.

22 **[8-407.] 8-403.**

23 A local care team shall:

24 (1) be a forum for:

25 (i) families of children with intensive needs to receive assistance  
26 with the identification of individual needs and potential resources to meet identified needs;  
27 and

28 (ii) interagency discussions and problem solving for individual child  
29 and family needs and systemic needs;

- 1 (2) refer children and families to:
- 2 (i) care management entities when appropriate; and
- 3 (ii) available local and community resources;
- 4 (3) provide training and technical assistance to local agency and  
5 community partners;
- 6 (4) identify and share resource development needs and communicate with  
7 the care management entity, local core service agencies, or local behavioral health  
8 authority, provider networks, local management boards, and other local care teams in  
9 surrounding jurisdictions; and
- 10 (5) discuss a request for a voluntary placement agreement for a child with  
11 a developmental disability or a mental illness under § 5-525 of the Family Law Article.

12 ~~[8-408.]~~ **8-404.**

- 13 (a) A parent or guardian of a child and the child's attorney may attend any  
14 meeting of ~~[the Council or]~~ the local care team at which the child's care is discussed.
- 15 (b) At least 10 days before the meeting, the ~~[Council or]~~ local care team shall  
16 notify each parent or guardian of the child and the child's attorney of the date, time, and  
17 location of any meeting ~~[the Council or]~~ the local care team plans to hold to discuss the  
18 child's out-of-state placement.
- 19 (c) The ~~[Council or the]~~ local care team shall notify each parent or guardian of  
20 the child and the child's attorney in writing of:

- 21 (1) any decision the ~~[Council or]~~ local care team makes concerning the  
22 child's out-of-state placement; and
- 23 (2) the right of the parent, guardian, or attorney to appeal a decision made  
24 by ~~[the Council or]~~ the local care team concerning the child's out-of-state placement.

25 **Article – State Finance and Procurement**

26 12-110.

- 27 (b) There is a Council for the Procurement of Health, Educational, and Social  
28 Services.
- 29 (c) (1) The Council consists of the following members:

- 1 (i) the State Treasurer;
- 2 (ii) the Attorney General;
- 3 (iii) the Procurement Advisor;
- 4 (iv) the State Superintendent of Schools;
- 5 (v) the Secretary of Budget and Management;
- 6 (vi) the Secretary of Juvenile Services;
- 7 (vii) the Secretary of Human Resources;
- 8 (viii) the Secretary of Health and Mental Hygiene;
- 9 (ix) the Director of the Governor's Grants Office;
- 10 (x) the Executive Director of the Governor's Office of Crime Control  
11 and Prevention;
- 12 (xi) [the Executive Director of the Governor's Office for Children;
- 13 (xii)] the Special Secretary for the Office of Minority Affairs;
- 14 [(xiii)] **(XII)** four representatives of private organizations with  
15 experience providing human services funded by contracts through State units, appointed  
16 by the Governor;
- 17 [(xiv)] **(XIII)** a member of the Senate, appointed by the President of the  
18 Senate; and
- 19 [(xv)] **(XIV)** a member of the House of Delegates, appointed by the  
20 Speaker of the House.
- 21 (2) (i) If the State Treasurer is unable to attend a meeting of the  
22 Council, the Treasurer may designate a Deputy Treasurer to attend the meeting.
- 23 (ii) If a member of the Council listed in paragraph (1)(ii) through  
24 [(xii)] **(XI)** of this subsection is unable to attend a meeting of the Council, the member may  
25 designate the Chief Procurement Officer or another senior management staff member of  
26 the agency or organization to attend the meeting.
- 27 (3) (i) This paragraph applies to members of the Council appointed  
28 under paragraph [(1)(xiii)] **(1)(XII)** of this subsection.

1 (ii) On or after July 1, 2014, the term of a member is 4 years.

2 (iii) The terms of members are staggered as required by the terms  
3 provided for members of the Council on July 1, 2014.

4 (iv) At the end of a term, a member continues to serve until a  
5 successor is appointed and qualifies.

6 (v) A member who is appointed after a term has begun serves only  
7 for the rest of the term and until a successor is appointed and qualifies.

8 (vi) A member may not serve more than two consecutive terms,  
9 except that a member appointed before July 1, 2014, may serve one additional 4-year term  
10 when the member's current term expires.

11 (vii) The Governor may remove a member for neglect of duty,  
12 incompetence, or misconduct.

### 13 Article – State Government

14 6–401.

15 (a) In this subtitle the following words have the meanings indicated.

16 (b) “Department” means the Department of Juvenile Services.

17 (c) “Disciplinary action” means any punitive action against a child that results in  
18 more security, additional obligations, or less personal freedom.

19 (d) [“Executive Director” means the Executive Director of the Governor’s Office  
20 for Children.

21 (e)] “Facility” means:

22 (1) a residential facility operated by the Department;

23 (2) a residential facility owned by the Department but privately operated;  
24 and

25 (3) a residential facility licensed by the Department.

26 [(f)] (E) (1) “Grievance” means a complaint made by a child or on behalf of a  
27 child due to a circumstance or an action considered to be unjust.

28 (2) “Grievance” does not include an employee grievance, disciplinary  
29 appeal, or complaint.

1            [(g) (F)        “Juvenile justice monitor” means an individual employed by the Office  
2 of the Attorney General to determine whether the needs of children under the jurisdiction  
3 of the Department are being met in compliance with State law, that their rights are being  
4 upheld, and that they are not being abused.

5            [(h) (G)        “Secretary” means the Secretary of Juvenile Services.

6            [(i) (H)        “Unit” means the Juvenile Justice Monitoring Unit of the Office of the  
7 Attorney General.

8 6–402.

9            (a)        There is a Juvenile Justice Monitoring Unit of the Office of the Attorney  
10 General.

11            (b)        The function of the Unit is to investigate and determine whether the needs of  
12 children under the jurisdiction of the Department of Juvenile Services are being met in  
13 compliance with State law, that their rights are being upheld, and that they are not being  
14 abused.

15 6–404.

16            The Unit shall:

17            (8)        collaborate with the Department, the Department of Human Resources,  
18 AND the Department of Health and Mental Hygiene[, and the Governor’s Office for  
19 Children] in all matters related to the licensing and monitoring of children’s residential  
20 facilities; and

21 6–406.

22            (a)        The Unit shall report in a timely manner to [the Executive Director,] the  
23 Secretary[,] and, in accordance with § 2–1246 of this article, the Speaker of the House of  
24 Delegates and the President of the Senate:

25            (1)        knowledge of any problem regarding the care, supervision, and  
26 treatment of children in facilities;

27            (2)        findings, actions, and recommendations, related to the investigations of  
28 disciplinary actions, grievances, incident reports, and alleged cases of child abuse and  
29 neglect; and

30            (3)        all other findings and actions related to the monitoring required under  
31 this subtitle.

1 (b) (1) The Unit shall report quarterly to [the Executive Director and] the  
2 Secretary.

3 (2) A copy of the report shall be provided to the State Advisory Board for  
4 Juvenile Services and, in accordance with § 2–1246 of this article, the General Assembly.

5 (3) The report shall include:

6 (i) all activities of the Unit;

7 (ii) actions taken by the Department resulting from the findings and  
8 recommendations of the Unit, including the Department's response; and

9 (iii) a summary of any violations of the standards and regulations of  
10 the Department that remained unabated for 30 days or more during the reporting period.

11 (c) Beginning in 2006, on or before November 30 of each year, the Unit shall  
12 report to [the Executive Director,] the Secretary, the advisory boards established under §  
13 9–230 of the Human Services Article, the Governor, and, in accordance with § 2–1246 of  
14 this article, the General Assembly, on all the activities of the Office and the actions taken  
15 by the Department in response to findings and recommendations of the Unit.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2016.