



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Gloria Brown Burnett, Interim Secretary

March 4, 2026

The Honorable Brian J. Feldman, Chair
Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: TESTIMONY ON SB 402 - RESIDENTIAL CHILD CARE PROGRAMS - EDUCATION OF CHILDREN AND TRAINING OF CHILD AND YOUTH CARE PRACTITIONERS - POSITION: FAVORABLE WITH AMENDMENTS

Dear Chair Feldman and Members of the Education, Energy, and Environment Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and respectfully requests a favorable with amendments report on Senate Bill 402 (SB 402).

With offices in every one of Maryland's jurisdictions, DHS provides preventive and supportive services, economic assistance, and meaningful connections to employment development and career opportunities to help Marylanders reach their full potential. Our Social Services Administration (SSA) implements the Out-of-Home Care (formerly known as foster care) and Residential Child Care programs, which are affected by SB 402.

Residential Child Care programs (RCCs) are a type of child placement provider utilized by the Department of Human Services, Department of Juvenile Services, and Maryland Department of Health. They are what are commonly referred to as "group homes," and are licensed by the Governor's Office of Children, under [COMAR 14.31.05](#). Many RCCs serve youth in out-of-home care in the care and custody of DHS, while others serve children and youth with other distinct needs in the care and custody of other state agencies.

Children in residential child care programs (RCC) often experience gaps in academic support, inconsistent school engagement, and staff who may not be sufficiently trained to address learning, behavioral, and mental health needs. SB 402 addresses these concerns by promoting educational support within the residential setting and strengthening training requirements in RCC facilities. DHS is fully supportive of these efforts, but we believe the bill language can be strengthened to align with existing federal statute, and to clarify jurisdictional authority between local departments of social services, RCC facilities, and the school system. We offer amendments to clarify language regarding school enrollment, academic record transfers, and the residential program's requirements to ensure applicable educational goals align with a child's Individualized Education Program (IEP) or 504 Plan.

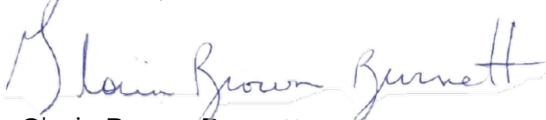
The federal "Every Student Succeeds Act" requires all youth in out-of-home care to receive a best-interest meeting to determine whether it is in their interest to remain at their school of origin, which is prioritized to ensure educational stability and minimize school disruption. It is not always the case that a child's best interest would be served by enrollment in the local school district of the residential child care facility.

Our proposed amendments are outlined in detail beginning on page three of our testimony. In summary, our amendments accomplish three goals:

1. Remove sections of the bill in conflict with federal law, including the "Every Student Succeeds Act" and the "Uninterrupted Scholars Act," regarding the enrollment of students and access to educational records;
2. clarify the responsibility of RCCs in supporting resident youth in their academic affairs in alignment with federal "Individuals with Disabilities Education Act" (IDEA) and "Family Education Rights and Privacy Act" (FERPA); and
3. ensure all certified residential child and youth practitioners are required to undergo related training.

We appreciate the opportunity to provide favorable testimony with amendments to the committee for consideration during your deliberations. If you require additional information, please contact Justin Hayes, Acting Director of Government Affairs, at justin.hayes1@maryland.gov.

In service,



Gloria Brown-Burnett
Interim Secretary

Proposed Amendments

Amendment No. 1

On page 2, lines strike lines 18 - 25, and beginning on line 26, renumber beginning with "(3)":

~~(1) — Shall enroll the child in the local school system where the residential child care program is located unless the residential child care program operates an approved educational program in accordance with the licensing regulations that govern the residential child care program;~~

~~(2) — Shall expeditiously initiate and monitor the transfer of the academic records of a child in the operator's care from the transferring school to [insure] **ENSURE** that the academic records are transferred to the school that the child will be attending while living in the operator's care;~~

~~(3) (1) (i)~~ May request a meeting with the child's teachers; [and]

Amendment No. 2

On page 3 beginning on line 9, after "**ASSISTANCE WITH HOMEWORK ASSIGNMENTS, PROJECTS,**" add: "**SKILLS PRACTICE**" and on line 11, after "**TAUGHT TO THE CHILD**" add: "**AND REINFORCE EDUCATION GOALS IDENTIFIED IN A CHILD'S INDIVIDUALIZED EDUCATION PROGRAM OR 504 PLAN (AS APPLICABLE)**".

On page 3, lines 9 - 11 will read:

(II) ASSISTANCE WITH HOMEWORK ASSIGNMENTS, PROJECTS, SKILLS PRACTICE AND TEST PREPARATION IN ORDER TO REINFORCE EDUCATIONAL CONCEPTS TAUGHT TO THE CHILD AND REINFORCE EDUCATION GOALS IDENTIFIED IN A CHILD'S INDIVIDUALIZED EDUCATION PROGRAM OR 504 PLAN (AS APPLICABLE);

Amendment No. 3

On page 3, strike lines 14 - 21 beginning with "**FOR A CHILD...**", and on line 22 strike "**(VI)**", "**DUALLY**", and "**AND**", then add "**OR IN**" following the stricken "**AND**".

On page 3, lines 14 - 22 will read:

~~(IV) FOR A CHILD WITH AN INDIVIDUALIZED EDUCATION PROGRAM UNDER THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT OR A 504 PLAN UNDER § 504 OF THE FEDERAL REHABILITATION ACT OF 1973, APPLICABLE EDUCATIONAL GOALS TO COMPLETE WITHIN THE RESIDENTIAL CHILD CARE PROGRAM THAT ARE CONSISTENT WITH THE CHILD'S PROGRAM OR PLAN;~~

~~(V) FOR A CHILD WITH A BEHAVIORAL INTERVENTION PLAN UNDER SUBTITLE 11 OF THIS TITLE, BEHAVIORAL SUPPORTS AND GOALS THAT REINFORCE THE GOALS OF THE CHILD'S PLAN IN THE SCHOOL SETTING; AND~~

(VI) FOR CHILDREN ~~DUALLY~~ ENROLLED IN A HIGH SCHOOL ~~AND~~ **OR IN**

Amendment No. 4

On page 5, after line 16, enter a new line and add:

(III) ALL CURRENTLY CERTIFIED RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS SHALL COMPLY WITH THIS TRAINING REQUIREMENT DURING THEIR NEXT RECERTIFICATION.