

HOUSE BILL 245

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2003 Regular Session
(3r1511)

ENROLLED BILL

-- Ways and Means/Education, Health, and Environmental Affairs --

Introduced by **Delegates Jones, Bobo, Boschert, Cane, Howard, Kirk,
Madaleno, and Nathan-Pulliam**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Residential Child Care Programs - State-Funded Operators - Licensing**
3 **Provisions**

4 FOR the purpose of requiring a licensed operator of a residential child care program
5 who receives State funding to meet certain academic needs of a child in the
6 operator's care; exempting certain licensed operators from certain requirements;
7 requiring certain group homes to comply with certain provisions of law;
8 requiring the department that licenses the group home to notify certain group
9 homes of certain provisions of law; and generally relating to certain licensing
10 provisions for State-funded operators of residential child care programs.

11 BY adding to
12 Article - Education
13 Section 7-309
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2002 Supplement)

1 BY repealing and reenacting, with amendments,
 2 Article - Family Law
 3 Section 5-526
 4 Annotated Code of Maryland
 5 (1999 Replacement Volume and 2002 Supplement)

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

8 **Article - Education**

9 7-309.

10 (A) (1) IN THIS SECTION, "RESIDENTIAL CHILD CARE PROGRAM" MEANS A
 11 PROGRAM THAT:

12 (I) PROVIDES CARE FOR CHILDREN 24 HOURS A DAY WITHIN A
 13 STRUCTURED SET OF SERVICES AND ACTIVITIES DESIGNED TO ACHIEVE
 14 OBJECTIVES RELATED TO THE NEEDS OF THE CHILDREN SERVED; AND

15 (II) IS LICENSED BY THE DEPARTMENT OF HEALTH AND MENTAL
 16 HYGIENE, THE DEPARTMENT OF HUMAN RESOURCES, OR THE DEPARTMENT OF
 17 JUVENILE JUSTICE.

18 (2) A "RESIDENTIAL CHILD CARE PROGRAM" INCLUDES:

19 (I) GROUP HOMES;

20 (II) ALTERNATIVE LIVING UNITS; AND

21 (III) EMERGENCY SHELTER CARE.

22 (B) EACH LICENSED OPERATOR OF A RESIDENTIAL CHILD CARE PROGRAM
 23 WHO HAS LEGAL CUSTODY OR CARE AND CONTROL OF A CHILD WHO IS AT LEAST 5
 24 YEARS OLD AND UNDER THE AGE OF 16 YEARS AND RECEIVES STATE FUNDING AS
 25 PROVIDED IN § 5-526 OF THE FAMILY LAW ARTICLE ~~SHALL~~:

26 (1) SHALL ENROLL THE CHILD IN THE LOCAL SCHOOL SYSTEM WHERE
 27 THE RESIDENTIAL CHILD CARE PROGRAM IS LOCATED UNLESS THE RESIDENTIAL
 28 CHILD CARE PROGRAM OPERATES AN APPROVED EDUCATIONAL PROGRAM IN
 29 ACCORDANCE WITH THE LICENSING REGULATIONS THAT GOVERN THE
 30 RESIDENTIAL CHILD CARE PROGRAM;

31 (2) SHALL EXPEDITIOUSLY ~~RETRIEVE~~ INITIATE AND MONITOR THE
 32 TRANSFER OF THE ACADEMIC RECORDS OF A CHILD IN THE OPERATOR'S CARE FROM
 33 THE TRANSFERRING SCHOOL AND SEND THE ACADEMIC RECORDS TO INSURE THAT
 34 THE ACADEMIC RECORDS ARE TRANSFERRED TO THE SCHOOL THAT THE CHILD WILL
 35 BE ATTENDING WHILE LIVING IN THE OPERATOR'S CARE;

1 (⇒) (3) (I) MAY REQUEST A MEETING WITH THE CHILD'S TEACHERS;

2 AND

3 (II) SHALL MEET THE CHILD'S TEACHERS AT THE TIME OF
4 ENROLLMENT AND AT ANY OTHER TIME THE SCHOOL OR A TEACHER REQUESTS;

5 AND

6 (⇒) (4) SHALL SIGN THE CHILD'S REPORT CARD AND, INSURE THAT
7 THE REPORT CARD IS RETURNED TO SCHOOL, AND INCLUDE A COPY OF THE REPORT
8 CARD IN THE CHILD'S CASE RECORD.

9 **Article - Family Law**

10 5-526.

11 (a) (1) The Department shall provide for the care, diagnosis, training,
12 education, and rehabilitation of children by placing them in group homes and
13 institutions that are operated by for-profit or nonprofit charitable corporations.

14 (2) Any group home utilized under the provisions of this section shall
15 comply with the provisions of §§ 5-507 through 5-509 of this subtitle AND § 7-309 OF
16 THE EDUCATION ARTICLE.

17 (3) THE DEPARTMENT THAT LICENSES THE GROUP HOME SHALL
18 NOTIFY ANY GROUP HOME UTILIZED UNDER THE PROVISIONS OF THIS SECTION OF
19 THE REQUIREMENTS OF § 7-309 OF THE EDUCATION ARTICLE.

20 (b) (1) The Department shall reimburse these corporations for the cost of
21 these services at appropriate monthly rates that the Department determines, as
22 provided in the State budget.

23 (2) The reimbursement rate may differ between homes and institutions
24 that provide intermediate services, as defined by the Department, and homes and
25 institutions that provide full services.

26 (c) The Department, or the Department's designee, may not place a child in a
27 residential group home or other facility that is not operating in compliance with
28 applicable State licensing laws.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect July 1, 2003.

