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By: **Senators Hogan and Kramer**  
Introduced and read first time: February 4, 2005  
Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Regional Institutes for Children and Adolescents - Funding**

3 FOR the purpose of repealing a requirement that the State and the counties  
4 collectively share the costs of educating children with disabilities who are in a  
5 regional institute for children and adolescents; requiring that the cost of a  
6 certain contract between the Department of Health and Mental Hygiene and the  
7 local education agency of Prince George's County be determined in a certain  
8 manner; requiring the State to fund each regional institute for children and  
9 adolescents at a certain level for certain fiscal years; declaring the intent of the  
10 General Assembly; and generally relating to the funding of regional institutes  
11 for children and adolescents.

12 BY repealing and reenacting, with amendments,  
13 Article - Education  
14 Section 8-415(d)  
15 Annotated Code of Maryland  
16 (2004 Replacement Volume and 2004 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Health - General  
19 Section 10-406(c)  
20 Annotated Code of Maryland  
21 (2000 Replacement Volume and 2004 Supplement)

22 BY adding to  
23 Article - Health - General  
24 Section 10-406(d)  
25 Annotated Code of Maryland  
26 (2000 Replacement Volume and 2004 Supplement)

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

1 **Article - Education**

2 8-415.

3 (d) (1) In this subsection, "basic cost" as to each county, means the average  
4 amount spent by the county from county, State, and federal sources for the public  
5 education of a nonhandicapped child. "Basic cost" does not include amounts  
6 specifically allocated and spent for identifiable compensatory programs for  
7 disadvantaged children.

8 (2) As provided in paragraphs (3) and (4) of this subsection, the State  
9 and the counties shall share collectively in the cost of educating children with  
10 disabilities in nonpublic programs under § 8-406 of this subtitle [or in a regional  
11 institute for children and adolescents operated by the Mental Hygiene Administration  
12 under § 10-406 of the Health - General Article].

13 (3) (i) Subject to the limitation under subparagraph (ii) of this  
14 paragraph, for each of these children domiciled in the county, the county shall  
15 contribute for each placement the sum of:

16 1. The local share of the basic cost;

17 2. An additional amount equal to 200 percent of the basic  
18 cost; and

19 3. A. For fiscal year 2005 only, an additional amount equal  
20 to 25 percent of the approved cost or reimbursement in excess of the sum of items 1  
21 and 2 of this subparagraph; and

22 B. For fiscal year 2006 and each subsequent fiscal year, an  
23 additional amount equal to 20 percent of the approved cost or reimbursement in  
24 excess of the sum of items 1 and 2 of this subparagraph.

25 (ii) The amount that a county is required to contribute under  
26 subparagraph (i) of this paragraph may not exceed the total cost or reimbursement  
27 amount approved by the Department.

28 (4) For each of these children, the State shall contribute an amount  
29 equal to the amount of the approved cost or reimbursement in excess of the amount  
30 the county is required to contribute under paragraph (3) of this subsection.

31 **Article - Health - General**

32 10-406.

33 (c) (1) The Department shall provide for a Regional Institute for Children  
34 and Adolescents in Prince George's County by July 1, 1983.

35 (2) The Regional Institute is a residential center for severely emotionally  
36 disturbed children and adolescents.

1                   (3)     The Department shall provide residential and day treatment  
2 programs for children and adolescents from Prince George's County.

3                   (i)     The Department shall offer to contract the education program  
4 to the local educational agency. THE COST OF THE CONTRACT SHALL BE DETERMINED  
5 BY USING THE SAME PER PUPIL COST AS IS USED IN THE CONTRACT OF THESE  
6 SERVICES AT THE REGIONAL INSTITUTE IN MONTGOMERY COUNTY.

7                   (ii)    If the local educational agency declines to contract, the  
8 Department may operate an education program directly or contract with another  
9 qualified provider.

10                  (4)     Until a separate program is established for each county, children  
11 from Charles, Calvert, and St. Mary's counties may be served by the Regional  
12 Institute in Prince George's County.

13                  (5)     The Department shall establish guidelines in cooperation with the  
14 local board of education for the operation of the Regional Institute for Children and  
15 Adolescents in Prince George's County.

16                  (6)     (i)     By January 1, 1985, the Department shall adopt rules and  
17 regulations for admission to all Regional Institutes for Children and Adolescents in  
18 cooperation with representatives from the advisory committees of the Regional  
19 Institutes for Children and Adolescents, the mental health advisory committees in  
20 each region, the local education agencies, and the Mental Health Association of  
21 Maryland.

22                  (ii)    In determining these rules and regulations, the Department  
23 shall provide that no bona fide candidate for admission may be rejected solely because  
24 of residence outside the regular catchment area served by the institution.

25                  (iii)   In determining these rules and regulations, the Department  
26 shall provide that candidates for admission who reside in the regular catchment area  
27 served by the institution shall be granted priority in admissions to the institution.

28                  (D)     FOR FISCAL YEAR 2006 AND EACH FISCAL YEAR THEREAFTER, THE  
29 FUNDING LEVEL PROVIDED BY THE STATE FOR EACH REGIONAL INSTITUTE FOR  
30 CHILDREN AND ADOLESCENTS MAY NOT BE LESS THAN THE FUNDING LEVEL  
31 PROVIDED IN FISCAL YEAR 2004.

32                  SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
33 General Assembly that the State funding methodology used for Regional Institutes for  
34 Children and Adolescents be restored to the State funding methodology used during  
35 fiscal year 2004.

36                  SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 July 1, 2005.