

# SENATE BILL 127

O4, F1  
HB 529/03 – W&M

71r1529

---

By: **Senator Zirkin**

Introduced and read first time: January 24, 2007

Assigned to: Education, Health, and Environmental Affairs

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Department of Education – Residential Child Care Programs – Rate Setting**  
3 **Incentives**

4 FOR the purpose of requiring the Department of Education to incorporate incentives  
5 into the rate setting methodology for residential child care programs to develop  
6 certain programs in underserved geographic areas of the State; and generally  
7 relating to residential child care programs and rate setting incentives.

8 BY repealing and reenacting, with amendments,  
9 Article – Education  
10 Section 8–417  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume)

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

15 **Article – Education**

16 8–417.

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

18 (2) “Nonpublic general education school” means a nonpublic school  
19 approved under COMAR 13A.09.10 pursuant to § 2–206 of this article and operated in  
20 conjunction with residential or nonresidential child care programs licensed or

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 approved by the Department, the Department of Health and Mental Hygiene, the  
2 Department of Human Resources, or the Department of Juvenile Services.

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

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

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

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

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

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

17 (b) (1) The Department of Education, as the fiscal agent of the Children’s  
18 Cabinet Fund under Article 49D, Title 5 of the Code, shall administer and implement  
19 a redesigned rate setting process for nonpublic general education schools, residential  
20 child care programs, and nonresidential child care programs.

21 **(2) THE DEPARTMENT SHALL INCORPORATE INCENTIVES INTO**  
22 **THE RATE SETTING METHODOLOGY FOR RESIDENTIAL CHILD CARE PROGRAMS**  
23 **TO DEVELOP PROGRAMS IN UNDERSERVED GEOGRAPHIC AREAS IN THE STATE.**

24 **[(2)] (3)** The Department of Human Resources, the Department of  
25 Juvenile Services, the Department of Budget and Management, the Department of  
26 Health and Mental Hygiene, and the Governor’s Office for Children shall participate  
27 with the Department in the development and implementation of rates in programs  
28 licensed or approved by those agencies to the extent required by federal and State law.

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

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

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

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2007.