

# SENATE BILL 158

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By: **Senators Kelley, Britt, Conway, Exum, Greenip, Harris, Kittleman, Klausmeier, Mooney, Muse, and Rosapepe**

Introduced and read first time: January 25, 2007

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring the Department of Education to adopt regulations that  
5 link the determination of rates for certain residential child care program  
6 services licensed by certain agencies to performance–based outcomes by a  
7 certain date; and generally relating to the determination of rates for residential  
8 child care program services.

9 BY repealing and reenacting, with amendments,  
10 Article – Education  
11 Section 8–417  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume)

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

16 **Article – Education**

17 8–417.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) “Nonpublic general education school” means a nonpublic school  
2 approved under COMAR 13A.09.10 pursuant to § 2–206 of this article and operated in  
3 conjunction with residential or nonresidential child care programs licensed or  
4 approved by the Department, the Department of Health and Mental Hygiene, the  
5 Department of Human Resources, or the Department of Juvenile Services.

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

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

10                   (ii) Is licensed or approved by the Department of Health and  
11 Mental Hygiene, the Department of Human Resources, or the Department of Juvenile  
12 Services.

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

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

17                   (ii) Is licensed by the Department of Health and Mental  
18 Hygiene, the Department of Human Resources, or the Department of Juvenile  
19 Services.

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

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

29           **(3) ON OR BEFORE JANUARY 1, 2008, THE DEPARTMENT OF**  
30 **EDUCATION SHALL ADOPT REGULATIONS THAT LINK THE DETERMINATION OF**  
31 **RATES FOR RESIDENTIAL CHILD CARE PROGRAM SERVICES LICENSED BY THE**  
32 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE DEPARTMENT OF**

1 **HUMAN RESOURCES, AND THE DEPARTMENT OF JUVENILE SERVICES TO**  
2 **PERFORMANCE-BASED OUTCOMES.**

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

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

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

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