

HOUSE BILL 1297

F1, F5, J3

11r0033

By: **Chair, Ways and Means Committee (By Request – Departmental – Health and Mental Hygiene)**

Introduced and read first time: February 25, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Children with Disabilities – Regional Institutes for Children and**
3 **Adolescents**

4 FOR the purpose of requiring certain services provided by the State at regional
5 institutes for children and adolescents to be funded in accordance with certain
6 provisions of law; requiring the State Department of Education to include
7 regional institutes for children and adolescents as part of a certain rate setting
8 and payment process; making certain stylistic changes; and generally relating
9 to children with disabilities at regional institutes for children and adolescents.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 8–415(d)
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 10–406
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2010 Supplement)

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

22 **Article – Education**

23 8–415.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

6 (2) As provided in paragraphs (3) and (4) of this subsection, the State
7 and the counties shall share collectively in the cost of educating children with
8 disabilities in:

9 (I) [nonpublic] **NONPUBLIC** programs under § 8–406 of this
10 subtitle; **OR**

11 (II) **REGIONAL INSTITUTES FOR CHILDREN AND**
12 **ADOLESCENTS OPERATED BY THE MENTAL HYGIENE ADMINISTRATION UNDER**
13 **§ 10–406 OF THE HEALTH – GENERAL ARTICLE.**

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

17 1. The local share of the basic cost;
18 2. An additional amount equal to 200 percent of the
19 basic cost; and

20 3. A. For fiscal year 2009, an additional amount
21 equal to 20 percent of the approved cost or reimbursement in excess of the sum of
22 items 1 and 2 of this subparagraph; and

23 B. For fiscal year 2010 and each subsequent fiscal year
24 thereafter, an additional amount equal to 30 percent of the approved cost or
25 reimbursement in excess of the sum of items 1 and 2 of this subparagraph.

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

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

32 **Article – Health – General**

33 10–406.

1 (a) The following State facilities shall be maintained under the direction of
2 the Administration:

3 (1) Clifton T. Perkins Hospital Center[.];

4 (2) Crownsville Hospital Center[.];

5 (3) Eastern Shore Hospital Center[.];

6 (4) Regional Institutes for Children and Adolescents – Baltimore,
7 Rockville, and Southern Maryland[.];

8 (5) Springfield Hospital Center[.];

9 (6) Spring Grove Hospital Center[.];

10 (7) Walter P. Carter Center[.]; AND

11 (8) Thomas B. Finan Hospital Center.

12 (b) As a facility is built or transferred to the Administration, the facility may
13 be made a State facility.

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

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

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

20 (i) The Department shall offer to contract the education
21 program to the local educational agency.

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

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

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

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

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

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

13 [(d) (1) Beginning in fiscal year 2007, the Department may not bill a local
14 board of education for any services provided by the State at a regional institute for
15 children and adolescents.

16 (2) Notwithstanding paragraph (1) of this subsection:

17 (i) Beginning in fiscal year 2007, the Department shall
18 continue to provide the same scope of services at regional institutes for children and
19 adolescents that were provided as of January 1, 2005; and

20 (ii) A local board of education may make a contribution toward
21 the cost of services provided by the State at a regional institute for children and
22 adolescents.]

23 **(D) (1) SERVICES PROVIDED BY THE STATE AT A REGIONAL**
24 **INSTITUTE FOR CHILDREN AND ADOLESCENTS SHALL BE FUNDED IN**
25 **ACCORDANCE WITH § 8-415 OF THE EDUCATION ARTICLE.**

26 **(2) THE STATE DEPARTMENT OF EDUCATION SHALL INCLUDE**
27 **REGIONAL INSTITUTES FOR CHILDREN AND ADOLESCENTS AS PART OF THE**
28 **RATE SETTING AND PAYMENT PROCESS CONDUCTED FOR NONPUBLIC**
29 **EDUCATIONAL PROGRAMS.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2011.