

SENATE BILL 402

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CF HB 396

By: **Senators Brooks, Benson, Harris, Salling, M. Washington, and West**

Introduced and read first time: January 28, 2026

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2026

CHAPTER _____

1 AN ACT concerning

2 **Residential Child Care Programs – Education of Children and Training of Child**
3 **and Youth Care Practitioners**

4 FOR the purpose of repealing requirements that operators of certain residential child care
5 programs enroll a child for whom they have legal custody or care and control in a
6 certain school and initiate and monitor the transfer of certain records of the child;
7 requiring operators of certain residential child care programs to provide certain
8 educational opportunities to the children for whom they have legal custody or care
9 and control; requiring that applicants to be child and youth care practitioners
10 undergo certain training; requiring an individual who has a certain certification on
11 a certain date to complete certain training before the individual's certificate is
12 renewed; and generally relating to residential child care programs.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 7–309
16 Annotated Code of Maryland
17 (2025 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Health Occupations
20 Section 20–302.1
21 Annotated Code of Maryland
22 (2021 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,
 2 Article – Human Services
 3 Section 8–704(8), (10), and (11)
 4 Annotated Code of Maryland
 5 (2019 Replacement Volume and 2025 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 7 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 program that:

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

14 (ii) Is licensed by the Maryland Department of Health, the
 15 Department of Human Services, or the Department of Juvenile Services.

16 (2) A “residential child care program” includes:

17 (i) Group homes;

18 (ii) Alternative living units; and

19 (iii) Emergency shelter care.

20 (b) Each licensed operator of a residential child care program who has legal
 21 custody or care and control of a child who is at least 5 years old and under the age of 16
 22 years and receives State funding as provided in § 5–526 of the Family Law Article:

23 ~~(1) Shall enroll the child in the local school system where the residential~~
 24 ~~child care program is located unless the residential child care program operates an~~
 25 ~~approved educational program in accordance with the licensing regulations that govern the~~
 26 ~~residential child care program;~~

27 ~~(2) Shall expeditiously initiate and monitor the transfer of the academic~~
 28 ~~records of a child in the operator’s care from the transferring school to [insure] ENSURE~~
 29 ~~that the academic records are transferred to the school that the child will be attending~~
 30 ~~while living in the operator’s care;~~

31 ~~(3)~~ (1) (i) May request a meeting with the child’s teachers; [and]

1 (ii) Shall meet the child's teachers at the time of enrollment and at
 2 any other time the school or a teacher requests **TO DETERMINE THE BEST WAYS TO**
 3 **SUPPORT THE CHILD**; and

4 (iii) **SHALL CONTACT THE CHILD'S TEACHER WITH ANY**
 5 **QUESTIONS ABOUT SCHOOL ASSIGNMENTS, THE CHILD'S BEHAVIOR AT SCHOOL, AND**
 6 **EXTRACURRICULAR OPPORTUNITIES TO SUPPORT THE CHILD**;

7 ~~(4)~~ **(2)** Shall sign the child's report card, [insure] **ENSURE** that the
 8 report card is returned to school, and include a copy of the report card in the child's case
 9 record; **AND**

10 ~~(5)~~ **(3)** **SHALL ENSURE THAT THE CHILD IS PROVIDED:**

11 (i) **REGULARLY SCHEDULED TIME TO STUDY TO SUPPORT THE**
 12 **CHILD'S ACADEMIC WORK**;

13 (ii) **ASSISTANCE WITH HOMEWORK ASSIGNMENTS, PROJECTS,**
 14 **SKILLS PRACTICE, AND TEST PREPARATION IN ORDER TO REINFORCE EDUCATIONAL**
 15 **CONCEPTS TAUGHT TO THE CHILD AND REINFORCE EDUCATION GOALS IDENTIFIED**
 16 **IN THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM OR 504 PLAN**;

17 (iii) **ENCOURAGEMENT AND SUPPORT FOR PARTICIPATION IN**
 18 **EXTRACURRICULAR ACTIVITIES; AND**

19 ~~(iv) FOR A CHILD WITH AN INDIVIDUALIZED EDUCATION~~
 20 ~~PROGRAM UNDER THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT~~
 21 ~~OR A 504 PLAN UNDER § 504 OF THE FEDERAL REHABILITATION ACT OF 1973,~~
 22 ~~APPLICABLE EDUCATIONAL GOALS TO COMPLETE WITHIN THE RESIDENTIAL CHILD~~
 23 ~~CARE PROGRAM THAT ARE CONSISTENT WITH THE CHILD'S PROGRAM OR PLAN;~~

24 ~~(v) FOR A CHILD WITH A BEHAVIORAL INTERVENTION PLAN~~
 25 ~~UNDER SUBTITLE 11 OF THIS TITLE, BEHAVIORAL SUPPORTS AND GOALS THAT~~
 26 ~~REINFORCE THE GOALS OF THE CHILD'S PLAN IN THE SCHOOL SETTING; AND~~

27 ~~(vi)~~ **(iv)** **FOR CHILDREN ~~DUALLY~~ ENROLLED IN A HIGH**
 28 **SCHOOL ~~AND~~ OR IN AN INSTITUTION OF HIGHER EDUCATION, ACCESS TO A**
 29 **COMPUTER IN ORDER TO COMPLETE ASSIGNMENTS THAT REQUIRE COMPUTER**
 30 **SOFTWARE OR THE INTERNET.**

31 **Article – Health Occupations**

32 20–302.1.

1 (a) To qualify for a certificate as a residential child and youth care practitioner,
2 an applicant shall be an individual who meets the requirements of this section.

3 (b) The applicant shall be of good moral character.

4 (c) The applicant shall have completed:

5 (1) A State and national criminal history records check; and

6 (2) Unless waived by the Board under § 20–303(d) of this subtitle, a child
7 protective services background clearance.

8 (d) The applicant shall be:

9 (1) At least 21 years old; or

10 (2) At least 18 years old and have earned at least an associate's or
11 bachelor's degree from an accredited college or university.

12 (e) The applicant shall have:

13 (1) A high school diploma or equivalent and have successfully completed
14 an approved training program; and

15 (2) (i) At least 2 years' experience in the human service field; or

16 (ii) An associate's or bachelor's degree from an accredited college or
17 university.

18 (f) (1) (I) Except as provided in paragraph (2) of this subsection, the
19 applicant shall have successfully completed a training program approved by the Board.

20 (II) **THE BOARD'S PROGRAM SHALL INCLUDE TRAINING ON:**

21 **1. THE ROLE OF THE RESIDENTIAL CHILD AND YOUTH**
22 **CARE PRACTITIONER;**

23 **2. CHILD DEVELOPMENT;**

24 **3. CHILDREN WITH ~~SPECIAL NEEDS~~ DISABILITIES;**

25 **4. RECOGNIZING DIFFERENCES IN PROCESSING**
26 **INFORMATION AND THE DIVERSE WAYS CHILDREN LEARN;**

27 **5. RECOGNIZING BEHAVIORS THAT IMPACT A CHILD'S**
28 **ABILITY TO LEARN AND PRACTICE SOCIAL NORMS;**

- 1 **6. CHILD ABUSE AND NEGLECT IDENTIFICATION AND**
2 **REPORTING;**
- 3 **7. SUICIDE RISK ASSESSMENT AND PREVENTION;**
- 4 **8. APPROVED FORMS OF DISCIPLINE AND BEHAVIORAL**
5 **MANAGEMENT TECHNIQUES, INCLUDING THE USE OF BEHAVIORAL INTERVENTION**
6 **PLANS UNDER TITLE 7, SUBTITLE 11 OF THE EDUCATION ARTICLE;**
- 7 **9. COMMUNICATION SKILLS;**
- 8 **10. PARENTING ISSUES, COLLABORATION WITH**
9 **FAMILIES, AND THE SUPPORT OF CHILDREN;**
- 10 **11. THE PSYCHOSOCIAL AND EMOTIONAL NEEDS OF**
11 **CHILDREN, FAMILIAL RELATIONSHIPS, AND THE IMPACT OF SEPARATION;**
- 12 **12. EMERGENCY PREPAREDNESS AND SAFETY**
13 **PRACTICES;**
- 14 **13. ANNUAL FIRST AID TRAINING, INCLUDING**
15 **CERTIFICATION IN CARDIOPULMONARY RESUSCITATION;**
- 16 **14. MEDICATION MANAGEMENT;**
- 17 **15. INFECTION CONTROL; AND**
- 18 **16. IF APPLICABLE, FOOD PREPARATION AND**
19 **NUTRITION.**

20 (2) (i) An applicant who has an associate’s or bachelor’s degree from an
21 accredited college or university may be waived from the training program requirement, if
22 the applicant passes an examination and meets other requirements established by the
23 Board under this subtitle.

24 (ii) The Board shall establish requirements and procedures for
25 waiving the training program requirement for an applicant under subparagraph (i) of this
26 paragraph.

27 (g) The applicant shall pass an examination given by the Board under this
28 subtitle.

1 (h) The Board shall waive the education, experience, training, and examination
2 requirements of this section for an applicant who:

3 (1) Applies for certification on or before October 1, 2015; and

4 (2) Presents to the Board satisfactory evidence that the applicant worked
5 as a residential child and youth care practitioner in the State for at least 2 years before
6 October 1, 2015.

7 **Article – Human Services**

8 8–704.

9 A contract awarded or renewed between an agency and a provider for a residential
10 child care program shall:

11 (8) require the provider to comply with § 7–309 of the Education Article;

12 (10) require the residential child care program to have certified residential
13 child and youth care practitioners, as required under § 20–301 of the Health Occupations
14 Article; and

15 (11) require the residential child care program to have a certified program
16 administrator as required under § 20–301 of the Health Occupations Article.

17 SECTION 2. AND BE IT FURTHER ENACTED, That an individual who holds a
18 residential child and youth care practitioner certificate on July 1, 2026, shall complete the
19 training program under § 20–302.1 of the Health Occupations Article as enacted by Section
20 1 of this Act before the individual’s certificate is renewed under § 20–310 of the Health
21 Occupations Article.

22 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2026 January 1, 2027.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.