

SENATE BILL 402

O4

(6lr1715)

ENROLLED BILL

— *Education, Energy, and the Environment/Ways and Means* —

Introduced by **Senators Brooks, Benson, Harris, Salling, M. Washington, and West**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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 *the maximum age for children in certain residential child care programs who receive*
8 *educational support;* requiring operators of certain residential child care programs
9 to provide certain educational opportunities to the children for whom they have legal
10 custody or care and control; requiring that applicants to be child and youth care
11 practitioners undergo certain training; ~~requiring an individual who has a certain~~
12 ~~certification on a certain date to complete certain training before the individual's~~
13 ~~certificate is renewed;~~ *prohibiting an individual who holds a certificate as a*
14 *residential child and youth care practitioner from being required to complete certain*

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.

Italics indicate opposite chamber/conference committee amendments.



1 training under certain circumstances; and generally relating to residential child care
2 programs.

3 BY repealing and reenacting, with amendments,
4 Article – Education
5 Section 7–309
6 Annotated Code of Maryland
7 (2025 Replacement Volume and 2025 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Health Occupations
10 Section 20–302.1
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2025 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Human Services
15 Section 8–704(8), (10), and (11)
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2025 Supplement)

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

20 **Article – Education**

21 7–309.

22 (a) (1) In this section, “residential child care program” means a program that:

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

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

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

29 (i) Group homes;

30 (ii) Alternative living units; and

31 (iii) Emergency shelter care.

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

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

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

~~(3)~~ **(1) SHALL ENSURE THE CHILD REMAINS ENROLLED IN THE SCHOOL IN WHICH THE CHILD WAS PREVIOUSLY ENROLLED, UNLESS A DETERMINATION IS MADE BY A LOCAL DEPARTMENT OF SOCIAL SERVICES THAT REMAINING ENROLLED IS NOT IN THE CHILD'S BEST INTEREST, THEN:**

(I) THE CHILD SHALL BE ENROLLED IN THE LOCAL SCHOOL SYSTEM WHERE THE RESIDENTIAL CHILD CARE PROGRAM IS LOCATED; OR

(II) IF THE RESIDENTIAL CHILD CARE PROGRAM OPERATES AN APPROVED EDUCATIONAL PROGRAM IN ACCORDANCE WITH THE LICENSING REGULATIONS THAT GOVERN RESIDENTIAL CHILD CARE PROGRAMS, THE CHILD SHALL BE ENROLLED IN THAT PROGRAM;

(2) (i) May request a meeting with the child's teachers; [and]

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

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

~~(4)~~ ~~(2)~~ **(3)** Shall sign the child's report card, [insure] ENSURE that the report card is returned to school, and include a copy of the report card in the child's case record; AND

~~(5)~~ ~~(3)~~ **(4)** SHALL ENSURE THAT THE CHILD IS PROVIDED:

(I) REGULARLY SCHEDULED TIME TO STUDY TO SUPPORT THE CHILD'S ACADEMIC WORK;

1 (II) ASSISTANCE WITH HOMEWORK ASSIGNMENTS, PROJECTS,
 2 SKILLS PRACTICE, AND TEST PREPARATION IN ORDER TO REINFORCE EDUCATIONAL
 3 CONCEPTS TAUGHT TO THE CHILD ~~AND REINFORCE EDUCATIONAL GOALS IDENTIFIED~~
 4 ~~IN THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM OR 504 PLAN;~~

5 (III) ENCOURAGEMENT AND SUPPORT FOR PARTICIPATION IN
 6 EXTRACURRICULAR ACTIVITIES; ~~AND~~

7 ~~(IV) FOR A CHILD WITH AN INDIVIDUALIZED EDUCATION~~
 8 ~~PROGRAM UNDER THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT~~
 9 ~~OR A 504 PLAN UNDER § 504 OF THE FEDERAL REHABILITATION ACT OF 1973,~~
 10 ~~APPLICABLE EDUCATIONAL GOALS TO COMPLETE WITHIN THE RESIDENTIAL CHILD~~
 11 ~~CARE PROGRAM THAT ARE CONSISTENT WITH THE CHILD'S PROGRAM OR PLAN;~~

12 ~~(V) FOR A CHILD WITH A BEHAVIORAL INTERVENTION PLAN~~
 13 ~~UNDER SUBTITLE 11 OF THIS TITLE, BEHAVIORAL SUPPORTS AND GOALS THAT~~
 14 ~~REINFORCE THE GOALS OF THE CHILD'S PLAN IN THE SCHOOL SETTING; AND~~

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

20 (V) FOR A CHILD WITH A BEHAVIORAL INTERVENTION PLAN
 21 UNDER SUBTITLE 11 OF THIS TITLE, BEHAVIORAL SUPPORTS AND GOALS THAT
 22 REINFORCE THE GOALS OF THE CHILD'S PLAN IN THE SCHOOL SETTING; AND

23 (VI) FOR CHILDREN ~~DUALLY~~ ENROLLED IN A HIGH SCHOOL ~~AND~~
 24 ~~OR IN~~ AN INSTITUTION OF HIGHER EDUCATION, ACCESS TO A COMPUTER IN ORDER
 25 TO COMPLETE ASSIGNMENTS THAT REQUIRE COMPUTER SOFTWARE OR THE
 26 INTERNET.

27 Article – Health Occupations

28 20–302.1.

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

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

32 (c) The applicant shall have completed:

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

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

4 (d) The applicant shall be:

5 (1) At least 21 years old; or

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

8 (e) The applicant shall have:

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

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

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

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

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

17 1. **THE ROLE OF THE RESIDENTIAL CHILD AND YOUTH**
18 **CARE PRACTITIONER;**

19 2. **CHILD DEVELOPMENT;**

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

21 4. **RECOGNIZING DIFFERENCES IN PROCESSING**
22 **INFORMATION AND THE DIVERSE WAYS CHILDREN LEARN;**

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

25 6. **CHILD ABUSE AND NEGLECT IDENTIFICATION AND**
26 **REPORTING;**

27 7. **SUICIDE RISK ASSESSMENT AND PREVENTION;**

1 **8. APPROVED FORMS OF DISCIPLINE AND BEHAVIORAL**
2 **MANAGEMENT TECHNIQUES, INCLUDING THE USE OF BEHAVIORAL INTERVENTION**
3 **PLANS UNDER TITLE 7, SUBTITLE 11 OF THE EDUCATION ARTICLE;**

4 **9. COMMUNICATION SKILLS;**

5 **10. PARENTING ISSUES, COLLABORATION WITH**
6 **FAMILIES, AND THE SUPPORT OF CHILDREN;**

7 **11. THE PSYCHOSOCIAL AND EMOTIONAL NEEDS OF**
8 **CHILDREN, FAMILIAL RELATIONSHIPS, AND THE IMPACT OF SEPARATION;**

9 **12. EMERGENCY PREPAREDNESS AND SAFETY**
10 **PRACTICES;**

11 **13. ANNUAL FIRST AID TRAINING, INCLUDING**
12 **CERTIFICATION IN CARDIOPULMONARY RESUSCITATION;**

13 **14. MEDICATION MANAGEMENT;**

14 **15. INFECTION CONTROL; AND**

15 **16. IF APPLICABLE, FOOD PREPARATION AND**
16 **NUTRITION.**

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

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

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

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

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

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

4 Article – Human Services

5 8–704.

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

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That an individual who holds a
15 residential child and youth care practitioner certificate on July 1, 2026, shall complete the
16 training program under § 20–302.1 of the Health Occupations Article as enacted by Section
17 1 of this Act before the individual's certificate is renewed under § 20–310 of the Health
18 Occupations Article certificate as a residential child and youth care practitioner on July 1,
19 2026, may not be required to complete:

20 (1) any program of training required by § 20–302.1 of the Health
21 Occupations Article, as enacted by Section 1 of this Act, that the individual has already
22 completed; and

23 (2) any new program of training required by § 20–302.1 of the Health
24 Occupations Article, as enacted by Section 1 of this Act, until the individual's certificate is
25 due for renewal.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2026 January 1, 2027.