Department of Legislative Services

Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 402 (Senator Brooks, *et al.*)

Education, Energy, and the Environment Ways and Means

Residential Child Care Programs - Education of Children and Training of Child and Youth Care Practitioners

This bill requires a licensed operator of a residential child care program that receives State funding and has legal custody or care and control of a child who is at least five years old to provide specified educational opportunities to the child. The bill also establishes requirements for training programs for residential child and youth care practitioners approved by the State Board for the Certification of Residential Child Care Program Professionals. An individual who holds a certificate as a residential child and youth care practitioner on July 1, 2026, may not be required to complete (1) any training program required by the bill that the individual has already completed and (2) any new training program required by the bill until the individual's certificate is due for renewal. **The bill takes effect January 1, 2027.**

Fiscal Summary

State Effect: The board can expand training program requirements with existing budgeted resources. General fund expenditures for the Department of Human Services (DHS) increase by $25,000 in FY 2027 only to complete staff training, update regulations, and modify contracts to ensure compliance with educational requirements. Future year DHS expenditures increase by an indeterminate but likely minimal amount for ongoing compliance monitoring. The Maryland Department of Health (MDH) and the Department of Juvenile Services (DJS) can ensure compliance with existing budgeted resources. Revenues are not affected.

Local Effect: The bill does not directly affect local governmental operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill removes the requirements for each licensed operator of a residential child care program that receives State funding and has legal custody or care and control of a child ages 5 to 15 to (1) enroll the child in the local school system where the residential child care program is located unless the program operates an approved educational program and (2) expeditiously initiate and monitor the transfer of the academic records of a child in the operator's care from the transferring school to insure that the academic records are transferred to the school that the child will be attending while living in the operator's care.

Each licensed operator of a residential child care program that receives State funding and has legal custody or care and control of a child who is at least five years old must:

- 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 (1) the child must be enrolled in the local school system where the residential child care program is located or (2) 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 must be enrolled in that program;
- meet the child's teacher at the time of enrollment and at any other time the school or teacher requests *to determine the best ways to support the child*;
- contact the child's teacher with any questions about school assignments, the child's behavior at school, and extracurricular opportunities to support the child; and
- ensure that the child is provided: (1) regularly scheduled time to study to support the child's academic work; (2) assistance with homework assignments, projects, skills practice, and test preparation to reinforce educational concepts taught to the child; (3) encouragement and support for participation in extracurricular activities; (4) for a child with an individualized education program (IEP) or a 504 plan, applicable educational goals to complete within the residential child care program that are consistent with the child's IEP or 504 plan; (5) for a child with a behavioral intervention plan (BIP), behavioral supports and goals that reinforce the goals of the child's BIP in the school setting; and (6) for children enrolled in high school or an institution of higher education, access to a computer to complete assignments that require computer software or the internet.

A training program approved by the board for residential child and youth care practitioners must include training on:

- the role of the residential child and youth care practitioner;
- child development;

- children with disabilities;
- recognizing differences in processing information and the diverse ways children learn;
- recognizing behaviors that impact a child's ability to learn and practice social norms;
- child abuse and neglect identification reporting;
- suicide risk assessment and prevention;
- approved forms of discipline and behavioral management techniques, including the use of BIPs;
- communication skills;
- parenting issues, collaboration with families, and support of children;
- the psychosocial and emotional needs of children, familial relationships, and the impact of separation;
- emergency preparedness and safety practices;
- annual first aid training, including certification in cardiopulmonary resuscitation;
- medication management;
- infection control; and
- if applicable, food preparation and nutrition.

Current Law:

Residential Child Care Programs

A residential child care program provides care for children 24 hours a day within a structured set of services and activities designed to achieve objectives related to the needs of the children served. Residential child care programs are licensed by MDH, DHS, and DJS and include group homes, alternative living units, and emergency shelter care.

State Board for the Certification of Residential Child Care Program Professionals

The State Board for the Certification of Residential Child Care Program Professionals is the State certification authority for residential child care program administrators and residential child and youth care practitioners employed by programs licensed by MDH, DHS, and DJS.

To qualify for a certificate as a residential child and youth care practitioner, an applicant must successfully complete a training program approved by the board. An applicant who has an associate's or bachelor's degree from an accredited college or university may be waived from the training program requirement, if the applicant passes an examination and meets other requirements established by the board.

Residential Child Care Program Education Requirements

Each licensed operator of a residential child care program that receives State funding and has legal custody or care and control of a child ages 5 to 15 must:

- enroll the child in the local school system where the residential child care program is located unless the program operates an approved educational program;
- expeditiously initiate and monitor the transfer of the academic records of a child in the operator's care from the transferring school to ensure that the academic records are transferred to the school that the child will be attending while living in the operator's care;
- meet the child's teachers at the time of enrollment and at any other time the school or a teacher requests; and
- sign the child's report card, ensure that the report card is returned to school, and include a copy of the report card in the child's case record.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 396 (Delegate Pasteur, *et al.*) - Ways and Means.

Information Source(s): Maryland State Department of Education; Maryland Department of Health; Department of Human Services; Department of Juvenile Services; Baltimore City Public Schools; Department of Legislative Services

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