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1500 Union Ave., Suite 2000, Baltimore, MD 21211

www.DisabilityRightsMD.org

Phone: 410.727.6352

HOUSE WAYS AND MEANS COMMITTEE

HOUSE BILL 854: MARYLAND LONGITUDINAL DATA SYSTEM CENTER—INCLUSION OF OUT-OF-HOME

PLACEMENT DATA

FEBRUARY 12, 2021

POSITION: SUPPORT WITH AMENDMENT

Disability Rights Maryland (DRM) is the designated Protection and Advocacy (P&A) organization for the state of Maryland; in this role, DRM advocates on behalf of children and adults with all types of disabilities throughout the state. For many years, DRM represented children with disabilities in juvenile court as appointed counsel in child of need of assistance proceedings. DRM staff remain deeply involved with children and youth placed in out-of-home placements through our education, mental health and developmental disabilities work. Additionally, in accord with our core mandate to protect people with disabilities from abuse and neglect and to redress their rights, DRM monitors, investigates, and engages in policy work regarding children and youth placed in, or facing placement in, out-of-home residential treatment placements, both in-state and outside of Maryland.

Following our investigation of the death of Janaia B., a 15 year old Prince George's county teen placed at AdvoServ, a residential treatment program in Delaware, DRM sought information regarding out-of-state placements. We learned that the Maryland State Department of Education (MSDE), the Department of Human Services (DHS) and other state and local agencies maintained their own numbers. For example, MSDE knew about only the students whose placements it was co-funding; if a local school system or another agency placed a student without seeking co-funding from MSDE, MSDE did not have that information. Although DRM had assumed that the Governor's Office for Children would have known how many children and youth were placed out of state, who they were and where they were placed, this was not the case.

Over the past few years, more and more information has come to light about serious abuse and neglect as well as mismanagement and other problems at a number of residential treatment centers, both in and out-of-state. However, without a centralized repository for information about the children and youth in out-of-home placements, it is extraordinarily difficult to ensure their safety, let alone ensure that they receive therapeutic services and appropriate education services, including any special education and related services to which they may be entitled under federal law.

Additionally, DRM has represented in-state students placed across jurisdictions in out-of-home community placements such as foster homes or group homes who have sometimes gone months without special education services because the placing agency has failed to notify the receiving school district that the student has been placed in the district. Including out-of-home placements in the Longitudinal Data System Center would address this problem as well.

A number of children and youth are also placed outside of their homes by their local behavioral health agencies (LBHAs) through voluntary placement agreements with their local department of social services. Regardless of how children and youth are placed in out-of-home foster homes, group homes and residential treatment centers, it is essential that accurate information be collected about them and

where they are placed so their rights are protected and so they do not get lost in the system. DRM therefore suggests also requiring the Behavioral Health Administration to provide out-of-home placement data to the Longitudinal Data System Center.

By adding out-of-home placement data to the Maryland Longitudinal Data System Center, House Bill 854 would take a major step forward in addressing this gap in accountability. For these reasons, DRM strongly supports House Bill 854. For more information, please feel free to contact Leslie Seid Margolis, managing attorney, at lesliem@disabilityrightsmd.org or 410-370-5730.