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HOUSE WAYS AND MEANS COMMITTEE

HOUSE BILL 766: Children—Residential Treatment Centers—Education Funding

February 24, 2022

Position: Support

Disability Rights Maryland (DRM) is the protection and advocacy organization for the state of Maryland; the mission of the organization, part of a national network of similar agencies, is to advocate for the legal rights of people with disabilities throughout the state. DRM's work encompasses individual cases and systemic advocacy. DRM has a long history of representing students with disabilities in special education matters and, for many years, represented students with disabilities in juvenile court foster care proceedings. DRM supports House Bill 766, which would require state funding for the educational component of a residential treatment center placement for children who are medically or psychiatrically recommended for such placements to be administered through the Department of Health rather than the Department of Human Services when the educational component is not otherwise required to be covered by the school system.

Currently, if a child or youth is recommended for placement in a residential treatment center for medical or psychiatric reasons and that child or youth attends a nonpublic special education school, the Maryland State Department of Education and the local school system will pick up the cost of the educational component of the residential treatment center placement. However, if a child or youth is recommended for placement in a residential treatment center for medical or psychiatric reasons and that child or youth does not attend a nonpublic special education school and does not need that intensity of service for educational reasons, parents have no option other than to seek voluntary placement of their child with the Department of Human Services—to give up physical custody of their child—in order to obtain approval for the funding for the educational costs of the placement that has been recommended for their child. This creates an inequitable system in which, depending on a child's school status, their family will remain intact or it will be disrupted by the intrusion of a local social services department into their lives. House Bill 766 is designed to remedy this inequity by ensuring that if a child or youth needs a residential treatment center placement for non-educational reasons, the education costs will be administered by the Maryland Department of Health instead of the Maryland Department of Human Services, thereby obviating the need for parents to give up physical custody of their children through voluntary placement with the Department of Human Services.

For these reasons, DRM supports House Bill 766. Please contact Leslie Seid Margolis, managing attorney, at lesliem@disabilityrightsmd.org or 410-370-5730 with any questions.