



NATASHA DARTIGUE
PUBLIC DEFENDER
KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER
HANNIBAL KEMERER
CHIEF OF STAFF
ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB 402 - Residential Child Care Programs - Education of Children and Training of Child and Youth Care Practitioners

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: April 1, 2026

The Maryland Office of the Public Defender (MOPD) respectfully urges the Committee to issue a favorable report on Senate Bill 402. Senate Bill 402 would require operators of certain residential child care programs, such as group homes and emergency shelter care, to ensure that the children for whom they have legal custody or care and control are supported educationally by program staff. The goal is to ensure that children—especially those with disabilities—will have success in school and benefit from the programs and services their school has to offer. MOPD represents children who are often involved in Maryland’s foster care system, as well as the juvenile justice system, or may be placed in an out-of-home living placement for other reasons. MOPD recognizes that education is a critical protective factor for all children. Senate Bill 402 will help guarantee that an important layer of support is provided to children who are at greater risk of losing the benefits that education offers.

Senate Bill 402 provides a common sense remedy to address a gap in Maryland’s system as it relates to the education and support of children in out-of-home care. Maryland’s public education system expects parents and guardians to provide in-home support for children to ensure their academic success, which includes monitoring attendance, ensuring homework completion, and encouraging participation in programs and services that a child’s school may offer. School systems also encourage home-school communication. When children are living outside of their home for whatever reason and are placed in the care and custody of a residential child care program - the law does not currently designate who fills that crucial parent/guardian daily responsibility as it relates to school and the child’s education. Senate Bill 402 would clarify the role of the residential child care program to support the child and would require staff training on such topics such as child development and appropriate discipline and behavior support.

Senate Bill 402 does not supplant the role of a child’s parent or guardian, whose educational rights remain intact. Rather, SB 402 provides more support for a child while leaving the educational decision-making to the parent or surrogate parent if one has been designated.

Maryland Office of the Public Defender, Government Relations Division, 45 Calvert St, Suite 108, Annapolis MD 21401

For further information please contact Elizabeth Hilliard, Elizabeth.hilliard@maryland.gov 443-507-8414.

Meeting the educational needs of children with disabilities who may have an IEP or 504 plan is also particularly important. These children have specific education goals, which may also include behavior goals. Having residential child care staff reinforce those goals would help to support a child's academic success and ensure consistency.

Providing more support and coordination for children in out-of-home care regarding their education and development is an important goal and one that MOPD strongly endorses.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB 402.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Alyssa Fieo, Education Attorney/Assistant Public Defender
alyssa.fieo@maryland.gov