

Chapter 499

(House Bill 725)

AN ACT concerning

Children – Therapeutic Child Care Grant Program – ~~Funding~~ Establishment

FOR the purpose of establishing the Therapeutic Child Care Grant Program to provide ~~specialized child care and early childhood education by funding to educators, early intervention providers, mental health providers, and health care providers to~~ certain grants to certain providers that provide specialized child care and early education to children under a certain age who have delays in development, physical disabilities, or delays in social, emotional, or behavioral functioning; requiring certain providers who received certain grants to report certain information to the State Department of Education on or before certain dates; requiring the Department to compile certain information and provide reports to certain committees on or before certain dates; and generally relating to the Therapeutic Child Care Grant Program.

BY adding to
Article – Education
Section 8–420
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Education

8–420.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(2) “DEVELOPMENTAL DELAYS, PHYSICAL DISABILITIES, OR DELAYS IN SOCIAL, EMOTIONAL, OR BEHAVIORAL FUNCTIONING” MEANS~~

~~(2) “ELIGIBLE CHILD” MEANS A CHILD UNDER THE AGE OF 6 YEARS WITH DEVELOPMENTAL DELAYS, PHYSICAL DISABILITIES, OR DELAYS IN SOCIAL, EMOTIONAL, OR BEHAVIORAL FUNCTIONING THAT NECESSITATE SPECIALIZED CHILD CARE AND EARLY EDUCATION SERVICES INCLUDING:~~

~~(i) A SIGNIFICANT DEVELOPMENTAL DELAY OR ATYPICAL DEVELOPMENT, AS IDENTIFIED BY A HEALTH PROFESSIONAL, IN:~~

- ~~1. COGNITIVE DEVELOPMENT;~~
- ~~2. PHYSICAL DEVELOPMENT;~~
- ~~3. LANGUAGE AND SPEECH DEVELOPMENT;~~
- ~~4. PSYCHOSOCIAL DEVELOPMENT; OR~~
- ~~5. SELF-HELP SKILLS;~~

~~(H) PSYCHOLOGICAL TRAUMA, AS IDENTIFIED THROUGH AN EVALUATION BY A MENTAL HEALTH PROFESSIONAL; OR~~

~~(H) A DIAGNOSED PHYSICAL, DEVELOPMENTAL, OR MENTAL HEALTH CONDITION THAT IMPACTS DAILY LIVING AND LIMITS PARTICIPATION IN TYPICAL EARLY CHILDHOOD EDUCATION OR CHILD CARE SETTINGS.~~

~~(3) “ELIGIBLE THERAPEUTIC CHILD CARE PROVIDER” MEANS A THERAPEUTIC CHILD CARE PROVIDER DESIGNATED BY THE DEPARTMENT FOR PARTICIPATION IN THE PROGRAM UNDER SUBSECTION (C)(3) OF THIS SECTION.~~

~~(4) “PROGRAM” MEANS THE THERAPEUTIC CHILD CARE PROGRAM.~~

~~(5) “THERAPEUTIC CHILD CARE PROVIDER” INCLUDES EDUCATORS, EARLY INTERVENTION PROVIDERS, MENTAL HEALTH PROVIDERS, AND HEALTH CARE PROVIDERS WHOSE MISSION IS TO PROVIDE SPECIALIZED CHILD CARE AND EARLY EDUCATION SERVICES TO ELIGIBLE CHILDREN.~~

~~(B) THERE IS A THERAPEUTIC CHILD CARE PROGRAM IN THE STATE.~~

~~(C) (1) THE PURPOSE OF THE PROGRAM IS TO PROVIDE SPECIALIZED CHILD CARE AND EARLY CHILDHOOD EDUCATION BY EDUCATORS, EARLY INTERVENTION PROVIDERS, MENTAL HEALTH PROVIDERS, AND HEALTH CARE PROVIDERS TO CHILDREN UNDER THE AGE OF 6 YEARS WHO HAVE:~~

~~(1) DEVELOPMENTAL DELAYS;~~

~~(2) PHYSICAL DISABILITIES; OR~~

~~(3) DELAYS IN SOCIAL, EMOTIONAL, OR BEHAVIORAL FUNCTIONING FUNDING TO ELIGIBLE THERAPEUTIC CHILD CARE PROVIDERS FOR THE TREATMENT OF ELIGIBLE CHILDREN.~~

~~(2) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.~~

~~(3) ON MAY 1 EACH YEAR, THE DEPARTMENT SHALL DESIGNATE THERAPEUTIC CHILD CARE PROVIDERS FOR PARTICIPATION IN THE PROGRAM.~~

~~(4) ON MAY 1 EACH YEAR, THE DEPARTMENT SHALL COUNT ALL ELIGIBLE CHILDREN AT EACH ELIGIBLE THERAPEUTIC CHILD CARE PROVIDER.~~

~~(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR FISCAL YEAR 2024, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE PROGRAM IN AN AMOUNT NOT LESS THAN THE PER PUPIL FUNDING AMOUNT OF \$45,000 FOR EACH CHILD SERVED WHO HAS DEVELOPMENTAL DELAYS, PHYSICAL DISABILITIES, OR DELAYS IN SOCIAL, EMOTIONAL, OR BEHAVIORAL FUNCTIONING.~~

~~(2) (i) FOR FISCAL YEAR 2024, FOR PROVIDERS IN THE PROGRAM THAT BEGAN PROVIDING CARE TO CHILDREN ON OR BEFORE MARCH 5, 2020, THE PER PUPIL FUNDING AMOUNT SHALL BE CALCULATED USING THE HIGHER OF:~~

- ~~1. THE JANUARY 1, 2019, ENROLLMENT; OR~~
- ~~2. THE JANUARY 1, 2023, ENROLLMENT.~~

~~(ii) FOR FISCAL YEAR 2024, FOR PROVIDERS IN THE PROGRAM THAT BEGAN PROVIDING CARE TO CHILDREN AFTER MARCH 5, 2020, THE PER PUPIL FUNDING AMOUNT SHALL BE CALCULATED USING THE JANUARY 1, 2023, ENROLLMENT.~~

~~(3) BEGINNING IN FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCREASE THE PER PUPIL FUNDING AMOUNT UNDER PARAGRAPH (1) OF THIS SUBSECTION BY THE LESSER OF:~~

~~(i) THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON METROPOLITAN AREA, OR ANY SUCCESSOR INDEX; OR~~

~~(ii) 1.5%.~~

~~(4) THE PROGRAM MAY BE FUNDED FROM:~~

~~(i) THE GENERAL FUND OF THE STATE; AND~~

~~(ii) ANY OTHER SOURCES.~~

~~(D) (1) FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$3,750,000 TO THE PROGRAM.~~

~~(2) USING THE COUNT OF ELIGIBLE CHILDREN AT EACH ELIGIBLE THERAPEUTIC CHILD CARE PROVIDER ON MAY 1 OF THE PREVIOUS FISCAL YEAR, THE DEPARTMENT SHALL DISTRIBUTE THE FULL APPROPRIATION LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO EACH ELIGIBLE THERAPEUTIC CHILD CARE PROVIDER IN AN AMOUNT PROPORTIONATE TO THE NUMBER OF ELIGIBLE CHILDREN SERVED BY THE ELIGIBLE PROVIDER OUT OF THE TOTAL NUMBER OF ELIGIBLE CHILDREN SERVED BY ALL ELIGIBLE THERAPEUTIC CHILD CARE PROVIDERS.~~

(2) “DEVELOPMENTAL DELAYS, PHYSICAL DISABILITIES, OR DELAYS IN SOCIAL, EMOTIONAL, OR BEHAVIORAL FUNCTIONING” MEANS:

(I) A SIGNIFICANT DEVELOPMENTAL DELAY OR ATYPICAL DEVELOPMENT, AS IDENTIFIED BY A HEALTH PROFESSIONAL, IN:

1. COGNITIVE DEVELOPMENT;
2. PHYSICAL DEVELOPMENT;
3. LANGUAGE AND SPEECH DEVELOPMENT;
4. PSYCHOSOCIAL DEVELOPMENT; OR
5. SELF-HELP SKILLS;

(II) PSYCHOLOGICAL TRAUMA, AS IDENTIFIED THROUGH AN EVALUATION BY A MENTAL HEALTH PROFESSIONAL; OR

(III) A DIAGNOSED PHYSICAL, DEVELOPMENTAL, OR MENTAL HEALTH CONDITION THAT IMPACTS DAILY LIVING AND LIMITS PARTICIPATION IN TYPICAL EARLY CHILDHOOD EDUCATION OR CHILD CARE SETTINGS.

(3) “PROGRAM” MEANS THE THERAPEUTIC CHILD CARE GRANT PROGRAM.

(B) THERE IS A THERAPEUTIC CHILD CARE GRANT PROGRAM IN THE STATE.

(C) (1) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS TO PROVIDERS THAT SPECIALIZE IN PROVIDING CHILD CARE AND EARLY CHILDHOOD EDUCATION TO CHILDREN UNDER THE AGE OF 6 YEARS WHO HAVE DEVELOPMENTAL DELAYS, PHYSICAL DISABILITIES, OR DELAYS IN SOCIAL, EMOTIONAL, OR BEHAVIORAL FUNCTIONING.

(2) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

(3) ON OR BEFORE AUGUST 15 EACH YEAR, THE DEPARTMENT SHALL AWARD GRANTS UNDER THIS SECTION.

(D) (1) FOR EACH OF FISCAL YEARS 2023 THROUGH 2025, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$3,700,000 TO THE PROGRAM.

(2) IN AWARDING GRANTS UNDER THE PROGRAM, THE DEPARTMENT SHALL DISTRIBUTE:

(I) \$1,283,000 TO EXISTING PROVIDERS IN THE SAME AMOUNT AS WAS PROVIDED IN FISCAL YEAR 2022;

(II) \$1,917,000 TO EXISTING PROVIDERS IN THE SAME PROPORTION AS WAS PROVIDED IN FISCAL YEAR 2022 TO PROVIDE ADDITIONAL SERVICES; AND

(III) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, \$500,000 TO NEW PROVIDERS OR EXISTING PROVIDERS TO ENROLL ADDITIONAL CHILDREN.

(3) IF FUNDS ARE REMAINING AFTER THE DISTRIBUTION REQUIRED UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION, THEN THE REMAINDER SHALL BE DISTRIBUTED AS PROVIDED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.

(E) (1) ON OR BEFORE DECEMBER 1, 2022, AND DECEMBER 1, 2023, THE PROVIDERS WHO RECEIVED A GRANT UNDER THIS SECTION SHALL REPORT TO THE DEPARTMENT THE COST OF PROVIDING SERVICES TO A CHILD WITH DEVELOPMENTAL DELAYS, PHYSICAL DISABILITIES, OR DELAYS IN SOCIAL, EMOTIONAL, OR BEHAVIORAL FUNCTIONING AND THE SOURCES OF FUNDING RECEIVED BY THE PROVIDER.

(2) ON OR BEFORE DECEMBER 30, 2022, AND DECEMBER 30, 2023, THE DEPARTMENT SHALL COMPILE THE INFORMATION PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND SHALL REPORT THE COMPILED INFORMATION TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE

HOUSE WAYS AND MEANS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

(F) THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.