

HB0071/812119/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 71  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “Board;” insert “providing that the Board is an independent unit within the Department of Juvenile Services;”; in line 7, after “terms,” insert “staff;”; in the same line, after “Board;” insert “requiring the Board, to the extent practicable, to reflect the diversity of the student population that the Department serves;”; in line 12, strike “of Juvenile Services”; in line 13, after “regulations;” insert “requiring the Department to adopt certain regulations;”; in line 16, after “Superintendent;” insert “specifying the Superintendent’s qualifications;”; in lines 16, 18, 20, 23, and 30, in each instance, strike “Department” and substitute “Superintendent”; in line 18, after “staff;” insert “requiring Expert Review Teams to be sent to all residential facilities by the end of a certain school year;”; and in line 19, after “appropriation;” insert “requiring the Department to notify a juvenile in custody of the juvenile’s educational rights;”.

On page 2, in line 3, after “Education;” insert “requiring the Department of Legislative Services to conduct certain audits of the administration of juvenile education programs on or before certain dates;”; in line 5, after “date;” insert “requiring the Board, in consultation with local school systems, to examine and make recommendations on certain matters on or before a certain date; requiring the Department to contract with a certain entity, on or before a certain date, to conduct a review of certain policies and practices of the Department and develop recommendations; requiring the entity to submit its findings and recommendations to the Department, the Governor, and the General Assembly on or before a certain date;”; in line 6, after “Board;” insert “specifying certain personnel requirements for certain employees transferred to the Department;”; strike beginning with “altering” in line 7 down through “date;” in line 9; in line 12, after “Act;” insert “providing for the termination of this Act;”; after line 28, insert:

(Over)

**HB0071/812119/1 House Judiciary Committee**  
**Amendments to HB 71**  
**Page 2 of 10**

“BY repealing and reenacting, with amendments,  
Article - Education  
Section 5-411(g)(2)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2020 Supplement)  
(As enacted by Chapter 36 of the Acts of the General Assembly of 2021)”;

and in line 32, strike “9–606” and substitute “9–607”.

On page 3, strike in their entirety lines 5 through 14, inclusive.

AMENDMENT NO. 2

On page 3, after line 34, insert:

**“Article – Education**

5–411.

(g) (2) (i) Beginning on July 1, 2023, the Department shall send Expert Review Teams to at least 10% of public schools in at least three different local school systems each year.

(ii) AN EXPERT REVIEW TEAM SHALL BE SENT TO EVERY RESIDENTIAL FACILITY IN WHICH JUVENILES ARE EDUCATED IN ACCORDANCE WITH TITLE 9, SUBTITLE 6 OF THE HUMAN SERVICES ARTICLE BY THE END OF THE 2025–2026 SCHOOL YEAR.

(iii) An Expert Review Team shall be sent at least once to every public school in the State by the end of the 2030–2031 school year.”.

On page 4, in line 10, before “**THERE**” insert “**(A)**”; and after line 11, insert:

**“(B) THE BOARD IS AN INDEPENDENT UNIT WITHIN THE DEPARTMENT.”;**

in line 21, strike “AND” and substitute:

**“(6) ONE EDUCATOR EMPLOYED BY THE STATE WHO IS ENGAGED IN THE EDUCATION OF JUVENILES RESIDING IN A RESIDENTIAL FACILITY; AND”;**

in line 22, strike “(6)” and substitute “(7)”; in the same line, strike “SIX” and substitute “FIVE”; and in line 24, after “(B)” insert “**(1) THE CANDIDATE WHO RECEIVES THE HIGHEST NUMBER OF VOTES IN AN ELECTION BY THE EDUCATORS EMPLOYED BY THE DEPARTMENT SHALL BE THE EDUCATOR MEMBER.**”

**(2) THE TERM OF THE EDUCATOR MEMBER IS 4 YEARS.**

**(3) AT THE END OF A TERM, THE EDUCATOR MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

**(4) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CONDUCT THE ELECTION OF THE EDUCATOR MEMBER.**

**(5) THE EDUCATOR MEMBER MAY NOT VOTE ON ANY MATTER THAT RELATES TO APPEALS TO THE STATE BOARD OF EDUCATION UNDER § 6-202 OF THE EDUCATION ARTICLE.**

**(C) (1) TO THE EXTENT PRACTICABLE, THE APPOINTED MEMBERS OF THE BOARD SHALL REFLECT THE DIVERSITY OF THE POPULATION OF JUVENILES IN THE STATE.**

**(2)**.

On page 5, in lines 11, 20, 22, and 24, strike “(C)”, “(D)”, “(E)”, and “(F)”, respectively, and substitute “(D)”, “(E)”, “(F)”, and “(G)”, respectively.

(Over)

On page 6, in lines 3 and 6, strike “(G)” and “(H)”, respectively, and substitute “(H)” and “(I)”, respectively.

On page 8, in line 8, after “(D)” insert “THE SUPERINTENDENT:”

- (1) MUST BE AN EXPERIENCED AND COMPETENT EDUCATOR;
- (2) MUST BE A GRADUATE OF AN ACCREDITED COLLEGE OR UNIVERSITY;
- (3) MUST HAVE AT LEAST 2 YEARS OF SPECIAL ACADEMIC AND PROFESSIONAL GRADUATE PREPARATION IN AN ACCREDITED COLLEGE OR UNIVERSITY;
- (4) MUST HAVE AT LEAST 7 YEARS OF EXPERIENCE IN TEACHING AND ADMINISTRATION; AND
- (5) MAY NOT BE A CURRENT MEMBER OF THE BOARD OR HAVE BEEN A MEMBER OF THE BOARD AT ANY TIME DURING THE YEAR IMMEDIATELY PRECEDING THE APPOINTMENT.

(E)”;

after line 20, insert:

“(E) “SUPERINTENDENT” MEANS THE JUVENILE SERVICES EDUCATION PROGRAM SUPERINTENDENT.”;

and in line 25, strike “DEPARTMENT” and substitute “SUPERINTENDENT”.

**HB0071/812119/1 House Judiciary Committee  
Amendments to HB 71  
Page 5 of 10**

On page 9, in lines 1, 3, 8, and 17, in each instance, strike “**DEPARTMENT**” and substitute “**SUPERINTENDENT**”; in lines 12 and 13, strike “**OF THE BLUEPRINT FOR MARYLAND’S FUTURE**” and substitute “**UNDER TITLE 6, SUBTITLE 10 OF THE EDUCATION ARTICLE**”; in line 24, after “**(1)**” insert “**THE DEPARTMENT SHALL NOTIFY A JUVENILE IN CUSTODY OF THE JUVENILE’S EDUCATIONAL RIGHTS.**”

**(2)**;

in line 28, strike “**(2)**” and substitute “**(3)**”; and in line 29, strike “**(1)**” and substitute “**(2)**”.

On page 10, in line 1, strike “**(3)**” and substitute “**(4)**”; and in lines 2, 14, 18, and 24, in each instance, strike “**DEPARTMENT**” and substitute “**SUPERINTENDENT**”.

On page 11, in lines 1 and 27, in each instance, strike “**DEPARTMENT**” and substitute “**SUPERINTENDENT**”; in line 5, strike “**SHALL**” and substitute “**MAY**”; in line 11, after “**BASIC**” insert “**DAILY**”; in line 13, after “**CHILD**” insert “**DIVIDED BY THE NUMBER OF ACTUAL SCHOOL DAYS REQUIRED FOR A PUBLIC SCHOOL UNDER § 7–103 OF THE EDUCATION ARTICLE**”; in line 15, after “**BASIC**” insert “**DAILY**”; in line 24, strike “**5–202**” and substitute “**5–201**”; in line 26, after “**(A)**” insert “**(1)**”; and after line 30, insert:

**(2) THE SUPERINTENDENT’S REPORT SHALL INCLUDE:**

**(I) STUDENT OUTCOMES;**

**(II) EXTERNAL ORGANIZATIONAL PARTNERSHIPS; AND**

(Over)

**(III) TRANSITIONS BETWEEN ENROLLMENT IN PUBLIC SCHOOL AND THE CUSTODY OF THE DEPARTMENT.**

**(3) THE SUPERINTENDENT SHALL REPORT THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN THE AGGREGATE AND DISAGGREGATED BY:**

- (I) RACE;**
- (II) ETHNICITY;**
- (III) GENDER;**
- (IV) ENGLISH PROFICIENCY STATUS;**
- (V) DISABILITY STATUS; AND**
- (VI) FAMILIAL INCOME.”.**

On page 12, after line 6, insert:

**“(C) THE OFFICE OF LEGISLATIVE AUDITS IN THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL CONDUCT AN AUDIT OF THE SUPERINTENDENT AND DEPARTMENT’S ADMINISTRATION OF JUVENILE EDUCATIONAL PROGRAMS ON OR BEFORE:**

- (1) JULY 1, 2027; AND**
- (2) JULY 1, 2030.**

9-607.

(A) (1) ON OR BEFORE JANUARY 1, 2024, THE DEPARTMENT SHALL CONTRACT WITH A PUBLIC OR PRIVATE ENTITY TO CONDUCT AN EMPIRICAL EVALUATION OF THE DEPARTMENT'S POLICIES AND PRACTICES REGARDING THE EDUCATIONAL SERVICES PROVIDED TO JUVENILES IN RESIDENTIAL FACILITIES.

(2) IN CONDUCTING THE STUDY REQUIRED UNDER THIS SUBSECTION, THE ENTITY WITH WHICH THE DEPARTMENT CONTRACTS SHALL REVIEW THE EFFECTIVENESS OF THE DEPARTMENT'S CURRENT POLICIES AND PRACTICES, INCLUDING:

(I) STUDENT EDUCATIONAL OUTCOMES;

(II) IF THE EDUCATIONAL PLANS REQUIRED UNDER § 9-604(C) OF THIS SUBTITLE ARE MEETING JUVENILE NEEDS;

(III) STUDENT DISCIPLINARY OUTCOMES;

(IV) HOW EFFICIENTLY STUDENTS TRANSITION BETWEEN ENROLLMENT IN PUBLIC SCHOOL AND THE CUSTODY OF THE DEPARTMENT, INCLUDING:

1. HOW WELL EDUCATIONAL RECORDS ARE TRANSFERRED BETWEEN THE DEPARTMENT AND COUNTY BOARDS;

2. HOW EFFICIENTLY JUVENILES ARE RE-ENROLLED IN PUBLIC SCHOOL AFTER BEING RELEASED FROM THE CUSTODY OF THE DEPARTMENT; AND

(Over)

3. HOW WELL THE EDUCATION THE JUVENILE RECEIVES WHILE UNDER THE CUSTODY OF THE DEPARTMENT MATCHES WITH THE EDUCATION RECEIVED IN THE JUVENILE’S PUBLIC SCHOOL;

(V) THE QUALITY OF THE CURRICULUM;

(VI) HOW CONDUCIVE THE EDUCATIONAL SETTING IS TO LEARNING; AND

(VII) ACCESS TO MENTAL HEALTH SERVICES.

(3) THE ENTITY WITH WHICH THE DEPARTMENT CONTRACTS SHALL, AFTER COMPLETING ITS REVIEW, DEVELOP RECOMMENDATIONS TO IMPROVE THE EDUCATION DELIVERED UNDER THIS SUBTITLE.

(B) ON OR BEFORE OCTOBER 1, 2026, THE ENTITY WITH WHICH THE DEPARTMENT CONTRACTS SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE DEPARTMENT, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.”.

AMENDMENT NO. 3

On pages 13 and 14, strike in their entirety the lines beginning with line 16 on page 13 through line 8 on page 14, inclusive.

On page 14, after line 13, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That:

**HB0071/812119/1 House Judiciary Committee**  
**Amendments to HB 71**  
**Page 9 of 10**

(a) On or before December 1, 2021, the Juvenile Services Education Board established under Section 2 of this Act shall submit to the General Assembly, in accordance with § 2-1257 of the State Government Article, a report that meets the requirements of this section.

(b) In consultation with local school systems, the Juvenile Services Education Board shall examine and report on how, before the disposition of a student's juvenile case, to meet the needs of a student who:

(1) is dually enrolled in the Juvenile Services Education Program and a local school system; and

(2) has an individualized education program or other special education plan.

(c) The Juvenile Services Education Board shall examine and make recommendations regarding funding for the Juvenile Services Education Program established under Section 2 of this Act, including recommendations for any improvements.

SECTION 5. AND BE IT FURTHER ENACTED, That any State personnel or contractual employee involved in a transfer to the Department of Juvenile Services under this Act shall:

(1) if applicable, remain in the State Personnel Management System;

(2) remain in a position that is comparable to or most closely compares to their former position, without further examination or qualification;

(3) receive no diminution in compensation or accumulated leave solely as a result of the transfer; and

(Over)

**HB0071/812119/1 House Judiciary Committee**  
**Amendments to HB 71**  
**Page 10 of 10**

(4) if applicable, continue in the same salary grade in the Department of Juvenile Services.”;

in line 14, strike “4.” and substitute “6.”; after line 17, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That an individual who is an employee of the Juvenile Services Education Program on June 30, 2022, and remains a Department of Juvenile Services direct education staff member on July 1, 2022, shall remain a member of the Employees’ Pension System as provided under Title 23 of the State Personnel and Pensions Article.”;

in line 18, strike “5.” and substitute “8.”; and in line 19, after “2021.” insert “It shall remain effective for a period of 12 years and, at the end of June 30, 2033, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.