

CHAPTER 134

(Senate Bill 203)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Consolidation of Workforce Development Functions – Transfer of Adult Education and Literacy Services and Education Programs for Correctional Facilities

FOR the purpose of transferring adult education and literacy services functions administered by the State Department of Education to the Department of Labor, Licensing, and Regulation; transferring education programs for correctional institutions to the Department of Labor, Licensing, and Regulation; creating and renaming certain units within the Department of Labor, Licensing, and Regulation; establishing the Workforce Creation and Adult Education Transition Council; providing for the membership of the Transition Council; providing for the duties of the Transition Council; requiring the Transition Council to submit a certain report by a certain date; requiring certain regulations to be adopted; requiring the Secretary of the Department of Labor, Licensing, and Regulation to appoint certain directors; designating the Department of Labor, Licensing, and Regulation as the responsible agency for certain federal funding purposes; altering a certain definition; defining certain terms; requiring the Department of Labor, Licensing, and Regulation to be responsible for the development of a certain State plan and its submission to the federal Department of Education; declaring that the State assents to certain federal acts; requiring the State Treasurer to be the custodian of certain money received under certain federal acts; requiring the departments to cooperate with certain federal agencies to administer certain federal acts and take certain actions in connection with certain federal acts; requiring that certain services, programs, and grants in the State transfer to the Department of Labor, Licensing, and Regulation by a certain date; requiring that certain funds be included in a certain budget for a certain fiscal year; authorizing the Governor to transfer certain appropriations; authorizing certain grants and funding contracts to continue for a certain time period under certain circumstances; requiring the departments to consult over certain grants and contracts; providing for the transfer of certain employees under certain circumstances; providing certain provisions to effectuate the transfer of the functions and units required by this Act; making the provisions of this Act severable; and generally relating to the transfer of certain functions of State government and the administration of workforce development services.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–507

Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

BY repealing

Article – Education
Section 4–110, 5–218, 7–205.1, 7–206, and 22–101 through 22–105
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 21–201 and 21–202
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment
Section 8–301, 8–302, 8–303, 8–902, 11–102, and 11–104
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment
Section 11–101
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing

Article – Labor and Employment
Section 11–103 and 11–105
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY adding to

Article – Labor and Employment
Section 11–801 through ~~11–807~~ 11–808 to be under the new subtitle “Subtitle 8. Adult Education and Literacy Services”; and 11–901 through ~~11–905~~ 11–907 to be under the new subtitle “Subtitle 9. Correctional Institutions”
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

Preamble

WHEREAS, The United States Department of Labor estimates a shortage of more than 10,000,000 skilled workers by 2012 throughout the nation; and

WHEREAS, 80% of the fastest growing occupations between 2008 and 2014 are expected to be filled by individuals with postsecondary education and training; and

WHEREAS, Large numbers of our nation's adults do not demonstrate sufficient literacy and mathematical skills to fully participate in an increasingly competitive work environment; and

WHEREAS, Only one in four adults with less than a high school education currently participates in any kind of education or training; and

WHEREAS, Maryland ranks near the bottom in the United States in per-student State spending on adult education; and

WHEREAS, In Maryland, there are nearly 750,000 Marylanders with limited literacy skills, no high school diploma, or ineffective English language skills in need of services; and

WHEREAS, The 2003–2004 Maryland Adult Education Score Card shows that only 3 percent to 5 percent of Marylanders in need of adult education receive it; and

WHEREAS, The adult population in need of additional education is substantially similar to those served by the workforce one-stop system; and

WHEREAS, Historically, adult education was in the sole purview of the K–12 educational system, but over the past 15 years, there has been an increasing recognition nationally that adult education and workforce development must be better linked; and

WHEREAS, There are many different State agencies involved in adult education programming for various groups, but there are insufficient systems of accountability for adult education funding and outcomes; and

WHEREAS, Employers are increasingly turning to ex-offenders to address workforce needs, and the correctional system must increase the number of people served by educational programs that lead to job opportunities upon release; and

WHEREAS, Current adult education programs in Maryland are not fully progressing students to the posthigh school skill levels necessary to be competitive in our current and future economy; and

WHEREAS, Recognizing the importance of linking adult education and workforce creation, a number of states have transferred responsibility for adult education from their K–12 educational systems to state workforce development agencies; and

WHEREAS, Maryland requires an adult education system that aligns adult education, career preparation, postsecondary education, and workforce development; now, therefore,

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

Article – Correctional Services

3–507.

(a) The Department shall include the budget for Maryland Correctional Enterprises in the Department's budget.

(b) (1) Maryland Correctional Enterprises may establish a revolving fund to contain an amount that the Treasurer approves.

(2) (i) For each of fiscal years 2006 through 2009, the first \$1,000,000 in the revolving fund in excess of the amount required to operate Maryland Correctional Enterprises shall be transferred to a special fund to be used by the [State Department of Education] **DEPARTMENT OF LABOR, LICENSING, AND REGULATION** for the operation of educational programs in correctional institutions.

(ii) Money from the revolving fund shall supplement and may not supplant funding for the operation of educational programs in correctional institutions.

(3) (i) Subject to the provisions of subparagraph (ii) of this paragraph, the revolving fund may be used for general operating expenses and the purchase of capital assets.

(ii) The revolving fund may be used to provide financial assistance, up to \$250,000 in a fiscal year, to the Division of Correction to establish and operate employment readiness training programs and transitional services to rehabilitate inmates currently or previously employed by Maryland Correctional Enterprises.

(4) The revolving fund established under paragraph (1) of this subsection is not subject to § 7–302 of the State Finance and Procurement Article.

(5) Maryland Correctional Enterprises shall submit an annual statement to the Comptroller and the Treasurer that provides an accurate and detailed accounting of all receipts and disbursements from the revolving fund.

(c) General Fund money may be appropriated to Maryland Correctional Enterprises to be used for the direct expenses of training inmates.

Article – Education

[4–110.

(a) In accordance with the applicable rules and regulations of the State Board, each county board may establish and maintain day and evening schools for adults.

(b) The purpose of these schools for adults is to:

(1) Provide a general program of continuing education for the improvement of the civic, occupational, and general intelligence of adults; and

(2) Enable adults to make a wise use of their leisure time.

(c) A full–time student, at the student’s own expense, may register for adult education courses, if space is available, and if that student secures the written permission of the county superintendent or his designee.]

[5–218.

(a) (1) The Department shall distribute competitive grants for adult education and literacy services in accordance with the State Plan for Adult Education and Family Literacy.

(2) The grants distributed under this section shall be based on need and performance.

(3) Grants under this section may be used for adult education and literacy services, including:

(i) GED instruction;

(ii) The Maryland Adult External High School Program under § 7–205.1 of this article;

(iii) English for Speakers of Other Languages;

(iv) Family literacy; and

(v) Basic skills and literacy instruction.

(b) (1) Subject to paragraph (2) of this subsection, funding for the competitive grants under this section shall be as provided in the State budget.

(2) (i) In fiscal year 2007, the Governor shall include an appropriation in the State budget equal to an increase of \$1,500,000 over the fiscal year 2005 appropriation for the Department to distribute as Literacy Works grants in order to reduce the waiting list for adult education and literacy services to the extent possible.

(ii) In fiscal year 2008, the Governor shall include an appropriation in the State Budget equal to an increase of \$1,500,000 over the fiscal year 2007 appropriation for the Department to distribute as Literacy Works grants for adult education and literacy services.]

[7-205.1.

(a) In this section, "Program" means the Maryland Adult External High School Program established for the citizens of Maryland under regulations adopted by the State Board.

(b) According to these regulations:

(1) The State Board recognizes demonstrated competencies in adults, regardless of whether these competencies were acquired in a formal school setting; and

(2) In response to this recognition of competencies, the Department provides alternative requirements and methods of obtaining a Maryland high school diploma.

(c) (1) Because the Program is a valuable service that is provided to the citizens of Maryland, for each fiscal year the Governor shall include in the annual budget bill submitted to the General Assembly, including any proposed supplemental budget, a General Fund appropriation for the Maryland Adult External High School Program in an amount not less than the amount of the Governor's General Fund appropriation for the Program in fiscal year 2006.

(2) For each fiscal year the Governor shall include federal funds, to the extent available, for the Program in an amount not less than the amount of the Governor's federal fund appropriation for the Program in fiscal year 2006.]

[7-206.

(a) An individual may obtain a high school diploma by examination as provided in this section if the individual:

(1) Has not obtained a high school certificate or diploma;

(2) Has resided in this State or on a federal reservation in this State for at least 3 months, except that the State Board may waive this residence requirement if it considers the waiver justified;

(3) Is 16 years old or older; and

(4) Has withdrawn from a regular full-time public or private school program for at least 3 months, except that the State Board may waive the 3-month withdrawal requirement if the State Board considers the waiver justified.

(b) The State Board shall examine individuals for a high school diploma at least twice each year at places throughout this State that are reasonably convenient for the applicants.

(c) The examination shall:

(1) Be offered in appropriate high school subject areas; and

(2) Be of a comprehensive nature as determined by the State Board.

(d) An individual who fails an examination may take retests.

(e) A member of the armed forces may earn the Maryland high school diploma by taking the examinations furnished by the United States Armed Forces Institute and given by the appropriate service officer.

(f) The diploma shall be awarded in accordance with the rules and regulations adopted by the State Board.]

21-201.

In this subtitle, “federal acts” means:

(1) The Smith-Hughes Act;

(2) The George-Barden Act;

(3) The ~~Vocational Education Act of 1963~~ **CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT;**

(4) **THE ADULT EDUCATION AND FAMILY LITERACY ACT;**

(5) **THE WORKFORCE INVESTMENT ACT;**

[(4)] (6) Any other career and technology education act of the United States Congress; and

~~[(5)]~~ (7) Any amendments to any of these acts.

21–202.

(a) The State of Maryland assents to the federal acts.

(b) The State Treasurer shall:

(1) Be the custodian of any money received under the federal acts; and

(2) Disburse this money in accordance with the federal acts.

(c) The State Board of Education **AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, AS APPROPRIATE**, shall:

(1) Cooperate with the appropriate federal agencies in administering the federal acts;

(2) Do anything necessary to secure the benefits of the federal acts;

~~and~~

(3) **FACILITATE THE TRANSFER OF FEDERAL FUNDS TO THE APPROPRIATE OPERATIONAL ENTITY; AND**

(4) Represent this State in all matters relating to the administration of the federal acts.

[22–101.

(a) There is an Education Coordinating Council for Correctional Institutions under the jurisdiction of the Department of Public Safety and Correctional Services which is within the State Department of Education for administrative and budgetary purposes.

(b) (1) The Council consists of 5 members.

(2) One of the members shall be a resident of this State appointed by the Governor for a term of 4 years and until a successor is appointed and qualifies.

(3) The following officials shall serve ex officio:

(i) The State Superintendent of Schools;

(ii) The Secretary of Public Safety and Correctional Services;

(iii) The Secretary of Higher Education; and

(iv) The county superintendent of schools from a county where a correctional institution of the Division of Correction is located, who shall be selected by the State Superintendent.

(c) Each member of the Council:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(d) (1) The State Superintendent shall serve as chairman of the Council.

(2) The Council shall designate the time and place of its meetings and may adopt rules for the conduct of its meetings.

(3) The State Department of Education shall provide technical and clerical assistance and support to the Council.]

[22-102.

(a) The Education Coordinating Council for Correctional Institutions shall develop and recommend an educational program for each correctional institution in the Division of Correction. The programs shall meet the special needs and circumstances of the inmates in the institution.

(b) (1) The Council shall adopt regulations for all correctional institutions in the Division of Correction for the implementation of a mandatory education program for all inmates who fail to attain a minimum educational standard as set forth in this subsection.

(2) The regulations adopted by the Council shall require that:

(i) The educational standard shall be the attainment of a General Education Diploma (G.E.D.) or a verified high school diploma;

(ii) The regulations shall only apply to any inmate who:

1. Is received by the Division of Correction after July 1, 1987;

2. Has 18 months or more remaining to be served before a mandatory supervision release date;

3. Is not exempted due to a medical, developmental, or learning disability; and

4. Does not possess a General Education Diploma (G.E.D.) or a verified high school diploma;

(iii) Any inmate who is not exempted under subparagraph (ii)3 of this subsection shall participate in:

1. The mandatory education program for at least 120 calendar days; or

2. A vocational training program; and

(iv) The Division of Correction shall report to the Parole Commission the academic progress of an inmate in the mandatory education program.

(c) On or before October 30 of each year, the Council shall report its activities to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly.

(d) (1) The Council shall actively advocate and promote the interests of educational programs and opportunities in correctional institutions. The Council shall seek to ensure that a quality education and equal educational opportunity are available to all inmates at correctional institutions.

(2) The Council shall on a regular basis review the program of instruction used in educational programs at correctional institutions to ensure that the unique educational needs of the populations of correctional institutions are being satisfactorily met.

(3) The Council shall include in its review:

(i) Curriculum guides;

(ii) Courses of study;

(iii) Resource materials;

(iv) Textbooks;

(v) Supplementary readers;

(vi) Materials of instruction;

- (vii) Visual and auditory aids;
- (viii) Supplies;
- (ix) Teacher performance; and
- (x) Other teaching aids.

(4) Based on their review, the Council shall recommend and advocate improvements to the educational programs at correctional institutions.]

[22–103.

(a) The State Superintendent shall appoint a Director of educational programs for correctional institutions.

(b) The Director shall receive the salary provided in the budget of the Department.

(c) The Director shall:

(1) Implement and operate the educational programs, developed by the Council, in the correctional institutions;

(2) Meet with and advise the Council about these programs; and

(3) Consult with the Commissioner of Correction and the warden of each institution about the operation of these programs.]

[22–104.

(a) Notwithstanding any other provision of law, Patuxent Institution is a correctional institution within the Division of Correction and under the jurisdiction of the Education Coordinating Council for Correctional Institutions for the funding of educational programs only.

(b) Funds for the operation of the educational programs in correctional institutions shall be provided in the budget of the State Department of Education.

(c) The Department of Public Safety and Correctional Services and other State agencies may contribute to these programs.

(d) Funds appropriated for educational programs in correctional institutions may not be diverted, by budget amendment or otherwise, to any other purpose.]

[22–105.

This subtitle does not affect the other jurisdiction of the State Board of Education, the State Superintendent of Schools, the Maryland Higher Education Commission, or the Secretary of Higher Education.]

Article – Labor and Employment

8–301.

This title shall be administered under the supervision of the Secretary by 2 coordinate units, the [Office] **DIVISION** of Unemployment Insurance and the [Office of Employment Services] **DIVISION OF WORKFORCE DEVELOPMENT**, established by the Secretary.

8–302.

(a) There is [an Office] **A DIVISION** of Unemployment Insurance.

(b) The [Office] **DIVISION** of Unemployment Insurance shall perform any function that the Secretary assigns to it to carry out this title.

8–303.

(a) (1) “Public employment office” means an employment office that does not charge a fee to provide services and is:

(i) operated by the [State] **DEPARTMENT**; or

(ii) maintained as part of a **LOCAL**, [State] **STATE**, or federal system of employment offices.

(2) “Public employment office” includes a branch public employment office.

(b) The General Assembly accepts the provisions of the Wagner–Peyser Act for establishment of a national employment system and for cooperation in promotion of the system in conformity with § 4 of the Act.

(c) [There is an Office of Employment Services in the Division of Employment and Training that] **THE DIVISION OF WORKFORCE DEVELOPMENT, ESTABLISHED UNDER § 11–102 OF THIS ARTICLE**, is the unit of the State designated to carry out § 4 of the Wagner–Peyser Act.

[(d) (1) The head of the Office of Employment Services is the Director who shall be appointed by the Secretary in accordance with:

- and
- (i) the provisions of the State Personnel and Pensions Article;
 - (ii) regulations adopted by the United States Secretary of Labor.
- (2) The Director shall devote full-time to the duties of office.
 - (3) The Director is entitled to the salary provided in the State budget.
 - (4) The Director shall:
 - (i) cooperate with any official or unit of the federal government that has any responsibility under the Wagner-Peyser Act; and
 - (ii) take any action necessary to secure for the State the benefits under the Wagner-Peyser Act for promotion and maintenance of a system of public employment offices.]

[(e)] (D) The Secretary shall employ a staff for the [Office of Employment Services] **DIVISION OF WORKFORCE DEVELOPMENT** in accordance with § 8-304 of this subtitle and regulations adopted by the United States Secretary of Labor.

[(f)] (E) As necessary for administration of this title, the [Office of Employment Services] **DIVISION OF WORKFORCE DEVELOPMENT** shall establish and maintain public employment offices that do not charge a fee to individuals who seek employment.

[(g)] (F) To establish and maintain public employment offices, the Secretary:

(1) may enter into an agreement with the Railroad Retirement Board or any other federal unit that is responsible for administration of an unemployment insurance law, a political subdivision of the State, or any private not-for-profit organization; and

(2) as part of the agreement, may accept money, services, or office space as a contribution to the Unemployment Insurance Administration Fund.

[(h)] (G) Money in the Unemployment Insurance Administration Fund that the State receives under the Wagner-Peyser Act is available to the [Office of Employment Services] **DIVISION OF WORKFORCE DEVELOPMENT** for use under this section in accordance with that Act.

8-902.

(a) To be eligible for benefits, [in accordance with the regulations of the Secretary,] an individual shall[:

(1) register for work at an] **ENROLL WITH A PUBLIC** employment office[; and

(2) report to the employment office] **IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS TITLE.**

(b) Subject to § 8-808(b) of this title, by regulation, the Secretary may alter or waive the requirements of subsection (a) of this section for:

(1) an individual attached to a regular job; or

(2) an individual for whom the Secretary finds that compliance with those requirements would be oppressive or inconsistent with the purposes of this title.

11-101.

(a) In this title the following words have the meanings indicated.

(b) "Department" means the Department of Labor, Licensing, and Regulation.

(c) "Secretary" means the Secretary of Labor, Licensing, and Regulation.

11-102.

(a) There is a Division of [Employment and Training] **WORKFORCE DEVELOPMENT** within the Department of Labor, Licensing, and Regulation.

(b) The Division has the powers, duties, responsibilities, and functions provided in the laws of this State.

(c) The Division has the general purpose of advancing the economic welfare of the people by coordinating the State's public and private resources for employment and job training.

[11-103.

(a) (1) With the approval of the Governor, the Secretary shall appoint a Director of the Division of Employment and Training. The Director shall hold office at the Secretary's pleasure.

(2) The Director may be removed by the Secretary, with the approval of the Governor.

(3) Any such removal by the Secretary of Labor, Licensing, and Regulation is final and is not subject to any appeal.

(b) The Director shall be selected because of known experience and interest in employment and job training.

(c) The Director shall operate this Division under the direction of the Secretary in accordance with the provisions of law relating to the establishment of the Department.]

[11-104.] 11-103.

(a) The Division shall:

(1) [administer Title 8 of this article;

(2)] promote apprenticeship and training programs;

[(3)] (2) administer job training, placement, and service programs;

[(4)] (3) implement the provisions of the [Maryland] Workforce Investment Act;

[(5)] (4) oversee any other units established pursuant to State or federal employment, training, or manpower statutes; and

[(6)] (5) administer those programs assigned to the Division by law or designated by the Secretary.

(b) The Division shall meet and confer on a regular basis with representatives of the State's community colleges, appointed by the Maryland Association of Community Colleges, to assure that job training activities and resources are effectively coordinated.

[11-105.

The Director of the Division shall receive the salary and have the deputies, assistants, and employees provided in the State budget.]

SUBTITLE 8. ADULT EDUCATION AND LITERACY SERVICES.

11-801.

(A) THERE IS AN ADULT EDUCATION AND LITERACY SERVICES OFFICE IN THE DIVISION OF WORKFORCE DEVELOPMENT OF THE DEPARTMENT.

(B) THE ADULT EDUCATION AND LITERACY SERVICES OFFICE SHALL BE THE SOLE AGENCY IN THE STATE RESPONSIBLE FOR ADMINISTERING AND SUPERVISING POLICY AND FUNDING FOR ADULT EDUCATION AND LITERACY.

11-802.

THE ADULT EDUCATION AND LITERACY SERVICES OFFICE, WITH THE APPROVAL OF THE SECRETARY, MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

11-803.

(A) THERE IS A WORKFORCE CREATION AND ADULT EDUCATION TRANSITION COUNCIL IN THE DEPARTMENT TO COORDINATE THE INTEGRATION OF ADULT EDUCATION AND LITERACY SERVICES WITH THE DIVISION OF WORKFORCE DEVELOPMENT AND ITS PROGRAMS.

(B) THE TRANSITION COUNCIL SHALL CONSIST OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER;

(3) THE SECRETARY, WHO SHALL SERVE AS ~~CHAIR~~ COCHAIR;

~~(2)~~ (4) THE SECRETARY OF THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT;

~~(3)~~ (5) THE SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

~~(4)~~ (6) THE STATE SUPERINTENDENT OF ~~SCHOOLS~~ SCHOOLS, WHO SHALL SERVE AS COCHAIR;

~~(5)~~ (7) THE SECRETARY OF HIGHER EDUCATION;

~~(6)~~ (8) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND;

~~(7)~~ (9) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION FOR ADULT COMMUNITY AND CONTINUING EDUCATION;

~~(8)~~ (10) A REPRESENTATIVE OF THE MARYLAND WORKFORCE DEVELOPMENT ASSOCIATION;

~~(9)~~ (11) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF COMMUNITY COLLEGES; ~~AND~~

~~(10)~~ (12) THE CHAIR OF THE GOVERNOR'S WORKFORCE INVESTMENT ~~BOARD~~ BOARD; AND

(13) TEN MEMBERS APPOINTED BY THE GOVERNOR, INCLUDING REPRESENTATIVES FROM THE FOLLOWING COMMUNITIES OF INTEREST:

(I) FAMILY LITERACY;

(II) ADULT BASIC EDUCATION;

(III) CAREER AND TECHNICAL EDUCATION;

(IV) WORKPLACE LITERACY;

(V) CORRECTIONAL EDUCATION;

(VI) COMMUNITY LIBRARIES;

(VII) ENGLISH AS A SECOND LANGUAGE PROVIDERS;

(VIII) ORGANIZED LABOR;

(IX) EMPLOYERS; AND

(X) NONPROFIT ORGANIZATIONS INVOLVED IN PROGRAMS TO PROMOTE ECONOMIC SELF-SUFFICIENCY.

(C) THE TRANSITION COUNCIL SHALL:

~~(1) ENSURE A SEAMLESS MERGER OF THE STATE'S ADULT EDUCATION AND LITERACY PROGRAMS WITH THE STATE'S WORKFORCE DEVELOPMENT AND JOB TRAINING PROGRAMS;~~

~~(2) DEVELOP A REVISED STATE PLAN FOR ADULT EDUCATION IN CONSULTATION WITH COMMUNITY-BASED STAKEHOLDERS, THE BUSINESS COMMUNITY AND STAKEHOLDERS AT THE LOCAL LEVEL IN ALL AREAS OF THE STATE;~~

~~(3) DEVELOP STRATEGIES TO ALIGN ADULT EDUCATION PROGRAMS WITH COMPLEMENTARY PROGRAMS FUNDED UNDER THE WORKFORCE INVESTMENT ACT SO AS TO MAXIMIZE THE BENEFITS AND MINIMIZE DUPLICATION OF SERVICES;~~

~~(4) IDENTIFY BEST PRACTICES THAT ENABLE ADULT STUDENTS TO TRANSITION FROM ADULT EDUCATION PROGRAMS INTO POSTSECONDARY EDUCATION, JOB TRAINING PROGRAMS, AND EMPLOYMENT OPPORTUNITIES;~~

~~(5) DEVELOP STRATEGIES TO PROVIDE AN INTEGRATED APPROACH TO EDUCATION AND JOB TRAINING PROGRAMS TO ALLOW FORMER OFFENDERS TO TRANSITION INTO THE WORKFORCE; AND~~

~~(6) WORK WITH OTHER DEPARTMENTS IN STATE GOVERNMENT AND OTHER STAKEHOLDERS TO IDENTIFY POPULATIONS THAT NEED EDUCATION AND JOB TRAINING TO TRANSITION INTO THE WORKFORCE.~~

(1) DEVELOP A PLAN FOR THE SEAMLESS TRANSITION OF THE ADULT EDUCATION, LITERACY, AND CORRECTIONAL EDUCATION PROGRAMS FROM THE STATE DEPARTMENT OF EDUCATION TO THE DEPARTMENT;

(2) ACTIVELY ASSIST IN THE DEVELOPMENT OF A NEW STATE PLAN FOR ADULT EDUCATION;

(3) IDENTIFY EXISTING ADULT EDUCATION PROGRAMS IN OTHER UNITS OF STATE GOVERNMENT AND DEVELOP STRATEGIES TO MAKE THE AGENCIES PART OF A COORDINATED PROGRAM;

(4) RECOMMEND A FRAMEWORK FOR A NEW STATE SYSTEM OF DELIVERING ADULT EDUCATION AND WORKFORCE PROGRAMS THROUGH THE DEPARTMENT THAT:

(1) PROVIDES FOR THE EFFECTIVE ALIGNMENT OF ADULT EDUCATION, LITERACY, AND CORRECTIONAL EDUCATION PROGRAMS WITH WORKFORCE DEVELOPMENT PROGRAMS;

(II) TRACKS OUTCOMES OF ADULT EDUCATION STUDENTS;
AND

(III) IS CONSISTENT WITH APPLICABLE FEDERAL LAWS;

(5) REVIEW THE OVERLAPPING RESPONSIBILITIES OF CORRECTIONAL EDUCATION AS THEY RELATE TO IMPLEMENTATION OF ADULT CORRECTIONAL EDUCATION AND JUVENILE SERVICES EDUCATION;

(6) DETERMINE THE ADVISABILITY OF TRANSFERRING CORRECTIONAL EDUCATION SERVICES IN LIGHT OF THE POTENTIAL NEGATIVE IMPACT THE TRANSFER COULD HAVE ON THE EFFECTIVE OPERATION OF JUVENILE SERVICES EDUCATION; AND

(7) RECOMMEND THE COMPOSITION AND RESPONSIBILITIES OF A STATE ADVISORY COUNCIL ON ADULT EDUCATION, LITERACY, AND WORKFORCE DEVELOPMENT.

(D) THE DEPARTMENT SHALL PROVIDE STAFF TO THE TRANSITION COUNCIL.

(E) (1) ~~THE~~ ON OR BEFORE DECEMBER 31, 2008, THE TRANSITION COUNCIL SHALL COMPLETE ITS WORK ON OR BEFORE DECEMBER 31, 2009 AND SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO THE PROVISIONS OF § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, ON ITS ACTIVITIES AND RECOMMENDATIONS.

(2) THE REPORT SHALL INCLUDE A SUMMARY OF THE PLAN FOR THE SEAMLESS TRANSITION OF THE ADULT EDUCATION, LITERACY, AND CORRECTIONAL EDUCATION PROGRAMS FROM THE STATE DEPARTMENT OF EDUCATION INCLUDING:

(I) STRATEGIES FOR ENSURING PROGRAM CONTINUITY FOR CLIENTS OF THE AFFECTED PROGRAMS;

(II) STRATEGIES FOR ENSURING CONTINUITY IN THE STATE ADMINISTRATION OF AFFECTED GRANT PROGRAMS;

(III) PROVISIONS REGARDING AFFECTED EMPLOYEES, INCLUDING A SPECIFIC ANALYSIS OF THE TRANSFER OF EMPLOYEES WITH SHARED RESPONSIBILITIES FOR ADULT CORRECTIONAL EDUCATION AND JUVENILE SERVICES EDUCATION SUCH AS GRANT MANAGERS AND PROGRAM COORDINATORS;

(IV) STRATEGIES FOR COORDINATING THE ACTIVITIES AND RESPONSIBILITIES OF UNITS OF STATE GOVERNMENT INVOLVED IN ADMINISTERING THE TRANSFERRED PROGRAMS; AND

(V) STRATEGIES FOR ADDRESSING POTENTIAL CHALLENGES TO IMPLEMENTING THE TRANSITION OF THE AFFECTED PROGRAMS IN A MANNER THAT ENSURES THE CONTINUED DELIVERY OF QUALITY CONTENT TO CLIENTS OF THE AFFECTED PROGRAMS.

11-804.

THE DEPARTMENT SHALL BE RESPONSIBLE FOR THE DEVELOPMENT OF THE STATE PLAN FOR ADULT EDUCATION AND LITERACY SERVICES AND ITS SUBMISSION TO THE FEDERAL DEPARTMENT OF EDUCATION.

11-805.

(A) IN ACCORDANCE WITH THE APPLICABLE RULES AND REGULATIONS OF THE DEPARTMENT, EACH COUNTY BOARD OF EDUCATION MAY ESTABLISH AND MAINTAIN DAY AND EVENING SCHOOLS FOR ADULTS.

(B) THE PURPOSE OF THESE SCHOOLS FOR ADULTS IS TO PROVIDE:

(1) A GENERAL PROGRAM OF CONTINUING EDUCATION FOR THE IMPROVEMENT OF THE CIVIC, OCCUPATIONAL, AND GENERAL INTELLIGENCE OF ADULTS; AND

(2) PROGRAMS TO ENABLE ADULTS TO MAKE A WISE USE OF THEIR LEISURE TIME.

(C) A FULL-TIME STUDENT, AT THE STUDENT'S OWN EXPENSE, MAY REGISTER FOR ADULT EDUCATION COURSES, IF SPACE IS AVAILABLE, AND IF THAT STUDENT SECURES THE WRITTEN PERMISSION OF THE SUPERINTENDENT OF SCHOOLS, OR THE SUPERINTENDENT'S DESIGNEE, OF THE COUNTY IN WHICH THE STUDENT REGISTERS.

~~11-805.~~ 11-806.

(A) (1) THE ADULT EDUCATION AND LITERACY SERVICES OFFICE SHALL DISTRIBUTE COMPETITIVE GRANTS FOR ADULT EDUCATION AND LITERACY SERVICES IN ACCORDANCE WITH THE STATE PLAN FOR ADULT EDUCATION AND FAMILY LITERACY.

(2) THE GRANTS DISTRIBUTED UNDER THIS SECTION SHALL BE BASED ON NEED AND PERFORMANCE.

(3) GRANTS UNDER THIS SECTION MAY BE USED FOR ADULT EDUCATION AND LITERACY SERVICES, INCLUDING:

(I) GED INSTRUCTION;

(II) THE MARYLAND ADULT EXTERNAL HIGH SCHOOL PROGRAM UNDER ~~§ 11-806 OF THIS ARTICLE~~ § 11-807 OF THIS SUBTITLE;

(III) WORKPLACE LITERACY SERVICES;

(IV) ENGLISH FOR SPEAKERS OF OTHER LANGUAGES;

(V) FAMILY LITERACY; AND

(VI) LITERACY INSTRUCTION.

(B) FUNDING FOR THE COMPETITIVE GRANTS UNDER THIS SECTION SHALL BE AS PROVIDED IN THE STATE BUDGET.

~~11-806.~~ 11-807.

(A) IN THIS SECTION, "PROGRAM" MEANS THE MARYLAND ADULT EXTERNAL HIGH SCHOOL PROGRAM ESTABLISHED FOR THE CITIZENS OF MARYLAND UNDER REGULATIONS ADOPTED BY THE ~~DEPARTMENT~~ SECRETARY IN CONSULTATION WITH THE STATE BOARD OF EDUCATION.

(B) (1) THE DEPARTMENT AND THE STATE BOARD OF EDUCATION RECOGNIZE DEMONSTRATED COMPETENCIES IN ADULTS, WHETHER OR NOT THOSE COMPETENCIES WERE ACQUIRED IN A FORMAL SCHOOL SETTING.

(2) IN RESPONSE TO ITS RECOGNITION OF COMPETENCIES, THE DEPARTMENT SHALL PROVIDE ALTERNATIVE REQUIREMENTS AND METHODS OF OBTAINING A MARYLAND HIGH SCHOOL DIPLOMA.

(3) THE STATE BOARD OF EDUCATION SHALL AWARD DIPLOMAS TO THE INDIVIDUALS MEETING THE REQUIREMENTS OF THIS SUBTITLE.

(C) (1) FOR EACH FISCAL YEAR THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY, INCLUDING ANY PROPOSED SUPPLEMENTAL BUDGET, A GENERAL FUND APPROPRIATION FOR THE MARYLAND ADULT EXTERNAL HIGH SCHOOL

PROGRAM IN AN AMOUNT NOT LESS THAN THE AMOUNT OF THE GOVERNOR'S GENERAL FUND APPROPRIATION FOR THE PROGRAM IN FISCAL YEAR 2006.

(2) IN EACH ANNUAL BUDGET, THE GOVERNOR SHALL INCLUDE FEDERAL FUNDS, TO THE EXTENT AVAILABLE, FOR THE PROGRAM IN AN AMOUNT NOT LESS THAN THE AMOUNT OF THE GOVERNOR'S FEDERAL FUND APPROPRIATION FOR THE PROGRAM IN FISCAL YEAR 2006.

~~11-807.~~ 11-808.

(A) AN INDIVIDUAL MAY OBTAIN A HIGH SCHOOL DIPLOMA BY EXAMINATION AS PROVIDED IN THIS SECTION IF THE INDIVIDUAL:

(1) HAS NOT OBTAINED A HIGH SCHOOL DIPLOMA;

(2) HAS RESIDED IN THIS STATE OR ON A FEDERAL RESERVATION IN THIS STATE FOR AT LEAST 3 MONTHS, PROVIDED THAT THE STATE BOARD OF EDUCATION MAY WAIVE THE RESIDENCE REQUIREMENT IF THE STATE BOARD CONSIDERS THE WAIVER JUSTIFIED;

(3) IS 16 YEARS OLD OR OLDER; AND

(4) HAS WITHDRAWN FROM A REGULAR FULL-TIME PUBLIC OR PRIVATE SCHOOL PROGRAM FOR AT LEAST 3 MONTHS, PROVIDED THAT THE STATE BOARD OF EDUCATION MAY WAIVE THE WITHDRAWAL REQUIREMENT IF THE STATE BOARD CONSIDERS THE WAIVER JUSTIFIED.

(B) THE DEPARTMENT SHALL REQUIRE INDIVIDUALS WHO ARE PURSUING A HIGH SCHOOL DIPLOMA UNDER THIS SUBTITLE TO TAKE AN EXAMINATION AT LEAST TWICE EACH YEAR AT PLACES THROUGHOUT THE STATE THAT ARE REASONABLY CONVENIENT FOR THE APPLICANTS.

(C) THE EXAMINATION SHALL:

(1) BE OFFERED IN APPROPRIATE HIGH SCHOOL SUBJECT AREAS;

AND

(2) BE OF A COMPREHENSIVE NATURE AS DETERMINED BY THE STATE BOARD OF EDUCATION.

(D) AN INDIVIDUAL WHO FAILS AN EXAMINATION MAY REPEAT TAKING THE EXAMINATION.

(E) A MEMBER OF THE ARMED FORCES MAY EARN A MARYLAND HIGH SCHOOL DIPLOMA BY TAKING THE EXAMINATIONS FURNISHED BY THE UNITED STATES ARMED FORCES INSTITUTE AND GIVEN BY THE APPROPRIATE SERVICE OFFICER.

(F) THE DIPLOMA SHALL BE AWARDED IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE ~~DEPARTMENT~~ SECRETARY AND THE STATE BOARD OF EDUCATION.

SUBTITLE 9. CORRECTIONAL INSTITUTIONS.

11-901.

(A) THERE IS AN EDUCATION AND WORKFORCE TRAINING COORDINATING COUNCIL FOR CORRECTIONAL INSTITUTIONS UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AND THE DEPARTMENT.

(B) (1) THE COUNCIL CONSISTS OF ~~SIX~~ SEVEN MEMBERS.

(2) ONE OF THE MEMBERS OF THE COUNCIL SHALL BE A RESIDENT OF THIS STATE APPOINTED BY THE GOVERNOR FOR A TERM OF 4 YEARS WHO SHALL SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) THE FOLLOWING OFFICIALS SHALL SERVE EX OFFICIO:

(I) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

(II) THE SECRETARY OF LABOR, LICENSING, AND REGULATION;

(III) THE STATE SUPERINTENDENT OF SCHOOLS;

(IV) THE SECRETARY OF HIGHER EDUCATION; ~~AND~~

(V) AN OFFICIAL FROM A LOCAL CORRECTIONAL FACILITY;
AND

~~(V)~~ (VI) THE COUNTY SUPERINTENDENT OF SCHOOLS FROM A COUNTY WHERE A CORRECTIONAL INSTITUTION OF THE DIVISION OF CORRECTION IS LOCATED, WHO SHALL BE SELECTED BY THE STATE SUPERINTENDENT.

(C) EACH MEMBER OF THE COUNCIL:

(1) SERVES WITHOUT COMPENSATION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES IN ACCORDANCE WITH THE STANDARD STATE TRAVEL REGULATIONS.

(D) (1) THE SECRETARY OF PUBLIC SAFETY AND CORRECTION AND THE SECRETARY SHALL SERVE AS COCHAIRS OF THE COUNCIL.

(2) THE COUNCIL SHALL DESIGNATE THE TIME AND PLACE OF ITS MEETINGS AND MAY ADOPT RULES FOR THE CONDUCT OF ITS MEETINGS.

(3) THE COUNCIL SHALL BE WITHIN THE DEPARTMENT FOR ADMINISTRATIVE AND BUDGETARY PURPOSES.

(4) THE DEPARTMENT SHALL PROVIDE TECHNICAL AND CLERICAL ASSISTANCE AND SUPPORT TO THE COUNCIL.

11-902.

(A) THE EDUCATION AND WORKFORCE TRAINING COORDINATING COUNCIL FOR CORRECTIONAL INSTITUTIONS SHALL DEVELOP AND RECOMMEND AN EDUCATIONAL AND WORKFORCE TRAINING PROGRAM FOR EACH CORRECTIONAL INSTITUTION IN THE DIVISION OF CORRECTION. THE PROGRAMS SHALL MEET THE SPECIAL NEEDS AND CIRCUMSTANCES OF THE INMATES IN EACH CORRECTIONAL INSTITUTION.

(B) (1) THE COUNCIL SHALL ADOPT REGULATIONS FOR ALL CORRECTIONAL INSTITUTIONS IN THE DIVISION OF CORRECTION FOR THE IMPLEMENTATION OF A MANDATORY EDUCATION PROGRAM FOR ALL INMATES WHO FAIL TO ATTAIN A MINIMUM EDUCATIONAL STANDARD AS SET FORTH IN THIS SUBSECTION.

(2) THE REGULATIONS ADOPTED BY THE COUNCIL SHALL:

(I) REQUIRE THAT THE EDUCATIONAL STANDARD SHALL BE THE ATTAINMENT OF A GENERAL EDUCATIONAL DEVELOPMENT (GED) DIPLOMA OR A VERIFIED HIGH SCHOOL DIPLOMA;

(II) APPLY ONLY TO ANY INMATE WHO:

1. WAS RECEIVED BY THE DIVISION OF CORRECTION AFTER JULY 1, 1987;

2. HAS 18 MONTHS OR MORE REMAINING TO BE SERVED BEFORE A MANDATORY SUPERVISION RELEASE DATE;

3. IS NOT EXEMPTED DUE TO A MEDICAL, DEVELOPMENTAL, OR LEARNING DISABILITY; AND

4. DOES NOT POSSESS A GENERAL EDUCATIONAL DEVELOPMENT (GED) DIPLOMA OR A VERIFIED HIGH SCHOOL DIPLOMA;

(III) REQUIRE ANY INMATE WHO IS NOT EXEMPTED UNDER ITEM (II)3 OF THIS PARAGRAPH TO PARTICIPATE IN:

1. THE MANDATORY EDUCATION PROGRAM FOR AT LEAST 120 CALENDAR DAYS; OR

2. A WORKFORCE SKILLS TRAINING PROGRAM; AND

(IV) THE DIVISION OF CORRECTION SHALL REPORT TO THE PAROLE COMMISSION THE ACADEMIC PROGRESS OF AN INMATE IN THE MANDATORY EDUCATION PROGRAM.

(C) (1) THE COUNCIL SHALL ADOPT REGULATIONS FOR ALL CORRECTIONAL INSTITUTIONS IN THE DIVISION OF CORRECTION FOR THE IMPLEMENTATION OF A MANDATORY WORKFORCE SKILLS TRAINING PROGRAM FOR ALL INMATES AS PROVIDED IN THIS SUBSECTION.

(2) THE REGULATIONS SHALL APPLY ONLY TO AN INMATE WHO:

(I) HAS 18 MONTHS OR MORE REMAINING TO BE SERVED BEFORE A MANDATORY SUPERVISION RELEASE DATE; AND

(II) IS NOT EXEMPTED DUE TO A MEDICAL, DEVELOPMENTAL, OR LEARNING DISABILITY.

(3) THE DIVISION OF CORRECTION SHALL REPORT TO THE PAROLE COMMISSION THE ACADEMIC PROGRESS OF AN INMATE IN THE MANDATORY WORKFORCE SKILLS TRAINING PROGRAM.

(D) ON OR BEFORE OCTOBER 30 OF EACH YEAR, THE COUNCIL SHALL REPORT ITS ACTIVITIES TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

(E) (1) (I) THE COUNCIL SHALL ACTIVELY ADVOCATE AND PROMOTE THE INTERESTS OF EDUCATIONAL PROGRAMS AND WORKFORCE SKILLS TRAINING OPPORTUNITIES IN CORRECTIONAL INSTITUTIONS.

(II) THE COUNCIL SHALL SEEK TO ENSURE THAT A QUALITY EDUCATION, EQUAL EDUCATIONAL OPPORTUNITY, AND WORKFORCE SKILLS TRAINING ARE AVAILABLE TO ALL INMATES AT CORRECTIONAL INSTITUTIONS.

(2) THE COUNCIL, ON A REGULAR BASIS, SHALL REVIEW THE EDUCATIONAL AND WORKFORCE SKILLS TRAINING PROGRAMS AT CORRECTIONAL INSTITUTIONS TO ENSURE THAT THE UNIQUE EDUCATIONAL AND TRAINING NEEDS OF THE POPULATIONS OF THE CORRECTIONAL INSTITUTIONS ARE BEING SATISFACTORILY MET.

(3) THE COUNCIL SHALL INCLUDE IN ITS REVIEW:

- (I) CURRICULUM GUIDES;**
- (II) COURSES OF STUDY;**
- (III) RESOURCE MATERIALS;**
- (IV) TEXTBOOKS;**
- (V) SUPPLEMENTARY READERS;**
- (VI) MATERIALS OF INSTRUCTION;**
- (VII) VISUAL AND AUDITORY AIDS;**
- (VIII) SUPPLIES;**
- (IX) TEACHER PERFORMANCE; AND**
- (X) OTHER TEACHING AIDS.**

(4) BASED ON ITS REVIEW, THE COUNCIL SHALL RECOMMEND AND ADVOCATE IMPROVEMENTS TO THE EDUCATIONAL AND WORKFORCE SKILLS TRAINING PROGRAMS AT CORRECTIONAL INSTITUTIONS.

11-903.

(A) THE DEPARTMENT IS RESPONSIBLE FOR THE PROVISION OF EDUCATION AND WORKFORCE SKILLS TRAINING PROGRAMS IN THE ADULT CORRECTIONAL INSTITUTIONS IN THE STATE.

(B) THE SECRETARY OF THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL APPOINT A DIRECTOR OF EDUCATIONAL PROGRAMS AND A DIRECTOR OF WORKFORCE SKILLS TRAINING FOR CORRECTIONAL INSTITUTIONS.

(C) EACH DIRECTOR SHALL RECEIVE THE SALARY PROVIDED IN THE BUDGET OF THE DEPARTMENT.

(D) THE DIRECTORS SHALL:

(1) IMPLEMENT AND OPERATE THE EDUCATIONAL AND WORKFORCE SKILLS TRAINING PROGRAMS DEVELOPED BY THE COUNCIL IN THE CORRECTIONAL INSTITUTIONS;

(2) MEET WITH AND ADVISE THE COUNCIL ABOUT THE PROGRAMS; AND

(3) CONSULT WITH THE COMMISSIONER OF CORRECTION AND THE WARDEN OF EACH INSTITUTION ABOUT THE OPERATION OF THE PROGRAMS.

11-904.

IN THIS SUBTITLE, "FEDERAL ACTS" MEANS THE ACTS OF CONGRESS THAT AUTHORIZE FUNDING FOR EDUCATION, LIBRARY SERVICES, AND WORKFORCE DEVELOPMENT TRAINING FOR INMATES IN ADULT CORRECTIONAL FACILITIES, AND ANY AMENDMENTS TO THOSE ACTS.

11-905.

(A) THE STATE OF MARYLAND ASSENTS TO THE FEDERAL ACTS.

(B) THE STATE TREASURER SHALL:

(1) BE THE CUSTODIAN OF ANY MONEY RECEIVED UNDER THE FEDERAL ACTS; AND

(2) DISBURSE THIS MONEY IN ACCORDANCE WITH THE FEDERAL ACTS.

(C) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION AND THE STATE BOARD OF EDUCATION, AS APPROPRIATE, SHALL:

(1) COOPERATE WITH THE APPROPRIATE FEDERAL AGENCIES IN ADMINISTERING THE FEDERAL ACTS;

(2) DO ANYTHING NECESSARY TO SECURE THE BENEFITS OF THE FEDERAL ACTS;

(3) FACILITATE THE TRANSFER OF FUNDS TO THE APPROPRIATE OPERATIONAL AGENCY; AND

(4) REPRESENT THIS STATE IN ALL MATTERS RELATING TO THE ADMINISTRATION OF THE FEDERAL ACTS.

11-906.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, PATUXENT INSTITUTION IS A CORRECTIONAL INSTITUTION WITHIN THE DIVISION OF CORRECTION AND UNDER THE JURISDICTION OF THE ~~EDUCATION COORDINATING COUNCIL~~ EDUCATION AND WORKFORCE TRAINING AND COORDINATING COUNCIL FOR CORRECTIONAL INSTITUTIONS FOR THE FUNDING OF EDUCATIONAL PROGRAMS ONLY.

(B) FUNDS FOR THE OPERATION OF THE EDUCATIONAL AND WORKFORCE SKILLS TRAINING PROGRAMS IN CORRECTIONAL INSTITUTIONS SHALL BE PROVIDED IN THE BUDGET OF THE DEPARTMENT.

(C) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AND OTHER STATE AGENCIES MAY CONTRIBUTE TO THE PROGRAMS IDENTIFIED UNDER SUBSECTION (B) OF THIS SECTION.

(D) FUNDS APPROPRIATED FOR EDUCATIONAL AND WORKFORCE SKILLS TRAINING PROGRAMS IN CORRECTIONAL INSTITUTIONS MAY NOT BE DIVERTED BY BUDGET AMENDMENT OR OTHERWISE TO ANY OTHER PURPOSE.

~~11-905.~~ 11-907.

THIS SUBTITLE DOES NOT AFFECT THE PROVISIONS OF LAW RELATING TO THE POWERS, DUTIES, AND AUTHORITY OF THE STATE BOARD OF EDUCATION, THE STATE SUPERINTENDENT OF SCHOOLS, THE MARYLAND HIGHER EDUCATION COMMISSION, OR THE SECRETARY OF HIGHER EDUCATION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Labor, Licensing, and Regulation is the successor of the State Department of Education as provided in this Act, and the Secretary of Labor, Licensing, and Regulation is the successor of the State Board of Education and the State Superintendent, as provided in this Act. In every law, executive order, rule, regulation, policy or document created by an official, employee, or unit of this State, the names and titles of those agencies and officials mean the names and terms of the successor agency or official, as provided in this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) The responsibility for the provision of adult education and literary services in the State shall be transferred to the Department of Labor, Licensing, and Regulation on July 1, 2009.

(2) The responsibility for the provision of education and workforce skills training programs in the adult correctional institutions in the State shall be transferred to the Department of Labor, Licensing, and Regulation on July 1, 2009.

(b) (1) Funding for the services and programs transferred to the Department under subsection (a) of this section shall be included in the fiscal 2010 budget of the Department.

(2) Federal fund grants directed to the State through other State agencies shall be transferred to the Department on July 1, 2009.

~~SECTION 3.~~ SECTION 4. AND BE IT FURTHER ENACTED, That all employees in the Adult Education and Literacy Branch and the Correctional Education Program of the State Department of Education whose positions are transferred to the Department of Labor, Licensing, and Regulation shall be, with the exception of employees responsible for or engaged in the education of juveniles in accordance with Title 22, Subtitle 3 of the Education Article, shall have their positions and position identification numbers transferred to the Department of Labor, Licensing, and Regulation on the effective date of this Act July 1, 2009, without any diminution of their rights, benefits, or employment status, including, if any, merit system and retirement status.

~~SECTION 4.~~ SECTION 5. AND BE IT FURTHER ENACTED, That the Governor may transfer any related administrative functions and employees of the State Department of Education to the Department of Labor, Licensing, and Regulation as necessary to carry out the provisions of this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That, pursuant to § 7-209(e)(2)(iv) of the State Finance and Procurement Article, the Governor is authorized to transfer appropriations, including general funds, special funds, and federal funds, from the State Department of Education to the Department of Labor, Licensing, and Regulation as necessary to carry out the provisions of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the availability of State or federal funds, the consent of the grantees or contractors, and satisfactory performance of services, all adult education, family literacy, and correctional education grants and funding contracts, within the scope of Section 1 of this Act and awarded prior to the effective date of this Act, shall be continued, without the need for rebidding, through Fiscal Year 2009 and Fiscal Year 2010.

SECTION 8. AND BE IT FURTHER ENACTED, That any new grants or funding contracts awarded between July 1, 2008 and June 30, 2009 for adult education, family literacy, and correctional education, within the scope of Section 1 of this Act, shall be awarded only after consultation between the State Department of Education and the Department of Labor, Licensing, and Regulation.

SECTION ~~5~~ 9. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction affected by or flowing from any statute here amended, repealed, or transferred, and validly entered into before the effective date of this Act and every right, duty, or interest flowing from it remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced pursuant to law.

SECTION ~~6~~ 10. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, all rules and regulations, proposed rules and regulations, standards and guidelines, forms, plans, memberships, special funds, appropriations, grants, applications for grants, contracts, property, administrative and judicial proceedings, rights to sue and be sued, and all other duties and responsibilities associated with those functions transferred by this Act shall continue in effect under the Secretary of Labor, Licensing, and Regulation, or the appropriate unit with the Department, until completed, withdrawn, cancelled, modified, or otherwise changed pursuant to law.

SECTION ~~7~~ 11. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provisions or application, and for this purpose the provisions of this Act are declared severable.

SECTION ~~8~~ 12. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, April 24, 2008.