

SENATE BILL 325

F5, E3

6lr1159

By: **Senators Kelley, Benson, Brochin, Conway, Currie, DeGrange, Ferguson, Gladden, Klausmeier, Lee, McFadden, Middleton, Miller, Nathan-Pulliam, Norman, Pugh, Ramirez, Raskin, Rosapepe, Waugh, Young, and Zirkin**

Introduced and read first time: January 27, 2016

Assigned to: Budget and Taxation and Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Services Education – Modifications**

3 FOR the purpose of requiring county boards of education and the State to provide a certain
4 amount to the State Department of Education for certain individuals receiving
5 education services at certain facilities; requiring that teachers and other professional
6 personnel providing certain services at certain facilities be paid a certain salary;
7 requiring the Governor to make a certain supplemental grant under certain
8 circumstances; requiring the Department to collaborate with certain entities to
9 ensure certain comparable opportunities to all individuals in certain facilities;
10 requiring the Department to submit a certain report to the State Board; requiring
11 certain departments to work cooperatively to facilitate certain actions; requiring the
12 State Board to adopt certain recommendations; making conforming changes;
13 defining certain terms; and generally relating to the provision and funding of
14 education and other services at certain facilities.

15 BY repealing and reenacting, with amendments,

16 Article – Education

17 Section 6–302, 22–301, 22–303, 22–306.1, 22–307, 22–309, and 22–310

18 Annotated Code of Maryland

19 (2014 Replacement Volume and 2015 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Education

22 Section 22–302

23 Annotated Code of Maryland

24 (2014 Replacement Volume and 2015 Supplement)

25 BY adding to

26 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 22–306.2
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2015 Supplement)

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

6 **Article – Education**

7 6–302.

8 (a) An individual who is employed as a teacher, librarian, principal, director of
9 education, or supervisor of vocational education on the staffs of the following institutions
10 or in the following programs, or an individual who is employed as a central office director,
11 superintendent, specialist, or coordinator of education for the following institutions or
12 programs, shall be paid the annual salary determined under subsection (b) of this section:

13 (1) Any institution that is under the jurisdiction of[:

14 (i) The Department of Juvenile Services; or

15 (ii) The] **THE** Department of Health and Mental Hygiene;

16 (2) Any vocational rehabilitation program operated by the State
17 Department of Education; and

18 (3) Any correctional education program operated by the Department of
19 Labor, Licensing, and Regulation in a facility of the Department of Public Safety and
20 Correctional Services.

21 (b) (1) There shall be a single, statewide institutional educator pay plan for
22 the positions described under subsection (a) of this section. The pay plan shall be
23 established by the Department of Budget and Management as provided in paragraph (2) of
24 this subsection.

25 (2) In establishing and administering the pay plan, the Secretary of Budget
26 and Management on an annual basis shall review the salaries of public school teachers,
27 librarians, and administrators in the six jurisdictions with the highest number of
28 institutional educator positions and shall recommend salaries at levels that will be
29 adequate to recruit and retain qualified institutional educators. The pay plan shall include
30 classifications and pay grades based on the duties, responsibilities, education, and training
31 required. The Secretary's recommendations shall be made by December 1 of each year for
32 implementation on July 1 of the following fiscal year.

33 (3) The Secretary of Budget and Management shall submit any
34 recommendations to the Governor for approval.

1 22-301.

2 (a) In this [title] **SUBTITLE** the following words have the meanings indicated.

3 (b) "Council" means the Education Coordinating Council for Juvenile Services
4 Educational Programs.

5 (c) "Director" means the Director of Juvenile Services Educational Programs.

6 (d) "Facility" means a building or buildings and related physical infrastructure at
7 a geographically distinct location at which the Department of Juvenile Services operates a
8 program.

9 (e) "Program" means a discrete and defined grouping of services provided to
10 youths in the custody of or under the supervision of the Department of Juvenile Services to
11 address predetermined needs.

12 (f) "Residential facility" means a facility established under § 9-226 of the Human
13 Services Article.

14 (g) "Secretary" means the Secretary of Juvenile Services.

15 (h) "State Board" means the State Board of Education.

16 (i) "State Superintendent" means the State Superintendent of Schools.

17 22-302.

18 There is a Juvenile Services Education Program within the Department.

19 22-303.

20 (a) [(1)] The Department shall develop and implement juvenile services
21 educational programs at all [residential] facilities of the Department of Juvenile Services
22 [by July 1, 2014].

23 [(2)](B) [This subsection] **SUBSECTION (A) OF THIS SECTION** does not
24 prohibit the Department from contracting with a private party to provide educational
25 services for students with special needs under the control and general management of the
26 Department.

27 [(b)] On or before February 1, 2006, and every other year thereafter until 2014, the
28 Department shall report to the Governor and, in accordance with § 2-1246 of the State
29 Government Article, to the General Assembly on the Department's implementation of this
30 subtitle, including:

1 (1) The identification of all residential facilities for which the Department
2 has assumed responsibility for the educational services; and

3 (2) All facilities for which the Department plans to assume responsibility
4 during the next calendar year.]

5 22–306.1.

6 (a) (1) In this section[, “basic cost” means the average amount spent by a
7 county board from county and State funds for the public education of a nondisabled child]
8 **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

9 (2) **“AVERAGE DAILY COUNTY BOARD EXPENDITURE” MEANS:**

10 (I) **THE QUOTIENT OF THE TOTAL APPROPRIATIONS FROM THE**
11 **CURRENT EXPENSE FUND OF A COUNTY BOARD FOR THE CURRENT FISCAL YEAR**
12 **DIVIDED BY THE FULL–TIME EQUIVALENT ENROLLMENT OF THAT COUNTY AS**
13 **DEFINED UNDER § 5–202 OF THIS ARTICLE EXCEPT USING THE COUNT ON**
14 **SEPTEMBER 30 OF THE CURRENT SCHOOL YEAR; DIVIDED BY**

15 (II) **THE NUMBER OF SCHOOL DAYS REQUIRED UNDER § 7–103**
16 **OF THIS ARTICLE.**

17 (3) **“ELIGIBLE INDIVIDUAL” MEANS AN INDIVIDUAL WHO:**

18 (I) **HAS BEEN PLACED IN A FACILITY; AND**

19 (II) **DOES NOT MEET THE CRITERIA FOR SHARED STATE AND**
20 **LOCAL PAYMENT OF EDUCATIONAL COSTS AS PROVIDED IN §§ 8–406 AND 8–415 OF**
21 **THIS ARTICLE.**

22 (4) **“REQUIRED REIMBURSEMENT” MEANS THE AVERAGE DAILY**
23 **COUNTY BOARD EXPENDITURE MULTIPLIED BY THE NUMBER OF DAYS THAT**
24 **EDUCATION SERVICES ARE PROVIDED AT A FACILITY FOR EACH ELIGIBLE**
25 **INDIVIDUAL.**

26 (b) (1) A county board shall reimburse the Department [of Juvenile Services
27 the amount of the basic cost calculated under subsection (a) of this section for each child
28 who was domiciled in the county prior to the placement if the child:

29 (1) Is in a facility or a residential facility;

30 (2) Is in detention for 15 consecutive days or more;

1 (3) Does not meet the criteria for shared State and local payment of
2 educational costs as provided in §§ 8–406 and 8–415 of this article; and

3 (4) Was included in the full–time equivalent enrollment of the county as
4 calculated under § 5–202 of this article] **AN AMOUNT EQUAL TO THE REQUIRED**
5 **REIMBURSEMENT FOR EACH ELIGIBLE INDIVIDUAL WHO:**

6 (I) **WAS DOMICILED IN THE COUNTY PRIOR TO THE**
7 **PLACEMENT OF THE INDIVIDUAL IN A FACILITY; AND**

8 (II) **WAS INCLUDED IN THE FULL–TIME EQUIVALENT**
9 **ENROLLMENT OF THE COUNTY AS CALCULATED UNDER § 5–202 OF THIS ARTICLE.**

10 (2) **THE STATE SHALL PROVIDE FUNDING TO THE DEPARTMENT IN**
11 **AN AMOUNT EQUAL TO THE REQUIRED REIMBURSEMENT FOR EACH ELIGIBLE**
12 **INDIVIDUAL WHO WAS NOT INCLUDED IN THE FULL–TIME EQUIVALENT**
13 **ENROLLMENT OF ANY COUNTY AS CALCULATED UNDER § 5–202 OF THIS ARTICLE.**

14 (C) (1) **TEACHERS AND ANY OTHER PROFESSIONAL PERSONNEL**
15 **PROVIDING EDUCATION SERVICES TO ELIGIBLE INDIVIDUALS AT A FACILITY SHALL**
16 **BE PAID AN ANNUAL SALARY THAT IS AT LEAST EQUAL TO THE AVERAGE ANNUAL**
17 **SALARY OF TEACHERS AND OTHER PROFESSIONAL PERSONNEL IN THE COUNTY**
18 **THAT PROVIDES THE HIGHEST AVERAGE ANNUAL SALARY.**

19 (2) (I) **IF THE CALCULATION UNDER SUBSECTION (B) OF THIS**
20 **SECTION DOES NOT PROVIDE THE FUNDING NECESSARY TO PROVIDE THE SALARIES**
21 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THEN THE GOVERNOR**
22 **SHALL APPROPRIATE AN ADDITIONAL GRANT IN AN AMOUNT NECESSARY TO FUND**
23 **THE SALARIES REQUIRED UNDER THIS SUBSECTION.**

24 (II) **THE ADDITIONAL GRANT SHALL BE SUPPLEMENTAL AND**
25 **MAY NOT SUPPLANT THE FUNDING PROVIDED UNDER SUBSECTION (B) OF THIS**
26 **SECTION.**

27 **22–306.2.**

28 **THE DEPARTMENT SHALL COLLABORATE WITH LOCAL SCHOOLS,**
29 **INSTITUTIONS OF HIGHER EDUCATION, AND ANY OTHER APPROPRIATE ENTITIES TO**
30 **ENSURE THAT COMPARABLE VOCATIONAL EDUCATION AND POSTSECONDARY**
31 **EDUCATION OR WORKFORCE TRAINING OPPORTUNITIES ARE PROVIDED TO ALL**
32 **INDIVIDUALS PLACED IN A FACILITY OR A FACILITY LICENSED BY THE DEPARTMENT**
33 **OF JUVENILE SERVICES INCLUDING OFF–SITE LOCATIONS.**

34 **22–307.**

1 The Department shall submit an annual report to the State [Superintendent]
2 **BOARD**, the Governor and, in accordance with § 2-1246 of the State Government Article,
3 the General Assembly on the aggregate educational outcomes of the educational program
4 for each residential facility **AND THE ALLOCATION OF FUNDS TO EACH FACILITY AND**
5 **FACILITIES LICENSED BY THE DEPARTMENT OF JUVENILE SERVICES.**

6 22-309.

7 The Department and the Department of Juvenile Services shall work cooperatively
8 to facilitate the implementation of this subtitle, [and may share education records with
9 each other when necessary to ensure the appropriate delivery of services] **INCLUDING**
10 **SHARING EDUCATION RECORDS, PROVIDING TRANSPORTATION SERVICES, AND**
11 **PROVIDING STAFFING SERVICES.**

12 22-310.

13 The State [Superintendent] **BOARD** shall adopt regulations to carry out this
14 subtitle.

15 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect July
16 1, 2016.