

HOUSE BILL 1607

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8lr2735

By: ~~Delegate Luedtke~~ Delegates Luedtke, Hettleman, Tarlau, Lierman, Queen, Valentino-Smith, Jones, Sydnor, Lisanti, A. Miller, Korman, K. Young, Krimm, Morhaim, and Jackson

Introduced and read first time: February 9, 2018

Assigned to: Ways and Means and Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Education – Juvenile Services Education Programs – Management and**
3 **Operation**

4 FOR the purpose of authorizing a certain individual to be employed or contracted to provide
5 certain services for a certain time period with a certain salary; establishing the
6 Juvenile Services Education County Pilot Program; requiring the Program to begin
7 in a certain school year; providing for the purpose of the Program; requiring the State
8 Department of Education, after consultation with certain county boards of education,
9 to identify a ~~certain number of juvenile services education programs in certain~~
10 ~~locations~~ program to participate in the Program; requiring a certain county board to
11 follow certain laws and regulations and ensure that certain individuals have access
12 to certain curricula materials; authorizing a certain county board to employ or
13 contract with certain teachers for a certain time period and to be paid at a salary
14 determined by the county board; requiring the State to provide funding to a certain
15 county board in a certain amount; requiring the Department to convene a certain
16 workgroup on or before a certain date; providing for the composition, chair, and
17 staffing of the workgroup; prohibiting a member of the workgroup from receiving
18 certain compensation, but authorizing the reimbursement of certain expenses;
19 requiring the workgroup to study certain issues and make certain recommendations
20 related to the management and operation of juvenile services education programs;
21 requiring the workgroup to report its findings and recommendations to the Governor
22 and the General Assembly on or before a certain date; defining certain terms;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 providing for the termination of certain provisions of this Act; and generally relating
2 to the operation of juvenile services education programs.

3 BY repealing and reenacting, with amendments,
4 Article – Education
5 Section 6–302
6 Annotated Code of Maryland
7 (2014 Replacement Volume and 2017 Supplement)

8 BY adding to
9 Article – Education
10 Section 22–308
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2017 Supplement)

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

15 **Article – Education**

16 6–302.

17 (a) [An] **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**
18 individual who is employed as a teacher, librarian, principal, director of education, or
19 supervisor of vocational education on the staffs of the following institutions or in the
20 following programs, or an individual who is employed as a central office director,
21 superintendent, specialist, or coordinator of education for the following institutions or
22 programs, shall be paid the annual salary determined under subsection (b) of this section:

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

24 (i) The Department of Juvenile Services; ~~or~~

25 (ii) The Maryland Department of Health; **OR**

26 **(III) THE JUVENILE SERVICES EDUCATION COUNTY PILOT**
27 **PROGRAM IN THE DEPARTMENT;**

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

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

33 (b) (1) There shall be a single, statewide institutional educator pay plan for
34 the positions described under subsection (a) of this section. The pay plan shall be

1 established by the Department of Budget and Management as provided in paragraph (2) of
2 this subsection.

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

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

13 (C) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL IN**
14 **A POSITION DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION AT AN**
15 **INSTITUTION THAT IS UNDER THE JURISDICTION OF THE ~~DEPARTMENT OF~~**
16 **~~JUVENILE SERVICES~~ JUVENILE SERVICES EDUCATION COUNTY PILOT PROGRAM**
17 **IN THE DEPARTMENT MAY BE EMPLOYED OR CONTRACTED TO PROVIDE EDUCATION**
18 **SERVICES FOR A 9-MONTH OR 3-MONTH PERIOD WITH A SALARY COMMENSURATE**
19 **WITH THE PERIOD OF EMPLOYMENT.**

20 **22-308.**

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

23 (2) **“DAILY RATE” MEANS THE TARGET PER PUPIL FOUNDATION**
24 **AMOUNT FOR THE CURRENT FISCAL YEAR DIVIDED BY THE NUMBER OF WEEKDAYS**
25 **IN A FISCAL YEAR.**

26 (3) **“ELIGIBLE INDIVIDUAL” MEANS AN INDIVIDUAL WHO RECEIVES**
27 **EDUCATION SERVICES FROM A JUVENILE SERVICES EDUCATION PROGRAM AT A**
28 **FACILITY IN ACCORDANCE WITH THIS SUBTITLE.**

29 (4) **“PROGRAM” MEANS THE JUVENILE SERVICES EDUCATION**
30 **COUNTY PILOT PROGRAM ESTABLISHED UNDER THIS SECTION.**

31 (5) **“REQUIRED REIMBURSEMENT” MEANS THREE TIMES THE**
32 **PRODUCT OF THE DAILY RATE MULTIPLIED BY THE NUMBER OF DAYS THAT**
33 **EDUCATION SERVICES ARE PROVIDED AT A FACILITY FOR EACH ELIGIBLE**
34 **INDIVIDUAL IN THE PRIOR FISCAL YEAR.**

1 **(6) "TARGET PER PUPIL FOUNDATION AMOUNT" HAS THE MEANING**
2 **STATED IN § 5-202 OF THIS ARTICLE.**

3 **(B) (1) THERE IS A JUVENILE SERVICES EDUCATION COUNTY PILOT**
4 **PROGRAM.**

5 **(2) THE PROGRAM SHALL BEGIN IN THE 2018-2019 SCHOOL YEAR.**

6 **(3) THE PURPOSE OF THE PROGRAM IS TO PILOT A MANAGEMENT**
7 **MODEL WHERE A JUVENILE SERVICES EDUCATION PROGRAM AT A FACILITY**
8 **LOCATED IN A COUNTY IS OPERATED BY THE COUNTY BOARD OF EDUCATION.**

9 **(C) THE DEPARTMENT, AFTER CONSULTATION WITH THE COUNTY BOARDS**
10 **OF EDUCATION, SHALL IDENTIFY ~~UP TO THREE~~ ONE JUVENILE SERVICES**
11 **EDUCATION ~~PROGRAMS AT FACILITIES THAT ARE EACH LOCATED IN A DIFFERENT~~**
12 **COUNTY PROGRAM TO PARTICIPATE IN THE PROGRAM.**

13 **(D) A COUNTY BOARD THAT PARTICIPATES IN THE PROGRAM TO OPERATE**
14 **A JUVENILE SERVICES EDUCATION PROGRAM AT A FACILITY IN THE COUNTY SHALL:**

15 **(1) FOLLOW ALL APPLICABLE LAWS AND REGULATIONS REGARDING**
16 **HOURS AND DAYS OF INSTRUCTION; AND**

17 **(2) ENSURE THAT ELIGIBLE INDIVIDUALS HAVE ACCESS TO**
18 **CURRICULA AND OTHER CONTENT STANDARDS THAT ARE COMPARABLE TO THOSE**
19 **PROVIDED TO OTHER STUDENTS IN THE COUNTY.**

20 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PARTICIPATING**
21 **COUNTY BOARD MAY EMPLOY OR CONTRACT WITH TEACHERS AND OTHER**
22 **PERSONNEL TO PROVIDE EDUCATION SERVICES TO ELIGIBLE INDIVIDUALS AT THE**
23 **FACILITY FOR A 9-MONTH OR 3-MONTH PERIOD TO BE PAID AT A SALARY**
24 **DETERMINED BY THE COUNTY BOARD.**

25 **(F) THE STATE SHALL PROVIDE FUNDING TO A PARTICIPATING COUNTY**
26 **BOARD IN AN AMOUNT EQUAL TO THE REQUIRED REIMBURSEMENT.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That:

28 (a) On or before January 1, 2019, the State Department of Education shall
29 convene a workgroup to analyze the results of the pilot program established under §
30 22-308 of the Education Article.

31 (b) The workgroup convened under subsection (a) of this section shall include:

- 1 (1) one member of the Senate of Maryland, selected by the President of the
2 Senate;
- 3 (2) one member of the House of Delegates, selected by the Speaker of the
4 House;
- 5 (3) the State Superintendent of Schools, or the State Superintendent's
6 designee;
- 7 (4) the Secretary of Juvenile Services, or the Secretary's designee;
- 8 (5) the Public Defender of Maryland, or the Public Defender's designee;
- 9 (6) an academic expert in education in institutional settings;
- 10 (7) a teacher who works in a juvenile services education program in the
11 State;
- 12 (8) an administrator who works in a juvenile services education program
13 in the State;
- 14 (9) one representative of a criminal justice or civil rights advocacy group;
15 ~~and~~
- 16 (10) one representative of a disability rights advocacy group;
- 17 (11) a superintendent of a local public school system in the State, or the
18 superintendent's designee; and
- 19 (12) a member of a county board of education.
- 20 (c) The State Superintendent of Schools, or the State Superintendent's designee,
21 shall chair the workgroup.
- 22 (d) The State Department of Education shall provide staff for the workgroup.
- 23 (e) A member of the workgroup:
- 24 (1) may not receive compensation as a member of the workgroup; but
- 25 (2) is entitled to reimbursement for expenses under the Standard State
26 Travel Regulations, as provided in the State budget.
- 27 (f) The workgroup shall study the results of the pilot program and make
28 recommendations regarding:

1 (1) whether the pilot program was more effective in meeting the needs of
2 students in juvenile services education programs than the current management model;

3 (2) the management model that should be used to provide juvenile services
4 education programs, including:

5 (i) the current model operated by the State Department of
6 Education;

7 (ii) a model where local school systems operate the programs on a
8 regionalized basis; and

9 (iii) a model where an independent board of education operates the
10 juvenile services education programs;

11 (3) a funding formula that is adequate and appropriate for juvenile services
12 education programs;

13 (4) whether a 9-month or 12-month academic calendar is appropriate;

14 (5) how to ensure that students and their educational needs seamlessly and
15 effectively transition between the student's home school and the juvenile services education
16 program and that students receive credit for their academic progress;

17 (6) how to best address staffing, curriculum, and procurement challenges
18 in the current system, whether through new processes or a new management system; ~~and~~

19 (7) how to ensure that students in juvenile services education programs
20 who have completed a high school diploma or GED have access to postsecondary options;
21 and

22 (8) how to eliminate disparities in course offerings, staffing, and budgetary
23 support available to students in the Juvenile Services Education System and to students
24 served by public schools in the State.

25 (g) On or before December 1, 2019, the workgroup shall report its findings and
26 recommendations to the Governor and, in accordance with § 2-1246 of the State
27 Government Article, the General Assembly.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2018. Section 2 of this Act shall remain effective for a period of 2 years and, at the end of
30 June 30, 2020, Section 2 of this Act, with no further action required by the General
31 Assembly, shall be abrogated and of no further force and effect.