

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1607

(Delegate Luedtke, *et al.*)

Ways and Means and Judiciary

Education, Health, and Environmental Affairs

Education - Juvenile Services Education Programs - Management and Operation

This bill establishes a juvenile services education county pilot program beginning in the 2019-2020 school year for one juvenile services education program to be operated by a local board of education. The State must fund a participating local board via a specified reimbursement formula. The bill also authorizes individuals providing juvenile services education for the Maryland State Department of Education (MSDE) and the local school board participating in the pilot program to be employed for 10-month or 2-month periods. MSDE must convene a workgroup to analyze the results of the pilot program and report its findings and recommendations by December 1, 2019. **The bill takes effect July 1, 2018, and provisions related to the workgroup terminate June 30, 2020.**

Fiscal Summary

State Effect: MSDE can reimburse a participating local school system and convene the required workgroup using existing resources.

Local Effect: Local school system finances are not directly affected. For one school system that participates in the pilot program, it is assumed that required State reimbursements cover the increased costs to provide juvenile services education.

Small Business Effect: None.

Analysis

Bill Summary:

Pilot Program

MSDE must, after consultation with local boards of education, identify one juvenile services education program to participate in the program. A participating local board must ensure that eligible individuals have access to curricula and other content standards that are comparable to those provided to other students in the county.

The State must provide funding to a participating county in accordance with a required reimbursement. The required reimbursement is in part a function of a daily rate established by the bill, which is the target per pupil foundation amount for the current year divided by the number of weekdays in a fiscal year. The required reimbursement, per individual served, is the daily rate multiplied by three and then multiplied by the number of days of services provided in the prior fiscal year.

Workgroup

The workgroup must study the pilot program results and make recommendations regarding:

- whether the pilot program was more effective in meeting the needs of students in juvenile services education programs than the current management model;
- the management model that should be used to provide juvenile services education programs;
- an adequate and appropriate funding formula for juvenile services education programs;
- whether a 9-month or 12-month academic calendar is appropriate;
- how to ensure that students and their educational needs seamlessly and effectively transition between the student's home, school, and the juvenile services education program and that students receive credit for their academic progress;
- how to best address staffing, curriculum, and procurement challenges in the current system;
- how to ensure that students in juvenile services education programs who have completed a high school diploma or GED have access to postsecondary options; and
- how to eliminate disparities in course offerings, staffing, and budgetary support available to students in the Juvenile Services Education System and to students served by public schools in the State.

Current Law/Background: MSDE first assumed responsibility for educating juveniles within residential facilities operated by the Department of Juvenile Services (DJS) in 2003, when it assumed control over educational programming at one facility. Chapter 535 of 2004 expanded on these efforts and required MSDE to provide educational services in all of the residential facilities within specified timeframes. By July 1, 2013, MSDE had assumed control of educational programming at all DJS facilities under the juvenile services education system (JSES) within MSDE. Chapter 535 also established the Coordinating Council for Juvenile Services Educational Programs, which provides input on the development and implementation of instructional services administered within DJS facilities.

At the time Chapter 535 was enacted, it was assumed that MSDE, being the overseer of education services for the State, was better positioned to ensure the provision of adequate education services to the population of youth under the care of DJS. However, concerns have been raised questioning whether MSDE is providing the appropriate level of services to students in DJS facilities. For example, the Juvenile Justice Monitoring Unit in the Office of the Attorney General has repeatedly raised concerns regarding adequate staffing levels. In its most recent report, it noted that substantial problems with the delivery of education services within DJS facilities have not been resolved, despite the work and effort of JSES to make improvements. It further stated that JSES is not designed to directly provide education services effectively to youth in the deep end of the juvenile justice system, and that the State should consider the possibility of giving oversight to other entities better equipped to operate schools and provide the full spectrum of education-related services that youth in the juvenile justice system need.

The fiscal 2019 budget for JSES totals \$21.0 million, including \$16.0 million in general funds. The average daily population of individuals served under JSES at a DJS facility ranged from 72 to 15 in fiscal 2017.

Recently, MSDE has been pursuing a partnership with Montgomery County Public Schools (MCPS) for the local school system to assist in providing educational services at the Alfred D. Noyes Children's Center. This partnership could potentially serve as a model that could be implemented in other DJS facilities.

Aside from funding provided due to minimum State shares, the total foundation program funding amount is determined by multiplying full-time equivalent enrollment by the per pupil foundation target amount.

Specified public school professionals, including teachers, are hired for and paid on a 10-month basis. Public schools must be open for at least 180 days and 1,080 school hours at elementary and middle schools and 1,170 hours at high schools during a 10-month period. However, a local board of education may apply to the State Board of

Education for a waiver from these provisions of State law; the application must describe a demonstrated effort by the local board to comply with State law.

State Expenditures: The target per pupil foundation amount for fiscal 2019 is \$7,065 and is projected to be approximately \$7,207 for fiscal 2020 (*i.e.*, during the 2019-2020 school year) and \$7,721 by fiscal 2023. There are 262 weekdays in fiscal 2020 and 261 weekdays in fiscal 2023. Therefore, this analysis assumes the daily rate under the bill is \$27.51 in fiscal 2020, when the program begins, and increases to \$29.58 by fiscal 2023. Multiplying these results by three yields a required daily reimbursement per individual served of \$82.52 in fiscal 2020 and \$88.75 by fiscal 2023. Assuming a 180-day school year for public schools applies to the pilot program, this would amount to reimbursements per individual served of approximately \$14,854 in fiscal 2020 and \$15,975 in fiscal 2023.

The Department of Legislative Services (DLS) estimates that per pupil funding under the current JSES totaled \$41,325 in fiscal 2017, including \$34,301 in general funds. Accordingly, DLS finds that current funding levels are more than sufficient to cover State costs under the bill. DLS further assumes that MSDE expenditures for JSES at the pilot facility will decrease by at least the amount that MSDE is required to reimburse the participating local board.

Local Fiscal Effect: It is assumed that local school system participation in the pilot program is voluntary. Furthermore, DLS anticipates that the pilot program is likely to incorporate, and perhaps reflect, the already emerging partnership between MSDE and MCPS to provide services at the Alfred D. Noyes Children's Center. To the extent that a local school system participates in the program, it is assumed that reimbursements under the bill cover the costs of participation. For all of these reasons, it is assumed that local school system finances are not substantially affected.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Public Defender; Maryland State Department of Education; Department of Juvenile Services; Department of Legislative Services

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Analysis by: Scott P. Gates

Direct Inquiries to:
(410) 946-5510
(301) 970-5510