

HOUSE BILL 1074

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9lr1118

By: **Delegates Cain, Luedtke, ~~and Turner~~ Turner, Guyton, Palakovich Carr, Ivey, Patterson, Feldmark, Mosby, Washington, Ebersole, Wilkins, and Smith**

Introduced and read first time: February 8, 2019

Assigned to: Ways and Means and Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of altering the categories of individuals who are authorized to be employed
5 or contracted to provide education services for a certain time period with a certain
6 salary; extending the date for the State Department of Education to convene a
7 workgroup to analyze the results of the Juvenile Services Education County Pilot
8 Program; altering the membership of the workgroup; altering the charge of the
9 workgroup; extending the deadline for the workgroup to report its findings and
10 recommendations; extending the termination date for the workgroup; and generally
11 relating to juvenile services education programs.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 6–302(a) and (c)
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2018 Supplement)

17 BY repealing and reenacting, with amendments,
18 Chapter 565 of the Acts of the General Assembly of 2018
19 Section ~~2(a) and (g)~~ 2 and 3

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

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.



Article – Education

1

2 6–302.

3 (a) Except as provided in subsection (c) of this section, an individual who is
4 employed as a teacher, librarian, principal, director of education, or supervisor of vocational
5 education on the staffs of the following institutions or in the following programs, or an
6 individual who is employed as a central office director, superintendent, specialist, or
7 coordinator of education for the following institutions or programs, shall be paid the annual
8 salary determined under subsection (b) of this section:

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

10 (i) The Department of Juvenile Services;

11 (ii) The Maryland Department of Health; or

12 (iii) The Juvenile Services Education [County Pilot] Program in the
13 Department;

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

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

19 (c) Notwithstanding any other provision of law, an individual in a position
20 described under subsection (a) of this section at an institution that is under the jurisdiction
21 of the Juvenile Services Education [County Pilot] Program in the Department may be
22 employed or contracted to provide education services for a 10–month or 2–month period
23 with a salary commensurate with the period of employment.

Chapter 565 of the Acts of 2018

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

25 (a) On or before January 1, [2019] **2020**, the State Department of Education shall
26 convene a workgroup to analyze the results of the pilot program established under §
27 22–308 of the Education Article.
28

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

30 (1) one member of the Senate of Maryland, selected by the President of the
31 Senate;

- 1 (2) one member of the House of Delegates, selected by the Speaker of the
 2 House;
- 3 (3) the State Superintendent of Schools, or the State Superintendent's
 4 designee;
- 5 (4) the Secretary of Juvenile Services, or the Secretary's designee;
- 6 (5) the Public Defender of Maryland, or the Public Defender's designee;
- 7 (6) an academic expert in education in institutional settings;
- 8 (7) a teacher who works in a juvenile services education program in the
 9 State;
- 10 (8) an administrator who works in a juvenile services education program
 11 in the State;
- 12 (9) one representative of a criminal justice or civil rights advocacy group;
- 13 (10) one representative of a disability rights advocacy group;
- 14 (11) a superintendent of a local public school system in the State, or the
 15 superintendent's designee; [and]
- 16 (12) a member of a county board of education;
- 17 **(13) THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF**
 18 **COMMUNITY COLLEGES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;**
- 19 **(14) ONE REPRESENTATIVE OF THE PUBLIC JUSTICE CENTER,**
 20 **SELECTED BY THE EXECUTIVE DIRECTOR OF THE PUBLIC JUSTICE CENTER;**
- 21 **(15) ONE REPRESENTATIVE OF THE ACLU OF MARYLAND, SELECTED**
 22 **BY THE EXECUTIVE DIRECTOR OF THE ACLU OF MARYLAND; AND**
- 23 **(16) ONE ACADEMIC EXPERT IN EDUCATION IN INSTITUTIONAL**
 24 **SETTINGS, SELECTED BY THE DEAN OF THE UNIVERSITY OF MARYLAND COLLEGE**
 25 **OF EDUCATION.**
- 26 (c) The State Superintendent of Schools, or the State Superintendent's designee,
 27 **AND THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF COMMUNITY**
 28 **COLLEGES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE shall [chair] SERVE AS**
 29 **COCHAIRS OF the workgroup.**
- 30 (d) The State Department of Education shall provide staff for the workgroup.

1 (e) A member of the workgroup:

2 (1) may not receive compensation as a member of the workgroup; but

3 (2) is entitled to reimbursement for expenses under the Standard State
4 Travel Regulations, as provided in the State budget.

5 (f) **THE WORKGROUP SHALL HOLD PUBLIC HEARINGS AND PROVIDE AN**
6 **OPPORTUNITY FOR PUBLIC COMMENT.**

7 (G) The workgroup shall study the results of the pilot program and make
8 recommendations regarding:

9 (1) [whether the pilot program was more effective in meeting the needs of
10 students in juvenile services education programs than the current management model]
11 **THE IDENTIFICATION OF REFORMS TO JUVENILE SERVICES EDUCATION PROGRAMS,**
12 **WHICH ARE INFORMED BY THE RESULTS OF THE PILOT PROGRAM AND ACADEMIC**
13 **RESEARCH ON BEST PRACTICES ON EDUCATION IN INSTITUTIONAL SETTINGS, TO**
14 **REMOVE DISPARITIES BETWEEN COURSE OFFERINGS, STAFFING, AND BUDGETARY**
15 **SUPPORT AVAILABLE TO STUDENTS IN JUVENILE SERVICES EDUCATION PROGRAMS**
16 **AND STUDENTS SERVED BY PUBLIC SCHOOLS IN THE STATE;**

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

19 (i) the current model operated by the State Department of
20 Education;

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

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

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

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

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

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

1 (7) how to ensure that students in juvenile services education programs
2 who have completed a high school diploma or GED have access to postsecondary options;
3 [and

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

7 **(8) THE APPROPRIATE BALANCE BETWEEN COMPUTER-BASED AND**
8 **TEACHER-DIRECTED INSTRUCTION TO DIFFERENTIATE THE NEEDS OF STUDENTS IN**
9 **JUVENILE SERVICES EDUCATION PROGRAMS;**

10 **(9) WHETHER THERE SHOULD BE ADDITIONAL TEACHER**
11 **CERTIFICATION OR TRAINING REQUIREMENTS BEYOND CURRENT REQUIREMENTS**
12 **FOR TEACHERS IN JUVENILE SERVICES EDUCATION PROGRAMS;**

13 **(10) HOW TO ENSURE THAT STUDENTS ARE GIVEN APPROPRIATE**
14 **PRE-ASSESSMENTS WHEN A STUDENT BEGINS A JUVENILE SERVICES EDUCATION**
15 **PROGRAM TO DETERMINE THE STUDENT'S CURRENT ACADEMIC LEVEL; AND**

16 **(11) HOW TO ENSURE THAT STUDENTS IN JUVENILE SERVICES**
17 **EDUCATION PROGRAMS WHO DO NOT HAVE AN IEP OR 504 PLAN BUT MAY NEED**
18 **SERVICES ARE ASSESSED TO IDENTIFY DISABILITIES.**

19 ~~(g)~~ **(H)** On or before December 1, [2019] **2020**, the workgroup shall report its
20 findings and recommendations to the Governor and, in accordance with § 2-1246 of the
21 State Government Article, the General Assembly.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2018. Section 2 of this Act shall remain effective for a period of [2 years] **3 YEARS** and,
24 at the end of June 30, [2020] **2021**, Section 2 of this Act, with no further action required
25 by the General Assembly, shall be abrogated and of no further force and effect.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2019.