

**SB0497/783325/1**

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 497  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “Board;” insert “providing that the Board is an independent unit within the Department of Juvenile Services; providing for the budgeting of certain programs and services related to the Department and the Board; requiring the Department and the Board to jointly negotiate a memorandum of understanding;”; in line 7, after “terms,” insert “staff;”; in the same line, after “Board;” insert “requiring the Board, to the extent practicable, to reflect the diversity of the student population that the Department serves;”; in line 12, strike “of Juvenile Services”; in line 13, after “regulations;” insert “requiring the Department to adopt certain regulations;”; in line 16, after “Superintendent;” insert “specifying the Superintendent’s qualifications;”; in the same line, strike “Department” and substitute “Superintendent”; in line 18, after “Department” insert “, subject to the memorandum of understanding;”; in the same line, after “staff;” insert “requiring the Superintendent to submit an implementation plan to the Accountability and Implementation Board on or before a certain date; requiring Expert Review Teams to be sent to all residential facilities by the end of a certain school year;”; in line 19, after “appropriation;” insert “requiring the Department to notify a juvenile in custody of the juvenile’s educational rights;”; in the same line, after the third “the” insert “Superintendent with the aid of the”; and in line 23, after the second “the” insert “Superintendent with the aid of the”.

On page 2, in line 6, after “the” insert “Superintendent with the aid of the”; strike beginning with “a” in line 7 down through “and” in line 8; in line 11, after “date;” insert “requiring the Board, in consultation with local school systems, to examine and make recommendations on certain matters on or before a certain date; requiring the Department to contract with a certain entity, on or before a certain date, to conduct a review of certain policies and practices of the Department, the Board, and the Superintendent and develop recommendations; requiring the entity to submit its”.

(Over)

**SB0497/783325/1 House Judiciary Committee**  
**Amendments to SB 497**  
**Page 2 of 17**

findings and recommendations to the Department, the Governor, and the General Assembly on or before a certain date; requiring that a certain office conduct a certain evaluation on or before certain dates;; in line 12, after “Board;” insert “specifying certain personnel requirements for certain employees transferred to the Department;”; in line 19, after “status;” insert “requiring the State Department of Education to transfer certain funds on or before a certain date; requiring the Department to distribute certain funds to be used in accordance with the memorandum of understanding;”; after line 37, insert:

“BY repealing and reenacting, without amendments,

Article – Education

Section 5–404(b)

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

(As enacted by Chapter 36 of the Acts of the General Assembly of 2021)

BY repealing and reenacting, with amendments,

Article – Education

Section 5–404(c)(1) and (2) and 5–411(g)(2)

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

(As enacted by Chapter 36 of the Acts of the General Assembly of 2021);

and in line 41, strike “9–606” and substitute “9–608”.

On page 3, in line 4, after “6–402” insert “, 8–401(a) and (f), and 8–404”.

AMENDMENT NO. 2

On page 4, after line 5, insert:

**“Article – Education**

5-404.

(b) (1) The Board shall adopt guidelines for entities required to submit and carry out implementation plans under this section that include establishing a maximum page length, including appendices, for implementation plans.

(2) State and local government units responsible for implementing an element of the Blueprint for Maryland's Future shall develop implementation plans consistent with the Comprehensive Implementation Plan that describe the goals, objectives, and strategies that will be used to improve student achievement and meet the Blueprint for Maryland's Future recommendations for each segment of the student population.

(3) (i) After February 15, 2021, and no later than April 1, 2021, the Department shall develop criteria to be used to recommend approval or disapproval of local school system implementation plans and release of funds under this subtitle.

(ii) The criteria shall be submitted for approval to the Board.

(c) (1) (i) **1. [Each] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, EACH** unit responsible for developing an implementation plan under this section shall submit the plan to the Board for approval on or before June 15, 2021.

**2. THE JUVENILE SERVICES EDUCATION PROGRAM SUPERINTENDENT SHALL SUBMIT THE PLAN TO THE BOARD FOR APPROVAL ON OR BEFORE JUNE 15, 2023.**

(ii) Each local school system shall submit a copy of its plan to the Department for review and a recommendation of approval or disapproval.

(Over)

**SB0497/783325/1 House Judiciary Committee**  
**Amendments to SB 497**  
**Page 4 of 17**

(2) Governmental units shall submit implementation plans on elements of the Blueprint for Maryland's Future under this subsection, including:

(i) Plans from each local school system to implement each element of the Blueprint for Maryland's Future, including how to:

1. Adapt curriculum, instruction, and the organization of the school day to enable more students to achieve college and career readiness by the end of 10th grade, to provide students with needed services including community-partnered behavioral health services if appropriate, and to identify students who are falling behind and develop a plan to get them back on track;

2. Close student achievement gaps listed under § 5-408(a)(2)(i) of this subtitle within the local school system;

3. Avoid the disproportionate placement of students with particular racial, ethnic, linguistic, economic, or disability status characteristics with novice teachers or teachers providing instruction in fields in which they lack expertise; and

4. Use additional funds for teacher collaborative time in accordance with Title 6, Subtitle 10 of this article prioritized based on availability of a sufficient number of high-quality teachers;

(ii) The joint plan of the Department and the Maryland Higher Education Commission for teacher preparation and training that meets the requirements under Title 6 of this article;

(iii) A plan from the Department for the expansion and coordination of Judy Centers under § 5-230 of this title and a plan for the expansion of community-based family support centers under Title 9.5, Subtitle 10 of this article;

(iv) The Department's plan for selection, assembly, and deployment of expert review teams under § 5-411 of this subtitle;

(v) The Department's plan for implementing the teacher career ladder and training Maryland teachers, school leaders, and administrators under Title 6, Subtitle 10 of this article;

(vi) The Career and Technical Education Committee plan for developing rigorous CTE pathways under § 21-207 of this article;

(vii) Plans from each local school system on proposed memoranda of understanding for prekindergarten in accordance with § 7-1A-05 of this article;

**(VIII) A PLAN FROM THE JUVENILE SERVICES EDUCATION PROGRAM SUPERINTENDENT ON THE PROPOSED EDUCATION OF JUVENILES UNDER TITLE 9, SUBTITLE 6 OF THE HUMAN SERVICES ARTICLE; and**

**[(viii)] (IX) Any other implementation plans the Board determines are necessary.**

5-411.

(g) (2) (i) Beginning on July 1, 2023, the Department shall send Expert Review Teams to at least 10% of public schools in at least three different local school systems each year.

**(ii) AN EXPERT REVIEW TEAM SHALL BE SENT TO EVERY RESIDENTIAL FACILITY IN WHICH JUVENILES ARE EDUCATED IN ACCORDANCE WITH TITLE 9, SUBTITLE 6 OF THE HUMAN SERVICES ARTICLE BY THE END OF THE 2025-2026 SCHOOL YEAR.**

(Over)

(III) An Expert Review Team shall be sent at least once to every public school in the State by the end of the 2030–2031 school year.”;

in line 17, before “**THERE**” insert “**(A)**”; after line 18, insert:

“(B) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD IS AN INDEPENDENT UNIT WITHIN THE DEPARTMENT.

(C) (1) THE BOARD SHALL BE INCLUDED AS A UNIT WITHIN THE DEPARTMENT FOR PURPOSES OF THE DEPARTMENT’S ANNUAL OPERATING BUDGET.

(2) THE PROGRAMS OVERSEEN BY THE BOARD SHALL BE INCLUDED IN THE BOARD’S BUDGET.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE FOLLOWING SUPPORT SERVICES FOR THE BOARD SHALL BE PROVIDED BY EXISTING UNITS IN THE DEPARTMENT AND THE COST OF ANY NECESSARY SUPPORT PROVIDED TO THE BOARD SHOULD BE INCLUDED IN THE BUDGETS OF THOSE UNITS:

(I) INFORMATION AND TECHNOLOGY SERVICES;

(II) PROCUREMENT SERVICES;

(III) FISCAL SERVICES;

(IV) CAPITAL PLANNING AND CAPITAL BUDGETING;

(V) HUMAN RESOURCES;

(VI) FACILITY AND OFFICE MAINTENANCE;

(VII) RESEARCH AND PROGRAM EVALUATION; AND

(VIII) INVESTIGATIONS AND MONITORING.

(2) (I) THE SUPERINTENDENT SHALL HAVE EXCLUSIVE CONTROL OF THE DAY-TO-DAY OPERATION OF JUVENILE EDUCATION SERVICES.

(II) DECISIONS ON THE PROVISION OF EDUCATION, INCLUDING DECISIONS TO HIRE, FIRE, AND ASSIGN STAFF, SHALL BE MADE EXCLUSIVELY BY THE BOARD OR THE SUPERINTENDENT, SUBJECT TO APPROPRIATIONS IN THE STATE BUDGET, AND THE DEPARTMENT HAS NO POWER TO DENY OR MODIFY AN EDUCATION DECISION MADE BY THE BOARD OR THE SUPERINTENDENT.

(E) THE BOARD AND THE DEPARTMENT SHALL, IN ACCORDANCE WITH THIS SECTION, JOINTLY NEGOTIATE A MEMORANDUM OF UNDERSTANDING CAREFULLY DELINEATING THE DUTIES OF EACH IN THE PROVISION OF JUVENILE EDUCATION SERVICES.”;

and in line 28, strike “AND” and substitute:

“(6) ONE EDUCATOR EMPLOYED BY THE STATE WHO IS ENGAGED IN THE EDUCATION OF JUVENILES RESIDING IN A RESIDENTIAL FACILITY; AND”.

On page 5, in line 1, strike “(6)” and substitute “(7)”; in the same line, strike “SIX” and substitute “FIVE”; in line 3, after “(B)” insert:

(Over)

“(1) THE CANDIDATE WHO RECEIVES THE HIGHEST NUMBER OF VOTES IN AN ELECTION BY THE EDUCATORS EMPLOYED BY THE DEPARTMENT SHALL BE THE EDUCATOR MEMBER.

(2) THE TERM OF THE EDUCATOR MEMBER IS 4 YEARS.

(3) AT THE END OF A TERM, THE EDUCATOR MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

(4) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CONDUCT THE ELECTION OF THE EDUCATOR MEMBER.

(5) THE EDUCATOR MEMBER MAY NOT VOTE ON ANY MATTER THAT RELATES TO APPEALS TO THE STATE BOARD OF EDUCATION UNDER § 6-202 OF THE EDUCATION ARTICLE.

(C) (1) TO THE EXTENT PRACTICABLE, THE APPOINTED MEMBERS OF THE BOARD SHALL REFLECT THE DIVERSITY OF THE POPULATION OF JUVENILES IN THE STATE.

(2);

and in lines 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 25, and 27, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(C)”, “(D)”, and “(E)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, “(VIII)”, “(IX)”, “(D)”, “(E)”, and “(F)”, respectively.

On page 6, in lines 1, 6, and 9, strike “(F)”, “(G)”, and “(H)”, respectively, and substitute “(G)”, “(H)”, and “(I)”, respectively.

On page 8, in line 4, strike “AND”; in line 5, after “(6)” insert “COORDINATE WITH THE DEPARTMENT TO ENSURE THAT THE OPERATION OF JUVENILE EDUCATIONAL SERVICES ARE INTEGRATED WITH THE NONEDUCATIONAL OPERATIONS OF THE DEPARTMENT; AND”;

(7);

in line 10, after “(D)” insert “THE SUPERINTENDENT:”

(1) MUST BE AN EXPERIENCED AND COMPETENT EDUCATOR;

(2) MUST BE A GRADUATE OF AN ACCREDITED COLLEGE OR UNIVERSITY;

(3) MUST HAVE AT LEAST 2 YEARS OF SPECIAL ACADEMIC AND PROFESSIONAL GRADUATE PREPARATION IN AN ACCREDITED COLLEGE OR UNIVERSITY;

(4) MUST HAVE AT LEAST 7 YEARS OF EXPERIENCE IN TEACHING AND ADMINISTRATION; AND

(5) MAY NOT BE A CURRENT MEMBER OF THE BOARD OR HAVE BEEN A MEMBER OF THE BOARD AT ANY TIME DURING THE YEAR IMMEDIATELY PRECEDING THE APPOINTMENT.

(E);

after line 20, insert:

(Over)

**“(D) ‘MEMORANDUM OF UNDERSTANDING’ MEANS THE MEMORANDUM OF UNDERSTANDING BETWEEN THE BOARD AND THE DEPARTMENT REQUIRED UNDER § 9-502 OF THIS TITLE.”;**

in line 21, strike “(D)” and substitute “(E)”; after line 22, insert:

**“(F) ‘SUPERINTENDENT’ MEANS THE JUVENILE SERVICES EDUCATION PROGRAM SUPERINTENDENT.”;**

and in line 27, strike “SHALL” and substitute **“AND THE BOARD, SUBJECT TO THE MEMORANDUM OF UNDERSTANDING, JOINTLY SHALL”**.

On page 9, in lines 1 and 3, in each instance, strike “DEPARTMENT” and substitute **“SUPERINTENDENT”**; in line 8, after “DEPARTMENT” insert **“, SUBJECT TO THE MEMORANDUM OF UNDERSTANDING,”**; in lines 12 and 13, strike “OF THE BLUEPRINT FOR MARYLAND’S FUTURE” and substitute **“UNDER TITLE 6, SUBTITLE 10 OF THE EDUCATION ARTICLE”**; strike beginning with “NOTHING” in line 16 down through “CONTRACTING” in line 17 and substitute **“THE BOARD MAY AUTHORIZE THE DEPARTMENT TO CONTRACT”**; in line 24, after “(1)” insert **“THE DEPARTMENT SHALL NOTIFY A JUVENILE IN CUSTODY OF THE JUVENILE’S EDUCATIONAL RIGHTS.”**

**(2)**;

in line 28, strike “(2)” and substitute **(3)**; and in line 29, strike “(1)” and substitute **(2)**.

On page 10, in line 1, strike “(3)” and substitute **(4)**; in line 2, after “THE” insert **“SUPERINTENDENT WITH THE AID OF THE”**; in line 14, after “THE” insert

“SUPERINTENDENT WITH THE AID OF THE”; and in lines 18 and 24, in each instance, strike “DEPARTMENT” and substitute “SUPERINTENDENT”.

On page 11, in line 1, strike “DEPARTMENT MAY” and substitute “BOARD MAY AUTHORIZE THE DEPARTMENT TO”; in line 5, strike “SHALL” and substitute “MAY”; in line 11, after “BASIC” insert “DAILY”; in line 13, after “CHILD” insert “DIVIDED BY THE NUMBER OF ACTUAL SCHOOL DAYS REQUIRED FOR A PUBLIC SCHOOL UNDER § 7-103 OF THE EDUCATION ARTICLE”; in line 15, after “BASIC” insert “DAILY”; in line 24, strike “5-202” and substitute “5-201”; in line 26, after “(A)” insert “(1)”; in line 27, after the first “THE” insert “SUPERINTENDENT WITH THE AID OF THE”; and after line 30, insert:

**“(2) THE SUPERINTENDENT’S REPORT SHALL INCLUDE:**

**(I) STUDENT OUTCOMES;**

**(II) EXTERNAL ORGANIZATIONAL PARTNERSHIPS; AND**

**(III) TRANSITIONS BETWEEN ENROLLMENT IN PUBLIC SCHOOL AND THE CUSTODY OF THE DEPARTMENT.**

**(3) THE SUPERINTENDENT SHALL REPORT THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN THE AGGREGATE AND DISAGGREGATED BY:**

**(I) RACE;**

**(II) ETHNICITY;**

**(III) GENDER;**

(Over)

**(IV) ENGLISH PROFICIENCY STATUS;**

**(V) DISABILITY STATUS; AND**

**(VI) FAMILIAL INCOME.”.**

On page 12, strike beginning with “AUDITS” in line 1 down through “(2)” in line 3; in line 5, strike “(3)” and substitute “(2)”; and after line 6, insert:

**“9-607.**

**(A) (1) ON OR BEFORE JANUARY 1, 2024, THE DEPARTMENT SHALL CONTRACT WITH A PUBLIC OR PRIVATE ENTITY TO CONDUCT AN EMPIRICAL EVALUATION OF THE BOARD’S, THE SUPERINTENDENT’S, AND THE DEPARTMENT’S POLICIES AND PRACTICES REGARDING THE EDUCATIONAL SERVICES PROVIDED TO JUVENILES IN RESIDENTIAL FACILITIES.**

**(2) IN CONDUCTING THE STUDY REQUIRED UNDER THIS SUBSECTION, THE ENTITY WITH WHICH THE DEPARTMENT CONTRACTS SHALL REVIEW THE EFFECTIVENESS OF THE BOARD’S, THE SUPERINTENDENT’S, AND THE DEPARTMENT’S CURRENT POLICIES AND PRACTICES, INCLUDING:**

**(I) STUDENT EDUCATIONAL OUTCOMES;**

**(II) WHETHER THE EDUCATIONAL PLANS REQUIRED UNDER § 9-604(C) OF THIS SUBTITLE ARE MEETING JUVENILE NEEDS;**

**(III) STUDENT DISCIPLINARY OUTCOMES;**

(IV) HOW EFFICIENTLY STUDENTS TRANSITION BETWEEN ENROLLMENT IN PUBLIC SCHOOL AND THE CUSTODY OF THE DEPARTMENT, INCLUDING:

1. HOW WELL EDUCATIONAL RECORDS ARE TRANSFERRED BETWEEN THE DEPARTMENT AND COUNTY BOARDS;

2. HOW EFFICIENTLY JUVENILES ARE RE-ENROLLED IN PUBLIC SCHOOL AFTER BEING RELEASED FROM THE CUSTODY OF THE DEPARTMENT; AND

3. HOW WELL THE EDUCATION THE JUVENILE RECEIVES WHILE UNDER THE CUSTODY OF THE DEPARTMENT MATCHES WITH THE EDUCATION RECEIVED IN THE JUVENILE'S PUBLIC SCHOOL;

(V) THE QUALITY OF THE CURRICULUM;

(VI) HOW CONDUCIVE THE EDUCATIONAL SETTING IS TO LEARNING; AND

(VII) ACCESS TO MENTAL HEALTH SERVICES.

(3) THE ENTITY WITH WHICH THE DEPARTMENT CONTRACTS SHALL, AFTER COMPLETING ITS REVIEW, DEVELOP RECOMMENDATIONS TO IMPROVE THE EDUCATION DELIVERED UNDER THIS SUBTITLE.

(B) ON OR BEFORE OCTOBER 1, 2026, THE ENTITY WITH WHICH THE DEPARTMENT CONTRACTS SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE DEPARTMENT, THE GOVERNOR, AND, IN

(Over)

ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE  
GENERAL ASSEMBLY.

9-608.

(A) IN THIS SECTION, “OFFICE” HAS THE MEANING STATED IN § 8-401 OF  
THE STATE GOVERNMENT ARTICLE.

(B) THE OFFICE SHALL CONDUCT AN EVALUATION OF THE BOARD AND  
THE SUPERINTENDENT, IN ACCORDANCE WITH § 8-404 OF THE STATE  
GOVERNMENT ARTICLE, ON OR BEFORE:

(1) JULY 1, 2027; AND

(2) JULY 1, 2030.”

On page 13, after line 16, insert:

“8-401.

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

(f) “Office” means the office in the Department of Legislative Services  
designated by the Executive Director of the Department.

8-404.

(a) When directed by the Legislative Policy Committee, the Joint Audit and  
Evaluation Committee, the Executive Director, the Director of the Office of Policy  
Analysis, or the Director of the Office of Program Evaluation and Government

**SB0497/783325/1 House Judiciary Committee**  
**Amendments to SB 497**  
**Page 15 of 17**

Accountability, the Office shall conduct an evaluation of a governmental activity or unit and the statutes related to the governmental activity or unit.

(b) The Office, in consultation with the committees of jurisdiction, shall develop a work plan for an evaluation conducted under subsection (a) of this section.

(c) The evaluation report for an evaluation conducted under subsection (a) of this section:

(1) shall be consistent with the work plan developed under subsection (b) of this section; and

(2) may address the governmental activity's or unit's:

(i) efficiency;

(ii) effectiveness;

(iii) role in protecting consumers;

(iv) sufficiency of resources; and

(v) accomplishment of legislative objectives.

(d) On completion, the Department shall submit each evaluation report, including draft legislation to implement any recommended statutory changes, to the committees of jurisdiction.”.

AMENDMENT NO. 3

On page 14, after line 14, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That:

(Over)

**SB0497/783325/1**      **House Judiciary Committee**  
**Amendments to SB 497**  
**Page 16 of 17**

(a) On or before December 1, 2021, the Juvenile Services Education Board established under Section 2 of this Act shall submit to the General Assembly, in accordance with § 2-1257 of the State Government Article, a report that meets the requirements of this section.

(b) In consultation with local school systems, the Juvenile Services Education Board shall examine and report on how, before the disposition of a student's juvenile case, to meet the needs of a student who:

(1) is dually enrolled in the Juvenile Services Education Program and a local school system; and

(2) has an individualized education program or other special education plan.

(c) The Juvenile Services Education Board shall examine and make recommendations regarding funding for the Juvenile Services Education Program established under Section 2 of this Act, including recommendations for any improvements.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) Subject to subsection (b) of this section, any State personnel or contractual employee who is employed in the Juvenile Education Services Program within the State Department of Education on June 30, 2022, shall, on July 1, 2022, be transferred to the Department of Juvenile Services to be employed in accordance with this Act.

(b) Any State personnel or contractual employee involved in a transfer to the Department of Juvenile Services under this section shall:

(1) if applicable, remain in the State Personnel Management System;

**SB0497/783325/1 House Judiciary Committee**  
**Amendments to SB 497**  
**Page 17 of 17**

(2) remain in a position that is comparable to or most closely compares to their former position, without further examination or qualification;

(3) receive no diminution in compensation or accumulated leave solely as a result of the transfer; and

(4) if applicable, continue in the same salary grade in the Department of Juvenile Services.”;

in line 15, strike “4.” and substitute “6.”; strike lines 19 through 21, inclusive, and substitute:

“SECTION 7. AND BE IT FURTHER ENACTED, That an individual who is an employee of the Juvenile Services Education Program on June 30, 2022, and remains a Department of Juvenile Services direct education staff member on July 1, 2022, shall remain a member of the Employees’ Pension System as provided under Title 23 of the State Personnel and Pensions Article.

SECTION 8. AND BE IT FURTHER ENACTED, That:

(a) On or before July 1, 2022, all appropriations held by the State Department of Education made to carry out the exclusive functions of the Juvenile Services Education Program shall be transferred to the Department of Juvenile Services.

(b) The Department of Juvenile Services shall distribute the appropriations transferred in accordance with subsection (a) of this section to the Juvenile Services Education Board, established under Section 2 of this Act, to be used in accordance with the memorandum of understanding jointly agreed to by the Department of Juvenile Services and the Juvenile Services Education Board.”;

and in line 22, strike “6.” and substitute “9.”.