



POSITION ON PROPOSED LEGISLATION

BILL: SB 798 - Education - Juvenile Services Education System - Establishment, Powers, and Duties

POSITION: SUPPORT

DATE: February 18, 2020

The Juvenile Protection Division (JPD) of the Office of the Public Defender (OPD) monitors the conditions of confinement for OPD clients who are committed to the Department of Juvenile Services (DJS) for out of home placement. We ensure that our clients receive the services to which they are statutorily entitled. This includes the educational services provided in the fourteen (14) schools across the State operated by the Maryland State Department of Education Juvenile Services Education System (JSES).

The JSES schools serve approximately 5,000 students a year. In 2014, the OPD filed a class action educational complaint alleging that the quality of the education provided in JSES schools was inadequate and violated the Individuals with Disabilities Education Act (IDEA). Since 2014, the OPD has filed over 50 educational complaints with the Maryland State Department of Education, Division of Special Education/ Early Intervention Services (MSDE, DSE/EIS) alleging numerous and recurring violations of the IDEA in the 14 JSES schools. Although there has been minimal improvement in the last four years, significant issues remain. These include:

- insufficient staff
- lack of certified teachers
- inadequate classroom space
- inability to provide quality special education instruction
- inability to provide differentiated instruction
- inability to provide adequate post-secondary opportunities
- failure to maintain student records
- inability to provide courses needed for students to obtain high school diplomas

For example, a recent educational complaint was filed on behalf of a special education student who was enrolled in two JSES schools over a 10 month period. MSDE, DSE/EIS investigated the complaint in January of 2018 and found numerous violations, including

that the student's Individualized Education Program (IEP) was not fully implemented, the school did not have the staff to provide proper special education services, the student's IEP goals were not addressed, the student was not provided a dedicated aide as required by his IEP, the student's behavioral issues were not addressed by the IEP team and the student's IEP goals were changed without supporting student data. MSDE also found that one of the schools could not provide science instruction because they lacked a teacher and the student was erroneously placed in English 9 even though he had completed the course and earned a credit.

OPD remains concerned about JSES' ability to serve these students effectively. These students cannot wait any longer for significant changes and are entitled to improved outcomes.

For these reasons, the Office of the Public Defender urges the Committee to support SB 798.