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State Superintendent of Schools

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**BILL:** SB 798                      **DATE:** February 18, 2020

**SUBJECT:** Education – Juvenile Services              **COMMITTEE:** Education, Health, and  
Education System –                      Environmental Affairs  
Establishment, Powers and  
Duties

**POSITION:** Information Only

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**EXPLANATION:**

The Maryland State Department of Education (MSDE) is providing information for your consideration regarding Senate Bill (SB) 798, Education – Juvenile Services Education System- Establishment, Powers, and Duties.

Senate Bill 798 establishes a Board of Education (Board) for the Juvenile Services Education System. The Bill requires the Board of Education to appoint a System Superintendent for the Juvenile Services Education System (JSES).

The roles and responsibilities of the Board and Superintendent should be clearly defined. Senate Bill 798 allows the Board to develop, recommend, and approve an educational program for each residential facility. Programs are not typically developed by the Board, but rather the Superintendent, and approved by the Board. Senate Bill 798 delegates the authority and responsibilities to the Board for all functions relating to the JSES in the State, as well as overseeing and providing educational services.

The proposed legislation mandates that on or before December 1, 2020, the MSDE shall submit to the General Assembly a report detailing plans for the transition of JSES. The Bill does not provide or establish any guidelines for this process in the absence of the Board, which has authority to begin as of July 1, 2021. In order for smooth transition to occur, collaboration with the Board must established. The following questions must be addressed and answered in order to expedite an orderly and productive transition.

## Governance

- Will the proposed Board be under the authority of the State Board of Education? Will the JSES become an additional local school system for the State of Maryland?
- SB 798 proposes a report from the newly created Board to the State Superintendent, the Governor, and the General Assembly by December 1, 2020, on the educational outcomes of the educational programs for each residential facility. It is unclear how this mandate can occur since the Board does not have authority and responsibility for the JSES until July 1, 2021.
- Should the appointed Board have a member from the Department of Juvenile Services?
- It is unclear when the Board will begin implementation of the JSES County Pilot Program. Is it expected that the MSDE will write the transition proposal of the pilot without collaboration with the current county in which the Pilot is being conducted? The MSDE has a signed agreement with the county. The agreement is with the MSDE and not the proposed Board. How will the county be informed about the changes and oversight of the JSES? Who will be contacting the county and negotiating the agreement?
- The proposed Bill delineates authority to the system Superintendent to hire additional staff. Will staff be State Employees or employees of the Board? What will happen to the current State employees?
- Maryland Education Code - Section 22-304 allows the State Superintendent of Schools to appoint a director. The proposed legislation will give that authority to the proposed Board. As stated in paragraph three, will these roles be defined?

## Operations

- What is the timeframe when policies and procedures will be approved to comply with the requirements of the Bill?
- Must each residential educational program be accredited prior to the transition?
- What will be the impact to the educational program in providing a high quality education to students using curriculum from twenty-four local school systems compared to using a unified curriculum aligned to Maryland State Standards? Currently, individual academic student needs are met through transcript review and course placement that is based on a single unified curriculum. How will staff development in the facilities occur based on the proposed legislation requiring curriculum from multiple public schools?
- Senate Bill 798 proposes processes for students in current attendance at a public school. What would the process be to provide curriculum and academic resource for students in placement who are not in public schools? (Private and home school)

The proposed legislation does not clearly define essential responsibilities, such as responsibilities of human resources, budget and finance management, teacher accreditation, technology support, employee relations, negotiated union agreements, State mandated assessments, curriculum and instruction, equity and compliance, professional development, and 504/Individualized Education Plans compliance and support.

We respectfully request that you consider this information as you deliberate **SB 798**. For further information, contact Tiffany Johnson Clark, at (410) 260-6028, or [tiffany.clark1@maryland.gov](mailto:tiffany.clark1@maryland.gov).