

**TESTIMONY OF SENATOR DELORES G. KELLEY**

**REGARDING SENATE BILL 798 - EDUCATION - JUVENILE SERVICES EDUCATION  
SYSTEM - ESTABLISHMENT, POWERS, AND DUTIES**

**BEFORE THE SENATE EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS  
COMMITTEE**

**ON FEBRUARY 18, 2020**

**Mr. Chairman and Members:**

**Senate Bill 798 is here because of the concern of many of our House and Senate colleagues regarding the untenable structural, staffing, budgetary, and curriculum inadequacies which impede the academic, psycho-social, and career development of students in Maryland's Juvenile Services Education System (JSES). Senate Bill 798 is also here because this System (with a disproportionate percentage of students who are themselves victims of childhood trauma and**

**who are legally eligible for IEPs), is poorly run by the Maryland Department of Education, an organization which runs no other school system, and whose core mission is to evaluate and to audit major components of regular public school systems of our 24 counties.**

**Additionally, with the JSES schools being located in several mostly rural counties, the Maryland State Department of Education (MSDE) lacks opportunity or staff to regularly observe either the instruction or the physical conditions at these instructional sites, tasks often engaged in by regular county school board members.**

**Salaries for JSES teachers are not competitive, as they earn less for a 12-month school year than county public schools pay teachers for a 9-month school year. JSES teachers have obviously worse working conditions, thus making it difficult for MSDE to fill a teacher vacancy in less than 4 months. There is also a lack of substitute teachers, no vocational education for girls, almost no digital learning, and a lack of dedicated staff to insure that the credits earned by**

**students who return to community public schools are actually posted on their permanent school records.**

**Delegate Luedtke (lead sponsor of the House cross file) and I are accepting of a recommendation by the Secretary of Juvenile Services to make one modification in the composition of the Board of Education for the Juvenile Services Education System, so that instead of one designee of the State Superintendent of Schools serving on the new School Board, one designee of the Secretary of Juvenile Services would fill that slot on the eleven member Board.**

**Senate Bill 798 recognizes and reforms the Juvenile Education System, which is currently housed with the Maryland State Department of Education by doing the following:**

**Governance**

- 1. Removes authority for overseeing Juvenile Services Education Programs from the Maryland State Department of Education and creates a new**

**school system to oversee Juvenile Service Education Programs. As with existing school systems, the Juvenile Services School System will be governed by a Board of Education and overseen by a Superintendent appointed by that Board. Members of the Juvenile Services Board of Education shall include:**

- i. One representative of the Attorney General of Maryland;**
  - ii. One representative of the State Superintendent of Schools; and**
  - iii. Nine members appointed by the Governor and confirmed by the Senate. These members must have a high level of knowledge and expertise in at least one of the following areas:**
    - 1. Teaching or educational administration;**
    - 2. Prior service on the State Board or County Board;**
    - 3. Social Work;**
    - 4. Services for individuals with disabilities;**
    - 5. Working with institutional youth;**
    - 6. Mental or behavioral health services;**
    - 7. Civil rights advocacy or law;**
    - 8. Digital learning or online administration; or**
    - 9. Higher education administration.**
- 2. The Board shall elect a Chair and a Vice-Chair.**
- 3. Provide an annual stipend of \$2,500 and travel expenses for members.**

4. Grant the authority of the Board of Education to contract with existing local school systems to assume operational control of a JSES facility.

#### Funding

5. Provide three times the per pupil foundation funding amount for these facilities.
6. As with other local school systems, allow procurement to be independent of the state procurement system. Essentially, the school system could procure in the same way any other local system could.

#### Staffing

7. Give the employees of JSE programs collective bargaining rights equivalent to the rights of employees of local school systems.

#### Operations

8. Require that students not be dis-enrolled from their home school system until disposition. Home schools shall continue to provide educational materials – similar to what is done when a student begins home and hospital teaching – until disposition. The Juvenile Services School system shall develop intake classrooms for newly placed students.
9. Require that local school systems share student records with the Juvenile Services School System within 48 hours of being notified that a student has been placed in a Juvenile Services School. These records should include but are not limited to any information relating to a student's IEP, 504 plan, or ESOL plan.
10. Mandate the development of a transition plan, coordinated by a team which includes representatives from the Juvenile Services School System and the school to which a student is returning, prior to a student's return to their home school.

11. Require that programs offered by the Juvenile Services School System be accredited.
12. Require that the Juvenile Services School System continue to provide educational services to students who are younger than 21, similar to the broad requirement under federal law for provision of special education services to anyone under the age of 21. If a student has graduated from high school or earned their high school equivalency, these services must include post-high school vocational or higher education programming. The Juvenile Services School System may contract with a community college or other institution of higher education in the state to provide these services, and these services may be delivered online.

#### **Accountability, Oversight, and Transfer or Responsibilities**

13. The law will be effective on July 1, 2020. All responsibilities shall be transferred to the new Juvenile Services School System by July 1, 2021.
14. By December 1, 2020, the Maryland State Department of Education and the Juvenile Services School System shall submit a report detailing the plan for transition of JSES programs to the Juvenile Services School System.
15. The School System shall report annually to the Governor and General Assembly on the School System's programming and the outcomes of students in the system's programs.
16. The Juvenile Services School System shall be subject to audits by the Department of Legislative Services and to investigation by the Inspector General for Education.

**Finally, in light of everyone's agreement that our current system of Juvenile Justice Education is yielding unacceptable education outcomes for the students, and at great costs to Maryland taxpayers, we need real reform, and that is the focus of Senate Bill 798. I therefore seek your favorable report of Senate Bill 798.**