

# **Disability Rights Maryland Testimony**

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Position: FAV



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**HOUSE WAYS AND MEANS COMMITTEE**  
**TESTIMONY OF DISABILITY RIGHTS MARYLAND**  
**HOUSE BILL 1513 – Education- Juvenile Services Education System-**  
**Establishment, Powers, and Duties**

March 4, 2020

**Position: Support**

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. We have been serving children, youth, and adults with disabilities in our state for over 40 years. DRM is a leader in Maryland’s educational advocacy community, working on issues such as school discipline, restraint and seclusion, juvenile justice, and enforcing the rights of students with disabilities. DRM has significant experience representing students with disabilities statewide who have been suspended or expelled from school, or are involved in the juvenile justice system.

**DRM supports HB 1513**, which, among other things, will establish an independent school board for the Juvenile Services Education System.

Working with the Juvenile Protection Unit of the Office of the Public Defender (OPD) and other advocates, DRM has been advocating for years for improved educational services and outcomes for students held in Department of Juvenile Services (DJS) placements who are receiving these services through a branch of the Maryland State Department of Education (MSDE) called Juvenile Services Education (JSE). Numerous administrative complaints filed with MSDE by OPD over the past few years uncovered a host of problems with the delivery of special education and related services, as well as problems with the basic educational services offered to all students. DRM has co-counseled with OPD on a number of cases to continue to investigate ongoing concerns which include: lack of teachers, including special education staff; lack of access to courses; problems calculating course credits; and lack of high quality educational services. Professor Peter Leone, a juvenile justice education expert from the University of Maryland, was contracted by JSE to monitor the implementation of their strategic plan – continuing the work he started in March 2016. Professor Leone and his team issued two reports – one in January 2017<sup>1</sup> and one in March 2018 – which outlined some of the concerns with this system. While there were minimal improvements with Dr. Leone’s involvement, it is not sufficient and we remain concerned about JSE’s ability to serve these students effectively due to infrastructure and resource limitations.

The impact on students with disabilities is significant. On a site visit in July 2017 to one of the DJS camps, staff from OPD and DRM met with 10 out of the 20 students placed there. All 10

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<sup>1</sup> See <http://www.marylandpublicschools.org/programs/Documents/JSE/JSESStrategicPlanBenchmarkReport012017.pdf>.

students had a disability and many expressed concerns about the level of services that they were receiving and/or the quality of the instruction. The percentage of students with disabilities who are in the juvenile justice system is thought to be 30% to 60%, with some estimates even higher.<sup>2</sup> In a MSDE special education investigation report of a complaint filed by OPD, MSDE found numerous violations, including: 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 student's two schools could not provide science instruction because they lacked a certified teacher, and the student was erroneously placed in English 9 even though he had already completed the course and earned the credit. Unfortunately this case is not an outlier.

The Commission on Innovation and Excellence has proposed a funding scheme create a world-class educational system for Maryland. We hope that the creation of an independent school board will ensure that the students in JSE schools are afforded the benefits of this world-class education as well. We want to stress the importance of providing resources for students in state custody, particularly in juvenile justice programs, in planning for the success of our state. Many of these students have disabilities and are members of other at-risk groups. It is important to address their needs and to provide them with quality educational services and access to much-needed resources.

Recognizing that education is a primary strategy for curbing recidivism and keeping students out of the school-to-prison pipeline, this population of students cannot wait any longer for significant changes and are entitled to improved outcomes. We believe that something must be done to address the structural barriers to providing quality education to our at-risk youth. It is our hope that the creation of an independent school board will remedy the structural barriers, such as lack of staffing, budget, and curriculum availability that this vulnerable population of students currently faces and will ensure that our at-risk youth have access to quality instruction from certified teachers, course availability, and planning for transition back to the community.

**For the reasons stated above, Disability Rights Maryland supports HB 1513.**

For more information contact:

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<sup>2</sup> Mary Magee Quinn et al., *Youth with Disabilities in Juvenile Corrections: A National Survey*, Council for Exceptional Children, Vol. 71, No. 3, 339-345, at 340 (2005), [http://helpinggangyouth.homestead.com/disability-best\\_corrections\\_survey.pdf](http://helpinggangyouth.homestead.com/disability-best_corrections_survey.pdf). See also *Supporting Youth with Disabilities in Juvenile Corrections*, Office of Special Education and Rehabilitative Services Blog, <https://sites.ed.gov/osers/2017/05/supporting-youth-with-disabilities-in-juvenile-corrections/>.

# **HB1513 Luedtke Testimony**

Uploaded by: Delegate Luedtke, Delegate Luedtke

Position: FAV

**ERIC LUEDTKE**  
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Montgomery County

MAJORITY LEADER

Ways and Means Committee

Chair, Revenues Subcommittee



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**THE MARYLAND HOUSE OF DELEGATES**  
ANNAPOLIS, MARYLAND 21401

**March 4th, 2020**

**SPONSOR Testimony on House Bill 1513**

**Education - Juvenile Services Education System - Establishment, Powers, and Duties**

Madame Chair, Distinguished Members of the Ways and Means Committee,

Education programs within the Department of Juvenile Services detention facilities are currently operated by the Maryland State Department of Education (MSDE). Students in these programs have long been underserved. The existing Juvenile Services Education System does not have a school board like other systems, pays teachers uncompetitively although they work 12 months annually, fails to accredit many courses, fails to provide IEPs, 504 plans, and ESOL information, often leaves positions vacant for extended periods of time to the detriment of the students, and does not have a dedicated budget formula. Experts around the State believe that, in order to fix these issues, the juvenile services education system must have autonomy.

Broadly, this legislation creates an independent juvenile services education system governed by a school board and implemented by a superintendent. The employees of this system will be classified as DJS employees but will be subject to the authority of the board and superintendent, not of DJS administration. In addition to creating a new governing structure for this system, this bill sets forward a range of standards to address the transfer of important records, to accreditation of courses, access to career and technical education and higher education programs, and more.

Working with Chairman Kelley and stakeholders, I have drafted a major amendment to this legislation that you can find attached to this testimony.

Thank you,

Delegate Eric Luedtke

A handwritten signature in cursive script, appearing to read "Eric Luedtke".

## **Amendment to House Bill 1513**

Correctional Services Article

Title 8 – State and Local Correctional System – Generally

Subtitle 2 – Correctional Training Board

8-201

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

**(b)** "Approved correctional training school" means a school authorized by the Board to offer training programs as provided under this subtitle.

**(c)** "Board" means the Correctional Training Board.

**(d)** "Correctional administrator" means a correctional officer who has been promoted from a supervisory rank to first-line administrative duties.

**(e) (1)** "Correctional officer" means a member of a correctional unit whose duties relate to the investigation, care, custody, control, or supervision of inmates and individuals who:

**(i)** have been placed on parole or mandatory supervision;

**(ii)** have been placed on probation; or

**(iii)** have received a suspended sentence.

**(2)** "Correctional officer" does not include:

**(i)** the head or deputy head of a correctional unit; or

**(ii)** a sheriff, warden, or superintendent or an individual with an equivalent title who is appointed or employed by a unit of government to exercise equivalent supervisory authority.

**(f)** "Correctional supervisor" means a correctional officer who has been promoted to first-line supervisory duties.

**(g) (1)** "Correctional unit" means a unit of State, county, or municipal government that is responsible under a statute, ordinance, or court order for the investigation, care, custody, control, and supervision of inmates and individuals who:

(i) have been placed on parole or mandatory supervision;

(ii) have been placed on probation; or

(iii) have received a suspended sentence.

(2) "Correctional unit" includes those facilities as set forth in [Section 9-226 of the Human Services Article](#) and other facilities as designated by the Secretary of Juvenile Services.

(h) (1) "Department of Juvenile Services employee" means a youth supervisor, youth counselor, direct care worker, DIRECT EDUCATION STAFF, OR OTHER EMPLOYEE OF THE DEPARTMENT OF JUVENILE SERVICES WHOSE EMPLOYMENT RESPONSIBILITY IS THE INVESTIGATION, CUSTODY, CONTROL, OR SUPERVISION OF MINORS, JUVENILE DELINQUENTS, AND YOUTHFUL OFFENDERS WHO ARE COMMITTED, DETAINED, AWAITING PLACEMENT, ADJUDICATED DELINQUENT, OR ARE OTHERWISE UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES.

(2) "Department of Juvenile Services employee" includes an employee of any nonprofit or for-profit entity under contract with the Department of Juvenile Services whose employment responsibility is the investigation, custody, control, or supervision of minors, juvenile delinquents, and youthful offenders as described under paragraph (1) of this subsection.

(i) "Permanent appointment" means an appointment that has permanent status.

## Article – State Personnel and Pensions

25–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(1) correctional officers serving in any of the first six job classifications;

(2) security attendants at Clifton T. Perkins Hospital Center;

(3) a detention center officer employed by a participating governmental unit that on or after July 1, 2006, has elected to participate in the Correctional Officers' Retirement System;

(4) an individual serving as a correctional dietary, maintenance, laundry, or supply officer;

(5) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager;

(6) a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden who:

- (i) begins employment in that position on or after July 1, 2014; or
  - (ii) is serving in that position on June 30, 2014, and elects to transfer to the Correctional Officers' Retirement System from:
    - 1. the Employees' Pension System on or before December 31, 2014; or
    - 2. the Employees' Retirement System on or before December 31, 2015;
- (7) an individual serving as a correctional case management specialist, supervisor, or manager on or after July 1, 2016;
- (8) an individual serving as a parole and probation agent, supervisor, or regional administrator on or after July 1, 2017;
- (9) an individual serving as a Department of Public Safety and Correctional Services employee in one of the following positions on or after July 1, 2017:
  - (i) an alcohol and drug:
    - 1. associate counselor, counselor lead, counselor provisional, or counselor supervisor;
    - 2. professional counselor, counselor provisional, or counselor supervisor;
    - or
    - 3. supervised counselor or counselor provisional;
  - (ii) a mental health professional counselor, graduate professional counselor, professional counselor advanced, or professional supervisor;
  - (iii) a psychologist, psychology associate, or psychology associate doctorate;
  - (iv) a social worker, social worker advanced, social worker supervisor, or social work regional supervisor; or
  - (v) a recreation officer or supervisor;
- (10) an individual serving as a Department of Juvenile Services employee in one of the following positions on or after July 1, 2018:
  - (i) a community detention officer or community detention supervisor;
    - (ii) a youth transportation officer, youth transportation officer lead, youth transportation officer supervisor, or youth transportation officer trainee;
    - (iii) a resident advisor, resident advisor lead, resident advisor supervisor, or resident advisor trainee; or
    - (iv) a youth recreation specialist; and
- (11) an individual serving as a Department of Public Safety and Correctional Services employee in one of the following positions on or after July 1, 2018:
  - (i) a parole and probation assistant regional administrator;
  - (ii) a psychology services chief;
  - (iii) a correctional maintenance officer supervisor;
  - (iv) a correctional maintenance officer manager;
  - (v) a correctional maintenance services officer;
  - (vi) a correctional maintenance services supervisor; or
  - (vii) a correctional maintenance services manager; AND
- (12) AN INDIVIDUAL SERVING AS A DEPARTMENT OF JUVENILE SERVICES EMPLOYEE IN ONE OF THE FOLLOWING POSITIONS ON OR AFTER JULY 1, 2021:
  - (I) DIRECT FACILITY EDUCATION STAFF.



**(b)** This subtitle does not apply to:

**(1)** an employee of the Baltimore City Jail as of June 30, 1991, who:

**(i)** became an employee of the Baltimore City Detention Center on July 1, 1991; and

**(ii)** did not elect to become a member of the Correctional Officers' Retirement System on that date;

**(2)** a detention center officer employed by a participating governmental unit as a local detention center officer on the effective date of participation on or after July 1, 2006, who did not elect to become a member of the Correctional Officers' Retirement System within 6 months of the effective date of participation; or

**(3)** a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden who is in that position on June 30, 2014, and does not elect to transfer membership to the Correctional Officers' Retirement System from:

**(i)** the Employees' Pension System on or before December 31, 2014; or

**(ii)** the Employees' Retirement System on or before December 31, 2015.

## SUBTITLE 5. DEPARTMENT OF JUVENILE SERVICES EDUCATION BOARD

9-501

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BOARD" MEANS THE JUVENILE SERVICES EDUCATION BOARD.

(C) "SUPERINTENDENT" MEANS THE SUPERINTENDENT OF THE DEPARTMENT OF JUVENILE SERVICES EDUCATIONAL PROGRAMS.

(D) "FACILITY" MEANS A BUILDING OR BUILDINGS AND RELATED PHYSICAL INFRASTRUCTURE AT A GEOGRAPHICALLY DISTINCT LOCATION AT WHICH THE DEPARTMENT OF JUVENILE SERVICES OPERATES A PROGRAM.

(E) "DEPARTMENT" MEANS THE DEPARTMENT OF JUVENILE SERVICES.

(F) "RESIDENTIAL FACILITY" MEANS A FACILITY ESTABLISHED UNDER [SECTION 9-226 OF THE HUMAN SERVICES ARTICLE](#).

9-502

THERE IS A JUVENILE SERVICES EDUCATION BOARD WITHIN THE DEPARTMENT.

9-503

(A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

- (1) THE SECRETARY OF JUVENILE SERVICES;
- (2) THE SECRETARY OF HIGHER EDUCATION;
- (3) THE STATE SUPERINTENDENT OF SCHOOLS;
- (4) A REPRESENTATIVE OF THE PUBLIC SCHOOLS SUPERINTENDENTS ASSOCIATION OF MARYLAND, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE;
- (5) THE ATTORNEY GENERAL OF THE STATE, OR THEIR DESIGNEE; AND
- (6) SIX MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

(B) THE APPOINTED MEMBERS OF THE BOARD SHALL POSSESS 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 A COUNTY BOARD
- (3) SOCIAL WORK;
- (4) SERVICES FOR INDIVIDUALS WITH DISABILITIES;
- (5) WORKING WITH INSTITUTIONALIZED YOUTH;
- (6) MENTAL OR BEHAVIORAL HEALTH SERVICES;
- (7) CIVIL RIGHTS ADVOCACY OR LAW;
- (8) DIGITAL LEARNING OR ONLINE ADMINISTRATION; OR
- (9) HIGHER EDUCATION ADMINISTRATION.

(C) (1) THE TERM OF A MEMBER WHO IS APPOINTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS 4 YEARS.

(2) (I) AT THE END OF A TERM, A MEMBER WHO WAS APPOINTED UNDER PARAGRAPH (1) OF THIS SUBSECTION CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(II) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY VACANCY FOR AN APPOINTED MEMBER ON THE BOARD WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

(D) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER ONLY FOR CAUSE.

(E) THE BOARD SHALL ELECT FROM AMONG ITS MEMBERS A CHAIR AND A VICE CHAIR.

9-504

(A) BEGINNING JULY 1, 2021, THE BOARD SHALL OVERSEE AND APPROVE ALL EDUCATIONAL SERVICES TO ALL JUVENILES WHO ARE IN A RESIDENTIAL FACILITY.

(B) THE BOARD SHALL:

(1) DEVELOP, RECOMMEND, AND APPROVE AN EDUCATIONAL PROGRAM FOR EACH RESIDENTIAL FACILITY.

(I) EACH EDUCATIONAL PROGRAM SHALL:

(1) MEET THE SPECIAL NEEDS AND CIRCUMSTANCES OF THE JUVENILES IN THE RESIDENTIAL FACILITY; AND

(2) BE ACCREDITED BY AN APPROVED ACCREDITING AGENCY.

(2) (I) IN CONSULTATION WITH THE JUVENILE JUSTICE MONITOR AND THE DEPARTMENT, DEVELOP MINIMUM STANDARDS AND A REPORTING STRUCTURE TO MEASURE EDUCATIONAL OUTCOMES AND IMPLEMENTATION OF THE JUVENILE SERVICES EDUCATION PROGRAM.

(II) THE BOARD SHALL REVIEW A QUALITY ASSURANCE REPORT DEVELOPED BY THE DEPARTMENT EACH QUARTER.

- (3) (I) CONDUCT A PERFORMANCE REVIEW OF THE SUPERINTENDENT AT LEAST EVERY FOUR YEARS.

(C) THE BOARD SHALL APPROVE POSTSECONDARY EDUCATION PROGRAMS, INCLUDING VOCATIONAL AND ONLINE PROGRAMS, WHICH MEET THE NEEDS OF THE JUVENILES IN A RESIDENTIAL FACILITY.

(D) THE BOARD MAY ADOPT REGULATIONS IN ACCORDANCE WITH PROVISIONS OF LAW AND REGULATIONS GOVERNING THE CONDUCT AND MANAGEMENT OF EDUCATIONAL PROGRAMS IN THE STATE.

(E) ANY ACTION BY THE BOARD SHALL REQUIRE:

- (1) A QUORUM OF A MAJORITY OF THE VOTING MEMBERS THEN SERVING; AND
- 2) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS THEN SERVING.

(F) EACH APPOINTED MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(G) THE DEPARTMENT SHALL STAFF THE BOARD.

9-505

(A) THE BOARD SHALL MEET IN THE STATE AT LEAST ONCE PER MONTH AND AT THE TIMES DETERMINED BY:

- (1) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD;
- (2) THE CHAIRPERSON OF THE BOARD; OR
- (3) THE SECRETARY.

(B) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A QUORUM.

(C) THE BOARD SHALL:

(1) MAINTAIN MINUTES OF ITS MEETINGS AND ANY OTHER RECORDS THAT IT CONSIDERS NECESSARY; AND

(2) PROVIDE INFORMATION, ON REQUEST, REGARDING THE BUDGET, ACTIVITIES, AND PROGRAMS OF THE BOARD.

(3) ALLOW TIME FOR PUBLIC COMMENT AT EACH OF ITS MEETINGS

9-506

(A) THE BOARD SHALL APPOINT A JUVENILE SERVICES EDUCATION SYSTEM SUPERINTENDENT.

(B) THE SYSTEM SUPERINTENDENT SHALL:

(1) IMPLEMENT AND ADMINISTER THE EDUCATIONAL PROGRAMS APPROVED BY THE BOARD;

(2) OVERSEE THE EDUCATION OF EVERY JUVENILE IN A RESIDENTIAL FACILITY;

(3) MEET WITH AND ADVISE THE BOARD ABOUT EDUCATIONAL PROGRAMS AND OUTCOMES FOR JUVENILES;

(4) SELECT, ORGANIZE, AND DIRECT THE STAFF OF THE JUVENILE SERVICES EDUCATION SYSTEM;

(5) SEE THAT THE POLICIES AND DECISIONS OF THE COMMISSION ARE CARRIED OUT; AND

(6) PERFORM ANY OTHER DUTIES ASSIGNED BY THE BOARD.

(C) THE SYSTEM SUPERINTENDENT:

(1) IS ENTITLED TO THE SALARY PROVIDED IN THE STATE BUDGET;

(2) SERVES AT THE PLEASURE OF THE BOARD.

(D) THE SUPERINTENDENT MAY HIRE ADDITIONAL DEPARTMENT STAFF TO ADMINISTER AND PROVIDE EDUCATIONAL SERVICES WITHIN THE DEPARTMENT AS PROVIDED IN THE STATE BUDGET.

SUBTITLE 6. DEPARTMENT OF JUVENILE SERVICES EDUCATION PROGRAM

9-601

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BOARD" MEANS THE JUVENILE SERVICES EDUCATION BOARD.

(C) "SUPERINTENDENT" MEANS THE SUPERINTENDENT OF THE DEPARTMENT OF JUVENILE SERVICES EDUCATIONAL PROGRAMS.

(D) "FACILITY" MEANS A BUILDING OR BUILDINGS AND RELATED PHYSICAL INFRASTRUCTURE AT A GEOGRAPHICALLY DISTINCT LOCATION AT WHICH THE DEPARTMENT OF JUVENILE SERVICES OPERATES A PROGRAM.

(E) "DEPARTMENT" MEANS THE DEPARTMENT OF JUVENILE SERVICES.

(F) "RESIDENTIAL FACILITY" MEANS A FACILITY ESTABLISHED UNDER [SECTION 9-226 OF THE HUMAN SERVICES ARTICLE](#).

9-602

THERE IS A JUVENILE SERVICES EDUCATION PROGRAM WITHIN THE DEPARTMENT.

9-603

(A) (1) BEGINNING JULY 1, 2021, THE DEPARTMENT, SUBJECT TO THE AUTHORITY OF THE BOARD AND SUPERINTENDENT, SHALL HAVE THE AUTHORITY AND RESPONSIBILITY FOR IMPLEMENTING THE JUVENILE SERVICES EDUCATIONAL PROGRAMS IN THE STATE.

(2) THE DEPARTMENT, SUBJECT TO THE AUTHORITY OF THE BOARD AND SUPERINTENDENT, SHALL OVERSEE AND PROVIDE FOR EDUCATIONAL SERVICES TO ALL JUVENILES WHO ARE IN A RESIDENTIAL FACILITY.

(B) (1) THE DEPARTMENT SHALL IMPLEMENT AN EDUCATIONAL PROGRAM FOR EACH RESIDENTIAL FACILITY AS APPROVED BY THE JUVENILE SERVICES EDUCATION BOARD.

(2) EACH EDUCATIONAL PROGRAM SHALL:

(I) MEET THE SPECIAL NEEDS AND CIRCUMSTANCES OF THE JUVENILES IN THE RESIDENTIAL FACILITY; AND

(II) BE ACCREDITED BY AN APPROVED ACCREDITING AGENCY.

(C) THE DEPARTMENT SHALL EMPLOY THE STAFF NECESSARY TO CARRY OUT THE JUVENILE SERVICES EDUCATION PROGRAM AS PROVIDED IN THE STATE BUDGET.

(1) EDUCATIONAL STAFF IN THE JUVENILE SERVICES EDUCATION PROGRAM SHALL BE SUBJECT TO AND ELIGIBLE FOR THE CAREER LADDER AND SALARY PROVISIONS OF THE BLUEPRINT FOR MARYLAND'S FUTURE

(D) THE DEPARTMENT SHALL ADOPT REGULATIONS IN ACCORDANCE WITH PROVISIONS OF LAW AND REGULATIONS GOVERNING THE CONDUCT AND MANAGEMENT OF EDUCATIONAL PROGRAMS IN THE STATE.

(E) THIS SECTION DOES NOT PROHIBIT THE DEPARTMENT FROM CONTRACTING WITH A NON-PROFIT PRIVATE PARTY OR COUNTY BOARD OF EDUCATION TO PROVIDE EDUCATIONAL SERVICES FOR STUDENTS IN THE RESIDENTIAL FACILITIES OF THE DEPARTMENT.

9-604

(A) (1) A JUVENILE IN THE CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES WHO IS ENROLLED IN A SCHOOL AT THE TIME THE JUVENILE IS TAKEN INTO CUSTODY MAY NOT BE DISENROLLED FROM THAT SCHOOL UNTIL AFTER DISPOSITION OF THE JUVENILE'S CASE.

(2) THE PUBLIC SCHOOL IN WHICH A JUVENILE IS ENROLLED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL PROVIDE THE JUVENILE SERVICES EDUCATION PROGRAM WITH THE EDUCATIONAL MATERIALS NECESSARY TO REMAIN CURRENT WITH THE JUVENILE'S EDUCATIONAL PROGRAM AT THE SCHOOL.

(3) (I) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD AND THE COUNTY BOARDS, SHALL DEVELOP AND IMPLEMENT A PROCEDURE TO TRANSFER A COPY OF THE EDUCATION RECORDS OF A JUVENILE FROM THE SCHOOL IN WHICH THE JUVENILE IS ENROLLED TO THE FACILITY IN WHICH THE JUVENILE IS PLACED WITHIN THREE DAYS OF NOTICE THAT THE JUVENILE IS RECEIVING SERVICES IN THE DEPARTMENT OF JUVENILE SERVICES EDUCATION PROGRAM.

(II) THE EDUCATION RECORDS TRANSFERRED IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE A COPY OF:

1. AN INDIVIDUALIZED EDUCATION PROGRAM;
2. A 504 PLAN;
3. RECORDS FROM AN ENGLISH FOR SPEAKERS OF OTHER LANGUAGES (ESOL) PROGRAM; OR
4. ANY OTHER RELEVANT DOCUMENTS AND INFORMATION.

(B) THE DEPARTMENT, IN CONSULTATION WITH THE COUNTY BOARDS, SHALL DEVELOP AND IMPLEMENT A PROCEDURE FOR THE RE-ENROLLMENT OF A

SCHOOL-AGED JUVENILE IN A PUBLIC OR PRIVATE SCHOOL BEFORE THE JUVENILE IS RELEASED FROM THE CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES.

- (C) THE DEPARTMENT SHALL DEVELOP AN EDUCATIONAL PLAN FOR EACH STUDENT IN ITS CUSTODY FOR LONGER THAN 4 WEEKS.
- (D) THE PLAN DEVELOPED UNDER SUBSECTION C OF THIS SECTION SHALL INCLUDE SPECIFIC GOALS FOR A STUDENT THAT ARE DESIGNED TO MEET THAT STUDENT'S INDIVIDUAL NEEDS AND ENSURE, TO THE EXTENT PRACTICABLE, THAT THE STUDENT IS ABLE TO SEAMLESSLY REINTEGRATE INTO THEIR HOME SCHOOL.
- (E) (1) THE DEPARTMENT SHALL OFFER A MINIMUM OF 2.5 HOURS PER WEEKDAY OF POSTSECONDARY EDUCATION PROGRAMS, INCLUDING VOCATIONAL AND ONLINE PROGRAMS, TO JUVENILES WHO HAVE:
  - (I) GRADUATED FROM HIGH SCHOOL; OR
  - (II) OBTAINED A HIGH SCHOOL DIPLOMA BY EXAMINATION IN ACCORDANCE WITH § 11-808 OF THE LABOR AND EMPLOYMENT ARTICLE.
- (2) THE DEPARTMENT MAY CONTRACT WITH A NON-PROFIT PRIVATE PARTY, COMMUNITY COLLEGE, OR OTHER INSTITUTION OF POSTSECONDARY EDUCATION IN THE STATE TO PROVIDE THE PROGRAMS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.
- (F) A COUNTY BOARD SHALL WAIVE ALL HIGH SCHOOL GRADUATION REQUIREMENTS, INCLUDING REQUIRED COURSEWORK, ESTABLISHED BY THE COUNTY BOARD THAT ARE IN ADDITION TO THE HIGH SCHOOL GRADUATION REQUIREMENTS ESTABLISHED BY THE STATE BOARD FOR A YOUTH WHO WAS COMMITTED FOR OUT-OF-HOME PLACEMENT TO THE DEPARTMENT OF JUVENILE SERVICES, IF THE STUDENT WHILE IN GRADE 11 OR 12 TRANSFERS INTO THE LOCAL SCHOOL SYSTEM FROM THAT PLACEMENT.

9-605

(A) IN THIS SECTION, "BASIC COST" MEANS THE AVERAGE AMOUNT SPENT BY A COUNTY BOARD FROM COUNTY AND STATE FUNDS FOR THE PUBLIC EDUCATION OF A NONDISABLED CHILD.

(B) A COUNTY BOARD SHALL REIMBURSE THE DEPARTMENT OF JUVENILE SERVICES THE AMOUNT OF THE BASIC COST CALCULATED UNDER SUBSECTION (A) OF THIS SECTION FOR EACH CHILD WHO WAS DOMICILED IN THE COUNTY PRIOR TO THE PLACEMENT IF THE CHILD:



- (1) IS IN A FACILITY OR A RESIDENTIAL FACILITY;
- (2) IS IN DETENTION FOR 15 CONSECUTIVE DAYS OR MORE;
- (3) DOES NOT MEET THE CRITERIA FOR SHARED STATE AND LOCAL PAYMENT OF EDUCATIONAL COSTS AS PROVIDED IN SECTIONS 8-406 AND 8-415 OF THIS ARTICLE; AND
- (4) WAS INCLUDED IN THE FULL-TIME EQUIVALENT ENROLLMENT OF THE COUNTY AS CALCULATED UNDER SECTION 5-202 OF THIS ARTICLE.

9-606

(A) ON OR BEFORE DECEMBER 1, 2021, AND EACH DECEMBER 1 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR, AND IN ACCORDANCE WITH 2-1257 OF THE STATE GOVERNMENT ARTICLE OF THE GENERAL ASSEMBLY ON THE AGGREGATE EDUCATIONAL OUTCOMES OF THE EDUCATIONAL PROGRAM FOR EACH RESIDENTIAL FACILITY.

(B) THE BOARD SHALL BE SUBJECT TO:

- (1) AUDITS BY THE OFFICE OF LEGISLATIVE AUDITS IN THE DEPARTMENT OF LEGISLATIVE SERVICES.
- (2) INVESTIGATION BY THE MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR EDUCATION.
- (3) OVERSIGHT AND MONITORING BY THE MARYLAND STATE DEPARTMENT OF EDUCATION AND THE MARYLAND STATE BOARD OF EDUCATION.

Article – State Government

6-404.

The Unit shall:

- (1) evaluate at each facility:
  - (i) the child advocacy grievance process;
  - (ii) the Department's monitoring process;
  - (iii) the treatment of and services to youth;

(iv) the physical conditions of the facility; and

(v) the adequacy of staffing;

(2) review all reports of disciplinary actions, grievances, and grievance dispositions received from each facility and alterations in the status or placement of a child that result in more security, additional obligations, or less personal freedom;

(3) receive copies of the grievances submitted to the Department;

(4) perform unannounced site visits and on-site inspections of facilities;

(5) receive and review all incident reports submitted to the Department from facilities;

(6) receive reports of the findings of child protective services investigations of allegations of abuse or neglect of a child in a facility;

(7) ensure that each facility is in compliance with the regulations applicable to residential facilities;

(8) MONITOR THE IMPLEMENTATION OF EDUCATIONAL PROGRAMMING AT EACH DEPARTMENTAL RESIDENTIAL FACILITY;

[(8)] (9) collaborate with the Department, the Department of Human Services, the Maryland Department of Health, and the Governor's Office for Children in all matters related to the licensing and monitoring of children's residential facilities; and

[(9)] (10) have a representative available to attend meetings of the advisory boards established under Section 9-230 of the Human Services Article AND MEETINGS OF THE JUVENILE SERVICES EDUCATION BOARD ESTABLISHED UNDER SECTION 9-502 OF THE HUMAN SERVICES ARTICLE.

SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 1, 2020, the Department of Juvenile Services and the Maryland State Department of Education shall submit to the General Assembly, in accordance with 2-1257 of the State Government Article, a report detailing plans for the transition of juvenile services educational programs to the Department of Juveniles Services for the Department of Juveniles Services Education Program established under Section 2 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of any collective bargaining agreement for staff in the Juvenile Services Education Program shall continue to apply until the bargaining unit and the State negotiate a new collective bargaining agreement. [or language to that effect]

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

SECTION 6. AND BE IT FURTHER ENACTED, That the members of the Board shall be appointed and convene their first monthly meeting by August 1, 2020.

# **NAACP Testimony**

Uploaded by: Dezmon, Dr Barbara

Position: FAV

Written Testimony for the Record to the  
Maryland House of Delegates  
Ways and Means and Judiciary Committee  
Submitted by the  
Nationwide NAACP and the Maryland State NAACP  
March 3, 2020

**SUPPORT**  
**Education - Juvenile Services Education System - Establishment, Powers, and Duties**  
**(HB1513)**

The following testimony is submitted on behalf of the national NAACP and the Maryland State NAACP.

It has long been documented that students placed in almost all of the Maryland detention centers have not been receiving appropriate education as guaranteed under Article 8 of the Maryland Constitution. This dilemma and the associated inequities have persisted even before the juvenile education services were transferred to MSDE. In fact, the problem had become so dire that the state NAACP filed a complaint with the federal Office of Civil Rights. That complaint recorded voluminous cases where children, most of whom are African American and many with special needs, were not being sufficiently educated and centers were not functioning to provide adequate educational services. While the NAACP on both the national and local levels recognizes certain efforts by MSDE to address the issue, the NAACP at both levels still advocates the need for unique Board of Education dedicated to the governance of education in the detention facilities. The NAACP is not proposing that MSDE be totally eliminated from any role in the education in the detention centers. Rather, there might be collaboration, and MSDE may perform functional responsibilities in the education of these students under the authority of the independent board.

The following text outlines a more in-depth analysis and rationale for the NAACP support of the bill.

- I. The quality of Juvenile Services Education is important to the Association because it is a civil rights issue and an education rights issue. Because one of our Education Game Changers is to address the school to prison pipeline, Juvenile Services Education being perhaps the least popular aspect of school to prison pipeline work. Because the youth in juvenile justice secure care settings are pariahs and they badly need our collective help. It is important because we have seen some of the deficits in the system, challenges the State has continued to struggle with.
- II. There are **five guiding principles** for providing high-quality education in juvenile justice secure care settings: **1.** A safe, healthy, facility-wide climate that prioritizes education, provides the conditions for learning, and encourages the necessary behavioral and social support services that address the individual needs of all youths, including those with disabilities and English learners; **2.** Necessary funding to support educational opportunities for all youths within long-term, secure care facilities, including those with disabilities and English learners, comparable to opportunities for peers who are not system-involved; **3.** Recruitment, employment, and retention of qualified education staff with skills relevant in juvenile justice settings who can positively impact long-term student outcomes through demonstrated abilities to create

- and sustain effective teaching and learning environments; **4.** Rigorous and relevant curricula aligned with state academic and career and technical education standards that utilize instructional methods, tools, materials, and practices that promote college and career readiness; and **5.** Formal processes and procedures—through statutes, memoranda of understanding, and practices—that ensure successful navigation across child-serving systems and smooth reentry into communities.
- III. In creating a **Board of Education for the Juvenile Services Education System**, and requiring the Board to appoint a **System Superintendent**, House Bill 1513 establishes the framework for a rather dramatic break with current, and past, State oversight structures for the education provided in secure juvenile justice facilities, hopefully as prelude to a better future for juveniles in residential facilities.
  - IV. The provision in the bill (22-308(B)(1) which protects juveniles in the custody of the Department of Juvenile Services from being disenrolled from that school until after disposition of the Juvenile’s case is important and commendable.
  - V. By itself, the prohibition against being disenrolled does not provide the student with the necessary affirmative, additional support for learning. This is why the related provision (22-308(B)(2) requiring the public school in which a juvenile is enrolled under paragraph (1) of this subsection shall provide the juvenile with the educational materials necessary to remain current with the juvenile’s educational program at the school is so important.
  - VI. Not being prematurely disenrolled and being provided with the education materials necessary to remain current with the juvenile’s education program at the home school go hand in hand with the further requirements to transfer the juvenile’s education records from the home school to the juvenile facility within 48 hours of notice that the juvenile is receiving services in the Juvenile Services Education System (22-308(3)(I).
  - VII. Articulating what education records must be included in the transmittal is important for all parties: the sending school, the receiving Juvenile Services Education System facility, the juvenile and family, and other supporters of the juvenile. Item 4. “Any other relevant documents and information” may provide too much discretion with too little guidance to the record providers, particularly for students who do not have IEPs or 504 Plans.
  - VIII. The requirement in 22-308(II)(D) that the Board and the Department of Juvenile Services, after consultation with the County Boards, shall develop and implement a procedure for the re-enrollment of a school-aged juvenile in a public or private school before the juvenile is released from the custody of the Department of Juvenile Services is also an essential element in ensuring an efficient, prompt re-enrollment process. This provision is also consistent with the DOJ principle that supports formal processes and procedures that ensure smooth reentry into the community.
  - IX. Actually, 22-308 reflects the spirit of the federal Every Student Succeeds Act (ESSA) provisions designed to improve the success of youth involved in the juvenile justice system and strengthen reentry outcomes by providing increased access to education and supports upon reentry. Under ESSA, states receiving Title 1, Part D funding for prevention and intervention programs for children and youth who are neglected, delinquent or at risk, must promote:

- A. Smoother transitions into juvenile justice facilities, including records transfer, better planning and coordination of education between facilities and local education agencies, and educational assessment upon entry into a correctional facility, when practicable;
- B. Strengthened reentry to the community, including requiring education planning, credit transfer, and timely re-enrollment in appropriate educational placements for youth transitioning between correctional facilities and local educational agencies and programs, and requiring correctional facilities receiving funds under the law to coordinate educational services with local educational agencies so as to minimize education disruption;
- C. Opportunities to earn credits in secondary, postsecondary, or career/technical programming, and requiring transfer of secondary credits to the home school district upon reentry.
- D. Prioritizing achievement of a regular high school diploma; and
- E. Services for youth who have had contact with both the juvenile justice and child welfare systems.

In 2011, The attached report, the Annie E. Casey Foundation published the report *NO PLACE FOR KIDS The Case for Reducing Juvenile Incarceration* which highlights many of the failures of the juvenile detention system throughout the nation. First, the report points to the fact that the United State has more incarceration of youth than any other major nation. The circumstances in the report mirror situations that were found by the MSC NAACP in juvenile detention facilities in Maryland.

The mental health of students and need for appropriate treatment or educational accommodations is particularly pertinent. Inquiry by the MSC NAACP led to the conclusion that such services are inadequate and this, in turn, is supported by testimony from former staff and administrators working with and at the juvenile centers who attest that there is not even sufficient credentialed staff to provide the necessary services. Further the quarterly reports from the Maryland Attorney General's Office about conditions in the centers comment on the emotional and mental states of some of the students, but offer little if any evidence of how these matters are to be effectively addressed.

The following quotes from the Casey Foundation report *No Place for Kids* describe unsuitable situations similar to those alleged in Maryland's juvenile detention facilities. Of special note is the quote related to educational services, the content of which mirrors conditions that have persisted in Maryland centers.

Educational Programming. Available evidence suggests that the quality of education services offered to confined youth is often deficient. "Nationally, the educational programs of many state juvenile justice systems receive failing grades," reported a team of scholars in 2003. "Recurrent problems include overcrowding, frequent movement of students, lack of qualified teachers, an inability to address gaps in students' schooling, and a lack of collaboration with the public school system." Including both detained and committed youth, just 45 percent of those with a previously diagnosed learning disability receive special education services while in custody.

A number of other recent studies have also found mental health problems at epidemic levels among confined youth. On average, the research finds that about two-thirds of youth confined in juvenile facilities suffer from one or more diagnosable mental health conditions—several times the rate of youth in the general population. About one of every five youth in custody has a mental health disturbance that significantly impairs their capacity to function. Though these symptoms can sometimes be caused or exacerbated by the confinement experience itself, there is little doubt that juvenile justice youth suffer an unusually high prevalence of mental illness.

Youth confined in juvenile justice facilities also suffer from learning disabilities at exceptional rates—and they exhibit extremely low levels of academic achievement and school success. Studies find that youth in correctional confinement score four years below grade level on average. Most have been suspended from school, and most have been left back at least one grade.

**Glaring Lack of Effective Support.** Most of the young people involved in the deep end of our nation’s juvenile justice systems have significant emotional, cognitive, and intellectual deficits—needs often rooted in severe trauma and deprivation. They need serious help. Yet in most cases, juvenile correctional facilities are unable to provide it. Crucial gaps are commonplace.

The above findings would indicate that the detention facilities, which were intended to resolve issues for children, instead are exacerbating their circumstances. There is growing concern regarding what is referred to as “the school to prison pipeline.” There is no doubt that this pipeline exists. Contrary to rehabilitation, the NAACP further asserts that conditions in the facilities as well as unsuitable actions by the parties responsible for the centers have been detrimental to the well-being of the children involved, reinforcing the pipeline, and expediting their potential for future imprisonment.

As stated above, both state and national NAACPs remain concerned about the ongoing issue in Maryland. In fact, currently the NAACP at the national level is preparing a white paper that focuses on the various aspects of education in the Maryland detention centers from an objective stance to provide useful insights into the problems and possible outcomes for other states and local branches. Certainly, this is a civil rights issue. According to the Office of Civil Rights data, the overwhelming majority of students are minority, with over  $\frac{3}{4}$  being African American. Within that population almost 40% have special needs. The primary commonality among all the students, regardless of race or disability status, is the lack of appropriate educational services. The situation in which these children are placed academically would not be tolerated in regular public-schools and should not be accepted in any setting. The detention centers should be purposed for rehabilitation and not be warehouses for children.

Accordingly, for the reasons stated above, the state and national NAACP, support HB1513 (with included amendments) and urge a favorable report.

Submitted by

Victor Goode, Esq., NAACP National Education Director and Assistant General Counsel.

Dr. Barbara Dezmon, Consultant to NAACP (former Education Chair of the Maryland NAACP)



## **Peter Leone**

Uploaded by: Leone, Peter

Position: FAV

# **HB 1513: Education – Juvenile Services Education System – Establishment, Powers, and Duties**

## **Peter Leone, Support**

My name is Peter Leone, I am a professor in the College of Education at the University of Maryland. I am submitting this written testimony this afternoon as a citizen and not on behalf of the College of Education or the University of Maryland. My schedule prohibits me from appearing in person to testify.

For more than 30 years, I have studied, evaluated and monitored education programs in juvenile corrections facilities in a number of states, the District of Columbia and Puerto Rico. I have worked with the Civil Rights Division of the Justice Department as well as US District Courts and advocacy groups across the country to ensure that incarcerated youth receive quality education services to which they are entitled. I believe that children and youth incarcerated in juvenile facilities are entitled to education services comparable to their peers in the public schools.

I have visited all of the juvenile facilities in the state during the past 30 years. I have worked with administrators of the Department of Juvenile Services and the State Department of Education for a number of years. In 2006 I was named monitor of the education provisions of a settlement agreement between the US Department of Justice and the State of Maryland involving education services at the Charles Hickey School, Cheltenham Youth Center, and subsequently the Baltimore City Juvenile Justice Center.

In 2004, the General Assembly transferred the responsibility for education services within DJS facilities to the Maryland State Department of Education (MSDE). Currently MSDE's Juvenile Services Education System (JSES) division operates schools in all 13 DJS facilities. Like other children in the state, students in juvenile correctional facilities have rights to education including special education services and supports. However, Maryland has stumbled in meeting its statutory obligations.

MSDE has an impossible task and in my estimation has not been able to deliver adequately, education services and supports to youth in DJS facilities. While teachers, administrators, and other staff working in the system want to do the right thing, the system as currently configured is unworkable. Problems associated with the current system include:

- Autonomy. The JSES (Juvenile Services Education System) operates within the MSDE, an agency that does not operate any other schools in the state and does not have an independent school board.
- Budget. The JSES has no budget formula that enables it to project needs based on population. The costs associated with providing education to youth in the DJS are considerably higher than for youth in the public schools.
- Calendar. JSES operates on a 12-month calendar. All teachers are 12-month employees. There are no options for teachers interested in a traditional 9-month school contract. To my knowledge, as 12 month employees, teachers with few restrictions, can take vacation days anytime during the calendar year.
- Credits. Options available for students to earn credits are limited. Students are not able to enroll in credit recovery courses until they have failed a course. There are few options for students to take on-line courses. School districts have discretion in awarding credits for partial coursework youth complete while in DJS custody. The education programs are not accredited by independent governing organizations like the Middle States Association, Commission on Secondary Schools. (Correctional education programs in many other states are accredited by Middle States and similar associations.)
- Human resources. MSDE has a cumbersome hiring process. It often takes months or more to hire teachers and other staff. Consequently, there are frequent teaching vacancies in JSES schools.

- Diplomas. JSES does not have the authority to issue diplomas.
- Procurement. JSES struggles to procure necessary school supplies in a timely manner.
- Space. At many DJS facilities, classroom and office space is inadequate.
- School board. JSES does not have an independent school board.
- Post-secondary education. While JSES has agreement with several community colleges, in general the options and opportunity for post- secondary education for students who have received their high school diploma or who have received their GED certificate are limited.

I support HB 1513 and the creation of a Board of Education for the Juvenile Services Education System.

# **Maryland Catholic Conference\_FAV\_HB1513**

Uploaded by: O'Day, Garrett

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

**March 4, 2020**

**HB 1513  
Education - Juvenile Services Education System - Establishment, Powers, and  
Duties**

**House Ways & Means Committee  
House Judiciary Committee**

**Position: Support**

The Maryland Catholic Conference offers this testimony in SUPPORT of House Bill 1513. The Catholic Conference represents the public policy interests of the three (arch)dioceses serving Maryland, including the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

House Bill 1513 would allow for the formation of an independent school board for youth housed in Department of Juvenile Services (DJS) facilities. The bill would also establish and mandate funding for a Juvenile Services Education System.

In its pastoral statement “*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*” (USCCB, 2000), the United States conference of Catholic Bishops cited the “absence of educational opportunities” among considerations “contributing to a high rate of recidivism”. The USCCB also cited “education” as one of the key “necessities that enable inmates to live in dignity”.

The Maryland Catholic Conference has routinely supported recent measures by our state legislature to strengthen protections for detained youth in recent years, signaling a movement in the right direction. In the same vein, our state must be vigilant about the vulnerability of youth who are held in juvenile facilities. Several questions have arisen in recent years regarding the sufficiency and efficacy of education programs in our juvenile facilities. Senate Bill 798 is a necessary step toward ensuring that system-involved youth are provided with adequate educational opportunities and academic continuity.

The Church maintains that systems of incarceration should be centered on *restorative* justice. With regard to youthful offenders, our state’s duty to ensure the same is significantly amplified. When youth are denied their constitutionally-guaranteed right to an education, their chances to break free from their often-challenging circumstances and live productive, fruitful adulthoods are greatly diminished. For these reasons, we urge a favorable report on House Bill 1513.

# **HB1513 MCPSBOE**

Uploaded by: SUSSKIND, MCPS BOE

Position: FAV



# MONTGOMERY COUNTY BOARD OF EDUCATION

*Expanding Opportunity and Unleashing Potential*

850 Hungerford Drive ♦ Room 123 ♦ Rockville, Maryland 20850

**BILL:** HB1513 (Cross filed with SB0798)  
**TITLE:** Education - Juvenile Services Education System - Establishment, Powers, and Duties  
**DATE:** 3/4/2020  
**POSITION:** SUPPORT  
**COMMITTEE:** Ways and Means  
**CONTACT:** Danielle M. Susskind, Coordinator, Legislative Affairs  
[Danielle\\_M\\_Susskind@mcpsmd.org](mailto:Danielle_M_Susskind@mcpsmd.org)

The Montgomery County Board of Education (Board) **supports** HB1513.

House Bill 1513 establishes a Board of Education for the Juvenile Services Education System. Currently, the Juvenile Services Education System is managed by the Maryland State Department of Education.

The creation of a Board of Education would add needed oversight to the educational system for students housed in Department of Juvenile Services (DJS) facilities, as our experience has been that those facilities currently have difficulty matching the coursework and rigor of our local schools, putting students at an academic disadvantage as they enter and exit DJS facilities and their Montgomery County Public Schools (MCPS).

The bill allows for the State Board of Education to contract with a county board to assume operational control of any facility administered by the Board, which would enable MCPS to continue and expand their current footprint in the Noyes facility.

The transfer of records expectations and re-enrollment of students expectations are best practices, are currently in place in MCPS, and would further support the work our court liaison and pupil personnel workers do to assist students as they enter and exit short and long-term DJS facilities.

For these reasons, the Board **supports** this legislation and urges a favorable report.



## **HB 1513\_Written**

Uploaded by: Gardiner, Shamoyia

Position: FWA



To: Chairs Kaiser and Clippinger and members of the Ways and Means and Judiciary Committees  
From: Shamoyia Gardiner, Education Policy Director  
Re: House Bill 1513: Education - Juvenile Services Education System - Establishment, Powers, and Duties  
Date: March 3, 2020  
Position: Support with Amendments

Advocates for Children and Youth does not, on balance, see the incarceration of young people in the State as beneficial. Our support for House Bill 1513 is predicated on the understanding that until we achieve the realization of a Maryland in which all young people are born into thriving families, adolescent behaviors are not criminalized, and children of color—Black children specifically—are not hyper-monitored, this effort will at least mitigate some of the many negative impacts of incarceration on young people and their families. The amendments we seek for this bill are outlined below.

#### Composition of the Board

The Board of Education for the Juvenile Services Education System should include **multiple representatives who have lived experience as young people in the care of the Department of Juvenile Services** (DJS). Ensuring representation from this population will allow the Board to be more effective in carrying out each of its responsibilities. Only placing one person with such experiences on the Board risks tokenizing that individual—this can be achieved without expanding the number of members on the board. Family members of young people currently or recently in the care of DJS must also be represented on this board—again, this may be achieved without expanding the number of people serving on the Board.

#### Re-Enrollment

Development of the re-enrollment procedure for a young person should include the young person, their family/guardian and school-based staff, including the Principal, a behavioral health specialist/counselor, and any relevant staff who will be welcoming the student back upon their release from DJS.

#### Post-Secondary Program Offerings

The Board should be explicitly prohibited from contracting with private institutions of post-secondary education in order to provide programs and services. The Board will be a public entity funded with public dollars—**allowing for contracts with private entities will create opportunities for mismanagement of public funds** and validates an underlying assumption that our public institutions are not capable of providing such services.

### Reporting

All reporting required by this legislation should require that data be disaggregated by race, ethnicity, and sex. In addition, **reporting on educational outcomes for each program at each residential facility is not sufficient to measure the efficacy of the Board.** Longitudinal data must also be provided to the Maryland Longitudinal Data System so we can track long-term student outcomes and assess whether/how a young person's tenure at a treatment facility has impacted their overall academic progress, diploma attainment, post-secondary degree attainment, earning potential, and other critical outcomes. The language specifying "aggregate educational outcomes" should be struck from the bill entirely and replaced with meaningful reporting measures.

Reports should also be provided to the State Superintendent, Governor, and the General Assembly on the staffing of the system, including the designated Superintendent, and all staff hired/entities contracted with to carry out educational programs and services to young people.

House Bill 1513 takes many meaningful steps to creating an educational system for young people in the care of the Department of Juvenile Services that will better serve them than they are in the status quo. ACY would like to see amendments made to the bill before its passage and will continue advocating on behalf of young people in the state in hopes of securing a future where the carceral system does not touch their lives.

# **John.Woolums\_FWA\_HB1513**

Uploaded by: Woolums, John

Position: FWA

**BILL:** House Bill 1513  
**TITLE:** Education - Juvenile Services Education System - Establishment, Powers, and Duties  
**DATE:** March 4, 2020  
**POSITION:** SUPPORT WITH AMENDMENTS  
**COMMITTEE:** Ways and Means Committee  
Judiciary Committee  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports House Bill 1513 with amendments. In recent legislative sessions, MABE has supported the study of the creation of an independent board to oversee the education programs in Department of Juvenile Services (DJS) facilities.

MABE recognizes the significant concerns regarding the quality and continuity of educational programs offered within DJS facilities and administered through the Maryland State Department of Education (MSDE). Therefore, MABE has consistently supported a concerted effort to explore alternative strategies to improve the quality of educational services to Maryland students placed in DJS facilities.

Local boards of education support a robust and successful approach to ensuring continuous access to high quality learning experiences for students placed in DJS facilities. Since the passage of the Budget Reconciliation and Financing Act (BRFA) of 2013 local boards of education have been required to reimburse DJS for each child from the county that is placed in a detention facility for 15 or more consecutive days. The reimbursement amount is equivalent to the average amount of State and local funds spent for the public education of a nondisabled child in the county; and calculated for students who were included in a school system's annual enrollment count.

MABE and all local boards of education appreciate the need for continued state and local investment in the education of students enrolled in public school systems who, for a time, receive their education in DJS programs. MABE notes the challenge of crafting education programming for a relatively small number of students who are in different situations in the criminal justice system and whose time within DJS is typically brief.

The prompt transfer of records between school systems and DJS, and DJS and school systems, is an essential component of a system that strives to maintain continuity in the instruction and service delivery for students moving between DJS and a local school system. Therefore, MABE strongly supports amendments to assure that this is a mutually guaranteed, timely exchange of student records.

For these reasons, MABE requests a favorable report on House Bill 1513 with the amendments described above.

## **Amendments requested by the Maryland Association of Boards of Education**

### Amendments to House Bill 1513

On page 8, after line 17, insert:

(E) THE SYSTEM SUPERINTENDENT AND THE DEPARTMENT OF JUVENILE SERVICES, IN CONSULTATION WITH THE BOARD AND THE COUNTY BOARDS, SHALL DEVELOP AND IMPLEMENT A PROCEDURE TO TRANSFER A COPY OF THE EDUCATION RECORDS OF A JUVENILE FROM THE DEPARTMENT TO THE SCHOOL IN WHICH THE JUVENILE IS RE-ENROLLED WITHIN 48 HOURS OF NOTICE THAT THE JUVENILE IS RECEIVING SERVICES IN THE SCHOOL IN WHICH THE JUVENILE IS RE-ENROLLED.

# **HB1513 - MSDE - LOI - JSES Board**

Uploaded by: CLARK, TIFFANY

Position: INFO





## **Overview of Current Initiatives**

In realization of these unique challenges, the MSDE and the Florida State University (FSU) College of Criminology and Criminal Justice developed a partnership to evaluate and improve the quality of juvenile justice education in Maryland. The lead consultant has experience and expertise as an advisor to the U.S. House of Representatives, U.S. Senate, U.S. Department of Justice, numerous state legislative committees, and foreign governments. This evaluation is intended to address and ameliorate concerns highlighted by the MSDE, recent litigation, and public scrutiny. Specifically, FSU is assisting the MSDE with overcoming past difficulties and becoming one of the exemplary juvenile justice education programs in the country.

FSU is currently conducting a comprehensive assessment of the current state of juvenile justice education in Maryland. As part of this process, FSU is working with JSES to develop and implement a research-driven accountability system to improve the educational services provided to youth in the state's juvenile justice system. Through the partnership, FSU and JSES seeks to ensure that the state's juvenile justice educational programs provide quality services that prepare young people for the transition back to their local communities, schools, work, and home settings.

The partnership encompasses three distinct phases of research and planning. Namely, discovery, implementation, and validation. Phase I (Discovery) is focused upon evaluating and assessing Maryland's current juvenile justice education system. Phase I includes a full analysis of the JSES system including onsite reviews of all 13 JSES facilities. The onsite reviews include an assessment of student information and the educational services provided which includes transition services, curriculum and instruction, staffing, and educational resources. Researchers review personnel information, conduct classroom observations, and interview administrators, teachers, and students. Interviews with educational personnel focus upon school policies, procedures, activities, and the individuals' perceptions of the quality of educational services provided in the program. Interviews with students focus on their educational needs and the services they are receiving in JSES. Phase I also involves the collection and analysis of identified administrative MSDE, JSES, and Department of Juvenile Services data to determine student educational needs, and current educational performance. Phase I will conclude with a detailed report including overall findings, an analysis of the current status of education provided in JSES schools, and recommendations aimed at informing the development of a research-driven accountability system for JSES. The Phase I report will be complete in May 2020.

Phase II (Implementation) will use the information and findings from Phase I to assist Maryland in developing and implementing a research-driven accountability system for juvenile justice education services. The ultimate goal of the partnership is capacity building that will ensure a high quality and effective education is provided for Maryland's juvenile justice youth, thereby, increasing the likelihood for post release and lifelong success. Following the validation of the accountability program, Maryland's JSES, however administered, will be able to assume complete operational responsibility for an exemplary evidence-based juvenile justice education system.

Phase II (Implementation) will use the information and findings from Phase I to assist Maryland in developing and implementing a research-driven accountability system for juvenile justice education services. During Phase II FSU will incorporate input from MSDE and JSES administrators. Administrative input will guide the development of a comprehensive research-driven accountability program for the Maryland's juvenile justice education system. FSU will identify the strengths and weaknesses of Maryland's current system, recommend an evidence-based accountability system, and assist with its statewide implementation. Areas of accountability will include, but not be limited to, assessment, transition services, special education services, staff qualifications, funding, educational resources, and remedial, academic, vocational, and postsecondary curriculum and instruction.

Phase III (Validation) will assess and validate the effectiveness of the research-driven accountability pilot initiative. Phase III will focus on validating the research-driven accountability system developed in Phase II. FSU will guide and assist JSES with developing data collection procedures and analytical methods for determining programs and student performance. Program performance will be measured through indicators such as staff qualifications and turnover, school funding and educational resources, identification of special education students, aligning course offerings to student needs, and increased transition services. Student performance will be measured by outcomes such as credits earned in JSES, academic gains while in JSES, graduation rates of JSES, return to school post-release, and recidivism.

### **Recommendation**

This letter of information provides a fact-based context of major JSES initiatives listed below.

- ✓ The need to develop partnerships with local school systems
- ✓ The need to develop and implement an evidence-based accountability system
- ✓ The ability to hire and retain high quality teachers with competitive and commensurate salaries and teacher contracts that account for year-round school calendars as compared with teachers in local school districts. (The MSDE introduced Senate Bill 75 on January 9, 2019, to address these issues, however, the Bill did not move out of committee)
- ✓ The ability to provide education transition services that are directed by educational personnel and coordinated with youths' local school districts
- ✓ The use of student performance measures and student outcomes to guide programming decisions
- ✓ The need for meaningful year-round academic curriculum and vocational education opportunities based on students' abilities, interests.

As a result of recognition of these major initiatives, in the summer of 2019, MSDE JSES proactively established a research and policy partnership with FSU to identify, implement, and validate responsive national best practice services and programs in detention and committed programs. FSU will provide national data driven research in determining the best administrative/delivery model for these vital educational services and programs.

Therefore, the MSDE recommends in depth consideration of the timing of any change in the current administrative/delivery system for JSES. Underlying this recommendation is the reasoning that in order to make fully informed decisions about the administrative/delivery structure for JSES results from the current Pilot with Montgomery County Public Schools and the partnership with Florida State University is needed.

## **HB1513 Written**

Uploaded by: Sterrette, Dawana

Position: INFO

# BALTIMORE CITY PUBLIC SCHOOLS

**Bernard C. "Jack" Young**  
*Mayor, City of Baltimore*

**Linda Chinnia**  
*Chair, Baltimore City Board of  
School Commissioners*

**Dr. Sonja Brookins Santelises**  
*Chief Executive Officer*

**Letter of Information**  
**The Baltimore City Board of School Commissioners**  
**House Bill 1513**  
**Education – Juvenile Services Education System**  
**Establishment, Powers, and Duties**

**March 4, 2020**

The Baltimore City Board of School Commissioners (School Board) understand the concern that many have with the delivery of educational services to those students in the juvenile services facilities. Prior to the establishment of a 25<sup>th</sup> school district, as this legislation requests, the School Board would like to raise several issues that should be addressed.

Currently, school boards provide a daily rate of payment for students in juvenile services facilities for 15 or more consecutive days. The average stay for students within juvenile facilities is less than a school year. Under this legislation, the Juvenile Services Education Program's new Board of Education would receive the entire average cost for each juvenile who was domiciled in the county before placement in a residential facility, if the juvenile is in detention for 15 consecutive days or more and was included in the FTE of the county. There must be some mechanism for the school board to recoup the funding that was provided should the student not stay for an entire school year.

Additionally, there is an issue of equity that must be raised. Currently, in Baltimore City, those students that are incarcerated in the Baltimore City Jail receive educational services through the Baltimore City Public School System, i.e. Eager Street Academy. Baltimore City provides the educational services but does not receive funding for students that were attending other school districts prior to their incarceration. If the juvenile services facilities issue is fixed, the School Board would hope that this inequity is reviewed and resolved.

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