
By: **Delegate Montague**
Introduced and read first time: February 25, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Charles H. Hickey, Jr. School State Education Pilot Program**

3 FOR the purpose of establishing the Charles H. Hickey, Jr. School State Education
4 Pilot Program; requiring the State Department of Education to develop and
5 implement an education program designed to meet the particular needs of the
6 population at the Charles H. Hickey, Jr. School; requiring the Department to
7 adopt regulations and to submit a certain annual report; providing for the
8 termination of this Act; and generally relating to the Charles H. Hickey, Jr.
9 School State Education Pilot Program.

10 BY repealing and reenacting, without amendments,
11 Article 83C - Juvenile Justice
12 Section 1-101(a) and (b)
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 83C - Juvenile Justice
17 Section 2-118
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2001 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article - Education
22 Section 1-101(a) and (f)
23 Annotated Code of Maryland
24 (2001 Replacement Volume)

25 BY adding to
26 Article - Education
27 Section 22-301 to be under the new subtitle "Subtitle 3. Juvenile Residential
28 Facilities"
29 Annotated Code of Maryland

1 (2001 Replacement Volume)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article 83C - Juvenile Justice**

5 1-101.

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

7 (b) "Department" means the Department of Juvenile Justice.

8 2-118.

9 (a) Each facility provided for in § 2-117 of this article shall operate under the
10 control and general management of the Department.

11 (b) Subject to the provisions of Title 3, Subtitles 8 and 8A of the Courts Article,
12 the Department shall:

13 (1) Adopt regulations that set:

14 (i) Policies for admission, transfer, discharge, and aftercare
15 supervision; and

16 (ii) Standards of care, including provisions to administer any early,
17 periodic screening diagnosis and treatment program that the Department approves
18 for establishment under Title 42, § 1396d(a)(4)(B) of the United States Code and to
19 treat appropriately any condition that the screening reveals; and

20 (2) Order any needed changes in the policy, conduct, or management of a
21 facility to provide adequate care for the children and adequate services to the courts.

22 (c) The Department shall adopt regulations applicable to residential facilities
23 it operates that:

24 (1) Prohibit the use of locked door seclusion and restraints as
25 punishment, and describe the circumstances under which locked door seclusion and
26 restraints may be used; and

27 (2) Prohibit abuse of a child.

28 (d) The Department shall develop within each facility special programs that
29 are designed to meet the particular needs of its population.

30 (e) [The] EXCEPT AS PROVIDED IN § 22-301 OF THE EDUCATION ARTICLE, THE
31 Department shall develop and provide within each facility:

32 (1) Educational programs that are designed to meet the particular needs
33 of its population;

1 (2) Alcohol abuse and drug abuse assessment services; and

2 (3) Either alcohol abuse and drug abuse referral services or an alcohol
3 abuse and drug abuse treatment program that has been certified in accordance with
4 the requirements of Title 8 of the Health - General Article.

5 **Article - Education**

6 1-101.

7 (a) In this article, unless the context requires otherwise, the following words
8 have the meanings indicated.

9 (f) "Department" means the State Department of Education.

10 **SUBTITLE 3. JUVENILE RESIDENTIAL FACILITIES.**

11 22-301.

12 (A) THERE IS A CHARLES H. HICKEY, JR. SCHOOL STATE EDUCATION PILOT
13 PROGRAM.

14 (B) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT AN EDUCATIONAL
15 PROGRAM DESIGNED TO MEET THE PARTICULAR NEEDS OF THE POPULATION AT
16 THE CHARLES H. HICKEY, JR. SCHOOL IN BALTIMORE COUNTY.

17 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE
18 PROVISIONS OF THIS SECTION.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the State Department of
20 Education shall annually submit to the Governor and, subject to § 2-1246 of the State
21 Government Article, the General Assembly, a report evaluating the status and
22 effectiveness of the Charles H. Hickey, Jr. School State Education Pilot Program.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2002. It shall remain effective for a period of 3 years and, at the end of June
25 30, 2005, with no further action required by the General Assembly, this Act shall be
26 abrogated and of no further force and effect.