

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 390

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Services” insert “- Charles H. Hickey, Jr. School Program”.

On page 2, in line 6, before “making” insert “requiring the State Department of Education to develop and implement an educational program designed to meet the particular needs of the population at the Charles H. Hickey, Jr. School; requiring the transmission of certain records under certain circumstances; authorizing the State Superintendent to impose certain corrective actions under certain circumstances; requiring the Department of Juvenile Services to work cooperatively with the State Department of Education to facilitate the implementation of a certain education program and the attendance of students in the program; authorizing the State Department of Education to use nonpublic special education funds for certain purposes; excluding a certain residential treatment center from the educational program provisions of this Act; requiring the Department of Juvenile Services and the State Department of Education to develop a certain implementation schedule by a certain date; requiring the State Department of Education to develop and implement certain educational programs by a certain date; requiring the State Department of Education to engage in certain procurements;”; in line 7, after “changes;” insert “making certain provisions of this Act subject to a certain contingency;”; and in line 31, after “2-117(a),” insert “2-118(f),”.

On page 4, after line 16, insert:

“BY adding to

Article - Education

Section 22-301 to be under the new subtitle “Subtitle 3. Juvenile Residential Facilities”

Annotated Code of Maryland

(2001 Replacement Volume and 2002 Supplement)”.”

(Over)

AMENDMENT NO. 2

On page 9, after line 26, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 83C - Juvenile Services

2-118.

(f) [The] EXCEPT AS PROVIDED IN § 22-301 OF THE EDUCATION ARTICLE, THE Department shall adopt regulations that require each facility to provide:

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

(2) Medical and mental health assessment services;

(3) Alcohol abuse and drug abuse assessment services;

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

(5) Programs that ensure a safe, humane, and caring environment.”;

and in line 27, strike “3.” and substitute “4.”.

On page 26, after line 17, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Education

SUBTITLE 3. JUVENILE RESIDENTIAL FACILITIES.

22-301.

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

(B) (1) FOR EACH STUDENT PLACED AT THE CHARLES A. HICKEY, JR. SCHOOL, THE LOCAL SCHOOL SYSTEM IN WHICH THE STUDENT WAS LAST ENROLLED SHALL TRANSMIT WITHIN 5 DAYS OF NOTICE OF THE PLACEMENT, THE COMPLETE RECORD OF THE STUDENT INCLUDING MEDICAL INFORMATION IN THE CUSTODY OF THE LOCAL SCHOOL SYSTEM.

(2) THE CHARLES H. HICKEY, JR. SCHOOL SHALL TRANSMIT THE COMPLETE STUDENT RECORD TO THE LOCAL SCHOOL SYSTEM WHERE A STUDENT RELEASED FROM THE CHARLES H. HICKEY, JR. SCHOOL IS ENROLLED WITHIN 5 DAYS OF NOTICE OF THE STUDENT'S ENROLLMENT.

(3) THE STATE SUPERINTENDENT MAY IMPOSE APPROPRIATE CORRECTIVE ACTION INCLUDING WITHHOLDING OR REDIRECTION OF FUNDING IF EITHER A LOCAL SCHOOL SYSTEM OR THE CHARLES H. HICKEY, JR. SCHOOL FAILS TO COMPLY WITH THE TIMELY TRANSMISSION OF THE STUDENT RECORD.

(C) THE DEPARTMENT OF JUVENILE SERVICES SHALL WORK COOPERATIVELY WITH THE DEPARTMENT TO:

(1) FACILITATE THE FULL IMPLEMENTATION OF THE EDUCATIONAL PROGRAM AT THE CHARLES H. HICKEY, JR. SCHOOL; AND

(2) MAKE STUDENTS AVAILABLE FOR ATTENDANCE DURING SCHEDULED CLASS TIME.”;

and in line 18, strike “4.” and substitute “6.”.

On page 30, in line 10, strike “5.” and substitute “7.”.

(Over)

On page 31, in lines 3, 9, and 29, strike “6.”, “7.”, and “8.”, respectively, and substitute “8.”, “9.”, and “10.”, respectively.

On page 32, after line 10, insert:

“SECTION 11. AND BE IT FURTHER ENACTED, That the State Department of Education may use nonpublic special education funds under § 8-415 of the Education Article for contractual services as necessary to deliver special education and related services to identified students with disabilities placed at the Charles H. Hickey, Jr. School.

SECTION 12. AND BE IT FURTHER ENACTED, That any residential treatment center that is provided for in the State Health Plan and that is located on the grounds of the Charles H. Hickey, Jr. School shall be excluded from the educational program provisions of this Act.

SECTION 13. AND BE IT FURTHER ENACTED, That, by July 15, 2003, the Department of Juvenile Services and the State Department of Education shall develop a schedule for implementation of the educational program for the Charles H. Hickey, Jr. School.

SECTION 14. AND BE IT FURTHER ENACTED, That the State Department of Education shall develop and fully implement the educational program for the Charles H. Hickey, Jr. School by December 31, 2003.

SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding the standards set forth in § 13-108 of the State Finance and Procurement Article or in any regulations adopted to implement that section, a procurement necessary to have the educational program at the Charles H. Hickey, Jr. School fully operational by December 31, 2003, shall constitute an emergency for purposes of authorizing an emergency procurement.”;

in lines 11, 18, 24, and 28, strike “9.”, “10.”, “11.”, and “12.”, respectively, and substitute “16.”, “17.”, “18.”, and “20.”, respectively; in lines 11, 18, 22, 24, and 27, strike “5.”, “6.”, “2.”, “7.”, and “7.”, respectively, and substitute “7.”, “8.”, “4.”, “9.”, and “9.”, respectively; after line 27, insert:

“SECTION 19. AND BE IT FURTHER ENACTED, That, contingent on funds being included in the 2004 State budget, as enacted by the General Assembly, for transferring responsibility for the educational program at the Charles H. Hickey, Jr. School from the Department

of Juvenile Services to the Maryland State Department of Education, Sections 3, 5, 11, 12, 13, 14, and 15 of this Act shall take effect July 1, 2003. If the funds are not included, Sections 3, 5, 11, 12, 13, 14, and 15 of this Act, with no further action required by the General Assembly, shall be null and void and of no force and effect.”;

and in line 29, strike “9, 10, and 11” and substitute “16, 17, 18, and 19”.