

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL NO. 1139

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Vallario” and substitute “Vallario, Bartlett, Boschert, Bozman, Cryor, C. Davis, Elmore, Gilleland, Goodwin, Gordon, Healey, Heller, Hixson, Howard, Kaiser, King, Marriott, McKee, Myers, Patterson, Ramirez, and Ross”; strike beginning with “requiring” in line 4 down through “terms;” in line 30 and substitute “requiring the Department to cooperate with the State Department of Education to establish certain programs; establishing a Juvenile Services Education Program in the Department; requiring the Department to develop and implement certain educational programs; requiring the Secretary, with the concurrence of the State Superintendent, to appoint a director of the Juvenile Services Education Program; providing for the salary and duties of the director; establishing the Coordinating Council for Juvenile Services; providing for the membership, compensation, meetings, and duties of the Council; requiring the Department to work cooperatively with the State Department of Education for a certain purpose; requiring the Secretary to adopt certain regulations; requiring certain reports; requiring the director of the Juvenile Services Education Program and the Coordinating Council for Juvenile Services Education programs to assume control and management of certain educational services on or before a certain date; providing for the transfer of certain appropriations to the State Department of Education;”; after line 31, insert:

“BY repealing and reenacting, without amendments,

Article 83C - Juvenile Services

Section 2-118(a) and (e)

Annotated Code of Maryland

(2003 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 83C - Juvenile Services

Section 2-118(b) and (f)

(Over)

Annotated Code of Maryland
(2003 Replacement Volume)

BY adding to

Article 83C - Juvenile Services
Section 2-118(i)
Annotated Code of Maryland
(2003 Replacement Volume)

BY adding to

Article - Education
Section 22-301 through 22-307 and 22-309 and 22-310, to be under the amended title “Title
22. Educational Services for Correctional Institutions, Juvenile Services, and
Hospitals” and the amended subtitle “Subtitle 3. Juvenile Services Educational
Programs.”
Annotated Code of Maryland
(2001 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, with amendments,

Article - Education
Section 22-301
Annotated Code of Maryland
(2001 Replacement Volume and 2003 Supplement)
(As enacted by Chapter 53 of the Acts of the General Assembly of 2003)”;

and strike in its entirety line 32.

On page 2, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 2

On page 2, after line 8, insert:

“2-118.

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

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

(1) Adopt regulations that set:

(i) Policies for detention authorization, community detention, admission, transfer, discharge, and aftercare supervision; and

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

(2) Order any needed changes in the policy, conduct, or management of a [facility] STATE RESIDENTIAL PROGRAM to provide adequate care for the children and adequate services to the courts.

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

(f) The Department shall adopt regulations that require each [facility] STATE RESIDENTIAL PROGRAM to provide:

(1) [Educational] YEAR-ROUND 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.

(I) THE DEPARTMENT SHALL COOPERATE WITH THE STATE DEPARTMENT OF EDUCATION TO ESTABLISH EDUCATIONAL PROGRAMS AS REQUIRED UNDER TITLE 22, SUBTITLE 3 OF THE EDUCATION ARTICLE.”.

AMENDMENT NO. 3

On pages 2 through 7, strike beginning with line 9 on page 2 through line 23 on page 7, inclusive, and substitute:

“Article - Education

Title 22. Educational Services for Correctional Institutions, JUVENILE SERVICES, and Hospitals.

Subtitle 3. [Juvenile Residential Facilities] JUVENILE SERVICES EDUCATIONAL PROGRAMS.

22-301.

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

(B) “COUNCIL” MEANS THE EDUCATION COORDINATING COUNCIL FOR JUVENILE SERVICES EDUCATIONAL PROGRAMS.

(C) “DIRECTOR” MEANS THE DIRECTOR 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) “PROGRAM” MEANS A DISCRETE AND DEFINED GROUPING OF SERVICES PROVIDED TO YOUTHS IN THE CUSTODY OF OR UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES TO ADDRESS PREDETERMINED NEEDS.

(F) “RESIDENTIAL FACILITY” MEANS A FACILITY ESTABLISHED UNDER ARTICLE 83C, § 2-117 OF THE CODE.

(G) “SECRETARY” MEANS THE SECRETARY OF JUVENILE SERVICES.

(H) “STATE BOARD” MEANS THE STATE BOARD OF EDUCATION.

(I) “STATE SUPERINTENDENT” MEANS THE STATE SUPERINTENDENT OF SCHOOLS.

22-302.

THERE IS A JUVENILE SERVICES EDUCATION PROGRAM WITHIN THE DEPARTMENT.

22-303.

(A) (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT JUVENILE SERVICES EDUCATIONAL PROGRAMS AT ALL RESIDENTIAL FACILITIES OF THE DEPARTMENT OF JUVENILE SERVICES BY JULY 1, 2012.

(2) THIS SUBSECTION DOES NOT PROHIBIT THE DEPARTMENT FROM CONTRACTING WITH A PRIVATE PARTY TO PROVIDE EDUCATIONAL SERVICES UNDER THE CONTROL AND GENERAL MANAGEMENT OF THE DEPARTMENT.

(B) ON OR BEFORE FEBRUARY 1, 2006, AND EVERY OTHER YEAR THEREAFTER UNTIL 2012, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE DEPARTMENT’S IMPLEMENTATION OF THIS SUBTITLE, INCLUDING:

(1) THE IDENTIFICATION OF ALL RESIDENTIAL FACILITIES FOR WHICH THE DEPARTMENT HAS ASSUMED RESPONSIBILITY FOR THE EDUCATIONAL

SERVICES; AND

(2) ALL FACILITIES FOR WHICH THE DEPARTMENT PLANS TO ASSUME RESPONSIBILITY DURING THE NEXT CALENDAR YEAR.

(C) THE DEPARTMENT'S RESPONSIBILITY FOR THE CHARLES H. HICKEY, JR. SCHOOL SHALL BE GOVERNED BY § 22-308 OF THIS SUBTITLE.

22-304.

(A) THE STATE SUPERINTENDENT, WITH THE CONCURRENCE OF THE SECRETARY, SHALL APPOINT A DIRECTOR.

(B) THE DIRECTOR SHALL RECEIVE THE SALARY PROVIDED IN THE BUDGET OF THE STATE DEPARTMENT OF EDUCATION.

(C) THE DIRECTOR SHALL:

(1) BE RESPONSIBLE FOR THE EDUCATION OF EVERY CHILD IN A RESIDENTIAL FACILITY;

(2) ENSURE THAT THE EDUCATIONAL NEEDS OF EVERY CHILD IN A RESIDENTIAL FACILITY ARE ASSESSED IN A TIMELY MANNER;

(3) IMPLEMENT AND ADMINISTER THE EDUCATIONAL PROGRAMS DEVELOPED BY THE COUNCIL;

(4) MEET WITH AND ADVISE THE COUNCIL ABOUT EDUCATION CENTERS AND EDUCATIONAL PROGRAMS AND THEIR OUTCOMES; AND

(5) CONSULT WITH THE SECRETARY AND SENIOR ADMINISTRATOR OF EACH RESIDENTIAL FACILITY ABOUT THE OPERATION OF EDUCATIONAL SERVICES FOR THE PROGRAM.

22-305.

(A) (1) THERE IS A COORDINATING COUNCIL FOR JUVENILE SERVICES EDUCATIONAL PROGRAMS IN THE DEPARTMENT OF JUVENILE SERVICES.

(2) THE COUNCIL IS WITHIN THE STATE DEPARTMENT OF EDUCATION FOR ADMINISTRATIVE AND BUDGETARY PURPOSES.

(B) (1) THE COUNCIL CONSISTS OF SEVEN MEMBERS.

(2) TWO OF THE MEMBERS SHALL BE RESIDENTS OF THE STATE APPOINTED BY THE GOVERNOR FOR A TERM OF 4 YEARS AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) THE FOLLOWING OFFICIALS SHALL SERVE AS EX OFFICIO MEMBERS OF THE COUNCIL:

(I) THE STATE SUPERINTENDENT OF SCHOOLS;

(II) THE SECRETARY OF BUDGET AND MANAGEMENT;

(III) THE SECRETARY OF JUVENILE SERVICES;

(IV) THE SECRETARY OF HIGHER EDUCATION; AND

(V) A COUNTY SUPERINTENDENT OF SCHOOLS, FROM A COUNTY IN WHICH A RESIDENTIAL FACILITY IS LOCATED, WHOM THE STATE SUPERINTENDENT SHALL SELECT WITH THE CONCURRENCE OF THE SECRETARY.

(C) EACH MEMBER OF THE COUNCIL:

(1) SERVES WITHOUT COMPENSATION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES IN ACCORDANCE WITH THE STANDARD STATE TRAVEL REGULATIONS.

(Over)

(D) (1) THE STATE SUPERINTENDENT SHALL SERVE AS CHAIRMAN OF THE COUNCIL.

(2) THE COUNCIL SHALL DESIGNATE THE TIME AND PLACE OF ITS MEETINGS AND MAY ADOPT RULES FOR THE CONDUCT OF THE MEETINGS.

(3) THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE TECHNICAL AND CLERICAL ASSISTANCE AND SUPPORT TO THE COUNCIL.

22-306.

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

(2) THE EDUCATIONAL PROGRAMS SHALL MEET THE SPECIAL NEEDS AND CIRCUMSTANCES OF THE CHILDREN IN THE RESIDENTIAL FACILITY.

(B) THE COUNCIL SHALL ADOPT REGULATIONS CONSISTENT WITH STATE LAW FOR THE CONDUCT AND MANAGEMENT OF THE EDUCATIONAL PROGRAMS.

(C) ON OR BEFORE OCTOBER 30 OF EACH YEAR, THE COUNCIL SHALL REPORT ITS ACTIVITIES TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

(D) (1) (I) THE COUNCIL SHALL ACTIVELY ADVOCATE AND PROMOTE THE INTERESTS OF EDUCATIONAL PROGRAMS AND OPPORTUNITIES IN PROGRAMS OF THE DEPARTMENT OF JUVENILE SERVICES.

(II) THE COUNCIL SHALL SEEK TO ENSURE THAT A QUALITY EDUCATION AND EQUAL EDUCATIONAL OPPORTUNITIES ARE AVAILABLE TO ALL CHILDREN IN THE CUSTODY OF THE DEPARTMENT.

(2) ON A REGULAR BASIS, THE COUNCIL SHALL REVIEW THE EFFECTIVENESS OF THE PROGRAM OF EDUCATIONAL INSTRUCTION USED IN THE

RESIDENTIAL FACILITIES TO ENSURE THAT THE UNIQUE EDUCATIONAL NEEDS OF THE CHILDREN UNDER THE JURISDICTION OF THE DEPARTMENT OF JUVENILE SERVICES ARE BEING SATISFACTORILY MET.

(3) THE COUNCIL SHALL INCLUDE IN THE COUNCIL'S REVIEW STUDENTS' ABILITY TO:

(I) MAINTAIN AND IMPROVE EDUCATIONAL ACHIEVEMENT IN CORE SUBJECTS;

(II) ACQUIRE COURSE CREDITS THAT QUALIFY AS STATE REQUIREMENTS FOR GRADUATION; AND

(III) MAKE THE TRANSITION TO A REGULAR PROGRAM OR OTHER EDUCATIONAL PROGRAM OPERATED BY A MARYLAND SCHOOL SYSTEM.

(4) BASED ON ITS REVIEW, THE COUNCIL SHALL RECOMMEND AND ADVOCATE IMPROVEMENTS TO THE EDUCATIONAL SERVICES FOR RESIDENTIAL FACILITIES.

22-307.

THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE STATE SUPERINTENDENT, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE AGGREGATE EDUCATIONAL OUTCOMES OF THE EDUCATIONAL PROGRAM FOR EACH RESIDENTIAL FACILITY.

[22-301.] 22-308.

(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.

(Over)

(b) (1) For each student placed at the Charles H. 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.

22-309.

THE DEPARTMENT OF JUVENILE SERVICES SHALL WORK COOPERATIVELY WITH THE DEPARTMENT TO FACILITATE THE IMPLEMENTATION OF THIS SUBTITLE.

22-310.

THE STATE SUPERINTENDENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Director of Juvenile Services Educational Programs and the Coordinating Council for Juvenile Services shall assume the control and general management for the education service for all residential facilities on or before July 1, 2012.”.

AMENDMENT NO. 4

On page 7, before line 24, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That all appropriations held by the Department of Juvenile Services to carry out the exclusive functions of the Juvenile Services Education Program under this Act shall be transferred to the State Department of Education on the day the State Department of Education assumes control over the educational programs of the Department of Juvenile Services, but not later than July 1, 2012.

SECTION 4. AND BE IT FURTHER ENACTED, That § 22-308 of the Education Article as enacted by this Act shall take effect on the taking effect of § 22-301 of the Education Article as enacted by Chapter 53, Section 5 of the Acts of the General Assembly of 2003.”;

in line 24, strike “2.” and substitute “5.”; and in the same line, after “That” insert “, except as provided in Section 3 of this Act.”.