

Department of Legislative Services
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FISCAL AND POLICY NOTE
Revised

House Bill 1139
Ways and Means

(Delegate Zirkin, *et al.*)

Education, Health, and Environmental Affairs

Department of Juvenile Services and Department of Education - Enhancement of Programs

This bill establishes a Juvenile Services Education Program within the Maryland State Department of Education (MSDE) that must provide educational services in all residential facilities of the Department of Juvenile Services (DJS) by July 1, 2012. The State Superintendent of Schools, in consultation with the Secretary of Juvenile Services, must appoint a Director for Juvenile Services Educational Programs, and a seven-member Coordinating Council for Juvenile Services Educational Programs is established to develop an educational program for each residential facility. MSDE must report annually on the implementation of the bill, and DJS must work cooperatively with MSDE to facilitate implementation.

The bill takes effect June 1, 2004.

Fiscal Summary

State Effect: General funds supporting education programs at DJS would transfer to MSDE as MSDE assumes control of educational programming at DJS facilities. General fund expenditures could increase significantly between FY 2006 and 2013 for MSDE to operate and upgrade education programs at DJS facilities. Revenues would not be affected.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The coordinating council established in the bill consists of two members appointed by the Governor who will serve four-year terms, as well as the State Superintendent of Schools, the Secretary of Juvenile Services, the Secretary of Budget and Management, the Secretary of Higher Education, and a local superintendent of schools selected by the State Superintendent with the concurrence of the Secretary of Juvenile Services. The State Superintendent is the chair of the council, and MSDE must provide technical and clerical assistance for the council. The council must advocate for and promote the interests of educational programs in DJS facilities and must report annually on its activities. Council members serve without compensation but are entitled to expense reimbursements.

The Director for Juvenile Services Educational Programs must ensure that the educational needs of children in DJS facilities are assessed in a timely manner and implement and administer the programs adopted by the coordinating council. The director receives the salary that is provided in the State budget.

All appropriations held by DJS for the exclusive functions of the Juvenile Services Education Program must be transferred to MSDE on the day MSDE assumes control over educational programs at DJS facilities, but not later than July 1, 2012.

Current Law: Facilities operated by DJS must provide educational programs that are designed to meet the particular needs of their populations. DJS is responsible for the educational programs at the facilities.

Background: In response to reform initiatives proposed by the Governor, Chapter 53 of 2003 requires MSDE to assume control of the educational programs at Hickey on July 1, 2004 if funding for the takeover is provided in the State budget. The fiscal 2005 State budget includes approximately \$5.5 million for the initiative. The Governor's proposed DJS reforms, released during his gubernatorial campaign, suggested that MSDE provide educational services at all State-operated juvenile detention centers and commitment facilities in the coming years.

State Fiscal Effect: It is assumed that DJS positions and funding related to the central administration of educational services, including funding for the director position established in the bill, would be transferred to MSDE as MSDE assumes control of educational programs at DJS facilities. Although there would be a shift in State funding from DJS to MSDE, total general fund expenditures would not change significantly.

Beginning as early as fiscal 2006, additional general fund expenditures could be incurred as MSDE assumes control of educational programs at DJS facilities. The fiscal 2005 State budget includes approximately \$5 million in ongoing expenditures for MSDE to take over educational services at Hickey, \$3 million more than the educational services that are currently provided by the Hickey contractor. The ongoing expenditures in the budget for Hickey equal approximately \$21,000 per student, which is nearly twice the \$11,000 per pupil that DJS spends for educational services at other facilities. Assuming that similar increases in spending would be needed to upgrade the education programs at other DJS facilities, expenditures would increase significantly by fiscal 2013.

Excluding the 240 slots at Hickey, the estimated fiscal 2005 average daily population at DJS facilities is approximately 640. If MSDE spends an average of \$10,000 per student more than the amount that is currently spent, general fund expenditures would increase by \$6.4 million annually once the education programming for all facilities is operated by MSDE. The long time frame for transferring educational services, however, would allow some flexibility in budgeting for the increases.

Additional Information

Prior Introductions: In 2001, HB 532 would have required MSDE to take over the education programs at all facilities operated by the Department of Juvenile Justice. The bill was not reported out of the House Committee on Ways and Means.

Cross File: SB 766 (Senator Giannetti) – Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education, Department of Juvenile Services, Department of Legislative Services

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