

**ENROLLED BILL**

-- Ways and Means/Education, Health, and Environmental Affairs --

Introduced by **Delegates Stocksdale, Elliott, Krebs, and Shewell**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of Juvenile Services Educational Programs - Private**  
3 **Residential Rehabilitative Institutions**

4 FOR the purpose of ~~exempting private residential rehabilitative institutions from the~~  
5 ~~requirements of the Juvenile Services Educational Program developed by a~~  
6 ~~certain Council~~; requiring private residential rehabilitative institutions to  
7 develop *and implement* ~~and implement~~ a certain ~~programs, generate certain~~  
8 ~~outcomes, and ensure the maintenance of a certain level of academic support;~~  
9 ~~altering a certain definition educational program; requiring a private~~  
10 ~~residential rehabilitative institution to implement the program subject to the~~  
11 ~~approval of the State Department of Education~~ *certain educational program to*  
12 *be approved by the State Department of Education before the program is*  
13 *implemented*; providing for the operating requirements of a private residential  
14 ~~rehabilitative institution~~; defining a ~~certain term~~ *certain terms*; ~~providing for~~  
15 ~~the termination of this Act~~; and generally relating to private residential  
16 rehabilitative institutions.

17 ~~BY repealing and reenacting, with amendments,~~

1 Article—Education  
 2 Section ~~22-301~~  
 3 Annotated Code of Maryland  
 4 (2004 Replacement Volume and 2004 Supplement)

5 ~~BY repealing and reenacting, without amendments,~~  
 6 Article—Education  
 7 Section ~~22-306~~  
 8 Annotated Code of Maryland  
 9 (2004 Replacement Volume and 2004 Supplement)

10 BY adding to  
 11 Article ~~Education~~ 83C - Juvenile Services  
 12 Section ~~22-306.1~~ 2-137  
 13 Annotated Code of Maryland  
 14 (2004 2003 Replacement Volume and 2004 Supplement)

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

17 **Article 83C - Juvenile Services**

18 2-137.

19 (A) (1) IN THIS SECTION, SECTION THE FOLLOWING WORDS HAVE THE  
 20 MEANINGS INDICATED.

21 (2) "PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION" MEANS A  
 22 PRIVATE, NONPROFIT FACILITY THAT:

23 (1) SERVES 150 OR MORE COURT-ADJUDICATED YOUTHS,  
 24 INCLUDING YOUTHS IN THE CUSTODY OF THE DEPARTMENT;

25 (2) PROVIDES ACADEMIC, ATHLETIC, AND WORKFORCE  
 26 DEVELOPMENT SERVICES TO YOUTHS DESCRIBED IN ITEM (4) (I) OF THIS  
 27 SUBSECTION PARAGRAPH; AND

28 (3) IS APPROVED ON OR BEFORE OCTOBER 1, 2005, TO SERVE YOUTHS  
 29 DESCRIBED IN THIS SUBSECTION;

30 (III) HAS BEEN APPROVED TO SERVE YOUTHS DESCRIBED IN THIS  
 31 SUBSECTION ON OR BEFORE OCTOBER 1, 2005.

32 (3) "REVERSE-WAIVER JUVENILE" MEANS A JUVENILE CHARGED WITH A  
 33 CRIME AS AN ADULT WHO IS LATER WAIVED BACK INTO THE JUVENILE SYSTEM  
 34 UNDER § 4-202 OF THE CRIMINAL PROCEDURE ARTICLE.

1 (B) (1) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION SHALL  
 2 DEVELOP AN EDUCATIONAL PROGRAM.

3 (2) SUBJECT TO THE APPROVAL OF THE STATE DEPARTMENT OF  
 4 EDUCATION, THE EDUCATIONAL PROGRAM DEVELOPED UNDER PARAGRAPH (1) OF  
 5 THIS SUBSECTION BY THE STATE DEPARTMENT OF EDUCATION, A PRIVATE  
 6 RESIDENTIAL REHABILITATIVE INSTITUTION SHALL IMPLEMENT THE EDUCATIONAL  
 7 PROGRAM DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

8 (C) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION SHALL:

9 (1) RECEIVE STATEWIDE REFERRALS; AND

10 (2) BE AN OPTION FOR THE PLACEMENT OF REVERSE-WAIVER  
 11 JUVENILES WHO ARE CHARGED WITH A CRIME AS AN ADULT AND LATER WAIVED  
 12 BACK INTO THE JUVENILE SYSTEM.

13 **Article—Education**

14 ~~22-301.~~

15 (a) ~~In this [title] SUBTITLE the following words have the meanings indicated.~~

16 (b) ~~"Council" means the Education Coordinating Council for Juvenile Services~~  
 17 ~~Educational Programs.~~

18 (c) ~~"Director" means the Director of Juvenile Services Educational Programs.~~

19 (d) (1) ~~"Facility" means a building or buildings and related physical~~  
 20 ~~infrastructure at a geographically distinct location at which the Department of~~  
 21 ~~Juvenile Services operates a program.~~

22 (2) ~~"FACILITY" DOES NOT INCLUDE A PRIVATE RESIDENTIAL~~  
 23 ~~REHABILITATIVE INSTITUTION.~~

24 (e) ~~"PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION" HAS THE~~  
 25 ~~MEANING STATED IN § 22-306.1 OF THIS SUBTITLE.~~

26 (f) ~~"Program" means a discrete and defined grouping of services provided to~~  
 27 ~~youths in the custody of or under the supervision of the Department of Juvenile~~  
 28 ~~Services to address predetermined needs.~~

29 ~~[(f)] (G) "Residential facility" means a facility established under Article 83C, §~~  
 30 ~~2-117 of the Code.~~

31 ~~[(g)] (H) "Secretary" means the Secretary of Juvenile Services.~~

32 ~~[(h)] (I) "State Board" means the State Board of Education.~~

33 ~~[(i)] (J) "State Superintendent" means the State Superintendent of Schools.~~

1 ~~22-306.~~

2       (a)     (1)     The Council shall develop, recommend, and approve an educational  
3 program for each residential facility.

4               (2)     The educational programs shall meet the special needs and  
5 eircumstances of the children in the residential facility.

6       (b)     The Council shall adopt regulations consistent with State law for the  
7 conduct and management of the educational programs.

8       (c)     On or before October 30 of each year, the Council shall report its activities  
9 to the Governor and, in accordance with § 2-1246 of the State Government Article, to  
10 the General Assembly.

11       (d)     (1)     (i)     The Council shall actively advocate and promote the interests of  
12 educational programs and opportunities in programs of the Department of Juvenile  
13 Services.

14                       (ii)     The Council shall seek to ensure that a quality education and  
15 equal educational opportunities are available to all children in the custody of the  
16 Department.

17               (2)     On a regular basis, the Council shall review the effectiveness of the  
18 program of educational instruction used in the residential facilities to ensure that the  
19 unique educational needs of the children under the jurisdiction of the Department of  
20 Juvenile Services are being satisfactorily met.

21               (3)     The Council shall include in the Council's review students' ability to:

22                       (i)     Maintain and improve educational achievement in core  
23 subjects;

24                       (ii)     Acquire course credits that qualify as State requirements for  
25 graduation; and

26                       (iii)    Make the transition to a regular program or other educational  
27 program operated by a Maryland school system.

28               (4)     Based on its review, the Council shall recommend and advocate  
29 improvements to the educational services for residential facilities.

30 ~~22-306.1.~~

31       (A)     ~~IN THIS SECTION, "PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION"~~  
32 ~~MEANS A PRIVATE NONPROFIT FACILITY THAT:~~

33               (1)     ~~SERVES 150 OR MORE COURT ADJUDICATED YOUTHS, INCLUDING~~  
34 ~~YOUTHS IN THE CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES; AND~~

1           (2)     ~~PROVIDES ACADEMIC, ATHLETIC, AND WORKFORCE DEVELOPMENT~~  
2 ~~SERVICES TO THESE YOUTHS.~~

3     (B)     ~~A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION SHALL BE~~  
4 ~~EXEMPT FROM THE REQUIREMENTS OF THE EDUCATIONAL PROGRAM DEVELOPED~~  
5 ~~BY THE COUNCIL UNDER § 22-306 OF THIS SUBTITLE.~~

6     (C)     ~~A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION SHALL:~~

7           (1)     ~~DEVELOP AND IMPLEMENT AN EDUCATIONAL PROGRAM;~~

8           (2)     ~~GENERATE MEASURABLE OUTCOMES COMPARABLE TO STATE~~  
9 ~~STANDARDS THAT DEMONSTRATE ACADEMIC ACHIEVEMENT; AND~~

10          (3)     ~~ENSURE THE MAINTENANCE OF A CONTINUOUS LEVEL OF~~  
11 ~~ACADEMIC SUPPORT.~~

12     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2005. ~~It shall remain effective for a period of 1 year and, at the end of~~  
14 ~~September 30, 2006, with no further action required by the General Assembly, this~~  
15 ~~Act shall be abrogated and of no further force and effect.~~