
By: **Delegates Stocksdale, Elliott, Krebs, and Shewell**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

Reassigned: Ways and Means, February 17, 2005

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 24, 2005

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 a certain programs, generate certain outcomes, and
8 ensure the maintenance of a certain level of academic support; altering a certain
9 ~~definition~~ educational program; requiring a private residential rehabilitative
10 institution to implement the program subject to the approval of the State
11 Department of Education; providing for the operating requirements of a private
12 residential rehabilitative institution; defining a certain term; ~~providing for the~~
13 ~~termination of this Act~~; and generally relating to private residential
14 rehabilitative institutions.

15 ~~BY repealing and reenacting, with amendments,~~
16 ~~Article—Education~~
17 ~~Section 22-301~~
18 ~~Annotated Code of Maryland~~
19 ~~(2004 Replacement Volume and 2004 Supplement)~~

20 ~~BY repealing and reenacting, without amendments,~~
21 ~~Article—Education~~
22 ~~Section 22-306~~
23 ~~Annotated Code of Maryland~~
24 ~~(2004 Replacement Volume and 2004 Supplement)~~

1 BY adding to
 2 Article ~~Education~~ 83C - Juvenile Services
 3 Section ~~22-306.1~~ 2-137
 4 Annotated Code of Maryland
 5 (~~2004~~ 2003 Replacement Volume and 2004 Supplement)

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

8 **Article 83C - Juvenile Services**

9 2-137.

10 (A) IN THIS SECTION, "PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION"
 11 MEANS A PRIVATE, NONPROFIT FACILITY THAT:

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

14 (2) PROVIDES ACADEMIC, ATHLETIC, AND WORKFORCE DEVELOPMENT
 15 SERVICES TO YOUTHS DESCRIBED IN ITEM (1) OF THIS SUBSECTION; AND

16 (3) IS APPROVED ON OR BEFORE OCTOBER 1, 2005, TO SERVE YOUTHS
 17 DESCRIBED IN THIS SUBSECTION.

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

20 (2) SUBJECT TO THE APPROVAL OF THE STATE DEPARTMENT OF
 21 EDUCATION, THE PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION SHALL
 22 IMPLEMENT THE EDUCATIONAL PROGRAM DEVELOPED UNDER PARAGRAPH (1) OF
 23 THIS SUBSECTION.

24 (C) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION SHALL:

25 (1) RECEIVE STATEWIDE REFERRALS; AND

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

29 **Article - Education**

30 ~~22-301.~~

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

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

1 (e) "Director" means the Director of Juvenile Services Educational Programs.

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

5 (2) "FACILITY" DOES NOT INCLUDE A PRIVATE RESIDENTIAL
6 REHABILITATIVE INSTITUTION.

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

9 (F) "Program" means a discrete and defined grouping of services provided to
10 youths in the custody of or under the supervision of the Department of Juvenile
11 Services to address predetermined needs.

12 [(f)] (G) "Residential facility" means a facility established under Article 83C, §
13 2-117 of the Code.

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

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

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

17 22-306.

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

20 (2) The educational programs shall meet the special needs and
21 circumstances of the children in the residential facility.

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

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

27 (d) (1) (i) The Council shall actively advocate and promote the interests of
28 educational programs and opportunities in programs of the Department of Juvenile
29 Services.

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

33 (2) On a regular basis, the Council shall review the effectiveness of the
34 program of educational instruction used in the residential facilities to ensure that the

1 unique educational needs of the children under the jurisdiction of the Department of
2 Juvenile Services are being satisfactorily met.

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

4 (i) Maintain and improve educational achievement in core
5 subjects;

6 (ii) Acquire course credits that qualify as State requirements for
7 graduation; and

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

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

12 ~~22-306.1.~~

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

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

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

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

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

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

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

26 (3) ~~ENSURE THE MAINTENANCE OF A CONTINUOUS LEVEL OF~~
27 ~~ACADEMIC SUPPORT.~~

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

