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By: **Senators Brinkley and Haines**  
Introduced and read first time: February 4, 2005  
Assigned to: Finance

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A BILL ENTITLED

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 certain programs, generate certain outcomes, and  
8 ensure the maintenance of a certain level of academic support; altering a certain  
9 definition; defining a certain term; and generally relating to private residential  
10 rehabilitative institutions.

11 BY repealing and reenacting, with amendments,  
12 Article - Education  
13 Section 22-301  
14 Annotated Code of Maryland  
15 (2004 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article - Education  
18 Section 22-306  
19 Annotated Code of Maryland  
20 (2004 Replacement Volume and 2004 Supplement)

21 BY adding to  
22 Article - Education  
23 Section 22-306.1  
24 Annotated Code of Maryland  
25 (2004 Replacement Volume and 2004 Supplement)

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

1 **Article - Education**

2 22-301.

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

4 (b) "Council" means the Education Coordinating Council for Juvenile Services  
5 Educational Programs.

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

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

10 (2) "FACILITY" DOES NOT INCLUDE A PRIVATE RESIDENTIAL  
11 REHABILITATIVE INSTITUTION.

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

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

17 [(f)] (G) "Residential facility" means a facility established under Article 83C, §  
18 2-117 of the Code.

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

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

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

22 22-306.

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

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

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

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

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

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

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

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

12 (i) Maintain and improve educational achievement in core  
13 subjects;

14 (ii) Acquire course credits that qualify as State requirements for  
15 graduation; and

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

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

20 22-306.1.

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

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

25 (2) PROVIDES ACADEMIC, ATHLETIC, AND WORKFORCE DEVELOPMENT  
26 SERVICES TO THESE YOUTHS.

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

30 (C) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION SHALL:

31 (1) DEVELOP AND IMPLEMENT AN EDUCATIONAL PROGRAM;

32 (2) GENERATE MEASURABLE OUTCOMES COMPARABLE TO STATE  
33 STANDARDS THAT DEMONSTRATE ACADEMIC ACHIEVEMENT; AND

34 (3) ENSURE THE MAINTENANCE OF A CONTINUOUS LEVEL OF  
35 ACADEMIC SUPPORT.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2005.