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By: **Senators Brinkley and Haines**

Introduced and read first time: February 4, 2005

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2005

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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 certain educational program to be  
10 approved by the State Department of Education before the program is  
11 implemented; providing for the operating requirements of a private residential  
12 rehabilitative institution; defining a certain term terms; and generally relating  
13 to private residential rehabilitative institutions.

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

19 ~~BY repealing and reenacting, without amendments,~~  
20 ~~Article — Education~~  
21 ~~Section 22-306~~  
22 ~~Annotated Code of Maryland~~  
23 ~~(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) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

12 (2) "PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION" MEANS A  
13 PRIVATE, NONPROFIT FACILITY THAT:

14 (I) SERVES 150 OR MORE COURT-ADJUDICATED YOUTHS,  
15 INCLUDING YOUTHS IN THE CUSTODY OF THE DEPARTMENT;

16 (II) PROVIDES ACADEMIC, ATHLETIC, AND WORKFORCE  
17 DEVELOPMENT SERVICES TO YOUTHS DESCRIBED IN ITEM (I) OF THIS PARAGRAPH;  
18 AND

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

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

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

26 (2) SUBJECT TO THE APPROVAL OF THE EDUCATIONAL PROGRAM  
27 DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION BY THE STATE  
28 DEPARTMENT OF EDUCATION, A PRIVATE RESIDENTIAL REHABILITATIVE  
29 INSTITUTION SHALL IMPLEMENT THE EDUCATIONAL PROGRAM.

30 (C) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION SHALL:

31 (1) RECEIVE STATEWIDE REFERRALS; AND

32 (2) BE AN OPTION FOR THE PLACEMENT OF REVERSE-WAIVER  
33 JUVENILES.

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**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) (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.