

HOUSE BILL 367

P1

8lr0243
CF SB 203

By: **The Speaker (By Request – Administration)**

Introduced and read first time: January 25, 2008

Assigned to: Economic Matters and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Labor, Licensing, and Regulation – Consolidation of**
3 **Workforce Development Functions – Transfer of Adult Education and**
4 **Literacy Services and Education Programs for Correctional Facilities**

5 FOR the purpose of transferring adult education and literacy services functions
6 administered by the State Department of Education to the Department of
7 Labor, Licensing, and Regulation; transferring education programs for
8 correctional institutions to the Department of Labor, Licensing, and Regulation;
9 creating and renaming certain units within the Department; establishing the
10 Workforce Creation and Adult Education Transition Council; providing for the
11 duties of the Transition Council; requiring the Transition Council to submit a
12 certain report by a certain date; requiring certain regulations to be adopted;
13 requiring the Secretary of the Department to appoint certain directors;
14 designating the Department of Labor, Licensing, and Regulation as the
15 responsible agency for certain federal funding purposes; defining certain terms;
16 providing for the transfer of certain employees under certain circumstances;
17 providing certain provisions to effectuate the transfer of the functions and units
18 required by this Act; making the provisions of this Act severable; and generally
19 relating to the transfer of certain functions of State government and the
20 administration of workforce development services.

21 BY repealing and reenacting, with amendments,

22 Article – Correctional Services

23 Section 3–507

24 Annotated Code of Maryland

25 (1999 Volume and 2007 Supplement)

26 BY repealing

27 Article – Education

28 Section 4–110, 5–218, 7–205.1, 7–206, and 22–101 through 22–105

29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume and 2007 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Education
4 Section 21–201 and 21–202
5 Annotated Code of Maryland
6 (2006 Replacement Volume and 2007 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article – Labor and Employment
9 Section 8–301, 8–302, 8–303, 8–902, 11–102, and 11–104
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Labor and Employment
14 Section 11–101
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2007 Supplement)

17 BY repealing
18 Article – Labor and Employment
19 Section 11–103 and 11–105
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2007 Supplement)

22 BY adding to
23 Article – Labor and Employment
24 Section 11–801 through 11–807 to be under the new subtitle “Subtitle 8. Adult
25 Education and Literacy Services”; and 11–901 through 11–905 to be
26 under the new subtitle “Subtitle 9. Correctional Institutions”
27 Annotated Code of Maryland
28 (1999 Replacement Volume and 2007 Supplement)

29 Preamble

30 WHEREAS, The United States Department of Labor estimates a shortage of
31 more than 10,000,000 skilled workers by 2012 throughout the nation; and

32 WHEREAS, 80% of the fastest growing occupations between 2008 and 2014 are
33 expected to be filled by individuals with postsecondary education and training; and

34 WHEREAS, Large numbers of our nation’s adults do not demonstrate sufficient
35 literacy and mathematical skills to fully participate in an increasingly competitive
36 work environment; and

37 WHEREAS, Only one in four adults with less than a high school education
38 currently participates in any kind of education or training; and

1 WHEREAS, Maryland ranks near the bottom in the United States in
2 per-student State spending on adult education; and

3 WHEREAS, In Maryland, there are nearly 750,000 Marylanders with limited
4 literacy skills, no high school diploma, or ineffective English language skills in need of
5 services; and

6 WHEREAS, The 2003–2004 Maryland Adult Education Score Card shows that
7 only 3 percent to 5 percent of Marylanders in need of adult education receive it; and

8 WHEREAS, The adult population in need of additional education is
9 substantially similar to those served by the workforce one-stop system; and

10 WHEREAS, Historically, adult education was in the sole purview of the K–12
11 educational system, but over the past 15 years, there has been an increasing
12 recognition nationally that adult education and workforce development must be better
13 linked; and

14 WHEREAS, There are many different State agencies involved in adult
15 education programming for various groups, but there are insufficient systems of
16 accountability for adult education funding and outcomes; and

17 WHEREAS, Employers are increasingly turning to ex-offenders to address
18 workforce needs, and the correctional system must increase the number of people
19 served by educational programs that lead to job opportunities upon release; and

20 WHEREAS, Current adult education programs in Maryland are not fully
21 progressing students to the posthigh school skill levels necessary to be competitive in
22 our current and future economy; and

23 WHEREAS, Recognizing the importance of linking adult education and
24 workforce creation, a number of states have transferred responsibility for adult
25 education from their K–12 educational systems to state workforce development
26 agencies; and

27 WHEREAS, Maryland requires an adult education system that aligns adult
28 education, career preparation, postsecondary education, and workforce development;
29 now, therefore,

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

32 **Article – Correctional Services**

33 3–507.

1 (a) The Department shall include the budget for Maryland Correctional
2 Enterprises in the Department's budget.

3 (b) (1) Maryland Correctional Enterprises may establish a revolving fund
4 to contain an amount that the Treasurer approves.

5 (2) (i) For each of fiscal years 2006 through 2009, the first
6 \$1,000,000 in the revolving fund in excess of the amount required to operate Maryland
7 Correctional Enterprises shall be transferred to a special fund to be used by the [State
8 Department of Education] **DEPARTMENT OF LABOR, LICENSING, AND**
9 **REGULATION** for the operation of educational programs in correctional institutions.

10 (ii) Money from the revolving fund shall supplement and may
11 not supplant funding for the operation of educational programs in correctional
12 institutions.

13 (3) (i) Subject to the provisions of subparagraph (ii) of this
14 paragraph, the revolving fund may be used for general operating expenses and the
15 purchase of capital assets.

16 (ii) The revolving fund may be used to provide financial
17 assistance, up to \$250,000 in a fiscal year, to the Division of Correction to establish
18 and operate employment readiness training programs and transitional services to
19 rehabilitate inmates currently or previously employed by Maryland Correctional
20 Enterprises.

21 (4) The revolving fund established under paragraph (1) of this
22 subsection is not subject to § 7-302 of the State Finance and Procurement Article.

23 (5) Maryland Correctional Enterprises shall submit an annual
24 statement to the Comptroller and the Treasurer that provides an accurate and
25 detailed accounting of all receipts and disbursements from the revolving fund.

26 (c) General Fund money may be appropriated to Maryland Correctional
27 Enterprises to be used for the direct expenses of training inmates.

28 **Article - Education**

29 [4-110.

30 (a) In accordance with the applicable rules and regulations of the State
31 Board, each county board may establish and maintain day and evening schools for
32 adults.

33 (b) The purpose of these schools for adults is to:

1 (1) Provide a general program of continuing education for the
2 improvement of the civic, occupational, and general intelligence of adults; and

3 (2) Enable adults to make a wise use of their leisure time.

4 (c) A full-time student, at the student's own expense, may register for adult
5 education courses, if space is available, and if that student secures the written
6 permission of the county superintendent or his designee.]

7 [5-218.

8 (a) (1) The Department shall distribute competitive grants for adult
9 education and literacy services in accordance with the State Plan for Adult Education
10 and Family Literacy.

11 (2) The grants distributed under this section shall be based on need
12 and performance.

13 (3) Grants under this section may be used for adult education and
14 literacy services, including:

15 (i) GED instruction;

16 (ii) The Maryland Adult External High School Program under §
17 7-205.1 of this article;

18 (iii) English for Speakers of Other Languages;

19 (iv) Family literacy; and

20 (v) Basic skills and literacy instruction.

21 (b) (1) Subject to paragraph (2) of this subsection, funding for the
22 competitive grants under this section shall be as provided in the State budget.

23 (2) (i) In fiscal year 2007, the Governor shall include an
24 appropriation in the State budget equal to an increase of \$1,500,000 over the fiscal
25 year 2005 appropriation for the Department to distribute as Literacy Works grants in
26 order to reduce the waiting list for adult education and literacy services to the extent
27 possible.

28 (ii) In fiscal year 2008, the Governor shall include an
29 appropriation in the State Budget equal to an increase of \$1,500,000 over the fiscal
30 year 2007 appropriation for the Department to distribute as Literacy Works grants for
31 adult education and literacy services.]

32 [7-205.1.

1 (a) In this section, "Program" means the Maryland Adult External High
2 School Program established for the citizens of Maryland under regulations adopted by
3 the State Board.

4 (b) According to these regulations:

5 (1) The State Board recognizes demonstrated competencies in adults,
6 regardless of whether these competencies were acquired in a formal school setting; and

7 (2) In response to this recognition of competencies, the Department
8 provides alternative requirements and methods of obtaining a Maryland high school
9 diploma.

10 (c) (1) Because the Program is a valuable service that is provided to the
11 citizens of Maryland, for each fiscal year the Governor shall include in the annual
12 budget bill submitted to the General Assembly, including any proposed supplemental
13 budget, a General Fund appropriation for the Maryland Adult External High School
14 Program in an amount not less than the amount of the Governor's General Fund
15 appropriation for the Program in fiscal year 2006.

16 (2) For each fiscal year the Governor shall include federal funds, to the
17 extent available, for the Program in an amount not less than the amount of the
18 Governor's federal fund appropriation for the Program in fiscal year 2006.]

19 [7-206.

20 (a) An individual may obtain a high school diploma by examination as
21 provided in this section if the individual:

22 (1) Has not obtained a high school certificate or diploma;

23 (2) Has resided in this State or on a federal reservation in this State
24 for at least 3 months, except that the State Board may waive this residence
25 requirement if it considers the waiver justified;

26 (3) Is 16 years old or older; and

27 (4) Has withdrawn from a regular full-time public or private school
28 program for at least 3 months, except that the State Board may waive the 3-month
29 withdrawal requirement if the State Board considers the waiver justified.

30 (b) The State Board shall examine individuals for a high school diploma at
31 least twice each year at places throughout this State that are reasonably convenient
32 for the applicants.

33 (c) The examination shall:

- 1 (1) Be offered in appropriate high school subject areas; and
- 2 (2) Be of a comprehensive nature as determined by the State Board.
- 3 (d) An individual who fails an examination may take retests.
- 4 (e) A member of the armed forces may earn the Maryland high school
5 diploma by taking the examinations furnished by the United States Armed Forces
6 Institute and given by the appropriate service officer.
- 7 (f) The diploma shall be awarded in accordance with the rules and
8 regulations adopted by the State Board.]

9 21–201.

10 In this subtitle, “federal acts” means:

- 11 (1) The Smith–Hughes Act;
- 12 (2) The George–Barden Act;
- 13 (3) The Vocational Education Act of 1963;
- 14 (4) **THE ADULT EDUCATION AND FAMILY LITERACY ACT;**
- 15 (5) **THE WORKFORCE INVESTMENT ACT;**
- 16 [(4)] (6) Any other career and technology education act of the United
17 States Congress; and
- 18 [(5)] (7) Any amendments to any of these acts.

19 21–202.

- 20 (a) The State of Maryland assents to the federal acts.
- 21 (b) The State Treasurer shall:
- 22 (1) Be the custodian of any money received under the federal acts; and
- 23 (2) Disburse this money in accordance with the federal acts.
- 24 (c) The State Board of Education **AND THE DEPARTMENT OF LABOR,**
25 **LICENSING, AND REGULATION, AS APPROPRIATE,** shall:

1 (1) Cooperate with the appropriate federal agencies in administering
2 the federal acts;

3 (2) Do anything necessary to secure the benefits of the federal acts;
4 and

5 (3) Represent this State in all matters relating to the administration
6 of the federal acts.

7 [22-101.

8 (a) There is an Education Coordinating Council for Correctional Institutions
9 under the jurisdiction of the Department of Public Safety and Correctional Services
10 which is within the State Department of Education for administrative and budgetary
11 purposes.

12 (b) (1) The Council consists of 5 members.

13 (2) One of the members shall be a resident of this State appointed by
14 the Governor for a term of 4 years and until a successor is appointed and qualifies.

15 (3) The following officials shall serve ex officio:

16 (i) The State Superintendent of Schools;

17 (ii) The Secretary of Public Safety and Correctional Services;

18 (iii) The Secretary of Higher Education; and

19 (iv) The county superintendent of schools from a county where a
20 correctional institution of the Division of Correction is located, who shall be selected by
21 the State Superintendent.

22 (c) Each member of the Council:

23 (1) Serves without compensation; and

24 (2) Is entitled to reimbursement for expenses in accordance with the
25 Standard State Travel Regulations.

26 (d) (1) The State Superintendent shall serve as chairman of the Council.

27 (2) The Council shall designate the time and place of its meetings and
28 may adopt rules for the conduct of its meetings.

29 (3) The State Department of Education shall provide technical and
30 clerical assistance and support to the Council.]

1 [22-102.

2 (a) The Education Coordinating Council for Correctional Institutions shall
3 develop and recommend an educational program for each correctional institution in
4 the Division of Correction. The programs shall meet the special needs and
5 circumstances of the inmates in the institution.

6 (b) (1) The Council shall adopt regulations for all correctional institutions
7 in the Division of Correction for the implementation of a mandatory education
8 program for all inmates who fail to attain a minimum educational standard as set
9 forth in this subsection.

10 (2) The regulations adopted by the Council shall require that:

11 (i) The educational standard shall be the attainment of a
12 General Education Diploma (G.E.D.) or a verified high school diploma;

13 (ii) The regulations shall only apply to any inmate who:

14 1. Is received by the Division of Correction after July 1,
15 1987;

16 2. Has 18 months or more remaining to be served before
17 a mandatory supervision release date;

18 3. Is not exempted due to a medical, developmental, or
19 learning disability; and

20 4. Does not possess a General Education Diploma
21 (G.E.D.) or a verified high school diploma;

22 (iii) Any inmate who is not exempted under subparagraph (ii)3 of
23 this subsection shall participate in:

24 1. The mandatory education program for at least 120
25 calendar days; or

26 2. A vocational training program; and

27 (iv) The Division of Correction shall report to the Parole
28 Commission the academic progress of an inmate in the mandatory education program.

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

1 (d) (1) The Council shall actively advocate and promote the interests of
2 educational programs and opportunities in correctional institutions. The Council shall
3 seek to ensure that a quality education and equal educational opportunity are
4 available to all inmates at correctional institutions.

5 (2) The Council shall on a regular basis review the program of
6 instruction used in educational programs at correctional institutions to ensure that
7 the unique educational needs of the populations of correctional institutions are being
8 satisfactorily met.

9 (3) The Council shall include in its review:

- 10 (i) Curriculum guides;
- 11 (ii) Courses of study;
- 12 (iii) Resource materials;
- 13 (iv) Textbooks;
- 14 (v) Supplementary readers;
- 15 (vi) Materials of instruction;
- 16 (vii) Visual and auditory aids;
- 17 (viii) Supplies;
- 18 (ix) Teacher performance; and
- 19 (x) Other teaching aids.

20 (4) Based on their review, the Council shall recommend and advocate
21 improvements to the educational programs at correctional institutions.]

22 [22-103.

23 (a) The State Superintendent shall appoint a Director of educational
24 programs for correctional institutions.

25 (b) The Director shall receive the salary provided in the budget of the
26 Department.

27 (c) The Director shall:

28 (1) Implement and operate the educational programs, developed by
29 the Council, in the correctional institutions;

1 (2) Meet with and advise the Council about these programs; and

2 (3) Consult with the Commissioner of Correction and the warden of
3 each institution about the operation of these programs.]

4 [22–104.

5 (a) Notwithstanding any other provision of law, Patuxent Institution is a
6 correctional institution within the Division of Correction and under the jurisdiction of
7 the Education Coordinating Council for Correctional Institutions for the funding of
8 educational programs only.

9 (b) Funds for the operation of the educational programs in correctional
10 institutions shall be provided in the budget of the State Department of Education.

11 (c) The Department of Public Safety and Correctional Services and other
12 State agencies may contribute to these programs.

13 (d) Funds appropriated for educational programs in correctional institutions
14 may not be diverted, by budget amendment or otherwise, to any other purpose.]

15 [22–105.

16 This subtitle does not affect the other jurisdiction of the State Board of
17 Education, the State Superintendent of Schools, the Maryland Higher Education
18 Commission, or the Secretary of Higher Education.]

19 **Article – Labor and Employment**

20 8–301.

21 This title shall be administered under the supervision of the Secretary by 2
22 coordinate units, the [Office] **DIVISION** of Unemployment Insurance and the [Office of
23 Employment Services] **DIVISION OF WORKFORCE DEVELOPMENT**, established by
24 the Secretary.

25 8–302.

26 (a) There is [an Office] **A DIVISION** of Unemployment Insurance.

27 (b) The [Office] **DIVISION** of Unemployment Insurance shall perform any
28 function that the Secretary assigns to it to carry out this title.

29 8–303.

1 (a) (1) "Public employment office" means an employment office that does
2 not charge a fee to provide services and is:

3 (i) operated by the [State] **DEPARTMENT**; or

4 (ii) maintained as part of a **LOCAL**, [State] **STATE**, or federal
5 system of employment offices.

6 (2) "Public employment office" includes a branch public employment
7 office.

8 (b) The General Assembly accepts the provisions of the Wagner–Peyser Act
9 for establishment of a national employment system and for cooperation in promotion of
10 the system in conformity with § 4 of the Act.

11 (c) [There is an Office of Employment Services in the Division of
12 Employment and Training that] **THE DIVISION OF WORKFORCE DEVELOPMENT,**
13 **ESTABLISHED UNDER § 11–102 OF THIS ARTICLE,** is the unit of the State
14 designated to carry out § 4 of the Wagner–Peyser Act.

15 [(d) (1) The head of the Office of Employment Services is the Director who
16 shall be appointed by the Secretary in accordance with:

17 (i) the provisions of the State Personnel and Pensions Article;
18 and

19 (ii) regulations adopted by the United States Secretary of Labor.

20 (2) The Director shall devote full–time to the duties of office.

21 (3) The Director is entitled to the salary provided in the State budget.

22 (4) The Director shall:

23 (i) cooperate with any official or unit of the federal government
24 that has any responsibility under the Wagner–Peyser Act; and

25 (ii) take any action necessary to secure for the State the benefits
26 under the Wagner–Peyser Act for promotion and maintenance of a system of public
27 employment offices.]

28 [(e) (D) The Secretary shall employ a staff for the [Office of Employment
29 Services] **DIVISION OF WORKFORCE DEVELOPMENT** in accordance with § 8–304 of
30 this subtitle and regulations adopted by the United States Secretary of Labor.

31 [(f) (E) As necessary for administration of this title, the [Office of
32 Employment Services] **DIVISION OF WORKFORCE DEVELOPMENT** shall establish

1 and maintain public employment offices that do not charge a fee to individuals who
2 seek employment.

3 [(g)] (F) To establish and maintain public employment offices, the
4 Secretary:

5 (1) may enter into an agreement with the Railroad Retirement Board
6 or any other federal unit that is responsible for administration of an unemployment
7 insurance law, a political subdivision of the State, or any private not-for-profit
8 organization; and

9 (2) as part of the agreement, may accept money, services, or office
10 space as a contribution to the Unemployment Insurance Administration Fund.

11 [(h)] (G) Money in the Unemployment Insurance Administration Fund that
12 the State receives under the Wagner-Peyser Act is available to the [Office of
13 Employment Services] **DIVISION OF WORKFORCE DEVELOPMENT** for use under
14 this section in accordance with that Act.

15 8-902.

16 (a) To be eligible for benefits, [in accordance with the regulations of the
17 Secretary,] an individual shall[:

18 (1) register for work at an] **ENROLL WITH A PUBLIC** employment
19 office [; and

20 (2) report to the employment office] **IN ACCORDANCE WITH**
21 **REGULATIONS ADOPTED UNDER THIS TITLE.**

22 (b) Subject to § 8-808(b) of this title, by regulation, the Secretary may alter
23 or waive the requirements of subsection (a) of this section for:

24 (1) an individual attached to a regular job; or

25 (2) an individual for whom the Secretary finds that compliance with
26 those requirements would be oppressive or inconsistent with the purposes of this title.

27 11-101.

28 (a) In this title the following words have the meanings indicated.

29 (b) "Department" means the Department of Labor, Licensing, and
30 Regulation.

31 (c) "Secretary" means the Secretary of Labor, Licensing, and Regulation.

1 11-102.

2 (a) There is a Division of [Employment and Training] **WORKFORCE**
3 **DEVELOPMENT** within the Department of Labor, Licensing, and Regulation.

4 (b) The Division has the powers, duties, responsibilities, and functions
5 provided in the laws of this State.

6 (c) The Division has the general purpose of advancing the economic welfare
7 of the people by coordinating the State's public and private resources for employment
8 and job training.

9 [11-103.

10 (a) (1) With the approval of the Governor, the Secretary shall appoint a
11 Director of the Division of Employment and Training. The Director shall hold office at
12 the Secretary's pleasure.

13 (2) The Director may be removed by the Secretary, with the approval
14 of the Governor.

15 (3) Any such removal by the Secretary of Labor, Licensing, and
16 Regulation is final and is not subject to any appeal.

17 (b) The Director shall be selected because of known experience and interest
18 in employment and job training.

19 (c) The Director shall operate this Division under the direction of the
20 Secretary in accordance with the provisions of law relating to the establishment of the
21 Department.]

22 [11-104.] **11-103.**

23 (a) The Division shall:

24 (1) [administer Title 8 of this article;

25 (2)] promote apprenticeship and training programs;

26 [(3)] **(2)** administer job training, placement, and service programs;

27 [(4)] **(3)** implement the provisions of the [Maryland] Workforce
28 Investment Act;

29 [(5)] **(4)** oversee any other units established pursuant to State or
30 federal employment, training, or manpower statutes; and

1 (3) THE SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY
2 AND CORRECTIONAL SERVICES;

3 (4) THE STATE SUPERINTENDENT OF SCHOOLS;

4 (5) THE SECRETARY OF HIGHER EDUCATION;

5 (6) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF
6 MARYLAND;

7 (7) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION FOR
8 ADULT COMMUNITY AND CONTINUING EDUCATION;

9 (8) A REPRESENTATIVE OF THE MARYLAND WORKFORCE
10 DEVELOPMENT ASSOCIATION;

11 (9) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF
12 COMMUNITY COLLEGES; AND

13 (10) THE CHAIR OF THE GOVERNOR'S WORKFORCE INVESTMENT
14 BOARD.

15 (C) THE TRANSITION COUNCIL SHALL:

16 (1) ENSURE A SEAMLESS MERGER OF THE STATE'S ADULT
17 EDUCATION AND LITERACY PROGRAMS WITH THE STATE'S WORKFORCE
18 DEVELOPMENT AND JOB TRAINING PROGRAMS;

19 (2) DEVELOP A REVISED STATE PLAN FOR ADULT EDUCATION IN
20 CONSULTATION WITH COMMUNITY BASED STAKEHOLDERS, THE BUSINESS
21 COMMUNITY AND STAKEHOLDERS AT THE LOCAL LEVEL IN ALL AREAS OF THE
22 STATE;

23 (3) DEVELOP STRATEGIES TO ALIGN ADULT EDUCATION
24 PROGRAMS WITH COMPLEMENTARY PROGRAMS FUNDED UNDER THE
25 WORKFORCE INVESTMENT ACT SO AS TO MAXIMIZE THE BENEFITS AND
26 MINIMIZE DUPLICATION OF SERVICES;

27 (4) IDENTIFY BEST PRACTICES THAT ENABLE ADULT STUDENTS
28 TO TRANSITION FROM ADULT EDUCATION PROGRAMS INTO POSTSECONDARY
29 EDUCATION, JOB TRAINING PROGRAMS, AND EMPLOYMENT OPPORTUNITIES;

1 **(5) DEVELOP STRATEGIES TO PROVIDE AN INTEGRATED**
2 **APPROACH TO EDUCATION AND JOB TRAINING PROGRAMS TO ALLOW FORMER**
3 **OFFENDERS TO TRANSITION INTO THE WORKFORCE; AND**

4 **(6) WORK WITH OTHER DEPARTMENTS IN STATE GOVERNMENT**
5 **AND OTHER STAKEHOLDERS TO IDENTIFY POPULATIONS THAT NEED**
6 **EDUCATION AND JOB TRAINING TO TRANSITION INTO THE WORKFORCE.**

7 **(D) THE DEPARTMENT SHALL PROVIDE STAFF TO THE TRANSITION**
8 **COUNCIL.**

9 **(E) THE TRANSITION COUNCIL SHALL COMPLETE ITS WORK ON OR**
10 **BEFORE DECEMBER 31, 2009 AND SHALL REPORT TO THE GOVERNOR AND,**
11 **SUBJECT TO THE PROVISIONS OF § 2-1246 OF THE STATE GOVERNMENT**
12 **ARTICLE, TO THE GENERAL ASSEMBLY, ON ITS ACTIVITIES AND**
13 **RECOMMENDATIONS.**

14 **11-804.**

15 **(A) IN ACCORDANCE WITH THE APPLICABLE RULES AND REGULATIONS**
16 **OF THE DEPARTMENT, EACH COUNTY BOARD OF EDUCATION MAY ESTABLISH**
17 **AND MAINTAIN DAY AND EVENING SCHOOLS FOR ADULTS.**

18 **(B) THE PURPOSE OF THESE SCHOOLS FOR ADULTS IS TO PROVIDE:**

19 **(1) A GENERAL PROGRAM OF CONTINUING EDUCATION FOR THE**
20 **IMPROVEMENT OF THE CIVIC, OCCUPATIONAL, AND GENERAL INTELLIGENCE OF**
21 **ADULTS; AND**

22 **(2) PROGRAMS TO ENABLE ADULTS TO MAKE A WISE USE OF**
23 **THEIR LEISURE TIME.**

24 **(C) A FULL-TIME STUDENT, AT THE STUDENT'S OWN EXPENSE, MAY**
25 **REGISTER FOR ADULT EDUCATION COURSES, IF SPACE IS AVAILABLE, AND IF**
26 **THAT STUDENT SECURES THE WRITTEN PERMISSION OF THE SUPERINTENDENT**
27 **OF SCHOOLS, OR THE SUPERINTENDENT'S DESIGNEE, OF THE COUNTY IN WHICH**
28 **THE STUDENT REGISTERS.**

29 **11-805.**

30 **(A) (1) THE ADULT EDUCATION AND LITERACY SERVICES OFFICE**
31 **SHALL DISTRIBUTE COMPETITIVE GRANTS FOR ADULT EDUCATION AND**
32 **LITERACY SERVICES IN ACCORDANCE WITH THE STATE PLAN FOR ADULT**
33 **EDUCATION AND FAMILY LITERACY.**

1 **(2) THE GRANTS DISTRIBUTED UNDER THIS SECTION SHALL BE**
2 **BASED ON NEED AND PERFORMANCE.**

3 **(3) GRANTS UNDER THIS SECTION MAY BE USED FOR ADULT**
4 **EDUCATION AND LITERACY SERVICES, INCLUDING:**

5 **(I) GED INSTRUCTION;**

6 **(II) THE MARYLAND ADULT EXTERNAL HIGH SCHOOL**
7 **PROGRAM UNDER § 11-806 OF THIS ARTICLE;**

8 **(III) WORKPLACE LITERACY SERVICES;**

9 **(IV) ENGLISH FOR SPEAKERS OF OTHER LANGUAGES;**

10 **(V) FAMILY LITERACY; AND**

11 **(VI) LITERACY INSTRUCTION.**

12 **(B) FUNDING FOR THE COMPETITIVE GRANTS UNDER THIS SECTION**
13 **SHALL BE AS PROVIDED IN THE STATE BUDGET.**

14 **11-806.**

15 **(A) IN THIS SECTION, "PROGRAM" MEANS THE MARYLAND ADULT**
16 **EXTERNAL HIGH SCHOOL PROGRAM ESTABLISHED FOR THE CITIZENS OF**
17 **MARYLAND UNDER REGULATIONS ADOPTED BY THE DEPARTMENT IN**
18 **CONSULTATION WITH THE STATE BOARD OF EDUCATION.**

19 **(B) (1) THE DEPARTMENT AND THE STATE BOARD OF EDUCATION**
20 **RECOGNIZE DEMONSTRATED COMPETENCIES IN ADULTS, WHETHER OR NOT**
21 **THOSE COMPETENCIES WERE ACQUIRED IN A FORMAL SCHOOL SETTING.**

22 **(2) IN RESPONSE TO ITS RECOGNITION OF COMPETENCIES, THE**
23 **DEPARTMENT SHALL PROVIDE ALTERNATIVE REQUIREMENTS AND METHODS**
24 **OF OBTAINING A MARYLAND HIGH SCHOOL DIPLOMA.**

25 **(3) THE STATE BOARD OF EDUCATION SHALL AWARD DIPLOMAS**
26 **TO THE INDIVIDUALS MEETING THE REQUIREMENTS OF THIS SUBTITLE.**

27 **(C) (1) FOR EACH FISCAL YEAR THE GOVERNOR SHALL INCLUDE IN**
28 **THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY,**
29 **INCLUDING ANY PROPOSED SUPPLEMENTAL BUDGET, A GENERAL FUND**

1 APPROPRIATION FOR THE MARYLAND ADULT EXTERNAL HIGH SCHOOL
2 PROGRAM IN AN AMOUNT NOT LESS THAN THE AMOUNT OF THE GOVERNOR'S
3 GENERAL FUND APPROPRIATION FOR THE PROGRAM IN FISCAL YEAR 2006.

4 (2) IN EACH ANNUAL BUDGET, THE GOVERNOR SHALL INCLUDE
5 FEDERAL FUNDS, TO THE EXTENT AVAILABLE, FOR THE PROGRAM IN AN
6 AMOUNT NOT LESS THAN THE AMOUNT OF THE GOVERNOR'S FEDERAL FUND
7 APPROPRIATION FOR THE PROGRAM IN FISCAL YEAR 2006.

8 11-807.

9 (A) AN INDIVIDUAL MAY OBTAIN A HIGH SCHOOL DIPLOMA BY
10 EXAMINATION AS PROVIDED IN THIS SECTION IF THE INDIVIDUAL:

11 (1) HAS NOT OBTAINED A HIGH SCHOOL DIPLOMA;

12 (2) HAS RESIDED IN THIS STATE OR ON A FEDERAL RESERVATION
13 IN THIS STATE FOR AT LEAST 3 MONTHS, PROVIDED THAT THE STATE BOARD
14 OF EDUCATION MAY WAIVE THE RESIDENCE REQUIREMENT IF THE STATE
15 BOARD CONSIDERS THE WAIVER JUSTIFIED;

16 (3) IS 16 YEARS OLD OR OLDER; AND

17 (4) HAS WITHDRAWN FROM A REGULAR FULL-TIME PUBLIC OR
18 PRIVATE SCHOOL PROGRAM FOR AT LEAST 3 MONTHS, PROVIDED THAT THE
19 STATE BOARD OF EDUCATION MAY WAIVE THE WITHDRAWAL REQUIREMENT IF
20 THE STATE BOARD CONSIDERS THE WAIVER JUSTIFIED.

21 (B) THE DEPARTMENT SHALL REQUIRE INDIVIDUALS WHO ARE
22 PURSUING A HIGH SCHOOL DIPLOMA UNDER THIS SUBTITLE TO TAKE AN
23 EXAMINATION AT LEAST TWICE EACH YEAR AT PLACES THROUGHOUT THE
24 STATE THAT ARE REASONABLY CONVENIENT FOR THE APPLICANTS.

25 (C) THE EXAMINATION SHALL:

26 (1) BE OFFERED IN APPROPRIATE HIGH SCHOOL SUBJECT AREAS;
27 AND

28 (2) BE OF A COMPREHENSIVE NATURE AS DETERMINED BY THE
29 STATE BOARD OF EDUCATION.

30 (D) AN INDIVIDUAL WHO FAILS AN EXAMINATION MAY REPEAT TAKING
31 THE EXAMINATION.

1 **(E) A MEMBER OF THE ARMED FORCES MAY EARN A MARYLAND HIGH**
2 **SCHOOL DIPLOMA BY TAKING THE EXAMINATIONS FURNISHED BY THE UNITED**
3 **STATES ARMED FORCES INSTITUTE AND GIVEN BY THE APPROPRIATE SERVICE**
4 **OFFICER.**

5 **(F) THE DIPLOMA SHALL BE AWARDED IN ACCORDANCE WITH THE**
6 **REGULATIONS ADOPTED BY THE DEPARTMENT AND THE STATE BOARD OF**
7 **EDUCATION.**

8 **SUBTITLE 9. CORRECTIONAL INSTITUTIONS.**

9 **11-901.**

10 **(A) THERE IS AN EDUCATION AND WORKFORCE TRAINING**
11 **COORDINATING COUNCIL FOR CORRECTIONAL INSTITUTIONS UNDER THE**
12 **JURISDICTION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
13 **SERVICES AND THE DEPARTMENT.**

14 **(B) (1) THE COUNCIL CONSISTS OF SIX MEMBERS.**

15 **(2) ONE OF THE MEMBERS OF THE COUNCIL SHALL BE A**
16 **RESIDENT OF THIS STATE APPOINTED BY THE GOVERNOR FOR A TERM OF 4**
17 **YEARS WHO SHALL SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

18 **(3) THE FOLLOWING OFFICIALS SHALL SERVE EX OFFICIO:**

19 **(I) THE SECRETARY OF PUBLIC SAFETY AND**
20 **CORRECTIONAL SERVICES;**

21 **(II) THE SECRETARY OF LABOR, LICENSING, AND**
22 **REGULATION;**

23 **(III) THE STATE SUPERINTENDENT OF SCHOOLS;**

24 **(IV) THE SECRETARY OF HIGHER EDUCATION; AND**

25 **(V) THE COUNTY SUPERINTENDENT OF SCHOOLS FROM A**
26 **COUNTY WHERE A CORRECTIONAL INSTITUTION OF THE DIVISION OF**
27 **CORRECTION IS LOCATED, WHO SHALL BE SELECTED BY THE STATE**
28 **SUPERINTENDENT.**

29 **(C) EACH MEMBER OF THE COUNCIL:**

30 **(1) SERVES WITHOUT COMPENSATION; BUT**

1 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES IN
2 ACCORDANCE WITH THE STANDARD STATE TRAVEL REGULATIONS.

3 (D) (1) THE SECRETARY OF PUBLIC SAFETY AND CORRECTION AND
4 THE SECRETARY SHALL SERVE AS COCHAIRS OF THE COUNCIL.

5 (2) THE COUNCIL SHALL DESIGNATE THE TIME AND PLACE OF
6 ITS MEETINGS AND MAY ADOPT RULES FOR THE CONDUCT OF ITS MEETINGS.

7 (3) THE COUNCIL SHALL BE WITHIN THE DEPARTMENT FOR
8 ADMINISTRATIVE AND BUDGETARY PURPOSES.

9 (4) THE DEPARTMENT SHALL PROVIDE TECHNICAL AND
10 CLERICAL ASSISTANCE AND SUPPORT TO THE COUNCIL.

11 **11-902.**

12 (A) THE EDUCATION AND WORKFORCE TRAINING COORDINATING
13 COUNCIL FOR CORRECTIONAL INSTITUTIONS SHALL DEVELOP AND
14 RECOMMEND AN EDUCATIONAL AND WORKFORCE TRAINING PROGRAM FOR
15 EACH CORRECTIONAL INSTITUTION IN THE DIVISION OF CORRECTION. THE
16 PROGRAMS SHALL MEET THE SPECIAL NEEDS AND CIRCUMSTANCES OF THE
17 INMATES IN EACH CORRECTIONAL INSTITUTION.

18 (B) (1) THE COUNCIL SHALL ADOPT REGULATIONS FOR ALL
19 CORRECTIONAL INSTITUTIONS IN THE DIVISION OF CORRECTION FOR THE
20 IMPLEMENTATION OF A MANDATORY EDUCATION PROGRAM FOR ALL INMATES
21 WHO FAIL TO ATTAIN A MINIMUM EDUCATIONAL STANDARD AS SET FORTH IN
22 THIS SUBSECTION.

23 (2) THE REGULATIONS ADOPTED BY THE COUNCIL SHALL:

24 (I) REQUIRE THAT THE EDUCATIONAL STANDARD SHALL BE
25 THE ATTAINMENT OF A GENERAL EDUCATIONAL DEVELOPMENT (GED)
26 DIPLOMA OR A VERIFIED HIGH SCHOOL DIPLOMA;

27 (II) APPLY ONLY TO ANY INMATE WHO:

28 1. WAS RECEIVED BY THE DIVISION OF CORRECTION
29 AFTER JULY 1, 1987;

30 2. HAS 18 MONTHS OR MORE REMAINING TO BE
31 SERVED BEFORE A MANDATORY SUPERVISION RELEASE DATE;

1 **3. IS NOT EXEMPTED DUE TO A MEDICAL,**
2 **DEVELOPMENTAL, OR LEARNING DISABILITY; AND**

3 **4. DOES NOT POSSESS A GENERAL EDUCATIONAL**
4 **DEVELOPMENT (GED) DIPLOMA OR A VERIFIED HIGH SCHOOL DIPLOMA;**

5 **(III) REQUIRE ANY INMATE WHO IS NOT EXEMPTED UNDER**
6 **ITEM (II)3 OF THIS PARAGRAPH TO PARTICIPATE IN:**

7 **1. THE MANDATORY EDUCATION PROGRAM FOR AT**
8 **LEAST 120 CALENDAR DAYS; OR**

9 **2. A WORKFORCE SKILLS TRAINING PROGRAM; AND**

10 **(IV) THE DIVISION OF CORRECTION SHALL REPORT TO THE**
11 **PAROLE COMMISSION THE ACADEMIC PROGRESS OF AN INMATE IN THE**
12 **MANDATORY EDUCATION PROGRAM.**

13 **(C) (1) THE COUNCIL SHALL ADOPT REGULATIONS FOR ALL**
14 **CORRECTIONAL INSTITUTIONS IN THE DIVISION OF CORRECTION FOR THE**
15 **IMPLEMENTATION OF A MANDATORY WORKFORCE SKILLS TRAINING PROGRAM**
16 **FOR ALL INMATES AS PROVIDED IN THIS SUBSECTION.**

17 **(2) THE REGULATIONS SHALL APPLY ONLY TO AN INMATE WHO:**

18 **(I) HAS 18 MONTHS OR MORE REMAINING TO BE SERVED**
19 **BEFORE A MANDATORY SUPERVISION RELEASE DATE; AND**

20 **(II) IS NOT EXEMPTED DUE TO A MEDICAL,**
21 **DEVELOPMENTAL, OR LEARNING DISABILITY.**

22 **(3) THE DIVISION OF CORRECTION SHALL REPORT TO THE**
23 **PAROLE COMMISSION THE ACADEMIC PROGRESS OF AN INMATE IN THE**
24 **MANDATORY WORKFORCE SKILLS TRAINING PROGRAM.**

25 **(D) ON OR BEFORE OCTOBER 30 OF EACH YEAR, THE COUNCIL SHALL**
26 **REPORT ITS ACTIVITIES TO THE GOVERNOR AND, IN ACCORDANCE WITH §**
27 **2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.**

28 **(E) (1) (I) THE COUNCIL SHALL ACTIVELY ADVOCATE AND**
29 **PROMOTE THE INTERESTS OF EDUCATIONAL PROGRAMS AND WORKFORCE**
30 **SKILLS TRAINING OPPORTUNITIES IN CORRECTIONAL INSTITUTIONS.**

1 (II) THE COUNCIL SHALL SEEK TO ENSURE THAT A QUALITY
2 EDUCATION, EQUAL EDUCATIONAL OPPORTUNITY, AND WORKFORCE SKILLS
3 TRAINING ARE AVAILABLE TO ALL INMATES AT CORRECTIONAL INSTITUTIONS.

4 (2) THE COUNCIL, ON A REGULAR BASIS, SHALL REVIEW THE
5 EDUCATIONAL AND WORKFORCE SKILLS TRAINING PROGRAMS AT
6 CORRECTIONAL INSTITUTIONS TO ENSURE THAT THE UNIQUE EDUCATIONAL
7 AND TRAINING NEEDS OF THE POPULATIONS OF THE CORRECTIONAL
8 INSTITUTIONS ARE BEING SATISFACTORILY MET.

9 (3) THE COUNCIL SHALL INCLUDE IN ITS REVIEW:

10 (I) CURRICULUM GUIDES;

11 (II) COURSES OF STUDY;

12 (III) RESOURCE MATERIALS;

13 (IV) TEXTBOOKS;

14 (V) SUPPLEMENTARY READERS;

15 (VI) MATERIALS OF INSTRUCTION;

16 (VII) VISUAL AND AUDITORY AIDS;

17 (VIII) SUPPLIES;

18 (IX) TEACHER PERFORMANCE; AND

19 (X) OTHER TEACHING AIDS.

20 (4) BASED ON ITS REVIEW, THE COUNCIL SHALL RECOMMEND
21 AND ADVOCATE IMPROVEMENTS TO THE EDUCATIONAL AND WORKFORCE
22 SKILLS TRAINING PROGRAMS AT CORRECTIONAL INSTITUTIONS.

23 **11-903.**

24 (A) THE SECRETARY OF THE DEPARTMENT OF LABOR, LICENSING, AND
25 REGULATION SHALL APPOINT A DIRECTOR OF EDUCATIONAL PROGRAMS AND A
26 DIRECTOR OF WORKFORCE SKILLS TRAINING FOR CORRECTIONAL
27 INSTITUTIONS.

1 **(B) EACH DIRECTOR SHALL RECEIVE THE SALARY PROVIDED IN THE**
2 **BUDGET OF THE DEPARTMENT.**

3 **(C) THE DIRECTORS SHALL:**

4 **(1) IMPLEMENT AND OPERATE THE EDUCATIONAL AND**
5 **WORKFORCE SKILLS TRAINING PROGRAMS DEVELOPED BY THE COUNCIL IN**
6 **THE CORRECTIONAL INSTITUTIONS;**

7 **(2) MEET WITH AND ADVISE THE COUNCIL ABOUT THE**
8 **PROGRAMS; AND**

9 **(3) CONSULT WITH THE COMMISSIONER OF CORRECTION AND**
10 **THE WARDEN OF EACH INSTITUTION ABOUT THE OPERATION OF THE**
11 **PROGRAMS.**

12 **11-904.**

13 **(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, PATUXENT**
14 **INSTITUTION IS A CORRECTIONAL INSTITUTION WITHIN THE DIVISION OF**
15 **CORRECTION AND UNDER THE JURISDICTION OF THE EDUCATION**
16 **COORDINATING COUNCIL FOR CORRECTIONAL INSTITUTIONS FOR THE**
17 **FUNDING OF EDUCATIONAL PROGRAMS ONLY.**

18 **(B) FUNDS FOR THE OPERATION OF THE EDUCATIONAL AND**
19 **WORKFORCE SKILLS TRAINING PROGRAMS IN CORRECTIONAL INSTITUTIONS**
20 **SHALL BE PROVIDED IN THE BUDGET OF THE DEPARTMENT.**

21 **(C) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
22 **SERVICES AND OTHER STATE AGENCIES MAY CONTRIBUTE TO THE PROGRAMS**
23 **IDENTIFIED UNDER SUBSECTION (B) OF THIS SECTION.**

24 **(D) FUNDS APPROPRIATED FOR EDUCATIONAL AND WORKFORCE**
25 **SKILLS TRAINING PROGRAMS IN CORRECTIONAL INSTITUTIONS MAY NOT BE**
26 **DIVERTED BY BUDGET AMENDMENT OR OTHERWISE TO ANY OTHER PURPOSE.**

27 **11-905.**

28 **THIS SUBTITLE DOES NOT AFFECT THE PROVISIONS OF LAW RELATING TO**
29 **THE POWERS, DUTIES, AND AUTHORITY OF THE STATE BOARD OF EDUCATION,**
30 **THE STATE SUPERINTENDENT OF SCHOOLS, THE MARYLAND HIGHER**
31 **EDUCATION COMMISSION, OR THE SECRETARY OF HIGHER EDUCATION.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
2 Labor, Licensing, and Regulation is the successor of the State Department of
3 Education as provided in this Act, and the Secretary of Labor, Licensing, and
4 Regulation is the successor of the State Board of Education and the State
5 Superintendent, as provided in this Act. In every law, executive order, rule,
6 regulation, policy or document created by an official, employee, or unit of this State,
7 the names and titles of those agencies and officials mean the names and terms of the
8 successor agency or official, as provided in this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That all employees of the
10 State Department of Education whose positions are transferred to the Department of
11 Labor, Licensing, and Regulation shall be transferred to the Department of Labor,
12 Licensing, and Regulation on the effective date of this Act without any diminution of
13 their rights, benefits, or employment status, including, if any, merit system and
14 retirement status.

15 SECTION 4. AND BE IT FURTHER ENACTED, That the Governor may
16 transfer any related administrative functions and employees of the State Department
17 of Education to the Department of Labor, Licensing, and Regulation as necessary to
18 carry out the provisions of this Act.

19 SECTION 5. AND BE IT FURTHER ENACTED, That, except as expressly
20 provided to the contrary in this Act, any transaction affected by or flowing from any
21 statute here amended, repealed, or transferred, and validly entered into before the
22 effective date of this Act and every right, duty, or interest flowing from it remains
23 valid after the effective date of this Act and may be terminated, completed,
24 consummated, or enforced pursuant to law.

25 SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise
26 provided in this Act, all rules and regulations, proposed rules and regulations,
27 standards and guidelines, forms, plans, memberships, special funds, appropriations,
28 grants, applications for grants, contracts, property, administrative and judicial
29 proceedings, rights to sue and be sued, and all other duties and responsibilities
30 associated with those functions transferred by this Act shall continue in effect under
31 the Secretary of Labor, Licensing, and Regulation, or the appropriate unit with the
32 Department, until completed, withdrawn, cancelled, modified, or otherwise changed
33 pursuant to law.

34 SECTION 7. AND BE IT FURTHER ENACTED, That if any provision of this
35 Act or the application thereof to any person or circumstance is held invalid for any
36 reason in a court of competent jurisdiction, the invalidity does not affect other
37 provisions or any other application of this Act which can be given effect without the
38 invalid provisions or application, and for this purpose the provisions of this Act are
39 declared severable.

40 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect
41 July 1, 2008.

