

SENATE BILL 762

P1, C2, F5

9lr2222

By: ~~Senator Middleton~~ **Senators Middleton and Klausmeier**

Introduced and read first time: February 6, 2009

Assigned to: Finance and Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 2009

CHAPTER _____

1 AN ACT concerning

2 **Department of Labor, Licensing, and Regulation – Workforce Development**
3 **and Adult Learning – Administration**

4 FOR the purpose of altering the membership of the Institutional Educator Pay Plan
5 Advisory Committee; providing that the State Board of Education is the sole
6 State agency responsible for administering a certain federal act; altering the
7 name of a certain division within the Department of Labor, Licensing, and
8 Regulation; altering the duties of the division; providing that certain personnel
9 who transfer from a certain school system or certain library system to the
10 Department shall be given certain service credit; repealing the authority of the
11 State Board to waive certain residence and withdrawal requirements for a
12 certain examination under certain circumstances; authorizing the Secretary of
13 Labor, Licensing, and Regulation to waive certain residence and withdrawal
14 requirements for a certain examination under certain circumstances; requiring
15 the Department to offer certain examinations a certain number of times per
16 year rather than requiring certain individuals to take a certain examination a
17 certain number of times per year; altering the membership of the Education and
18 Workforce Training Coordinating Council for correctional institutions; requiring
19 a certain council to meet a certain number of times per year; repealing the
20 requirement for the Secretary to appoint a certain director; requiring the
21 Secretary to appoint a certain director; clarifying the title and duties of a
22 certain director; authorizing the use of certain funds for certain programs at a
23 certain correctional institution; providing that certain employees have satisfied
24 certain requirements under certain circumstances; altering a certain defined
25 term; and generally relating to the administration of workforce development

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 and adult learning services in the Department of Labor, Licensing, and
2 Regulation.

3 BY repealing and reenacting, without amendments,
4 Article – Education
5 Section 6–303(a)
6 Annotated Code of Maryland
7 (2008 Replacement Volume)

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 6–303(b)(1), 21–201, and 21–202
11 Annotated Code of Maryland
12 (2008 Replacement Volume)

13 BY repealing and reenacting, with amendments,
14 Article – Labor and Employment
15 Section 11–102, 11–103, 11–801, 11–808(a) and (b), 11–901(b) and (d), 11–903,
16 and 11–906(a)
17 Annotated Code of Maryland
18 (2008 Replacement Volume)

19 BY adding to
20 Article – Labor and Employment
21 Section 11–104
22 Annotated Code of Maryland
23 (2008 Replacement Volume)

24 BY repealing and reenacting, without amendments,
25 Article – Labor and Employment
26 Section 11–901(a)
27 Annotated Code of Maryland
28 (2008 Replacement Volume)

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

31 **Article – Education**

32 6–303.

33 (a) There is an Institutional Educator Pay Plan Advisory Committee.

34 (b) (1) The Advisory Committee shall consist of:

1 (i) [Four] **FIVE** employee educators whose positions are
 2 included in the Institutional Educator Pay Plan established under § 6–302 of this
 3 subtitle from each of the following units:

4 1. The Division of [Correctional Education]
 5 **WORKFORCE DEVELOPMENT AND ADULT LEARNING** in the Department of
 6 [Education] **LABOR, LICENSING, AND REGULATION;**

7 2. The Division of Rehabilitative Services in the
 8 Department of Education;

9 3. The Department of Juvenile Services; [and]

10 4. The Department of Health and Mental Hygiene; and

11 **5. THE JUVENILE SERVICES EDUCATION PROGRAM**
 12 **IN THE DEPARTMENT OF EDUCATION; AND**

13 (ii) Any additional agency representatives appointed by the
 14 Secretary of Budget and Management.

15 21–201.

16 In this subtitle, “federal acts” means:

17 (1) The Smith–Hughes Act;

18 (2) The George–Barden Act;

19 (3) The Carl D. Perkins [Vocational] **CAREER** and Technical
 20 Education Act;

21 (4) [The Adult Education and Family Literacy Act;

22 (5) The Workforce Investment Act] **THE VOCATIONAL EDUCATION**
 23 **ACT OF 1963;**

24 [(6)] **(5)** Any other career and technology education act of the United
 25 States Congress; and

26 [(7)] **(6)** Any amendments to any of these acts.

27 21–202.

28 (a) The State of Maryland assents to the federal acts.

1 (b) The State Treasurer shall:

2 (1) Be the custodian of any money received under the federal acts; and

3 (2) Disburse this money in accordance with the federal acts.

4 (c) The State Board of Education [and the Department of Labor, Licensing,
5 and Regulation, as appropriate,] shall:

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

8 (2) Do anything necessary to secure the benefits of the federal acts;

9 (3) Facilitate the transfer of federal funds to the appropriate
10 operational entity **INCLUDING THE DEPARTMENT OF LABOR, LICENSING, AND**
11 **REGULATION**; and

12 (4) Represent this State in all matters relating to the administration
13 of the federal acts.

14 (D) **THE STATE BOARD OF EDUCATION SHALL BE THE SOLE STATE**
15 **AGENCY RESPONSIBLE FOR THE ADMINISTRATION OF THE CARL D. PERKINS**
16 **CAREER AND TECHNICAL EDUCATION ACT.**

17 **Article – Labor and Employment**

18 11–102.

19 (a) There is a Division of Workforce Development **AND ADULT LEARNING**
20 within the Department of Labor, Licensing, and Regulation.

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

23 (c) The Division has the general purpose of advancing the economic welfare
24 of the people by coordinating the State’s public and private resources for **ADULT**
25 **LEARNING**, employment, and job training.

26 11–103.

27 (a) The Division shall:

28 (1) promote apprenticeship and training programs;

29 (2) administer job training, placement, and service programs;

1 (3) implement the provisions of the Workforce Investment Act;

2 (4) **ADMINISTER ADULT EDUCATION AND LITERACY SERVICES**
3 **PROGRAMS;**

4 (5) **CONDUCT EDUCATIONAL AND JOB SKILLS TRAINING**
5 **PROGRAMS IN ADULT CORRECTIONAL FACILITIES;**

6 [(4)] (6) oversee any other units established pursuant to State or
7 federal employment, training, or manpower statutes; and

8 [(5)] (7) administer those programs assigned to the Division by law
9 or designated by the Secretary.

10 (b) The Division shall meet and confer on a regular basis with
11 representatives of the State's community colleges, appointed by the Maryland
12 Association of Community Colleges, **AND THE ADULT EDUCATION COMMUNITY,**
13 **APPOINTED BY THE MARYLAND ASSOCIATION FOR ADULT CONTINUING AND**
14 **COMMUNITY EDUCATION,** to assure that **ADULT EDUCATION AND LITERACY**
15 **SERVICES AND** job training activities and resources are effectively coordinated.

16 **11-104.**

17 **FOR THE PURPOSE OF ESTABLISHING COMPENSATION RATES AND BASIC**
18 **RATES FOR VACATION AND SICK LEAVE CREDIT EARNINGS, PROFESSIONAL**
19 **PERSONNEL WHO WERE EMPLOYED BY A COUNTY SCHOOL SYSTEM OR THE**
20 **PUBLIC LIBRARY SYSTEM IN THE STATE AND WHO ARE SUBSEQUENTLY**
21 **APPOINTED TO POSITIONS IN THE DEPARTMENT TO PROVIDE SERVICES IN**
22 **ACCORDANCE WITH SUBTITLES 8 AND 9 OF THIS TITLE SHALL BE GIVEN CREDIT**
23 **AS EMPLOYEES OF THE DEPARTMENT FOR THEIR YEARS OF SERVICE AS**
24 **EMPLOYEES OF THE COUNTY SCHOOL SYSTEM OR THE PUBLIC LIBRARY SYSTEM**
25 **FROM WHICH THEY TRANSFERRED.**

26 11-801.

27 (a) There is an Adult Education and Literacy Services Office in the Division
28 of Workforce Development **AND ADULT LEARNING** of the Department.

29 (b) The Adult Education and Literacy Services Office shall be the sole agency
30 in the State responsible for administering and supervising policy and funding for adult
31 education and literacy.

32 11-808.

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

1 (1) has not obtained a high school diploma;

2 (2) has resided in this State or on a federal reservation in this State
3 for at least 3 months, provided that the [State Board of Education] **SECRETARY** may
4 waive the residence requirement if the [State Board] **SECRETARY** considers the
5 waiver justified;

6 (3) is 16 years old or older; and

7 (4) has withdrawn from a regular full-time public or private school
8 program for at least 3 months, provided that the [State Board of Education]
9 **SECRETARY** may waive the withdrawal requirement if the [State Board]
10 **SECRETARY** considers the waiver justified.

11 (b) The Department shall [require] **OFFER EXAMINATIONS TO** individuals
12 who are pursuing a high school diploma under this subtitle [to take an examination]
13 at least twice each year at places throughout the State that are reasonably convenient
14 for the applicants.

15 11-901.

16 (a) There is an Education and Workforce Training Coordinating Council for
17 Correctional Institutions under the jurisdiction of the Department of Public Safety and
18 Correctional Services and the Department.

19 (b) (1) The Council consists of [seven] **14** members.

20 (2) [One] **FOUR** of the members of the Council shall be [a resident]
21 **RESIDENTS** of this State appointed by the Governor for a term of 4 years who **EACH**
22 shall serve until a successor is appointed and qualifies **AS FOLLOWS:**

23 (I) **TWO REPRESENTING THE BUSINESS COMMUNITY;**

24 (II) **A FORMER OFFENDER; AND**

25 (III) **ONE MEMBER OF THE GENERAL PUBLIC.**

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

27 (i) the Secretary of Public Safety and Correctional Services;

28 (ii) the Secretary of Labor, Licensing, and Regulation;

29 (iii) the State Superintendent of Schools;

1 (iv) the Secretary of Higher Education;

2 (v) **THE SECRETARY OF BUSINESS AND ECONOMIC**
 3 **DEVELOPMENT;**

4 (vi) **THE PRESIDENT OF A COMMUNITY COLLEGE IN THE**
 5 **STATE;**

6 (vii) **THE CHAIR OF THE GOVERNOR’S WORKFORCE**
 7 **INVESTMENT BOARD;**

8 (viii) **THE DIRECTOR OF EDUCATION AND WORKFORCE**
 9 **SKILLS TRAINING FOR CORRECTIONAL INSTITUTIONS;**

10 [(v)] (ix) an official from a local correctional facility; and

11 [(vi)] (x) the county superintendent of schools from a county
 12 where a correctional institution of the Division of Correction is located, who shall be
 13 selected by the State Superintendent.

14 (d) (1) The Secretary of Public Safety and Correctional Services and the
 15 Secretary shall serve as co-chairs of the Council.

16 (2) The Council:

17 (i) **SHALL MEET AT LEAST FOUR TIMES PER YEAR;**

18 (ii) shall designate the time and place of its meetings; and

19 (iii) may adopt rules for the conduct of its meetings.

20 (3) The Council shall be within the Department for administrative and
 21 budgetary purposes.

22 (4) The Department shall provide technical and clerical assistance and
 23 support to the Council.

24 11-903.

25 (a) The Department is responsible for the provision of education and
 26 workforce skills training programs in the adult correctional institutions in the State.

27 (b) The Secretary shall appoint a [Director of educational programs and a
 28 Director of workforce skills training for correctional institutions] **DIRECTOR OF**
 29 **EDUCATION AND WORKFORCE SKILLS TRAINING FOR CORRECTIONAL**
 30 **INSTITUTIONS.**

1 (c) [Each] **THE** Director shall receive the salary provided in the budget of
2 the Department.

3 (d) The [Directors] **DIRECTOR** shall:

4 (1) implement and operate the educational and workforce skills
5 training programs developed by the Council in the correctional institutions;

6 (2) meet with and advise the Council about the programs; and

7 (3) consult with the Commissioner of Correction and the warden of
8 each institution about the operation of the programs.

9 11-906.

10 (a) Notwithstanding any other provision of law, Patuxent Institution is a
11 correctional institution within the Division of Correction and under the jurisdiction of
12 the Education and Workforce Training and Coordinating Council for correctional
13 institutions for the funding of educational **AND WORKFORCE SKILLS TRAINING**
14 programs only.

15 SECTION 2. AND BE IT FURTHER ENACTED, That all employees in the
16 Adult Education and Literacy Branch and the Correctional Education Program of the
17 State Department of Education who are transferred to the Department of Labor,
18 Licensing, and Regulation have satisfied the minimum qualification requirements of
19 their classification in the State personnel management system and shall be
20 transferred into the system without any further selection process.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.