

HOUSE BILL 1607

F1

(8lr2735)

ENROLLED BILL

— *Ways and Means and Judiciary/Education, Health, and Environmental Affairs* —

Introduced by ~~Delegate Luedtke~~ Delegates Luedtke, Hettleman, Tarlau, Lierman, Queen, Valentino-Smith, Jones, Sydnor, Lisanti, A. Miller, Korman, K. Young, Krimm, Morhaim, and Jackson

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Education – Juvenile Services Education Programs – Management and**
3 **Operation**

4 FOR the purpose of authorizing a certain individual to be employed or contracted to provide
5 certain services for a certain time period with a certain salary; establishing the
6 Juvenile Services Education County Pilot Program; requiring the Program to begin
7 in a certain school year; providing for the purpose of the Program; requiring the State
8 Department of Education, after consultation with certain county boards of education,
9 to identify a ~~certain number of~~ juvenile services education ~~programs in certain~~
10 ~~locations~~ program to participate in the Program; requiring a certain county board to
11 follow certain laws and regulations and ensure that certain individuals have access
12 to certain curricula materials; authorizing a certain county board to employ or
13 contract with certain teachers for a certain time period and to be paid at a salary

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.

Italics indicate opposite chamber/conference committee amendments.



1 determined by the county board; requiring the State to provide funding to a certain
 2 county board in a certain amount; requiring the Department to convene a certain
 3 workgroup on or before a certain date; providing for the composition, chair, and
 4 staffing of the workgroup; prohibiting a member of the workgroup from receiving
 5 certain compensation, but authorizing the reimbursement of certain expenses;
 6 requiring the workgroup to study certain issues and make certain recommendations
 7 related to the management and operation of juvenile services education programs;
 8 requiring the workgroup to report its findings and recommendations to the Governor
 9 and the General Assembly on or before a certain date; defining certain terms;
 10 providing for the termination of certain provisions of this Act; and generally relating
 11 to the operation of juvenile services education programs.

12 BY repealing and reenacting, with amendments,
 13 Article – Education
 14 Section 6–302
 15 Annotated Code of Maryland
 16 (2014 Replacement Volume and 2017 Supplement)

17 BY adding to
 18 Article – Education
 19 Section 22–308
 20 Annotated Code of Maryland
 21 (2014 Replacement Volume and 2017 Supplement)

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

24 **Article – Education**

25 6–302.

26 (a) **[An] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**
 27 individual who is employed as a teacher, librarian, principal, director of education, or
 28 supervisor of vocational education on the staffs of the following institutions or in the
 29 following programs, or an individual who is employed as a central office director,
 30 superintendent, specialist, or coordinator of education for the following institutions or
 31 programs, shall be paid the annual salary determined under subsection (b) of this section:

32 (1) Any institution that is under the jurisdiction of:

33 (i) The Department of Juvenile Services; ~~or~~

34 (ii) The Maryland Department of Health; **OR**

35 **(III) THE JUVENILE SERVICES EDUCATION COUNTY PILOT**
 36 **PROGRAM IN THE DEPARTMENT;**

1 (2) Any vocational rehabilitation program operated by the State
2 Department of Education; and

3 (3) Any correctional education program operated by the Department of
4 Labor, Licensing, and Regulation in a facility of the Department of Public Safety and
5 Correctional Services.

6 (b) (1) There shall be a single, statewide institutional educator pay plan for
7 the positions described under subsection (a) of this section. The pay plan shall be
8 established by the Department of Budget and Management as provided in paragraph (2) of
9 this subsection.

10 (2) In establishing and administering the pay plan, the Secretary of Budget
11 and Management on an annual basis shall review the salaries of public school teachers,
12 librarians, and administrators in the six jurisdictions with the highest number of
13 institutional educator positions and shall recommend salaries at levels that will be
14 adequate to recruit and retain qualified institutional educators. The pay plan shall include
15 classifications and pay grades based on the duties, responsibilities, education, and training
16 required. The Secretary's recommendations shall be made by December 1 of each year for
17 implementation on July 1 of the following fiscal year.

18 (3) The Secretary of Budget and Management shall submit any
19 recommendations to the Governor for approval.

20 (C) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL IN**
21 **A POSITION DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION AT AN**
22 **INSTITUTION THAT IS UNDER THE JURISDICTION OF THE ~~DEPARTMENT OF~~**
23 **~~JUVENILE SERVICES~~ JUVENILE SERVICES EDUCATION COUNTY PILOT PROGRAM**
24 **IN THE DEPARTMENT MAY BE EMPLOYED OR CONTRACTED TO PROVIDE EDUCATION**
25 **SERVICES FOR A ~~9-MONTH~~ 10-MONTH OR ~~3-MONTH~~ 2-MONTH PERIOD WITH A**
26 **SALARY COMMENSURATE WITH THE PERIOD OF EMPLOYMENT.**

27 **22-308.**

28 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
29 **INDICATED.**

30 (2) **“DAILY RATE” MEANS THE TARGET PER PUPIL FOUNDATION**
31 **AMOUNT FOR THE CURRENT FISCAL YEAR DIVIDED BY THE NUMBER OF WEEKDAYS**
32 **IN A FISCAL YEAR.**

33 (3) **“ELIGIBLE INDIVIDUAL” MEANS AN INDIVIDUAL WHO RECEIVES**
34 **EDUCATION SERVICES FROM A JUVENILE SERVICES EDUCATION PROGRAM AT A**
35 **FACILITY IN ACCORDANCE WITH THIS SUBTITLE.**

1 (4) “PROGRAM” MEANS THE JUVENILE SERVICES EDUCATION
2 COUNTY PILOT PROGRAM ESTABLISHED UNDER THIS SECTION.

3 (5) “REQUIRED REIMBURSEMENT” MEANS THREE TIMES THE
4 PRODUCT OF THE DAILY RATE MULTIPLIED BY THE NUMBER OF DAYS THAT
5 EDUCATION SERVICES ARE PROVIDED AT A FACILITY FOR EACH ELIGIBLE
6 INDIVIDUAL IN THE PRIOR FISCAL YEAR.

7 (6) “TARGET PER PUPIL FOUNDATION AMOUNT” HAS THE MEANING
8 STATED IN § 5-202 OF THIS ARTICLE.

9 (B) (1) THERE IS A JUVENILE SERVICES EDUCATION COUNTY PILOT
10 PROGRAM.

11 (2) THE PROGRAM SHALL BEGIN IN THE ~~2018-2019~~ 2019-2020
12 SCHOOL YEAR.

13 (3) THE PURPOSE OF THE PROGRAM IS TO PILOT A MANAGEMENT
14 MODEL WHERE A JUVENILE SERVICES EDUCATION PROGRAM AT A FACILITY
15 LOCATED IN A COUNTY IS OPERATED BY THE COUNTY BOARD OF EDUCATION.

16 (C) THE DEPARTMENT, AFTER CONSULTATION WITH THE COUNTY BOARDS
17 OF EDUCATION, SHALL IDENTIFY ~~UP TO THREE~~ ONE JUVENILE SERVICES
18 EDUCATION ~~PROGRAMS AT FACILITIES THAT ARE EACH LOCATED IN A DIFFERENT~~
19 ~~COUNTY~~ PROGRAM TO PARTICIPATE IN THE PROGRAM.

20 (D) A COUNTY BOARD THAT PARTICIPATES IN THE PROGRAM TO OPERATE
21 A JUVENILE SERVICES EDUCATION PROGRAM AT A FACILITY IN THE COUNTY SHALL:

22 (1) FOLLOW ALL APPLICABLE LAWS AND REGULATIONS REGARDING
23 HOURS AND DAYS OF INSTRUCTION; AND

24 (2) ENSURE THAT ELIGIBLE INDIVIDUALS HAVE ACCESS TO
25 CURRICULA AND OTHER CONTENT STANDARDS THAT ARE COMPARABLE TO THOSE
26 PROVIDED TO OTHER STUDENTS IN THE COUNTY.

27 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PARTICIPATING
28 COUNTY BOARD MAY EMPLOY OR CONTRACT WITH TEACHERS AND OTHER
29 PERSONNEL TO PROVIDE EDUCATION SERVICES TO ELIGIBLE INDIVIDUALS AT THE
30 FACILITY FOR A ~~9-MONTH~~ 10-MONTH OR ~~3-MONTH~~ 2-MONTH PERIOD TO BE PAID
31 AT A SALARY DETERMINED BY THE COUNTY BOARD.

1 **(F) THE STATE SHALL PROVIDE FUNDING TO A PARTICIPATING COUNTY**
2 **BOARD IN AN AMOUNT EQUAL TO THE REQUIRED REIMBURSEMENT.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That:

4 (a) On or before January 1, 2019, the State Department of Education shall
5 convene a workgroup to analyze the results of the pilot program established under §
6 22–308 of the Education Article.

7 (b) The workgroup convened under subsection (a) of this section shall include:

8 (1) one member of the Senate of Maryland, selected by the President of the
9 Senate;

10 (2) one member of the House of Delegates, selected by the Speaker of the
11 House;

12 (3) the State Superintendent of Schools, or the State Superintendent's
13 designee;

14 (4) the Secretary of Juvenile Services, or the Secretary's designee;

15 (5) the Public Defender of Maryland, or the Public Defender's designee;

16 (6) an academic expert in education in institutional settings;

17 (7) a teacher who works in a juvenile services education program in the
18 State;

19 (8) an administrator who works in a juvenile services education program
20 in the State;

21 (9) one representative of a criminal justice or civil rights advocacy group;
22 ~~and~~

23 (10) one representative of a disability rights advocacy group;

24 (11) a superintendent of a local public school system in the State, or the
25 superintendent's designee; and

26 (12) a member of a county board of education.

27 (c) The State Superintendent of Schools, or the State Superintendent's designee,
28 shall chair the workgroup.

29 (d) The State Department of Education shall provide staff for the workgroup.

1 (e) A member of the workgroup:

2 (1) may not receive compensation as a member of the workgroup; but

3 (2) is entitled to reimbursement for expenses under the Standard State
4 Travel Regulations, as provided in the State budget.

5 (f) The workgroup shall study the results of the pilot program and make
6 recommendations regarding:

7 (1) whether the pilot program was more effective in meeting the needs of
8 students in juvenile services education programs than the current management model;

9 (2) the management model that should be used to provide juvenile services
10 education programs, including:

11 (i) the current model operated by the State Department of
12 Education;

13 (ii) a model where local school systems operate the programs on a
14 regionalized basis; and

15 (iii) a model where an independent board of education operates the
16 juvenile services education programs;

17 (3) a funding formula that is adequate and appropriate for juvenile services
18 education programs;

19 (4) whether a 9-month or 12-month academic calendar is appropriate;

20 (5) how to ensure that students and their educational needs seamlessly and
21 effectively transition between the student's home school and the juvenile services education
22 program and that students receive credit for their academic progress;

23 (6) how to best address staffing, curriculum, and procurement challenges
24 in the current system, whether through new processes or a new management system; ~~and~~

25 (7) how to ensure that students in juvenile services education programs
26 who have completed a high school diploma or GED have access to postsecondary options;
27 and

28 (8) how to eliminate disparities in course offerings, staffing, and budgetary
29 support available to students in the Juvenile Services Education System and to students
30 served by public schools in the State.

1 (g) On or before December 1, 2019, the workgroup shall report its findings and
2 recommendations to the Governor and, in accordance with § 2-1246 of the State
3 Government Article, the General Assembly.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2018. Section 2 of this Act shall remain effective for a period of 2 years and, at the end of
6 June 30, 2020, Section 2 of this Act, with no further action required by the General
7 Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.