

# HOUSE BILL 1607

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By: **Delegate Luedtke**

Introduced and read first time: February 9, 2018

Assigned to: Ways and Means and Judiciary

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## A BILL ENTITLED

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 to participate in the Program; requiring a certain county board to follow  
11 certain laws and regulations and ensure that certain individuals have access to  
12 certain curricula materials; authorizing a certain county board to employ or contract  
13 with certain teachers for a certain time period and to be paid at a salary determined  
14 by the county board; requiring the State to provide funding to a certain county board  
15 in a certain amount; requiring the Department to convene a certain workgroup on or  
16 before a certain date; providing for the composition, chair, and staffing of the  
17 workgroup; prohibiting a member of the workgroup from receiving certain  
18 compensation, but authorizing the reimbursement of certain expenses; requiring the  
19 workgroup to study certain issues and make certain recommendations related to the  
20 management and operation of juvenile services education programs; requiring the  
21 workgroup to report its findings and recommendations to the Governor and the  
22 General Assembly on or before a certain date; defining certain terms; providing for  
23 the termination of certain provisions of this Act; and generally relating to the  
24 operation of juvenile services education programs.

25 BY repealing and reenacting, with amendments,  
26 Article – Education  
27 Section 6–302  
28 Annotated Code of Maryland  
29 (2014 Replacement Volume and 2017 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Education  
3 Section 22–308  
4 Annotated Code of Maryland  
5 (2014 Replacement Volume and 2017 Supplement)

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

8 **Article – Education**

9 6–302.

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

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

17 (i) The Department of Juvenile Services; or

18 (ii) The Maryland Department of Health;

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

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

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

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

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

3 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL IN  
4 A POSITION DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION AT AN  
5 INSTITUTION THAT IS UNDER THE JURISDICTION OF THE DEPARTMENT OF  
6 JUVENILE SERVICES MAY BE EMPLOYED OR CONTRACTED TO PROVIDE EDUCATION  
7 SERVICES FOR A 9-MONTH OR 3-MONTH PERIOD WITH A SALARY COMMENSURATE  
8 WITH THE PERIOD OF EMPLOYMENT.

9 **22-308.**

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

12 (2) "DAILY RATE" MEANS THE TARGET PER PUPIL FOUNDATION  
13 AMOUNT FOR THE CURRENT FISCAL YEAR DIVIDED BY THE NUMBER OF WEEKDAYS  
14 IN A FISCAL YEAR.

15 (3) "ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL WHO RECEIVES  
16 EDUCATION SERVICES FROM A JUVENILE SERVICES EDUCATION PROGRAM AT A  
17 FACILITY IN ACCORDANCE WITH THIS SUBTITLE.

18 (4) "PROGRAM" MEANS THE JUVENILE SERVICES EDUCATION  
19 COUNTY PILOT PROGRAM ESTABLISHED UNDER THIS SECTION.

20 (5) "REQUIRED REIMBURSEMENT" MEANS THREE TIMES THE  
21 PRODUCT OF THE DAILY RATE MULTIPLIED BY THE NUMBER OF DAYS THAT  
22 EDUCATION SERVICES ARE PROVIDED AT A FACILITY FOR EACH ELIGIBLE  
23 INDIVIDUAL IN THE PRIOR FISCAL YEAR.

24 (6) "TARGET PER PUPIL FOUNDATION AMOUNT" HAS THE MEANING  
25 STATED IN § 5-202 OF THIS ARTICLE.

26 (B) (1) THERE IS A JUVENILE SERVICES EDUCATION COUNTY PILOT  
27 PROGRAM.

28 (2) THE PROGRAM SHALL BEGIN IN THE 2018-2019 SCHOOL YEAR.

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

32 (C) THE DEPARTMENT, AFTER CONSULTATION WITH THE COUNTY BOARDS

1 OF EDUCATION, SHALL IDENTIFY UP TO THREE JUVENILE SERVICES EDUCATION  
2 PROGRAMS AT FACILITIES THAT ARE EACH LOCATED IN A DIFFERENT COUNTY TO  
3 PARTICIPATE IN THE PROGRAM.

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

6 (1) FOLLOW ALL APPLICABLE LAWS AND REGULATIONS REGARDING  
7 HOURS AND DAYS OF INSTRUCTION; AND

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

11 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PARTICIPATING  
12 COUNTY BOARD MAY EMPLOY OR CONTRACT WITH TEACHERS AND OTHER  
13 PERSONNEL TO PROVIDE EDUCATION SERVICES TO ELIGIBLE INDIVIDUALS AT THE  
14 FACILITY FOR A 9-MONTH OR 3-MONTH PERIOD TO BE PAID AT A SALARY  
15 DETERMINED BY THE COUNTY BOARD.

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

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

19 (a) On or before January 1, 2019, the State Department of Education shall  
20 convene a workgroup to analyze the results of the pilot program established under §  
21 22–308 of the Education Article.

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

23 (1) one member of the Senate of Maryland, selected by the President of the  
24 Senate;

25 (2) one member of the House of Delegates, selected by the Speaker of the  
26 House;

27 (3) the State Superintendent of Schools, or the State Superintendent's  
28 designee;

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

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

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

1 (7) a teacher who works in a juvenile services education program in the  
2 State;

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

5 (9) one representative of a criminal justice or civil rights advocacy group;  
6 and

7 (10) one representative of a disability rights advocacy group.

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

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

11 (e) A member of the workgroup:

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

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

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

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

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

21 (i) the current model operated by the State Department of  
22 Education;

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

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

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

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

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

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

6           (7)     how to ensure that students in juvenile services education programs  
7 who have completed a high school diploma or GED have access to postsecondary options.

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

11           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
12 1, 2018. Section 2 of this Act shall remain effective for a period of 2 years and, at the end of  
13 June 30, 2020, Section 2 of this Act, with no further action required by the General  
14 Assembly, shall be abrogated and of no further force and effect.