

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1074

(Delegate Cain, *et al.*)

Ways and Means and Judiciary

Education, Health, and Environmental Affairs

Education - Juvenile Services Education Programs - Management and Operation

This bill extends the termination date to June 30, 2021, for provisions of Chapter 565 of 2018 relating to a Juvenile Services Education County Pilot Program. The bill also extends to January 1, 2020, the date by which the Maryland State Department of Education (MSDE) must convene a workgroup to analyze the results of the pilot program and extends to December 1, 2020, the date by which the workgroup must report its findings. The bill adds specified members to the workgroup; alters the charge of the workgroup; and requires the workgroup to hold public hearings and provide an opportunity for public comment. The bill also requires each individual within one of a list of professional categories employed through the Juvenile Services Education System (JSES) to be paid the annual salary determined under the statewide institutional educator pay plan (IEPP) established by the Department of Budget and Management (DBM), except for those in JSES who are paid for a 10-month or 2-month period of service. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: None. The bill provides increased flexibility to MSDE with respect to the period of service for specified professionals employed by JSES but does not require any change in annual expenditures. Further, it is assumed that the requirement to hold public hearings and to provide an opportunity for public comment does not substantially alter MSDE's current costs associated with convening the workgroup.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill repeals the requirement that the workgroup make recommendations regarding whether the pilot program was more effective in meeting the needs of students in juvenile services education programs than the current management model. The workgroup must make recommendations regarding:

- the identification of reforms to juvenile services education programs (JSEPs) to remove disparities between course offerings, staffing, and budgetary support available to students in JSEPs and students served by public schools in the State;
- the appropriate balance between computer-based and teacher-directed instruction to differentiate the needs of students in JSEPs;
- whether there should be additional teacher certification or training requirements beyond current requirements for teachers in JSEPs;
- how to ensure that students are given appropriate pre-assessments when a student begins a JSEP to determine the student's current academic level; and
- how to ensure that students in JSEPs who do not have an individualized education program (IEP) or 504 plan but may need services are assessed to identify disabilities.

Current Law:

Juvenile Services Education County Pilot Program

Chapter 565 of 2018 established a juvenile services education county pilot program beginning in the 2019-2020 school year for one juvenile services education program to be operated by a local board of education. The State must fund a participating local board via a specified reimbursement formula. Individuals providing juvenile services education for MSDE and the local school board participating in the pilot program are authorized to be employed for 10-month or 2-month periods. MSDE must convene a workgroup by January 1, 2019, to analyze the results of the pilot program and report its findings and recommendations by December 1, 2019.

MSDE must, after consultation with local boards of education, identify one juvenile services education program to participate in the program. A participating local board must ensure that eligible individuals have access to curricula and other content standards that are comparable to those provided to other students in the county.

The State must provide funding to a participating county in accordance with a required reimbursement. The required reimbursement is in part a function of a daily rate established by the bill, which is the target per pupil foundation amount for the current year divided by

the number of weekdays in a fiscal year. The required reimbursement, per individual served, is the daily rate multiplied by three and then multiplied by the number of days of services provided in the prior fiscal year.

Workgroup

The workgroup must study the pilot program results and make recommendations regarding:

- whether the pilot program was more effective in meeting the needs of students in juvenile services education programs than the current management model;
- the management model that should be used to provide juvenile services education programs;
- an adequate and appropriate funding formula for juvenile services education programs;
- whether a 9-month or 12-month academic calendar is appropriate;
- how to ensure that students and their educational needs seamlessly and effectively transition between the student's home, school, and the juvenile services education program and that students receive credit for their academic progress;
- how to best address staffing, curriculum, and procurement challenges in the current system;
- how to ensure that students in juvenile services education programs who have completed a high school diploma or GED have access to postsecondary options; and
- how to eliminate disparities in course offerings, staffing, and budgetary support available to students in JSES and to students served by public schools in the State.

Institutional Educator Pay Plan

Specified professionals under the jurisdiction of the Department of Juvenile Services, the Maryland Department of Health, or the pilot program must be paid an annual salary in accordance with the IEPP established by DBM, except for those who are paid for a 10-month or 2-month period of service under the pilot program.

In establishing and administering the IEPP, the Secretary of Budget and Management must annually review the salaries of public school teachers, librarians, and administrators in the six jurisdictions with the highest number of institutional educator positions and must recommend salaries at levels that will be adequate to recruit and retain qualified institutional educators. The Secretary's recommendations must be made by December 1 of each year for implementation on July 1 of the following fiscal year.

Individualized Education Programs

The federal Individuals with Disabilities Education Act (IDEA) requires that a child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with an individualized family service plan (IFSP) or IEP specific to the individual needs of the child. An IFSP is for children with disabilities from birth up to age 3, and up to age 5 under Maryland's Extended IFSP Option if a parent chooses the option. An IEP is for students with disabilities age 3 through 21. Local school systems are required to make a free appropriate public education available to students with disabilities from age 3 through 21. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met.

504 Plans

Under [Section 504 of the federal Rehabilitation Act of 1973](#), an organization that receives federal money, including public and many private schools, may not discriminate against a person on the basis of a disability. Section 504 requires schools to make a "reasonable accommodation" for students with disabilities to allow them to participate in school and school-related activities. Section 504 plans can be created to help students with disabilities receive accommodations that are not covered by their IEP. Students with disabilities who do not need an IEP may still receive accommodations through a Section 504 plan.

For example, a student who has diabetes may have a Section 504 plan that includes a schedule for getting medication. A student who uses a wheelchair may have a Section 504 plan that provides for special transportation during field trips.

Background: JSES operates within MSDE. JSES teachers are employed by the State, not by local school boards. JSES schools operate for at least 220 school days during a 12-month period as opposed to public schools, which operate for at least 180 school days during a 10-month period.

JSES has experienced difficulty in hiring and retaining highly qualified teachers and education personnel at its 13 schools. MSDE advises that in order to receive the summers off from work, a number of JSES teachers resign from employment with JSES to instead work for local school systems.

The pilot program, to be held in Montgomery County, is set to begin in July 2019. Extending by one year the dates by which the workgroup must convene and by which a report on the program is due will allow for the report to cover a full year of pilot program operations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel County Public Schools; Baltimore City Public Schools; Montgomery County Public Schools; Maryland State Department of Education; Department of Legislative Services

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