

# HOUSE BILL 71

E3, F1

(PRE-FILED)

11r0817  
CF SB 497

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By: **Delegate Luedtke**

Requested: October 2, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary and Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Juvenile Services Education Board and Program – Establishment, Powers, and**  
3 **Duties**

4 FOR the purpose of repealing certain provisions of law regarding educational programs for  
5 juveniles in residential facilities; establishing the Juvenile Services Education  
6 Board; providing that the Board is an independent unit within the Department of  
7 Juvenile Services; establishing the Juvenile Services Education Program; providing  
8 for the composition, terms, staff, and chair and vice chair of the Board; requiring the  
9 Board, to the extent practicable, to reflect the diversity of the student population  
10 that the Department serves; providing that each Board member is entitled to a  
11 certain stipend and reimbursement of certain expenses; requiring the Board to have  
12 certain authority and responsibility relating to the juvenile services educational  
13 programs in the State beginning on a certain date; requiring the Board to provide  
14 certain educational services to certain juveniles; specifying the duties of the Board;  
15 authorizing the Department ~~of Juvenile Services~~ to adopt certain regulations;  
16 requiring the Department to adopt certain regulations; requiring the Board to meet  
17 publicly in accordance with certain requirements; requiring the Board to appoint a  
18 Superintendent for the Juvenile Services Education Program; specifying the duties  
19 and salary of the Superintendent; specifying the Superintendent's qualifications;  
20 requiring the ~~Department~~ Superintendent to implement juvenile services  
21 educational programs in the State in accordance with certain requirements;  
22 requiring the ~~Department~~ Superintendent to employ certain staff; requiring Expert  
23 Review Teams to be sent to all residential facilities by the end of a certain school  
24 year; requiring the Governor to include in the annual budget bill a certain

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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 appropriation; requiring the Department to notify a juvenile in custody of the  
 2 juvenile's educational rights; requiring the Board and the ~~Department~~  
 3 Superintendent to work cooperatively to implement certain requirements;  
 4 prohibiting the disenrollment of certain juveniles from certain schools under certain  
 5 circumstances; requiring the Board to develop certain intake classrooms; requiring  
 6 the Board and the ~~Department Superintendent~~, in consultation with county boards  
 7 of education, to develop a certain postcustody re-enrollment procedure for certain  
 8 juveniles; requiring the Board to offer certain postsecondary education programs to  
 9 certain juveniles; authorizing the Board to contract with certain entities for certain  
 10 purposes; requiring county boards of education to waive certain graduation  
 11 requirements under certain circumstances; requiring county boards of education to  
 12 reimburse the Department for certain costs under certain circumstances; requiring  
 13 the ~~Department Superintendent~~ to submit a certain report to certain entities on or  
 14 before a certain date each year; requiring the Board to be subject to a certain audit  
 15 by the Department of Legislative Services and investigation by the Maryland Office  
 16 of the Inspector General for Education; requiring the Department of Legislative  
 17 Services to conduct certain audits of the administration of juvenile education  
 18 programs on or before certain dates; requiring the State Department of Education  
 19 and the Department to submit a certain report to the General Assembly on or before  
 20 a certain date; requiring the Board, in consultation with local school systems, to  
 21 examine and make recommendations on certain matters on or before a certain date;  
 22 requiring the Department to contract with a certain entity, on or before a certain  
 23 date, to conduct a review of certain policies and practices of the Department and  
 24 develop recommendations; requiring the entity to submit its findings and  
 25 recommendations to the Department, the Governor, and the General Assembly on or  
 26 before a certain date; requiring the Juvenile Justice Monitoring Unit of the Office of  
 27 the Attorney General to have a representative available to attend meetings of the  
 28 Board; specifying certain personnel requirements for certain employees transferred  
 29 to the Department; ~~altering the membership of the Correctional Officers' Retirement~~  
 30 ~~System to include certain individuals serving in a certain position in the Department~~  
 31 ~~on or after a certain date;~~ providing that the provisions of a certain collective  
 32 bargaining agreement for certain staff continue to apply under certain  
 33 circumstances; defining certain terms and altering a certain definition; providing for  
 34 the construction of this Act; providing for the termination of this Act; and generally  
 35 relating to the Juvenile Services Education Board and Program.

36 BY repealing

37 Article – Education

38 Section 22–301 through 22–306.1 and 22–307 through 22–310 and the subtitle

39 “Subtitle 3. Juvenile Services Educational Programs”

40 Annotated Code of Maryland

41 (2018 Replacement Volume and 2020 Supplement)

42 BY repealing and reenacting, without amendments,

43 Article – Correctional Services

44 Section 8–201(a)

45 Annotated Code of Maryland

1 (2017 Replacement Volume and 2020 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – Correctional Services  
4 Section 8–201(h)  
5 Annotated Code of Maryland  
6 (2017 Replacement Volume and 2020 Supplement)

7 BY repealing and reenacting, with amendments,  
8 Article – Education  
9 Section 5–411(g)(2)  
10 Annotated Code of Maryland  
11 (2018 Replacement Volume and 2020 Supplement)  
12 (As enacted by Chapter 36 of the Acts of the General Assembly of 2021)

13 BY adding to  
14 Article – Human Services  
15 Section 9–501 through 9–506 to be under the new subtitle “Subtitle 5. Juvenile  
16 Services Education Board”; and Section 9–601 through ~~9–606~~ 9–607 to be  
17 under the new subtitle “Subtitle 6. Juvenile Services Education Program”  
18 Annotated Code of Maryland  
19 (2019 Replacement Volume and 2020 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article – State Government  
22 Section 6–402  
23 Annotated Code of Maryland  
24 (2014 Replacement Volume and 2020 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article – State Government  
27 Section 6–404  
28 Annotated Code of Maryland  
29 (2014 Replacement Volume and 2020 Supplement)

30 ~~BY repealing and reenacting, with amendments,~~  
31 ~~Article – State Personnel and Pensions~~  
32 ~~Section 25–201(a)(10) and (11)~~  
33 ~~Annotated Code of Maryland~~  
34 ~~(2015 Replacement Volume and 2020 Supplement)~~

35 ~~BY adding to~~  
36 ~~Article – State Personnel and Pensions~~  
37 ~~Section 25–201(a)(12)~~  
38 ~~Annotated Code of Maryland~~  
39 ~~(2015 Replacement Volume and 2020 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 22–301 through 22–306.1 and 22–307 through 22–310 and the subtitle “Subtitle 3. Juvenile Services Educational Programs” of Article – Education of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### Article – Correctional Services

8–201.

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

(h) (1) “Department of Juvenile Services employee” means a youth supervisor, youth counselor, direct care worker, **DIRECT EDUCATION STAFF MEMBER**, or other employee of the Department of Juvenile Services whose employment responsibility is the investigation, custody, control, or supervision of minors, juvenile delinquents, and youthful offenders who are committed, detained, awaiting placement, adjudicated delinquent, or are otherwise under the supervision of the Department of Juvenile Services.

(2) “Department of Juvenile Services employee” includes an employee of any nonprofit or for-profit entity under contract with the Department of Juvenile Services whose employment responsibility is the investigation, custody, control, or supervision of minors, juvenile delinquents, and youthful offenders as described under paragraph (1) of this subsection.

### Article – Education

5–411.

(g) (2) (i) Beginning on July 1, 2023, the Department shall send Expert Review Teams to at least 10% of public schools in at least three different local school systems each year.

(ii) AN EXPERT REVIEW TEAM SHALL BE SENT TO EVERY RESIDENTIAL FACILITY IN WHICH JUVENILES ARE EDUCATED IN ACCORDANCE WITH TITLE 9, SUBTITLE 6 OF THE HUMAN SERVICES ARTICLE BY THE END OF THE 2025–2026 SCHOOL YEAR.

(iii) An Expert Review Team shall be sent at least once to every public school in the State by the end of the 2030–2031 school year.

### Article – Human Services

### SUBTITLE 5. JUVENILE SERVICES EDUCATION BOARD.

1 **9-501.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (B) "BOARD" MEANS THE JUVENILE SERVICES EDUCATION BOARD.

5 (C) "RESIDENTIAL FACILITY" MEANS ANY FACILITY LISTED IN § 9-226 OF  
6 THIS TITLE.

7 (D) "SUPERINTENDENT" MEANS THE JUVENILE SERVICES EDUCATION  
8 PROGRAM SUPERINTENDENT.

9 **9-502.**

10 (A) THERE IS A JUVENILE SERVICES EDUCATION BOARD WITHIN THE  
11 DEPARTMENT.

12 (B) THE BOARD IS AN INDEPENDENT UNIT WITHIN THE DEPARTMENT.

13 **9-503.**

14 (A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

15 (1) THE SECRETARY;

16 (2) THE SECRETARY OF HIGHER EDUCATION;

17 (3) THE STATE SUPERINTENDENT OF SCHOOLS;

18 (4) A REPRESENTATIVE OF THE PUBLIC SCHOOL SUPERINTENDENTS'  
19 ASSOCIATION OF MARYLAND, APPOINTED BY THE GOVERNOR WITH THE ADVICE  
20 AND CONSENT OF THE SENATE;

21 (5) THE ATTORNEY GENERAL OF THE STATE, OR THE ATTORNEY  
22 GENERAL'S DESIGNEE; ~~AND~~

23 (6) ONE EDUCATOR EMPLOYED BY THE STATE WHO IS ENGAGED IN  
24 THE EDUCATION OF JUVENILES RESIDING IN A RESIDENTIAL FACILITY; AND

25 ~~(6)~~ (7) ~~SIX~~ FIVE MEMBERS APPOINTED BY THE GOVERNOR WITH  
26 THE ADVICE AND CONSENT OF THE SENATE.

1           **(B) (1) THE CANDIDATE WHO RECEIVES THE HIGHEST NUMBER OF VOTES**  
 2 **IN AN ELECTION BY THE EDUCATORS EMPLOYED BY THE DEPARTMENT SHALL BE**  
 3 **THE EDUCATOR MEMBER.**

4           **(2) THE TERM OF THE EDUCATOR MEMBER IS 4 YEARS.**

5           **(3) AT THE END OF A TERM, THE EDUCATOR MEMBER CONTINUES TO**  
 6 **SERVE UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

7           **(4) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CONDUCT**  
 8 **THE ELECTION OF THE EDUCATOR MEMBER.**

9           **(5) THE EDUCATOR MEMBER MAY NOT VOTE ON ANY MATTER THAT**  
 10 **RELATES TO APPEALS TO THE STATE BOARD OF EDUCATION UNDER § 6-202 OF THE**  
 11 **EDUCATION ARTICLE.**

12           **(C) (1) TO THE EXTENT PRACTICABLE, THE APPOINTED MEMBERS OF**  
 13 **THE BOARD SHALL REFLECT THE DIVERSITY OF THE POPULATION OF JUVENILES IN**  
 14 **THE STATE.**

15           **(2) THE APPOINTED MEMBERS OF THE BOARD SHALL POSSESS A**  
 16 **HIGH LEVEL OF KNOWLEDGE AND EXPERTISE IN AT LEAST ONE OF THE FOLLOWING**  
 17 **AREAS:**

18           ~~(1)~~ **(I) TEACHING OR EDUCATIONAL ADMINISTRATION;**

19           ~~(2)~~ **(II) PRIOR SERVICE ON THE STATE BOARD OF EDUCATION OR A**  
 20 **COUNTY BOARD OF EDUCATION;**

21           ~~(3)~~ **(III) SOCIAL WORK;**

22           ~~(4)~~ **(IV) SERVICES FOR INDIVIDUALS WITH DISABILITIES;**

23           ~~(5)~~ **(V) WORKING WITH INSTITUTIONALIZED YOUTH;**

24           ~~(6)~~ **(VI) MENTAL OR BEHAVIORAL HEALTH SERVICES;**

25           ~~(7)~~ **(VII) CIVIL RIGHTS LAW OR ADVOCACY;**

26           ~~(8)~~ **(VIII) DIGITAL LEARNING OR ONLINE ADMINISTRATION; OR**

27           ~~(9)~~ **(IX) HIGHER EDUCATION ADMINISTRATION.**

28           ~~(C)~~ **(D) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.**

1           **(2) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO**  
2 **SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

3           **(3) AN APPOINTED MEMBER WHO IS APPOINTED AFTER A TERM**  
4 **BEGINS SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR**  
5 **IS APPOINTED AND QUALIFIES.**

6           **(4) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY**  
7 **VACANCY FOR AN APPOINTED MEMBER ON THE BOARD WITHIN 60 DAYS OF THE**  
8 **VACANCY.**

9           ~~**(D)**~~ **(E) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER ONLY FOR**  
10 **CAUSE.**

11           ~~**(E)**~~ **(F) THE BOARD SHALL ELECT FROM AMONG ITS MEMBERS A CHAIR**  
12 **AND A VICE CHAIR.**

13           ~~**(F)**~~ **(G) ANY ACTION BY THE BOARD SHALL REQUIRE:**

14           **(1) A QUORUM OF A MAJORITY OF THE VOTING MEMBERS THEN**  
15 **SERVING; AND**

16           **(2) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING**  
17 **MEMBERS THEN SERVING.**

18           ~~**(G)**~~ **(H) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT**  
19 **FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS**  
20 **PROVIDED IN THE STATE BUDGET.**

21           ~~**(H)**~~ **(I) THE DEPARTMENT SHALL STAFF THE BOARD.**

22 **9-504.**

23           **(A) BEGINNING JULY 1, 2022, THE BOARD SHALL OVERSEE AND APPROVE**  
24 **ALL EDUCATIONAL SERVICES TO ALL JUVENILES WHO ARE IN A RESIDENTIAL**  
25 **FACILITY.**

26           **(B) THE BOARD SHALL:**

27           **(1) DEVELOP, RECOMMEND, AND APPROVE FOR EVERY RESIDENTIAL**  
28 **FACILITY AN EDUCATIONAL TRAINING PROGRAM THAT:**

29                   **(I) MEETS THE SPECIAL NEEDS AND CIRCUMSTANCES OF THE**  
30 **JUVENILES IN THE RESIDENTIAL FACILITY; AND**

1 (II) IS ACCREDITED BY AN APPROVED ACCREDITING AGENCY;

2 (2) IN CONSULTATION WITH THE JUVENILE JUSTICE MONITORING  
3 UNIT AND THE DEPARTMENT, DEVELOP MINIMUM STANDARDS AND A REPORTING  
4 STRUCTURE TO MEASURE EDUCATIONAL OUTCOMES AND ASSESS IMPLEMENTATION  
5 OF THE JUVENILE SERVICES EDUCATION PROGRAM;

6 (3) REVIEW A QUALITY ASSURANCE REPORT DEVELOPED BY THE  
7 DEPARTMENT EACH QUARTER; AND

8 (4) CONDUCT A PERFORMANCE REVIEW OF THE SUPERINTENDENT AT  
9 LEAST ONCE EVERY 4 YEARS.

10 (C) THE BOARD SHALL APPROVE POSTSECONDARY EDUCATION PROGRAMS,  
11 INCLUDING VOCATIONAL AND ONLINE PROGRAMS, THAT MEET THE NEEDS OF THE  
12 JUVENILES IN A RESIDENTIAL FACILITY.

13 (D) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE  
14 REQUIREMENTS OF THIS SECTION.

15 **9-505.**

16 (A) THE BOARD SHALL MEET PUBLICLY IN THE STATE AT LEAST ONCE PER  
17 MONTH AT THE TIMES DETERMINED BY:

18 (1) A MAJORITY OF THE MEMBERS THEN SERVING;

19 (2) THE CHAIR OF THE BOARD; OR

20 (3) THE SECRETARY.

21 (B) A MAJORITY OF THE MEMBERS THEN SERVING CONSTITUTES A  
22 QUORUM.

23 (C) THE BOARD SHALL:

24 (1) MAINTAIN MINUTES OF ITS MEETINGS AND ANY OTHER RECORDS  
25 THAT IT CONSIDERS NECESSARY;

26 (2) ON REQUEST, PROVIDE INFORMATION REGARDING ITS BUDGET,  
27 ACTIVITIES, AND PROGRAMS; AND

28 (3) ALLOW TIME FOR PUBLIC COMMENT AT EACH OF ITS MEETINGS.

1 **9-506.**

2 (A) THE BOARD SHALL APPOINT A JUVENILE SERVICES EDUCATION  
3 PROGRAM SUPERINTENDENT.

4 (B) THE SUPERINTENDENT SHALL:

5 (1) IMPLEMENT AND ADMINISTER THE EDUCATIONAL PROGRAMS  
6 APPROVED BY THE BOARD;

7 (2) OVERSEE THE EDUCATION OF EVERY JUVENILE IN A RESIDENTIAL  
8 FACILITY;

9 (3) MEET WITH AND ADVISE THE BOARD ABOUT EDUCATIONAL  
10 PROGRAMS AND OUTCOMES FOR JUVENILES;

11 (4) SELECT, ORGANIZE, AND DIRECT THE STAFF OF THE JUVENILE  
12 SERVICES EDUCATION PROGRAM;

13 (5) ENSURE THAT THE POLICIES AND DECISIONS OF THE BOARD ARE  
14 CARRIED OUT; AND

15 (6) PERFORM ANY OTHER DUTIES ASSIGNED BY THE BOARD.

16 (C) THE SUPERINTENDENT:

17 (1) IS ENTITLED TO THE SALARY PROVIDED IN THE STATE BUDGET;  
18 AND

19 (2) SERVES AT THE PLEASURE OF THE BOARD.

20 (D) THE SUPERINTENDENT:

21 (1) MUST BE AN EXPERIENCED AND COMPETENT EDUCATOR;

22 (2) MUST BE A GRADUATE OF AN ACCREDITED COLLEGE OR  
23 UNIVERSITY;

24 (3) MUST HAVE AT LEAST 2 YEARS OF SPECIAL ACADEMIC AND  
25 PROFESSIONAL GRADUATE PREPARATION IN AN ACCREDITED COLLEGE OR  
26 UNIVERSITY;

27 (4) MUST HAVE AT LEAST 7 YEARS OF EXPERIENCE IN TEACHING AND  
28 ADMINISTRATION; AND

1           **(5) MAY NOT BE A CURRENT MEMBER OF THE BOARD OR HAVE BEEN**  
2 **A MEMBER OF THE BOARD AT ANY TIME DURING THE YEAR IMMEDIATELY**  
3 **PRECEDING THE APPOINTMENT.**

4           **(E) THE SUPERINTENDENT MAY HIRE ADDITIONAL STAFF, AS PROVIDED IN**  
5 **THE STATE BUDGET, TO PROVIDE AND ADMINISTER EDUCATIONAL SERVICES**  
6 **WITHIN THE DEPARTMENT.**

7           **SUBTITLE 6. JUVENILE SERVICES EDUCATION PROGRAM.**

8           **9-601.**

9           **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
10 **INDICATED.**

11           **(B) “BOARD” HAS THE MEANING STATED IN § 9-501 OF THIS TITLE.**

12           **(C) “FACILITY” MEANS A BUILDING OR BUILDINGS AND RELATED PHYSICAL**  
13 **INFRASTRUCTURE AT A GEOGRAPHICALLY DISTINCT LOCATION AT WHICH THE**  
14 **DEPARTMENT OPERATES A PROGRAM.**

15           **(D) “RESIDENTIAL FACILITY” HAS THE MEANING STATED IN § 9-501 OF THIS**  
16 **TITLE.**

17           **(E) “SUPERINTENDENT” MEANS THE JUVENILE SERVICES EDUCATION**  
18 **PROGRAM SUPERINTENDENT.**

19           **9-602.**

20           **THERE IS A JUVENILE SERVICES EDUCATION PROGRAM WITHIN THE**  
21 **DEPARTMENT.**

22           **9-603.**

23           **(A) (1) BEGINNING JULY 1, 2022, THE ~~DEPARTMENT~~ SUPERINTENDENT**  
24 **SHALL HAVE THE AUTHORITY AND RESPONSIBILITY FOR IMPLEMENTING THE**  
25 **JUVENILE SERVICES EDUCATIONAL PROGRAMS IN THE STATE.**

26           **(2) THE ~~DEPARTMENT~~ SUPERINTENDENT SHALL PROVIDE AND**  
27 **OVERSEE EDUCATIONAL SERVICES TO ALL JUVENILES IN A RESIDENTIAL FACILITY.**

28           **(B) THE ~~DEPARTMENT~~ SUPERINTENDENT SHALL IMPLEMENT FOR EACH**  
29 **RESIDENTIAL FACILITY AN EDUCATIONAL PROGRAM AS APPROVED BY THE BOARD**  
30 **THAT:**

1 (1) MEETS THE SPECIAL NEEDS AND CIRCUMSTANCES OF THE  
2 JUVENILES IN THE RESIDENTIAL FACILITY; AND

3 (2) IS ACCREDITED BY AN APPROVED ACCREDITING AGENCY.

4 (C) (1) ~~THE DEPARTMENT~~ SUPERINTENDENT SHALL EMPLOY ANY STAFF  
5 NECESSARY TO CARRY OUT THE JUVENILE SERVICES EDUCATION PROGRAM AS  
6 PROVIDED IN THE STATE BUDGET.

7 (2) EDUCATIONAL STAFF IN THE DEPARTMENT SHALL BE SUBJECT  
8 TO THE CAREER LADDER AND SALARY PROVISIONS ~~OF THE BLUEPRINT FOR~~  
9 ~~MARYLAND'S FUTURE~~ UNDER TITLE 6, SUBTITLE 10 OF THE EDUCATION ARTICLE.

10 (D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE  
11 REQUIREMENTS OF THIS SECTION.

12 (E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE  
13 ~~DEPARTMENT~~ SUPERINTENDENT FROM CONTRACTING WITH A NONPROFIT  
14 PRIVATE PARTY OR A COUNTY BOARD OF EDUCATION TO PROVIDE EDUCATIONAL  
15 SERVICES FOR JUVENILES IN A RESIDENTIAL FACILITY.

16 (F) FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER, THE  
17 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION IN  
18 AN AMOUNT SUFFICIENT TO MEET THE REQUIREMENTS OF THIS SUBTITLE.

19 9-604.

20 (A) (1) THE DEPARTMENT SHALL NOTIFY A JUVENILE IN CUSTODY OF  
21 THE JUVENILE'S EDUCATIONAL RIGHTS.

22 (2) A JUVENILE IN THE CUSTODY OF THE DEPARTMENT WHO IS  
23 ENROLLED IN A PUBLIC SCHOOL AT THE TIME THE JUVENILE IS TAKEN INTO  
24 CUSTODY MAY NOT BE DISENROLLED FROM THAT SCHOOL UNTIL AFTER  
25 DISPOSITION OF THE JUVENILE'S CASE.

26 ~~(2)~~ (3) THE PUBLIC SCHOOL IN WHICH A JUVENILE UNDER  
27 PARAGRAPH ~~(1)~~ (2) OF THIS SUBSECTION IS ENROLLED SHALL PROVIDE THE  
28 DEPARTMENT WITH THE EDUCATIONAL MATERIALS NECESSARY FOR THE JUVENILE  
29 TO REMAIN CURRENT WITH THE JUVENILE'S EDUCATIONAL PROGRAM AT THE  
30 SCHOOL IN WHICH THE JUVENILE IS ENROLLED.

31 ~~(3)~~ (4) (1) IN CONSULTATION WITH THE BOARD AND COUNTY  
32 BOARDS OF EDUCATION, THE ~~DEPARTMENT~~ SUPERINTENDENT SHALL DEVELOP

1 AND IMPLEMENT A PROCEDURE TO TRANSFER A COPY OF A JUVENILE'S  
2 EDUCATIONAL RECORDS FROM THE SCHOOL IN WHICH THE JUVENILE IS ENROLLED  
3 TO A RESIDENTIAL FACILITY IN WHICH THE JUVENILE IS PLACED.

4 (II) THE EDUCATIONAL RECORDS TRANSFERRED IN  
5 ACCORDANCE WITH THIS PARAGRAPH SHALL INCLUDE A COPY OF:

- 6 1. AN INDIVIDUALIZED EDUCATION PROGRAM;
- 7 2. A 504 PLAN;
- 8 3. RECORDS FROM AN ENGLISH FOR SPEAKERS OF  
9 OTHER LANGUAGES (ESOL) PROGRAM; AND
- 10 4. ANY OTHER RELEVANT DOCUMENTS AND  
11 INFORMATION.

12 (B) THE ~~DEPARTMENT~~ SUPERINTENDENT, IN CONSULTATION WITH  
13 COUNTY BOARDS OF EDUCATION, SHALL DEVELOP AND IMPLEMENT A PROCEDURE  
14 FOR THE RE-ENROLLMENT OF A JUVENILE IN A RESIDENTIAL FACILITY BEFORE THE  
15 JUVENILE IS RELEASED FROM THE CUSTODY OF THE DEPARTMENT.

16 (C) THE ~~DEPARTMENT~~ SUPERINTENDENT SHALL DEVELOP AN  
17 EDUCATIONAL PLAN FOR EACH SCHOOL-AGE JUVENILE IN THE CUSTODY OF THE  
18 DEPARTMENT FOR MORE THAN 4 WEEKS THAT:

- 19 (1) IS DESIGNED TO MEET THE JUVENILE'S INDIVIDUAL NEEDS; AND
- 20 (2) ENSURES THAT, TO THE EXTENT PRACTICABLE, THE JUVENILE IS  
21 ABLE TO SEAMLESSLY REINTEGRATE INTO THE JUVENILE'S HOME SCHOOL.

22 (D) (1) THE ~~DEPARTMENT~~ SUPERINTENDENT SHALL OFFER A MINIMUM  
23 OF 2.5 HOURS OF A POSTSECONDARY EDUCATION PROGRAM PER WEEKDAY TO  
24 JUVENILES IN THE CUSTODY OF THE DEPARTMENT WHO HAVE:

- 25 (I) GRADUATED FROM HIGH SCHOOL; OR
- 26 (II) OBTAINED A HIGH SCHOOL DIPLOMA BY EXAMINATION IN  
27 ACCORDANCE WITH § 11-808 OF THE LABOR AND EMPLOYMENT ARTICLE.

28 (2) THE ~~DEPARTMENT~~ SUPERINTENDENT MAY CONTRACT WITH A  
29 NONPROFIT PRIVATE PARTY, COMMUNITY COLLEGE, OR ANY OTHER INSTITUTION  
30 OF POSTSECONDARY EDUCATION IN THE STATE TO PROVIDE THE SERVICES  
31 REQUIRED BY THIS SUBSECTION.

1 (E) EACH COUNTY BOARD OF EDUCATION ~~SHALL~~ MAY WAIVE ALL HIGH  
2 SCHOOL GRADUATION REQUIREMENTS, INCLUDING REQUIRED COURSEWORK, FOR  
3 A JUVENILE WHO IS COMMITTED TO THE CUSTODY OF THE DEPARTMENT AND IS  
4 SUBSEQUENTLY TRANSFERRED TO THE LOCAL SCHOOL SYSTEM WHILE IN GRADE 11  
5 OR 12.

6 **9-605.**

7 (A) IN THIS SECTION, "BASIC DAILY COST" MEANS THE AVERAGE AMOUNT  
8 SPENT BY A COUNTY BOARD OF EDUCATION FROM COUNTY AND STATE FUNDS FOR  
9 THE PUBLIC EDUCATION OF A NONDISABLED CHILD DIVIDED BY THE NUMBER OF  
10 ACTUAL SCHOOL DAYS REQUIRED FOR A PUBLIC SCHOOL UNDER § 7-103 OF THE  
11 EDUCATION ARTICLE.

12 (B) A COUNTY BOARD OF EDUCATION SHALL REIMBURSE THE  
13 DEPARTMENT FOR THE BASIC DAILY COST FOR EACH CHILD WHO WAS DOMICILED  
14 IN THE COUNTY PRIOR TO PLACEMENT WITH THE DEPARTMENT IF THE CHILD:

15 (1) IS IN A FACILITY OR RESIDENTIAL FACILITY;

16 (2) IS IN THE CUSTODY OF THE DEPARTMENT FOR 15 CONSECUTIVE  
17 DAYS OR MORE;

18 (3) DOES NOT MEET THE CRITERIA FOR SHARED STATE AND LOCAL  
19 PAYMENT OF EDUCATIONAL COSTS AS PROVIDED IN §§ 8-406 AND 8-415 OF THE  
20 EDUCATION ARTICLE; AND

21 (4) WAS INCLUDED IN THE FULL-TIME EQUIVALENT ENROLLMENT OF  
22 THE COUNTY AS CALCULATED UNDER § ~~5-202~~ 5-201 OF THE EDUCATION ARTICLE.

23 **9-606.**

24 (A) (1) ON OR BEFORE DECEMBER 1, 2022, AND EACH DECEMBER 1  
25 THEREAFTER, THE ~~DEPARTMENT~~ SUPERINTENDENT SHALL SUBMIT A REPORT TO  
26 THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT  
27 ARTICLE, THE GENERAL ASSEMBLY ON THE AGGREGATE EDUCATIONAL OUTCOMES  
28 OF THE PROGRAMS REQUIRED BY THIS SUBTITLE AT EACH RESIDENTIAL FACILITY.

29 (2) THE SUPERINTENDENT'S REPORT SHALL INCLUDE:

30 (I) STUDENT OUTCOMES;

31 (II) EXTERNAL ORGANIZATIONAL PARTNERSHIPS; AND

1                   **(III) TRANSITIONS BETWEEN ENROLLMENT IN PUBLIC SCHOOL**  
2 **AND THE CUSTODY OF THE DEPARTMENT.**

3                   **(3) THE SUPERINTENDENT SHALL REPORT THE INFORMATION**  
4 **REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN THE AGGREGATE AND**  
5 **DISAGGREGATED BY:**

6                   **(I) RACE;**

7                   **(II) ETHNICITY;**

8                   **(III) GENDER;**

9                   **(IV) ENGLISH PROFICIENCY STATUS;**

10                   **(V) DISABILITY STATUS; AND**

11                   **(VI) FAMILIAL INCOME.**

12           **(B) THE BOARD SHALL BE SUBJECT TO:**

13                   **(1) AUDITS BY THE OFFICE OF LEGISLATIVE AUDITS IN THE**  
14 **DEPARTMENT OF LEGISLATIVE SERVICES;**

15                   **(2) INVESTIGATION BY THE MARYLAND OFFICE OF THE INSPECTOR**  
16 **GENERAL FOR EDUCATION; AND**

17                   **(3) OVERSIGHT AND MONITORING BY THE STATE DEPARTMENT OF**  
18 **EDUCATION AND STATE BOARD OF EDUCATION.**

19           **(C) THE OFFICE OF LEGISLATIVE AUDITS IN THE DEPARTMENT OF**  
20 **LEGISLATIVE SERVICES SHALL CONDUCT AN AUDIT OF THE SUPERINTENDENT AND**  
21 **DEPARTMENT'S ADMINISTRATION OF JUVENILE EDUCATIONAL PROGRAMS ON OR**  
22 **BEFORE:**

23                   **(1) JULY 1, 2027; AND**

24                   **(2) JULY 1, 2030.**

25 **9-607.**

26           **(A) (1) ON OR BEFORE JANUARY 1, 2024, THE DEPARTMENT SHALL**  
27 **CONTRACT WITH A PUBLIC OR PRIVATE ENTITY TO CONDUCT AN EMPIRICAL**

EVALUATION OF THE DEPARTMENT'S POLICIES AND PRACTICES REGARDING THE EDUCATIONAL SERVICES PROVIDED TO JUVENILES IN RESIDENTIAL FACILITIES.

(2) IN CONDUCTING THE STUDY REQUIRED UNDER THIS SUBSECTION, THE ENTITY WITH WHICH THE DEPARTMENT CONTRACTS SHALL REVIEW THE EFFECTIVENESS OF THE DEPARTMENT'S CURRENT POLICIES AND PRACTICES, INCLUDING:

(I) STUDENT EDUCATIONAL OUTCOMES;

(II) IF THE EDUCATIONAL PLANS REQUIRED UNDER § 9-604(C) OF THIS SUBTITLE ARE MEETING JUVENILE NEEDS;

(III) STUDENT DISCIPLINARY OUTCOMES;

(IV) HOW EFFICIENTLY STUDENTS TRANSITION BETWEEN ENROLLMENT IN PUBLIC SCHOOL AND THE CUSTODY OF THE DEPARTMENT, INCLUDING:

1. HOW WELL EDUCATIONAL RECORDS ARE TRANSFERRED BETWEEN THE DEPARTMENT AND COUNTY BOARDS;

2. HOW EFFICIENTLY JUVENILES ARE RE-ENROLLED IN PUBLIC SCHOOL AFTER BEING RELEASED FROM THE CUSTODY OF THE DEPARTMENT; AND

3. HOW WELL THE EDUCATION THE JUVENILE RECEIVES WHILE UNDER THE CUSTODY OF THE DEPARTMENT MATCHES WITH THE EDUCATION RECEIVED IN THE JUVENILE'S PUBLIC SCHOOL;

(V) THE QUALITY OF THE CURRICULUM;

(VI) HOW CONDUCTIVE THE EDUCATIONAL SETTING IS TO LEARNING; AND

(VII) ACCESS TO MENTAL HEALTH SERVICES.

(3) THE ENTITY WITH WHICH THE DEPARTMENT CONTRACTS SHALL, AFTER COMPLETING ITS REVIEW, DEVELOP RECOMMENDATIONS TO IMPROVE THE EDUCATION DELIVERED UNDER THIS SUBTITLE.

(B) ON OR BEFORE OCTOBER 1, 2026, THE ENTITY WITH WHICH THE DEPARTMENT CONTRACTS SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS

1 TO THE DEPARTMENT, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1257 OF  
2 THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

3 **Article – State Government**

4 6-402.

5 (a) There is a Juvenile Justice Monitoring Unit of the Office of the Attorney  
6 General.

7 (b) The function of the Unit is to investigate and determine whether the needs of  
8 children under the jurisdiction of the Department of Juvenile Services are being met in  
9 compliance with State law, that their rights are being upheld, and that they are not being  
10 abused.

11 6-404.

12 The Unit shall:

13 (1) evaluate at each facility:

14 (i) the child advocacy grievance process;

15 (ii) the Department's monitoring process;

16 (iii) the treatment of and services to youth;

17 (iv) the physical conditions of the facility; and

18 (v) the adequacy of staffing;

19 (2) review all reports of disciplinary actions, grievances, and grievance  
20 dispositions received from each facility and alterations in the status or placement of a child  
21 that result in more security, additional obligations, or less personal freedom;

22 (3) receive copies of the grievances submitted to the Department;

23 (4) perform unannounced site visits and on-site inspections of facilities;

24 (5) receive and review all incident reports submitted to the Department  
25 from facilities;

26 (6) receive reports of the findings of child protective services investigations  
27 of allegations of abuse or neglect of a child in a facility;

28 (7) ensure that each facility is in compliance with the regulations  
29 applicable to residential facilities;



- 1                    ~~(v) a correctional maintenance services officer;~~  
 2                    ~~(vi) a correctional maintenance services supervisor; or~~  
 3                    ~~(vii) a correctional maintenance services manager; AND~~

4                    ~~(12) AN INDIVIDUAL SERVING AS A DEPARTMENT OF JUVENILE~~  
 5 ~~SERVICES DIRECT EDUCATION STAFF MEMBER ON OR AFTER JULY 1, 2022.~~

6                    SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1,  
 7 2021, the State Department of Education and the Department of Juvenile Services shall  
 8 submit to the General Assembly, in accordance with § 2-1257 of the State Government  
 9 Article, a report detailing plans for the transition of juvenile services educational programs  
 10 to the Juvenile Services Education Program established under Section 2 of this Act.

11                    SECTION 4. AND BE IT FURTHER ENACTED, That:

12                    (a) On or before December 1, 2021, the Juvenile Services Education Board  
 13 established under Section 2 of this Act shall submit to the General Assembly, in accordance  
 14 with § 2-1257 of the State Government Article, a report that meets the requirements of  
 15 this section.

16                    (b) In consultation with local school systems, the Juvenile Services Education  
 17 Board shall examine and report on how, before the disposition of a student's juvenile case,  
 18 to meet the needs of a student who:

19                    (1) is dually enrolled in the Juvenile Services Education Program and a  
 20 local school system; and

21                    (2) has an individualized education program or other special education  
 22 plan.

23                    (c) The Juvenile Services Education Board shall examine and make  
 24 recommendations regarding funding for the Juvenile Services Education Program  
 25 established under Section 2 of this Act, including recommendations for any improvements.

26                    SECTION 5. AND BE IT FURTHER ENACTED, That any State personnel or  
 27 contractual employee involved in a transfer to the Department of Juvenile Services under  
 28 this Act shall:

29                    (1) if applicable, remain in the State Personnel Management System;

30                    (2) remain in a position that is comparable to or most closely compares to  
 31 their former position, without further examination or qualification;

32                    (3) receive no diminution in compensation or accumulated leave solely as a  
 33 result of the transfer; and

1           (4) if applicable, continue in the same salary grade in the Department of  
2 Juvenile Services.

3           SECTION ~~4~~ 6. AND BE IT FURTHER ENACTED, That the provisions of any  
4 collective bargaining agreement for staff in the Juvenile Services Education Program shall  
5 continue to apply until the bargaining unit for the staff and the State negotiate a new  
6 collective bargaining agreement.

7           SECTION 7. AND BE IT FURTHER ENACTED, That an individual who is an  
8 employee of the Juvenile Services Education Program on June 30, 2022, and remains a  
9 Department of Juvenile Services direct education staff member on July 1, 2022, shall  
10 remain a member of the Employees' Pension System as provided under Title 23 of the State  
11 Personnel and Pensions Article.

12           SECTION ~~5~~ 8. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 July 1, 2021. It shall remain effective for a period of 12 years and, at the end of June 30,  
14 2033, this Act, with no further action required by the General Assembly, shall be abrogated  
15 and of no further force and effect.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.