

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1047

Ways and Means

(Delegate Ebersole)

Education, Energy, and the Environment

Juvenile Services Education Program - Transfer of Locally Employed Educational Professionals

This bill specifies that, when a locally employed educational professional, as defined by the bill, transfers to the Juvenile Services Education Program (JSEP) within the Department of Juvenile Services (DJS), the employee must be given credit as a State employee for the individual's years of service as a locally employed educational professional for the purpose of establishing the individual's leave accrual rates. The bill also specifies that a locally employed educational professional who transfers directly from a position with a local public school employer to JSEP must retain any previously accumulated leave balances under specified circumstances. The bill applies retroactively and must be applied to and interpreted to affect any transfers by locally employed educational professionals on or after July 1, 2022. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: The bill is not expected to have a material effect on State operations or finances, as discussed below.

Local Effect: The bill does not directly affect local operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: “Local public school employer” means a county board of education or the Baltimore City Board of School Commissioners. “Locally employed educational professional” means an individual who is employed by (1) a local public school employer

in a position for which professional standards are established by the State Board of Education and the Professional Standards and Teacher Education Board or (2) a county public library system in the position of librarian or public library associate.

A locally employed educational professional who transfers directly from a position with a local public school employer to JSEP with no period of intervening employment and no lapse in employment greater than 90 days must receive accumulated leave in the amount verified by the individual's local public school employer as the individual's accumulated leave balances at the time the individual left the local public school employer and for which the individual was not otherwise compensated. In such a case, the individual must be (1) entitled to transfer all leave balances, even if the leave balances exceed the amount of leave an employee of JSEP is authorized to retain and (2) subject to the leave accumulation and carry over requirements that otherwise apply to State employees when the individual begins employment at JSEP.

Current Law: Chapter 147 of 2021 transferred JSEP from the Maryland State Department of Education (MSDE) to DJS and established the Juvenile Services Education Board to oversee the program. Through the program, DJS oversees and provides comprehensive educational services to all juveniles placed in a DJS-operated detention and residential facility.

State Expenditures: The Department of Budget and Management (DBM) advises that there is no existing process to *transfer* locally employed educational professionals to JSEP; however, the program has historically *hired* locally employed educational professionals as teachers from time to time. DBM further advises that, prior to JSEP's transfer to DJS, MSDE allowed teachers that were hired from local school systems to keep their sick leave; however, this has not been allowed since the program transferred to DJS. If the bill is interpreted to only apply for a transfer, then it has no effect on State operations or finances; however, for purposes of this analysis, it is assumed the benefit transfers envisioned by the bill must be followed when a locally employed educational professional is *hired* by JSEP.

Administratively, DBM and DJS must create and track special leave rules for any locally employed educational professional hired by JSEP, and different leave rules may be necessary for professionals from different jurisdictions. The cumulative administrative burden of creating and tracking these rules may increase costs, albeit minimally, for DJS.

DBM and DJS are unaware of any individuals hired for JSEP since July 1, 2022, to whom the bill's requirements would apply, despite the retroactive nature of the bill. DJS further advises that the bill has no effect on its finances and that any operational effect can be absorbed within existing resources. Therefore, this requirement is not anticipated to affect DJS or DBM operations or finances.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Budget and Management; Department of Juvenile Services; Maryland State Library Association; Baltimore City; Montgomery County; Anne Arundel County Public Schools; Department of Legislative Services

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