



To: Chair Pinsky and members of the Education, Health, and Environmental Affairs Committee
From: Shamoya Gardiner, Education Policy Director
Re: Senate Bill 798: Education - Juvenile Services Education System - Establishment, Powers, and Duties
Date: February 18, 2020
Position: Support with Amendments

Advocates for Children and Youth does not, on balance, see the incarceration of young people in the State as beneficial. Our support for Senate Bill 798 is predicated on the understanding that until we achieve the realization of a Maryland in which all young people are born into thriving families, adolescent behaviors are not criminalized, and children of color—Black children specifically—are not hyper-monitored, this effort will at least mitigate some of the many negative impacts of incarceration on young people and their families. The amendments we seek for this bill are outlined below.

Composition of the Board

The Board of Education for the Juvenile Services Education System should include **multiple representatives who have lived experience as young people in the care of the Department of Juvenile Services** (DJS). Ensuring representation from this population will allow the Board to be more effective in carrying out each of its responsibilities. Only placing one person with such experiences on the Board risks tokenizing that individual—this can be achieved without expanding the number of members on the board. Family members of young people currently or recently in the care of DJS must also be represented on this board—again, this may be achieved without expanding the number of people serving on the Board.

Re-Enrollment

Development of the re-enrollment procedure for a young person should include the young person, their family/guardian and school-based staff, including the Principal, a behavioral health specialist/counselor, and any relevant staff who will be welcoming the student back upon their release from DJS.

Post-Secondary Program Offerings

The Board should be explicitly prohibited from contracting with private institutions of post-secondary education in order to provide programs and services. The Board will be a public entity funded with public dollars—**allowing for contracts with private entities will create opportunities for mismanagement of public funds** and validates an underlying assumption that our public institutions are not capable of providing such services.

Reporting

All reporting required by this legislation should require that data be disaggregated by race, ethnicity, and sex. In addition, **reporting on educational outcomes for each program at each residential facility is not sufficient to measure the efficacy of the Board.** Longitudinal data must also be provided to the Maryland Longitudinal Data System so we can track long-term student outcomes and assess whether/how a young person's tenure at a treatment facility has impacted their overall academic progress, diploma attainment, post-secondary degree attainment, earning potential, and other critical outcomes. The language specifying "aggregate educational outcomes" should be struck from the bill entirely and replaced with meaningful reporting measures.

Reports should also be provided to the State Superintendent, Governor, and the General Assembly on the staffing of the system, including the designated Superintendent, and all staff hired/entities contracted with to carry out educational programs and services to young people.

Senate Bill 798 takes many meaningful steps to creating an educational system for young people in the care of the Department of Juvenile Services that will better serve them than they are in the status quo. ACY would like to see amendments made to the bill before its passage and will continue advocating on behalf of young people in the state in hopes of securing a future where the carceral system does not touch their lives.