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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR DELORES G. KELLEY

**REGARDING SENATE BILL 497- JUVENILE SERVICES EDUCATION BOARD AND
PROGRAM-ESTABLISHMENT, POWERS, AND DUTIES**

**BEFORE THE SENATE EDUCATION, HEALTH AND ENVIRONMENTAL
AFFAIRS COMMITTEE**

ON FEBRUARY 17, 2021

Mr. Chair and Members:

Given that the Maryland State Department of Education operates no county or other school system, except for Maryland's Juvenile Services Education System, and given the lack of an independent school board focusing on the unique education, psycho-social, and other special needs of students in the custody of the Department of Juvenile Services, there is a critical need for the creation of a separate school board and school system adapted to the unique needs of the youth committed to the Maryland Department of Juvenile Services.

Let's first review briefly some of the serious problems with the status quo, which

this Bill is here to address:

- The children served by JSES have experienced a disproportionately high rate of trauma and are in need of a higher level of special education services for which there are inadequate budgetary and staffing resources;
- JSES struggles with stretching its resources over a 12-month calendar, rather than a 9-month calendar, which exacerbates difficulties with filling staff vacancies in a timely manner and maintaining an adequate lineup of substitute teachers;
- There are very limited options available to students in JSES for earning credits, taking online courses, or enrolling in a postsecondary program;
- Instruction available to JSES students is not based on the academic interests or achievements of the students, but on housing assignments of the students;
- JSES lacks systematic protocols for ensuring that, as a student graduates from the program, a transcript of the student's completed work is available to a public school to which they might return; and
- The pay, working conditions, and attrition rates of JSES teachers, principals, and support staff are in need of significant improvement.

Senate Bill 497 is here to improve equity and opportunity for the largely low-income and minority youth who are committed to the Department of Juvenile Services. We need these juveniles to become high school and college graduates. We need them to become civic minded tax payers. Their needs are great, and

they cannot be educated without an adequate system, run by an appointed school board, of dedicated professionals such as the proposed Juvenile Services Education Board. The Board will have responsibility for selecting a Superintendent, and the authority and responsibility for creating, resourcing, and for evaluating the juvenile services educational programs.

The new Juvenile Education Board shall include:

- The Department of Juvenile Services Secretary;
- The Secretary of Higher Education;
- The State Superintendent of Schools;
- A representative of the public schools Superintendents' Association of Maryland, appointed by the Governor, with advice and consent of the Senate;
- The Attorney General of Maryland , or his/her designee; and
- Six members appointed by the Governor with the advice and consent of the Senate.

The appointed members of the Board shall have a high level of knowledge and expertise in at least one of following areas:

1. teaching or educational administration;
2. prior service on either the State Board of Education or a Board of Education
3. social work;
4. services for individuals with disabilities ;
5. working with institutionalized youth, mental or behavioral health services;

6. civil rights law or advocacy;
7. digital learning or online administration; or
8. higher education administration.

Senate Bill 497 specifies the terms of board appointments, for full terms as well as for partial terms following any vacancy. This Bill specifies a number of standard parliamentary procedures and standards for board actions, and specifies that the Department shall staff the Board, which becomes active as of July 1, 2022.

Staff training for every residential facility shall be developed, recommended and approved by the Board, and accredited by an approved accrediting agency.

The Board shall consult with the Juvenile Justice Monitoring Unit, and with the Department on the development of minimum standards and reporting structures to measure educational outcomes and assessments.

The Board shall review quarterly quality assurance reports, conduct performance reviews of the Superintendent at least every four years, and shall approve post secondary education programs, including vocational and online programs designed to meet student needs.

There is a requirement for at least monthly public meetings of the Board,

including time for monthly public comment.

Educational staff in the Department shall be subject to the "career ladder and salary provisions for the Blueprint for Maryland's Future. "

This Bill authorizes the Department of Juvenile Services to adopt regulations applicable to the responsibilities assigned to the Board and to the Education staff, beginning on designated dates. The Bill specifies the general types and scope of education services to be provided. SB 497 requires the Board to hold public meetings, which meet certain requirements, and requires the Board to appoint a Superintendent, as well as other staff. The Bill specifies the duties and salary of the Superintendent, and directs the Department of Juvenile Services to implement juvenile services education programs that meet certain requirements.

This Bill requires the Governor to include in the annual budget bill a certain appropriation. The Bill also requires a degree of cooperation between the Juvenile Services Education Program and the county community-based schools where JSE students were most recently enrolled, and/or to which they return.

In that regard, SB 497 prohibits uncoordinated disenrollment of students who move in either direction between county schools and Juvenile Services Education Programs.

Among programs to be offered by the Juvenile Services Education Schools, are programs meeting the specific needs of the juveniles in each of the Department's residential facilities, and all such programs must be approved by an appropriate accrediting agency. The Board shall also approve certain post-secondary education programs (including vocational and online programs) that meet the educational and future career needs for youth in a residential facility. The JSE School Board shall consult with Maryland's Juvenile Justice monitoring unit and with the Department when developing minimum standards, the structure for measuring and reporting educational outcomes, and when assessing the implementation of the Juvenile Services Education Program. The School Board is required to also review and consider quarterly assurance reports by the Department of Juvenile Services, in addition to reviewing the total performance of the Superintendent at least once every four years.

At least monthly, the JSE School Board shall hold a public meeting, where a majority of board members then serving will constitute a quorum. The Board shall respond to information requests regarding its budget, activities and programs, and allow time for public comment at each of its meetings.

The Superintendent of the new Juvenile Services Education Program is charged with the typical duties of counterparts in community- based school systems; serves at the pleasure of the Board and manages all resources provided by the State, including the hiring, resourcing, and evaluation of all staff and all programs. Implementation of the new Juvenile Services Education Program begins on July 1, 2022, and the education staff shall be subject to the “career ladder and salary provisions of the Blueprint For Maryland’s Future.”

For fiscal year 2023 and thereafter, the Governor shall include in the annual budget bill, an appropriation sufficient to meet the requirements of this subtitle.

This Bill provides for continuity of school enrollment for students moving between a County school and a Juvenile Services Education School. Likewise both County schools and Juvenile Services Education Schools will have a duty for prompt transfer of certain basic and common educational records, including an

individualized education program, or a 504 Plan. This Bill sets requirements for meeting the individual education needs of students in the JES programs, including for postsecondary education for a minimum of 2.5 hours per weekday for certain youth who have graduated high school or obtained a high school diploma by examination.

The Bill specifies certain waivers of County School graduation requirements for a student transferred to the local school system while in grade 11 or 12.

The Bill also requires a County Board of Education to reimburse the Department for the basic cost for each child who was domiciled in the County prior to being transferred to the Department if the child is in Department custody for 15 consecutive days or more, was included in the full-time equivalent enrollment of the County as calculated under §5-202 of the Education Article or does not meet the criteria for shared state and local payment of educational costs as provided in §4-406 and §8-415 of the Education Article.

Starting December 1, 2022 and annually thereafter, the Department shall submit a Report to the Governor and to the General Assembly on aggregate educational

outcomes of programs required by this subtitle at each residential facility.

Finally, the JES Board shall be subject to audits by Legislative Services, investigation by the Office of Inspector General For Education, and oversight by the State Board of Education. The Juvenile Justice Monitor in the Office of the Attorney General is also required to monitor educational programs at each residential facility on or before December 1, 2022, the State Department of Education, and the Department of Juvenile Services shall submit a report to the General Assembly detailing plans for the transition of juvenile services educational programs to the Juvenile Services Education Program established under Section 2 of this Act.

Also the provisions of any collective bargaining agreement for Juvenile Services Education Program staff shall continue in effect until the bargaining unit for the staff and the State negotiate a new collective bargaining agreement.

This Act takes effect July 1, 2021 and I ask for your favorable report of Senate Bill 497.