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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 HOUSE JUDICIARY COMMITTEE
AND
HOUSE WAYS AND MEANS COMMITTEE**

ON APRIL 1, 2021

Honorable Chairs 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.

As introduced in the Senate, this Bill was intended to improve equity

and opportunity for the largely low-income and predominantly 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 would have responsibility for selecting a Superintendent, and the authority and responsibility for creating, resourcing, and for evaluating the juvenile services educational programs. As passed in the Senate, the new Board would 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 would 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.

The Senate Bill 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 would be developed, recommended and approved by the Board, and accredited by an approved accrediting agency.

The Board would be required to 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 would 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 would 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.

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.

The Board would be required to 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 would 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 would also be required to review and to 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.

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 would 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 to 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.

Since SB 497 and its House cross-file have been dually referred in the House to both Judiciary and to Ways and Means, I eagerly await any agreed upon amendments by the applicable House Committees, so that this long overdue legislation can be blessed by both the Senate and by the House.

I therefore seek the favorable report of both Houses, with any expedited amendments which improve the educational system serving Maryland youth while in custody of the department of Juvenile Services. Thanks for your assistance in vetting both the cross-file Bills, SB 497 and HB 0071.