



THE FLORIDA STATE UNIVERSITY
COLLEGE OF CRIMINOLOGY & CRIMINAL JUSTICE

January 22, 2021

Maryland House of Delegates
Judiciary Committee

Dear Members of the Judiciary Committee,

I am writing to express my strong opposition—based on empirical research—to Maryland’s House Bill 71 (HB71). The legislation proposes to reorganize the administration of educational services provided to some of Maryland’s most vulnerable youth, namely those who are detained and committed in Department of Juvenile Services (DJS) facilities. HB71 includes provisions for an option to privatize services and for some oversight through accreditation, the establishment of a governing board, and DJS management. However, when viewed through the prism of relevant research, it is evident that these efforts likely will result in unintended consequences, including setting Maryland on a backward trajectory and leading to lower quality educational services for youth in DJS facilities. In short, although well-intended, the legislation is likely to undermine the very goal that it sets out to achieve.

HB71 would provide for the transfer of educational services from the Maryland State Department of Education (MSDE) to DJS. That runs counter to what occurred from 2004 through 2013, in which the state shifted responsibility for providing educational services to youth in Maryland’s juvenile service facilities away from DJS and to MSDE. The state considered MSDE to be the ideal agency for administering educational services because of its longstanding and successful implementation of educational services within Maryland’s adult prison system. In addition, the state felt that an educational agency, as opposed to a juvenile justice agency, would be best suited to support and administer educational services.

By contrast, continuous concerns existed about DJS’ provision of educational services. These included federal Department of Justice investigations and settlement agreements that targeted low-quality educational services. MSDE has made major progress in improving the quality of education provided to youth in DJS facilities over the last several years. Since assuming responsibility, MSDE has, among other initiatives, institutionalized the widespread practice of hiring highly-qualified teachers, expanded the instructional day to six hours per day, staffed each school with professional school counselors, provided professional development for staff, is currently implementing comprehensive exit/transition planning and reentry services for all youth returning to the community, and has improved services for special education students. These evidence-based initiatives by MSDE have led to a dramatic decline in the number of special education complaints and will increase the reentry success of youth exiting DJS facilities and returning to their home communities.

Importantly, MSDE has a history of seeking continuous, evidence-based improvement. That is the basis of my professional involvement. MSDE proactively hired Florida State University (FSU) to conduct a rigorous evaluation and build an accountability and continuous quality improvement system for the

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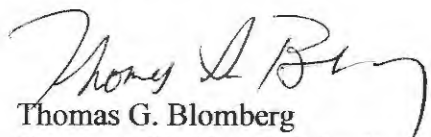
educational services provided to youth in DJS facilities. Their focus has been on the implementation of best-practices, continuous evaluation, and quality improvement. These approaches align with national calls for accountability and evidence-based practice. And they are essential for creating an exemplary system of juvenile justice education that ensures and measures student success and that continuously monitors and improves performance.

The specific motivation for HB71 is unclear and would likely reverse many of the recent improvements made by MSDE. The provisions in HB71 are not grounded in empirical evidence and are not identified best practices. The unfortunate end results will be worsened rather than improved outcomes for the state's vulnerable youth. It is important to emphasize that there is no guarantee that a change in administrative model would improve services for youth. Indeed, it likely will not do so unless accompanied by precisely the types of measures that MSDE has taken. In addition, the option to privatize will still require a strong research-based accountability and continuous quality improvement system to ensure high-quality education services. Private providers may embrace this, but MSDE already has a record of adopting this approach. Moreover, private providers oftentimes face challenges in recruiting and retaining high-quality teachers due to an inability to offer competitive salaries. Finally, they typically are incentivized to prioritize school accreditation without a commensurate emphasis on accountability and continuous quality improvement systems like those that MSDE currently is in the process of implementing to provide high-quality educational services that will ensure student success among youth in DJS facilities.

My opposition to HB71 is informed by 40 years of extensive professional experience in working with juvenile justice and juvenile justice education agencies across 35 states to implement best-practices and to improve the quality of educational services provided to vulnerable populations of youth. The passage of HB71 would likely recreate the very practices the state sought to reform when it transferred the educational services from DJS to MSDE beginning in 2004 and would result in the return to a broken system. If the goal is to improve student success, the General Assembly will want to ensure that educational services remain in the hands of educators and, at the least, organizations like MSDE that are capable of and committed to implementing best practices and research-based implementation, evaluation, and improvement.

I am encouraging the Committee to submit an unfavorable report on HB71.

Sincerely,



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