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JUDICIARY COMMITTEE
TESTIMONY OF DISABILITY RIGHTS MARYLAND
HOUSE BILL 71 –Juvenile Services Education Board and Program-
Establishment, Powers, and Duties

January 28, 2021

Position: Support

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. We have been serving children, youth, and adults with disabilities in our state for over 40 years. DRM is a leader in Maryland’s educational advocacy community, working on issues such as school discipline, restraint and seclusion, juvenile justice, and enforcing the rights of students with disabilities. DRM has significant experience representing students with disabilities statewide who have been suspended or expelled from school, or are involved in the juvenile justice system.

DRM supports HB 71, which, among other things, will establish an independent school board for the Juvenile Services Education System.

Working with the Juvenile Protection Unit of the Office of the Public Defender (OPD) and other advocates, DRM has been advocating for years for improved educational services and outcomes for students held in Department of Juvenile Services (DJS) placements who are receiving these services through a branch of the Maryland State Department of Education (MSDE) called Juvenile Services Education (JSE). Numerous administrative complaints filed with MSDE by OPD over the past few years uncovered a host of problems with the delivery of special education and related services, as well as problems with the basic educational services offered to all students. DRM co-counseled with OPD on a number of cases to investigate ongoing concerns which include: lack of teachers, including special education staff; lack of access to courses; problems calculating course credits; and lack of high-quality educational services. Professor Peter Leone, a juvenile justice education expert from the University of Maryland, was contracted by JSE to monitor the implementation of their strategic plan – continuing the work he started in March 2016. Professor Leone and his team issued two reports – one in January 2017¹ and one in March 2018 – which outlined some of the concerns with this system. While there were minimal improvements with Dr. Leone’s involvement, it is not sufficient and we remain concerned about JSE’s ability to serve these students effectively due to infrastructure and resource limitations.

The impact on students with disabilities is significant. On a site visit in July 2017 to one of the DJS camps, staff from OPD and DRM met with 10 out of the 20 students placed there. All 10

¹ See <http://www.marylandpublicschools.org/programs/Documents/JSE/JSESStrategicPlanBenchmarkReport012017.pdf>.

students had a disability and many expressed concerns about the level of services that they were receiving and/or the quality of the instruction. The percentage of students with disabilities who are in the juvenile justice system is thought to be 30% to 60%, with some estimates even higher.² In a MSDE special education investigation report of a complaint filed by OPD, MSDE found numerous violations, including: the student's Individualized Education Program (IEP) was not fully implemented; the school did not have the staff to provide proper special education services; the student's IEP goals were not addressed; the student was not provided a dedicated aide as required by his IEP; the student's behavioral issues were not addressed by the IEP team; and the student's IEP goals were changed without supporting student data. MSDE also found that one of the student's two schools could not provide science instruction because they lacked a certified teacher, and the student was erroneously placed in English 9 even though he had already completed the course and earned the credit. Unfortunately, this case is not an outlier.

The COVID-19 pandemic has only exacerbated the problems with the current JSE education model. Although JSES purports to offer live teaching, students report they have been unable to interact with their teachers in real time. Students in quarantine report having access only to work packets, which are sometimes too difficult to complete without teacher support. Students are blocked from sites like dictionary.com., CNN10, and educational resource sites. They are unable to access certain course curriculum and they do not have access to sites like Google Docs to submit their required writing assignments. Additionally, students report being erroneously given packets rather than live instruction, being given the same packets as last year, or receiving the wrong packets altogether.

The Blueprint for Maryland's Future proposed a funding scheme that would create a world-class educational system for Maryland. We hope that the creation of an independent school board will ensure that the students in JSE schools are afforded the benefits of this world-class education as well. We want to stress the importance of providing resources for students in state custody, particularly in juvenile justice programs, in planning for the success of our state. Many of these students have disabilities and are members of other at-risk groups. It is important to address their needs and to provide them with quality educational services and access to much-needed resources.

Recognizing that education is a primary strategy for curbing recidivism and keeping students out of the school-to-prison pipeline, this population of students cannot wait any longer for significant changes and are entitled to improved outcomes. We believe that something must be done to address the structural barriers to providing quality education to our at-risk youth. It is our hope that the creation of an independent school board will remedy the structural barriers, such as lack of staffing, budget, and curriculum availability that this vulnerable population of students currently faces and

² Mary Magee Quinn et al., *Youth with Disabilities in Juvenile Corrections: A National Survey*, Council for Exceptional Children, Vol. 71, No. 3, 339-345, at 340 (2005), http://helpinggangyouth.homestead.com/disability-best-corrections_survey.pdf. See also *Supporting Youth with Disabilities in Juvenile Corrections*, Office of Special Education and Rehabilitative Services Blog, <https://sites.ed.gov/osers/2017/05/supporting-youth-with-disabilities-in-juvenile-corrections/>.

will ensure that our at-risk youth have access to quality instruction from certified teachers, course availability, and planning for transition back to the community.

For the reasons stated above, Disability Rights Maryland supports HB 71.

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