



POSITION ON PROPOSED LEGISLATION

BILL: HB 1047 - Juvenile Services Education Program - Transfer of Locally Employed Educational Professionals

FROM: Maryland Office of the Public Defender and Disability Rights Maryland

POSITION: Favorable

DATE: March 8, 2023

The Maryland Office of the Public Defender (OPD) and Disability Rights Maryland (DRM) support House Bill 1047 (HB 1047), which will ensure fairness and parity with regard to the salaries and benefits of educators working with the Department of Juvenile Services (DJS), Juvenile Services Education Program (JSEP) and will significantly impact JSEP's ability to recruit and retain high quality skilled educators. In July 2022, as a result of 2021 legislation,¹ JSEP and its Board took over the responsibility to provide educational services, including special education services, to students in DJS detention centers and placements, which had been within the control of the Maryland State Department of Education. While this transition of educational responsibilities to JSEP was considered a positive first step in improving educational outcomes for detained students, there is more that must be done to ensure that JSEP is able to carry out this responsibility and meet both state and federal requirements related to the provision of educational services, including special education services. HB 1047 will go a long way to help ensure that JSEP has the staff resources to meet its obligations and thereby meet the needs of its students.

OPD and DRM have long expressed concern regarding the quality and sufficiency of the education services provided to some of our most needy and vulnerable youth in DJS care. As we know, there is a disproportionate number of students with disabilities involved in the juvenile justice system² and other students come to JSEP with a history of academic failure and complex needs. And, while we supported the transfer of responsibility to JSEP, we continue to be concerned regarding the level of services and the delivery model employed to teach these young people, who have often experienced years

¹ See SB 497, Chapter 145 "Juvenile Services Education Board and Program (2021); <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0497/?ys=2021rs>

² Students with disabilities are overrepresented in the juvenile justice system by a percentage between 30% and 60%, with some estimates citing even higher percentages. Mary Magee Quinn et al., *Youth with Disabilities in Juvenile Corrections: A National Survey*, Council for Exceptional Children, Vol. 71, No. 3, 339-45, 340 (2005), <https://neglecteddelinquent.ed.gov/sites/default/files/docs/mquinn0305.pdf> (last visited Dec. 21, 2022).

of school failure. One critical factor impacting the ability to deliver consistent and high quality education service is related to staff resources. The Maryland Juvenile Justice Monitoring Unit noted in its most recent report that education staff vacancies at JSEP remain a significant concern and stated:

Primary emphasis should be placed on addressing the high number of vacancies for education staff in JSEP schools. Both the quality and continuity of education services suffer when students do not have access to education personnel. School time has been cut short, in-person classes in some subject areas are replaced by virtual lessons, and records requests and testing capabilities (such as for the Accuplacer) face delays when schools are not adequately staffed.³

JSEP as an educational agency must be put on an equal footing with other local education agencies by being able to offer comparable salaries and positions and ensuring that teachers do not lose leave time should they decide to work with JSEP. HB 1047 does just this by giving JSEP the authority to offer educators comparable positions without additional certification burdens and to provide comparable salaries that educators may have received when they were employed by local school systems. Under this bill, educators will also be able to retain their accumulated leave as well as compensation rates.

This is an easy bill to support. Teachers are among our most underpaid and overworked employees. Teachers are leaving the profession resulting in significant teacher shortages statewide.⁴ Yet, we are keenly aware of the positive impact and far-reaching outcomes that high quality education services, including special education and related services, can have on all students, and in particular on students involved in the juvenile justice system. While we continue to have concerns regarding the academic grouping model used by JSEP that we believe hinders educational outcomes,⁵ being able to recruit more high quality teachers may allow JSEP to finally address the service delivery model issues and provide services in a way that more closely mirrors how students are grouped and taught in local school systems. The first step, however, is recruiting and retaining more teachers and the passage of HB 1047 is necessary to make that a reality.

For these reasons, the Maryland Office of the Public Defender and Disability Rights Maryland urge this Committee to issue a favorable report on HB 1047.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Alyssa R. Fieo

Alyssa.fieo@maryland.gov

Megan Berger

Meganb@disabilityrightsmaryland.org

³ See Juvenile Justice Monitoring Unit, 2022 Third Quarter Report, Dec. 2022, at 38; available at [JJMU Q3 2017 Report Draft November 21 2017 \(marylandattorneygeneral.gov\)](https://www.jjmu.org/2022/10/06/maryland-teachers-quitting-larger-exodus-could-follow/).

⁴ See Service, Capital News. "Maryland Teachers Quitting, Larger Exodus Could Follow." *Maryland Matters*, Oct. 6, 2022, <https://www.marylandmatters.org/2022/10/06/maryland-teachers-quitting-larger-exodus-could-follow/>.

⁵ It is our understanding that most if not all students in JSEP education programs are grouped by housing or living units rather than by grade. This means that a class may have 9th through 12th graders and the teacher is not able to provide class-wide instruction on a given topic. Student who we represent complain that they need more direct teaching and would prefer a model of instruction and grouping that it is similar to their home school environment.