



Date: March 5, 2025

Bill Number/Title: HB 1194 - Public Schools - Injury Incidents - Requirements for Tracking and Reporting

Committee: House Ways and Means Committee

Board Position: Unfavorable

The Juvenile Services Education Board respectfully requests an unfavorable report on House Bill 1194.

In 2021, the Maryland General Assembly passed SB 497/CH 147, which created the Juvenile Services Education Board and Program (JSEP). This law transferred the responsibility for educating youth in the custody of the Department of Juvenile Services (DJS) from the Maryland State Department of Education (MSDE) to the newly established, independent JSEP Board.

Currently, JSEP does not track nor report data on injury incidents, as incident data such as injury incidents is collected by DJS. Incident data is reported to the Juvenile Justice Monitoring Unit and published every quarter. Incident data is reported for every residential facility.

Just like LEAs, JSEP is required to report educational data to MSDE, including metrics on student progress, adherence to MSDE regulations, and available educational opportunities for JSEP students. While JSEP provides educational programs that meet the same MSDE graduation requirements as LEAs, there are different requirements and definitions for the operations of auxiliary services and public safety services.

Since students are mandated by the courts to be in DJS custody in a residential facility, JSEP does not provide school auxiliary services. Currently, if a student needs medical care while receiving educational instruction, the medical care is provided by DJS. JSEP does not provide healthcare to students. Additionally, while an educational staff member may provide a description of an incident, DJS documents the incident. Injuries to educators or other staff are not documented by JSEP.

MSDE has exempted JSEP from certain incident reporting requirements because of the population of students JSEP educates and the scope of services JSEP provides. For example, while other local education agencies report restraint and seclusion data to MSDE, JSEP does not. This exemption, in Md Education Code § 7-1102 (a), was made because JSEP does not operate security services and does not restrain or seclude students. JSEP does not employ school safety or resource officers, as DJS provides security services.

Every JSEP classroom has a Resident Advisor (RA), tasked with the safety and security of students in the residential facility. RAs are employed by DJS. JSEP educational staff do not restrain or seclude students, nor are educational staff members responsible for the health of students. This is unique to JSEP schools because, as stated, the responsibility for student health is DJS's, and the nurse and healthcare professionals are DJS employees.

JSEP does not have the same concerns with students bringing in or out tools of violence, because students in JSEP are restricted on their use of tools, including technology. The concern for public safety is mitigated with the inclusion of RAs in every classroom and lack of access to community influences happening outside the facilities.

Data collection under HB 1194

As stated, DJS already collects and reports incident data, and it is published every quarter in the Office of the Correctional Ombudsman Juvenile Justice Monitoring Unit reports. Specifically, DJS reports incidents such as youth-on-youth assaults and allegations of youth-on-staff assaults at every facility.

While DJS tracks incidents, the tracking may not differentiate the time students are specifically in school versus their overall time in a residential facility. As outlined in the bill, a school campus is also not clearly defined and does not accurately describe JSEP's education environment. During what would be school hours, students may also have treatment or other meetings not under the supervision of JSEP.

Because of the nature of our program, it would be difficult to delineate JSEP staff's responsibility on reporting. The definition of injury incident as provided in the bill is broad, which means reporting across agencies may lack uniformity for the purpose of meaningful comparisons. Specifically, it is difficult to measure what qualifies as "mental harm", especially if such harm is inclusive of intentional and unintentional harm. The vague definition of injury incident could result in a lack of comparable data because of the confusion with what may qualify.

It is important to note that the average time a student is with JSEP is 40 days, which is in stark contrast to the less transient student populations at other local education agencies. The reporting requirements, especially for each student who has witnessed an incident, would be difficult due to the short tenure of our students and the transient nature upon release.

For the reasons stated above, we ask the Committee to issue an unfavorable report on HB 1194. Thank you for your consideration.

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