

SENATE BILL 798

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0lr1890
CF 0lr1664

By: **Senator Kelley**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Juvenile Services Education System – Establishment, Powers, and**
3 **Duties**

4 FOR the purpose of repealing certain provisions of law regarding educational programs for
5 juveniles in residential facilities; establishing a Juvenile Services Education System;
6 establishing the Board of Education for the Juvenile Services Education System;
7 providing for the composition, terms, and chair and vice chair of the Board; providing
8 that each Board member is entitled to a certain stipend and reimbursement of
9 certain expenses; requiring the Board to have certain authority and responsibility
10 relating to the juvenile services educational programs in the State beginning on a
11 certain date; requiring the Board to provide certain educational services to certain
12 juveniles; specifying the duties of the Board; requiring the Board to adopt certain
13 regulations in accordance with certain provisions of law; requiring the Board to
14 appoint a System Superintendent for the Juvenile Services Education System;
15 specifying the duties and salary of the System Superintendent; requiring each county
16 board of education to pay to the Board a certain cost for certain juveniles; requiring
17 the Board to comply with certain provisions of law regarding procurement of goods
18 and services, public school employee rights, and public school employer rights and
19 duties; authorizing the Board to contract with a county board to assume operational
20 control of certain facilities; requiring the Board and the Department of Juvenile
21 Services to work cooperatively to implement certain requirements; prohibiting the
22 disenrollment of certain juveniles from certain schools under certain circumstances;
23 providing for the transfer of education records of certain juveniles under certain
24 circumstances; requiring the Board to develop certain intake classrooms; requiring
25 the Board and the Department, in consultation with county boards, to develop and
26 implement a certain post custody re-enrollment procedure for certain juveniles;
27 requiring the Board to offer certain postsecondary education programs to certain
28 juveniles; authorizing the Board to contract with certain entities for certain
29 purposes; requiring the Board to submit a certain report to certain entities on or
30 before a certain date each year; requiring the Board to be subject to a certain audit
31 by the Department of Legislative Services and investigation by the Maryland Office

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



of the Inspector General for Education; requiring the State Department of Education to submit a certain report to the General Assembly on or before a certain date; defining certain terms; and generally relating to the Juvenile Services Education System.

BY repealing

Article – Education

Section 22–301 through 22–310 and the subtitle “Subtitle 3. Juvenile Services Educational Programs”

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Education

Section 22–301 through 22–309 to be under the new subtitle “Subtitle 3. Juvenile Services Education System”

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 22–301 through 22–310 and the subtitle “Subtitle 3. Juvenile Services Educational Programs” of Article – Education of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

SUBTITLE 3. JUVENILE SERVICES EDUCATION SYSTEM.

22–301.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BOARD” MEANS THE BOARD OF EDUCATION FOR THE JUVENILE SERVICES EDUCATION SYSTEM.

(C) “JUVENILE” MEANS AN INDIVIDUAL UNDER THE AGE OF 21 YEARS WHO IS IN THE CUSTODY OR UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES AND RECEIVING SERVICES.

(D) “RESIDENTIAL FACILITY” MEANS A FACILITY ESTABLISHED UNDER § 9–226 OF THE HUMAN SERVICES ARTICLE.

1 **22-302.**

2 **THERE IS A JUVENILE SERVICES EDUCATION SYSTEM.**

3 **22-303.**

4 **(A) THERE IS A BOARD OF EDUCATION FOR THE JUVENILE SERVICES**
5 **EDUCATION SYSTEM.**

6 **(B) (1) THE BOARD CONSISTS OF:**

7 **(I) ONE DESIGNEE OF THE ATTORNEY GENERAL OF**
8 **MARYLAND;**

9 **(II) ONE DESIGNEE OF THE STATE SUPERINTENDENT OF**
10 **SCHOOLS; AND**

11 **(III) NINE MEMBERS APPOINTED BY THE GOVERNOR WITH THE**
12 **ADVICE AND CONSENT OF THE SENATE.**

13 **(2) THE APPOINTED MEMBERS OF THE BOARD SHALL POSSESS A**
14 **HIGH LEVEL OF KNOWLEDGE AND EXPERTISE IN AT LEAST ONE OF THE FOLLOWING**
15 **AREAS:**

16 **(I) TEACHING OR EDUCATIONAL ADMINISTRATION;**

17 **(II) PRIOR SERVICE ON THE STATE BOARD OR A COUNTY**
18 **BOARD;**

19 **(III) SOCIAL WORK;**

20 **(IV) SERVICES FOR INDIVIDUALS WITH DISABILITIES;**

21 **(V) WORKING WITH INSTITUTIONALIZED YOUTH;**

22 **(VI) MENTAL OR BEHAVIORAL HEALTH SERVICES;**

23 **(VII) CIVIL RIGHTS ADVOCACY OR LAW;**

24 **(VIII) DIGITAL LEARNING OR ONLINE ADMINISTRATION; OR**

25 **(IX) HIGHER EDUCATION ADMINISTRATION.**

(C) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

(2) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) AN APPOINTED MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS.

(4) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY VACANCY FOR AN APPOINTED MEMBER ON THE BOARD WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

(D) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER ONLY FOR CAUSE.

(E) THE BOARD SHALL ELECT FROM AMONG ITS MEMBERS A CHAIR AND A VICE CHAIR.

(F) ANY ACTION BY THE BOARD SHALL REQUIRE:

(1) A QUORUM OF A MAJORITY OF THE VOTING MEMBERS THEN SERVING; AND

(2) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS THEN SERVING.

(G) EACH MEMBER OF THE BOARD IS ENTITLED TO:

(1) AN ANNUAL STIPEND OF \$2,500; AND

(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

22-304.

(A) (1) BEGINNING JULY 1, 2021, THE BOARD SHALL HAVE THE AUTHORITY AND RESPONSIBILITY FOR ALL FUNCTIONS RELATING TO THE JUVENILE SERVICES EDUCATIONAL PROGRAMS IN THE STATE.

(2) THE BOARD SHALL OVERSEE AND PROVIDE FOR EDUCATIONAL SERVICES TO ALL JUVENILES WHO ARE IN THE CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES.

1 **(B) (1) THE BOARD SHALL DEVELOP, RECOMMEND, AND APPROVE AN**
2 **EDUCATIONAL PROGRAM FOR EACH RESIDENTIAL FACILITY.**

3 **(2) EACH EDUCATIONAL PROGRAM SHALL:**

4 **(I) MEET THE SPECIAL NEEDS AND CIRCUMSTANCES OF THE**
5 **JUVENILES IN THE RESIDENTIAL FACILITY; AND**

6 **(II) BE ACCREDITED BY AN APPROVED ACCREDITING AGENCY.**

7 **(C) THE BOARD SHALL ADOPT REGULATIONS IN ACCORDANCE WITH**
8 **PROVISIONS OF LAW AND REGULATIONS GOVERNING THE CONDUCT AND**
9 **MANAGEMENT OF EDUCATIONAL PROGRAMS IN THE STATE.**

10 **22-305.**

11 **(A) THE BOARD SHALL APPOINT A SYSTEM SUPERINTENDENT.**

12 **(B) THE SYSTEM SUPERINTENDENT SHALL:**

13 **(1) OVERSEE THE JUVENILE SERVICES EDUCATION SYSTEM,**
14 **INCLUDING IMPLEMENTING AND ADMINISTERING THE EDUCATIONAL PROGRAMS**
15 **DEVELOPED BY THE BOARD;**

16 **(2) OVERSEE THE EDUCATION OF EVERY JUVENILE IN A RESIDENTIAL**
17 **FACILITY;**

18 **(3) ENSURE THAT THE EDUCATIONAL NEEDS OF EVERY JUVENILE IN**
19 **A RESIDENTIAL FACILITY ARE ASSESSED IN A TIMELY MANNER;**

20 **(4) CONSULT WITH THE SECRETARY OF JUVENILE SERVICES AND**
21 **THE SENIOR ADMINISTRATOR OF EACH RESIDENTIAL FACILITY ABOUT THE**
22 **OPERATION OF EDUCATIONAL SERVICES FOR THE FACILITY;**

23 **(5) MEET WITH AND ADVISE THE BOARD ABOUT EDUCATIONAL**
24 **PROGRAMS AND OUTCOMES FOR JUVENILES;**

25 **(6) SELECT, ORGANIZE, AND DIRECT THE STAFF OF THE BOARD AND**
26 **THE JUVENILE SERVICES EDUCATION SYSTEM;**

27 **(7) SEE THAT THE POLICIES AND DECISIONS OF THE BOARD ARE**
28 **CARRIED OUT; AND**

(8) PERFORM ANY OTHER DUTIES ASSIGNED BY THE BOARD.

(C) THE SYSTEM SUPERINTENDENT:

(1) IS ENTITLED TO THE SALARY PROVIDED IN THE STATE BUDGET;

AND

(2) SERVES AT THE PLEASURE OF THE BOARD.

(D) THE SYSTEM SUPERINTENDENT MAY HIRE ADDITIONAL STAFF AS PROVIDED IN THE STATE BUDGET.

22-306.

(A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) "ANNUAL PER PUPIL FOUNDATION AMOUNT" HAS THE MEANING STATED IN TITLE 5, SUBTITLE 2 OF THIS ARTICLE.

(3) "AVERAGE COST" MEANS THE AVERAGE AMOUNT SPENT BY A COUNTY BOARD FROM LOCAL AND STATE FUNDS FOR THE PUBLIC EDUCATION OF A NONDISABLED CHILD.

(B) A COUNTY BOARD SHALL PAY TO THE BOARD THE AVERAGE COST FOR EACH JUVENILE WHO WAS DOMICILED IN THE COUNTY BEFORE PLACEMENT IN A RESIDENTIAL FACILITY, IF THE JUVENILE:

(1) IS IN DETENTION FOR 15 CONSECUTIVE DAYS OR MORE;

(2) DOES NOT MEET THE CRITERIA FOR SHARED STATE AND LOCAL PAYMENT OF EDUCATIONAL COSTS AS PROVIDED IN §§ 8-406 AND 8-415 OF THIS ARTICLE; AND

(3) WAS INCLUDED IN THE FULL-TIME EQUIVALENT ENROLLMENT OF THE COUNTY AS CALCULATED UNDER TITLE 5, SUBTITLE 2 OF THIS ARTICLE.

(C) THE DEPARTMENT SHALL PAY TO THE BOARD THREE TIMES THE ANNUAL PER PUPIL FOUNDATION AMOUNT FOR EACH JUVENILE WHO:

(1) IS IN A RESIDENTIAL FACILITY;

(2) IS IN DETENTION FOR 15 CONSECUTIVE DAYS OR MORE; AND

(3) DOES NOT MEET THE CRITERIA FOR SHARED STATE AND LOCAL PAYMENT OF EDUCATIONAL COSTS AS PROVIDED IN §§ 8-406 AND 8-415 OF THIS ARTICLE.

22-307.

(A) THE BOARD SHALL COMPLY WITH THE PROVISIONS OF:

(1) § 5-112 OF THIS ARTICLE REGARDING THE PROCUREMENT OF GOODS AND SERVICES; AND

(2) TITLE 6, SUBTITLE 4 OF THIS ARTICLE REGARDING:

(I) THE RIGHTS OF PUBLIC SCHOOL EMPLOYEES; AND

(II) THE DUTIES AND RESPONSIBILITIES OF PUBLIC SCHOOL EMPLOYERS.

(B) THE BOARD MAY CONTRACT WITH A COUNTY BOARD TO ASSUME OPERATIONAL CONTROL OF ANY FACILITY ADMINISTERED BY THE BOARD.

22-308.

(A) THE BOARD AND THE DEPARTMENT OF JUVENILE SERVICES SHALL WORK COOPERATIVELY TO IMPLEMENT THE REQUIREMENTS OF THIS SUBTITLE.

(B) (1) A JUVENILE IN THE CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES WHO IS ENROLLED IN A SCHOOL AT THE TIME THE JUVENILE IS TAKEN INTO CUSTODY MAY NOT BE DISENROLLED FROM THAT SCHOOL UNTIL AFTER DISPOSITION OF THE JUVENILE'S CASE.

(2) THE PUBLIC SCHOOL IN WHICH A JUVENILE IS ENROLLED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL PROVIDE THE JUVENILE WITH THE EDUCATIONAL MATERIALS NECESSARY TO REMAIN CURRENT WITH THE JUVENILE'S EDUCATIONAL PROGRAM AT THE SCHOOL.

(3) (I) THE SYSTEM SUPERINTENDENT AND THE DEPARTMENT OF JUVENILE SERVICES, IN CONSULTATION WITH THE BOARD AND THE COUNTY BOARDS, SHALL DEVELOP AND IMPLEMENT A PROCEDURE TO TRANSFER A COPY OF THE EDUCATION RECORDS OF A JUVENILE FROM THE SCHOOL IN WHICH THE JUVENILE IS ENROLLED TO THE FACILITY IN WHICH THE JUVENILE IS PLACED WITHIN 48 HOURS OF NOTICE THAT THE JUVENILE IS RECEIVING SERVICES IN THE

JUVENILE SERVICES EDUCATION SYSTEM.

(II) THE EDUCATION RECORDS TRANSFERRED IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE A COPY OF:

- 1. AN INDIVIDUALIZED EDUCATION PROGRAM;**
- 2. A 504 PLAN;**
- 3. RECORDS FROM AN ENGLISH FOR SPEAKERS OF OTHER LANGUAGES (ESOL) PROGRAM; OR**
- 4. ANY OTHER RELEVANT DOCUMENTS AND INFORMATION.**

(C) THE BOARD SHALL DEVELOP INTAKE CLASSROOMS FOR JUVENILES NEWLY PLACED IN RESIDENTIAL FACILITIES.

(D) THE BOARD AND THE DEPARTMENT OF JUVENILE SERVICES, AFTER CONSULTATION WITH THE COUNTY BOARDS, SHALL DEVELOP AND IMPLEMENT A PROCEDURE FOR THE RE-ENROLLMENT OF A SCHOOL-AGED JUVENILE IN A PUBLIC OR PRIVATE SCHOOL BEFORE THE JUVENILE IS RELEASED FROM THE CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES.

(E) (1) THE BOARD SHALL OFFER POSTSECONDARY EDUCATION PROGRAMS, INCLUDING VOCATIONAL AND ONLINE PROGRAMS, TO JUVENILES WHO HAVE:

- (I) GRADUATED FROM HIGH SCHOOL; OR**
- (II) OBTAINED A HIGH SCHOOL DIPLOMA BY EXAMINATION IN ACCORDANCE WITH § 11-808 OF THE LABOR AND EMPLOYMENT ARTICLE.**

(2) THE BOARD MAY CONTRACT WITH A COMMUNITY COLLEGE OR OTHER INSTITUTION OF POSTSECONDARY EDUCATION IN THE STATE TO PROVIDE THE PROGRAMS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

22-309.

(A) ON OR BEFORE DECEMBER 1, 2020, AND EACH DECEMBER 1 THEREAFTER, THE BOARD SHALL SUBMIT A REPORT TO THE STATE SUPERINTENDENT, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE AGGREGATE

1 EDUCATIONAL OUTCOMES OF THE EDUCATIONAL PROGRAM FOR EACH
2 RESIDENTIAL FACILITY.

3 (B) THE BOARD SHALL BE SUBJECT TO:

4 (1) AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS IN THE
5 DEPARTMENT OF LEGISLATIVE SERVICES; AND

6 (2) INVESTIGATION BY THE MARYLAND OFFICE OF THE INSPECTOR
7 GENERAL FOR EDUCATION.

8 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1,
9 2020, the State Department of Education shall submit to the General Assembly, in
10 accordance with § 2–1257 of the State Government Article, a report detailing plans for the
11 transition of juvenile services educational programs to the Board of Education for the
12 Juvenile Services Education System established under Section 2 of this Act.

13 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2020.