

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1223 (Delegate Moon, *et al.*)  
Judiciary and Ways and Means

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Workgroup on Establishing an Independent School Board for the Juvenile  
Services Education System

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This bill creates the Workgroup on Establishing an Independent School Board for the Juvenile Services Education System (JSES), to be staffed by the Department of Legislative Services (DLS). By December 20, 2020, the workgroup must submit a report of its findings and recommendations to the Governor and the General Assembly. **The bill takes effect July 1, 2019, and terminates June 30, 2021.**

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Fiscal Summary

**State Effect:** DLS can staff the workgroup using existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The workgroup must (1) determine whether it would be beneficial for the State to create an independent school board for JSES, as specified; (2) identify ways to reform juvenile education services to remove disparities between course offerings, staffing, and budgetary support available to students in JSES and to students served by public schools in the State; and (3) make recommendations on whether the Governor should establish an independent school board for JSES that includes representatives from each of the Department of Juvenile Services' (DJS) operational regions and any at-large positions within the membership.

**Current Law/Background:** The State's JSES operates within the Maryland State Department of Education (MSDE). MSDE first assumed responsibility for educating juveniles within residential facilities operated by DJS in 2003, when it assumed control over educational programming at one facility. Chapter 535 of 2004 expanded on these efforts and required MSDE to provide educational services in all of the residential facilities within specified timeframes. By July 1, 2013, MSDE had assumed control of educational programming within all DJS facilities. Chapter 535 also established the Coordinating Council for Juvenile Services Educational Programs, which provides input on the development and implementation of instructional services administered within DJS facilities.

At the time Chapter 535 was enacted, it was assumed that that MSDE, being the overseer of education services for the State, was better positioned to ensure the provision of adequate education services to the population of youth under the care of DJS. However, concerns have been raised questioning whether MSDE is providing the appropriate level of services to students in DJS facilities. For example, the Juvenile Justice Monitoring Unit in the Office of the Attorney General has repeatedly raised concerns regarding difficulties in hiring and retaining highly qualified staff; the lack of long-term career and technology education programs; and the lack of elective courses, such as art, music, and physical education. In its most recent report, it noted that a mechanism for external oversight independent from JSES is needed to ensure that resources are being used efficiently, education programs meet rigorous standards, and parents and stakeholders are provided with an opportunity to be heard. It further stated that a major restructuring of the education system serving incarcerated youth and significant additional resources are needed to ensure that these students have access to an educational experience comparable to that available to their peers in the community.

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### **Additional Information**

**Prior Introductions:** SB 657 of 2018, a similar bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HB 1244, received a hearing in the House Judiciary Committee but was subsequently withdrawn.

**Cross File:** SB 221 (Senator Kelley, *et al.*) - Education, Health, and Environmental Affairs.

**Information Source(s):** Office of the Attorney General; Office of the Public Defender; Maryland State Department of Education; Department of Juvenile Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2019  
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