

Chapter 147

(Senate Bill 497)

AN ACT concerning

Juvenile Services Education Board and Program – Establishment, Powers, and Duties

FOR the purpose of repealing certain provisions of law regarding educational programs for juveniles in residential facilities; establishing the Juvenile Services Education Board; providing that the Board is an independent unit within the Department of Juvenile Services; providing for the budgeting of certain programs and services related to the Department and the Board; requiring the Department and the Board to jointly negotiate a memorandum of understanding; establishing the Juvenile Services Education Program; providing for the composition, terms, staff, and chair and vice chair of the Board; requiring the Board, to the extent practicable, to reflect the diversity of the student population that the Department serves; providing that each Board member is entitled to a certain stipend and reimbursement of certain expenses; requiring the Board to have certain authority and responsibility relating to the juvenile services educational programs in the State beginning on a certain date; requiring the Board to provide certain educational services to certain juveniles; specifying the duties of the Board; authorizing the Department of ~~Juvenile Services~~ to adopt certain regulations; requiring the Department to adopt certain regulations; requiring the Board to meet publicly in accordance with certain requirements; requiring the Board to appoint a Superintendent for the Juvenile Services Education Program; specifying the duties and salary of the Superintendent; specifying the Superintendent's qualifications; requiring the ~~Department~~ Superintendent to implement juvenile services educational programs in the State in accordance with certain requirements; requiring the Department, subject to the memorandum of understanding, to employ certain staff; requiring the Superintendent to submit an implementation plan to the Accountability and Implementation Board on or before a certain date; requiring Expert Review Teams to be sent to all residential facilities by the end of a certain school year; requiring the Governor to include in the annual budget bill a certain appropriation; requiring the Department to notify a juvenile in custody of the juvenile's educational rights; requiring the Board and the Superintendent with the aid of the Department to work cooperatively to implement certain requirements; prohibiting the disenrollment of certain juveniles from certain schools under certain circumstances; requiring the Board to develop certain intake classrooms; requiring the Board and the Superintendent with the aid of the Department, in consultation with county boards of education, to develop a certain postcustody re-enrollment procedure for certain juveniles; requiring the Board to offer certain postsecondary education programs to certain juveniles; authorizing the Board to contract with certain entities for certain purposes; requiring county boards of education to waive certain graduation requirements under certain circumstances; requiring county boards of education to reimburse the Department for certain costs under certain circumstances; requiring the Superintendent with the aid of the

Department to submit a certain report to certain entities on or before a certain date each year; requiring the Board to be subject to ~~a certain audit by the Department of Legislative Services and~~ investigation by the Maryland Office of the Inspector General for Education; requiring the State Department of Education and the Department to submit a certain report to the General Assembly on or before a certain date; requiring the Board, in consultation with local school systems, to examine and make recommendations on certain matters on or before a certain date; requiring the Department to contract with a certain entity, on or before a certain date, to conduct a review of certain policies and practices of the Department, the Board, and the Superintendent and develop recommendations; requiring the entity to submit its findings and recommendations to the Department, the Governor, and the General Assembly on or before a certain date; requiring that a certain office conduct a certain evaluation on or before certain dates; requiring the Juvenile Justice Monitoring Unit of the Office of the Attorney General to have a representative available to attend meetings of the Board; specifying certain personnel requirements for certain employees transferred to the Department; ~~altering the membership of the Correctional Officers' Retirement System to include certain individuals serving in a certain position in the Department on or after a certain date;~~ providing that the provisions of a certain collective bargaining agreement for certain staff continue to apply under certain circumstances; providing that certain employees transferred to the Department of Juvenile Services under this Act be transferred without diminution of certain rights, benefits, employment, or retirement status; requiring the State Department of Education to transfer certain funds on or before a certain date; requiring the Department to distribute certain funds to be used in accordance with the memorandum of understanding; defining certain terms and altering a certain definition; providing for the construction of this Act; and generally relating to the Juvenile Services Education Board and Program.

BY repealing

Article – Education

Section 22–301 through 22–306.1 and 22–307 through 22–310 and the subtitle
“Subtitle 3. Juvenile Services Educational Programs”

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – Correctional Services

Section 8–201(a)

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 8–201(h)

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 5-404(b)

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

(As enacted by Chapter 36 of the Acts of the General Assembly of 2021)

BY repealing and reenacting, with amendments,

Article – Education

Section 5-404(c)(1) and (2) and 5-411(g)(2)

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

(As enacted by Chapter 36 of the Acts of the General Assembly of 2021)

BY adding to

Article – Human Services

Section 9-501 through 9-506 to be under the new subtitle “Subtitle 5. Juvenile Services Education Board”; and Section 9-601 through ~~9-606~~ 9-608 to be under the new subtitle “Subtitle 6. Juvenile Services Education Program”

Annotated Code of Maryland

(2019 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 6-402, ~~8-401(a) and (f), and 8-404~~

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 6-404

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – State Personnel and Pensions~~

~~Section 25-201(a)(10) and (11)~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2020 Supplement)~~

~~BY adding to~~

~~Article – State Personnel and Pensions~~

~~Section 25-201(a)(12)~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2020 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 22–301 through 22–306.1 and 22–307 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 – Correctional Services

8–201.

(a) In this subtitle the following words have the meanings indicated.

(h) (1) “Department of Juvenile Services employee” means a youth supervisor, youth counselor, direct care worker, **DIRECT EDUCATION STAFF MEMBER**, or other employee of the Department of Juvenile Services whose employment responsibility is the investigation, custody, control, or supervision of minors, juvenile delinquents, and youthful offenders who are committed, detained, awaiting placement, adjudicated delinquent, or are otherwise under the supervision of the Department of Juvenile Services.

(2) “Department of Juvenile Services employee” includes an employee of any nonprofit or for–profit entity under contract with the Department of Juvenile Services whose employment responsibility is the investigation, custody, control, or supervision of minors, juvenile delinquents, and youthful offenders as described under paragraph (1) of this subsection.

Article – Education

5–404.

(b) (1) The Board shall adopt guidelines for entities required to submit and carry out implementation plans under this section that include establishing a maximum page length, including appendices, for implementation plans.

(2) State and local government units responsible for implementing an element of the Blueprint for Maryland’s Future shall develop implementation plans consistent with the Comprehensive Implementation Plan that describe the goals, objectives, and strategies that will be used to improve student achievement and meet the Blueprint for Maryland’s Future recommendations for each segment of the student population.

(3) (i) After February 15, 2021, and no later than April 1, 2021, the Department shall develop criteria to be used to recommend approval or disapproval of local school system implementation plans and release of funds under this subtitle.

(ii) The criteria shall be submitted for approval to the Board.

(c) (1) (i) 1. [Each] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, EACH unit responsible for developing an implementation plan under this section shall submit the plan to the Board for approval on or before June 15, 2021.

2. THE JUVENILE SERVICES EDUCATION PROGRAM SUPERINTENDENT SHALL SUBMIT THE PLAN TO THE BOARD FOR APPROVAL ON OR BEFORE JUNE 15, 2023.

(ii) Each local school system shall submit a copy of its plan to the Department for review and a recommendation of approval or disapproval.

(2) Governmental units shall submit implementation plans on elements of the Blueprint for Maryland's Future under this subsection, including:

(i) Plans from each local school system to implement each element of the Blueprint for Maryland's Future, including how to:

1. Adapt curriculum, instruction, and the organization of the school day to enable more students to achieve college and career readiness by the end of 10th grade, to provide students with needed services including community-partnered behavioral health services if appropriate, and to identify students who are falling behind and develop a plan to get them back on track;

2. Close student achievement gaps listed under § 5-408(a)(2)(i) of this subtitle within the local school system;

3. Avoid the disproportionate placement of students with particular racial, ethnic, linguistic, economic, or disability status characteristics with novice teachers or teachers providing instruction in fields in which they lack expertise; and

4. Use additional funds for teacher collaborative time in accordance with Title 6, Subtitle 10 of this article prioritized based on availability of a sufficient number of high-quality teachers;

(ii) The joint plan of the Department and the Maryland Higher Education Commission for teacher preparation and training that meets the requirements under Title 6 of this article;

(iii) A plan from the Department for the expansion and coordination of Judy Centers under § 5-230 of this title and a plan for the expansion of community-based family support centers under Title 9.5, Subtitle 10 of this article;

(iv) The Department's plan for selection, assembly, and deployment of expert review teams under § 5-411 of this subtitle;

(v) The Department's plan for implementing the teacher career ladder and training Maryland teachers, school leaders, and administrators under Title 6, Subtitle 10 of this article;

(vi) The Career and Technical Education Committee plan for developing rigorous CTE pathways under § 21-207 of this article;

(vii) Plans from each local school system on proposed memoranda of understanding for prekindergarten in accordance with § 7-1A-05 of this article;

(VIII) A PLAN FROM THE JUVENILE SERVICES EDUCATION PROGRAM SUPERINTENDENT ON THE PROPOSED EDUCATION OF JUVENILES UNDER TITLE 9, SUBTITLE 6 OF THE HUMAN SERVICES ARTICLE; and

[(viii)] (IX) Any other implementation plans the Board determines are necessary.

5-411.

(g) (2) (i) Beginning on July 1, 2023, the Department shall send Expert Review Teams to at least 10% of public schools in at least three different local school systems each year.

(ii) AN EXPERT REVIEW TEAM SHALL BE SENT TO EVERY RESIDENTIAL FACILITY IN WHICH JUVENILES ARE EDUCATED IN ACCORDANCE WITH TITLE 9, SUBTITLE 6 OF THE HUMAN SERVICES ARTICLE BY THE END OF THE 2025-2026 SCHOOL YEAR.

(III) An Expert Review Team shall be sent at least once to every public school in the State by the end of the 2030-2031 school year.

Article – Human Services

SUBTITLE 5. JUVENILE SERVICES EDUCATION BOARD.

9-501.

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

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

(C) "RESIDENTIAL FACILITY" MEANS ANY FACILITY LISTED IN § 9-226 OF THIS TITLE.

(D) "SUPERINTENDENT" MEANS THE JUVENILE SERVICES EDUCATION PROGRAM SUPERINTENDENT.

9-502.

(A) THERE IS A JUVENILE SERVICES EDUCATION BOARD WITHIN THE DEPARTMENT.

(B) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD IS AN INDEPENDENT UNIT WITHIN THE DEPARTMENT.

(C) (1) THE BOARD SHALL BE INCLUDED AS A UNIT WITHIN THE DEPARTMENT FOR PURPOSES OF THE DEPARTMENT'S ANNUAL OPERATING BUDGET.

(2) THE PROGRAMS OVERSEEN BY THE BOARD SHALL BE INCLUDED IN THE BOARD'S BUDGET.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE FOLLOWING SUPPORT SERVICES FOR THE BOARD SHALL BE PROVIDED BY EXISTING UNITS IN THE DEPARTMENT AND THE COST OF ANY NECESSARY SUPPORT PROVIDED TO THE BOARD SHOULD BE INCLUDED IN THE BUDGETS OF THOSE UNITS:

(I) INFORMATION AND TECHNOLOGY SERVICES;

(II) PROCUREMENT SERVICES;

(III) FISCAL SERVICES;

(IV) CAPITAL PLANNING AND CAPITAL BUDGETING;

(V) HUMAN RESOURCES;

(VI) FACILITY AND OFFICE MAINTENANCE;

(VII) RESEARCH AND PROGRAM EVALUATION; AND

(VIII) INVESTIGATIONS AND MONITORING.

(2) (1) THE SUPERINTENDENT SHALL HAVE EXCLUSIVE CONTROL OF THE DAY-TO-DAY OPERATION OF JUVENILE EDUCATION SERVICES.

(II) DECISIONS ON THE PROVISION OF EDUCATION, INCLUDING DECISIONS TO HIRE, FIRE, AND ASSIGN STAFF, SHALL BE MADE EXCLUSIVELY BY THE BOARD OR THE SUPERINTENDENT, SUBJECT TO APPROPRIATIONS IN THE STATE BUDGET, AND THE DEPARTMENT HAS NO POWER TO DENY OR MODIFY AN EDUCATION DECISION MADE BY THE BOARD OR THE SUPERINTENDENT.

(E) THE BOARD AND THE DEPARTMENT SHALL, IN ACCORDANCE WITH THIS SECTION, JOINTLY NEGOTIATE A MEMORANDUM OF UNDERSTANDING CAREFULLY DELINEATING THE DUTIES OF EACH IN THE PROVISION OF JUVENILE EDUCATION SERVICES.

9-503.

(A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY;

(2) THE SECRETARY OF HIGHER EDUCATION;

(3) THE STATE SUPERINTENDENT OF SCHOOLS;

(4) A REPRESENTATIVE OF THE PUBLIC SCHOOL SUPERINTENDENTS' ASSOCIATION OF MARYLAND, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE;

(5) THE ATTORNEY GENERAL OF THE STATE, OR THE ATTORNEY GENERAL'S DESIGNEE; ~~AND~~

(6) ONE EDUCATOR EMPLOYED BY THE STATE WHO IS ENGAGED IN THE EDUCATION OF JUVENILES RESIDING IN A RESIDENTIAL FACILITY; AND

~~(6)~~ (7) ~~SIX~~ FIVE MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

(B) (1) THE CANDIDATE WHO RECEIVES THE HIGHEST NUMBER OF VOTES IN AN ELECTION BY THE EDUCATORS EMPLOYED BY THE DEPARTMENT SHALL BE THE EDUCATOR MEMBER.

(2) THE TERM OF THE EDUCATOR MEMBER IS 4 YEARS.

(3) AT THE END OF A TERM, THE EDUCATOR MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

(4) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CONDUCT THE ELECTION OF THE EDUCATOR MEMBER.

(5) THE EDUCATOR MEMBER MAY NOT VOTE ON ANY MATTER THAT RELATES TO APPEALS TO THE STATE BOARD OF EDUCATION UNDER § 6-202 OF THE EDUCATION ARTICLE.

(C) (1) TO THE EXTENT PRACTICABLE, THE APPOINTED MEMBERS OF THE BOARD SHALL REFLECT THE DIVERSITY OF THE POPULATION OF JUVENILES IN THE STATE.

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

~~(1)~~ **(I) TEACHING OR EDUCATIONAL ADMINISTRATION;**

~~(2)~~ **(II) PRIOR SERVICE ON THE STATE BOARD OF EDUCATION OR A COUNTY BOARD OF EDUCATION;**

~~(3)~~ **(III) SOCIAL WORK;**

~~(4)~~ **(IV) SERVICES FOR INDIVIDUALS WITH DISABILITIES;**

~~(5)~~ **(V) WORKING WITH INSTITUTIONALIZED YOUTH;**

~~(6)~~ **(VI) MENTAL OR BEHAVIORAL HEALTH SERVICES;**

~~(7)~~ **(VII) CIVIL RIGHTS LAW OR ADVOCACY;**

~~(8)~~ **(VIII) DIGITAL LEARNING OR ONLINE ADMINISTRATION; OR**

~~(9)~~ **(IX) HIGHER EDUCATION ADMINISTRATION.**

~~(C)~~ **(D) (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 WHO IS APPOINTED AFTER A TERM BEGINS SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

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

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

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

~~(F)~~ **(G) 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)~~ **(H) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

~~(H)~~ **(I) THE DEPARTMENT SHALL STAFF THE BOARD.**

9-504.

(A) BEGINNING JULY 1, 2022, THE BOARD SHALL OVERSEE AND APPROVE ALL EDUCATIONAL SERVICES TO ALL JUVENILES WHO ARE IN A RESIDENTIAL FACILITY.

(B) THE BOARD SHALL:

(1) DEVELOP, RECOMMEND, AND APPROVE FOR EVERY RESIDENTIAL FACILITY AN EDUCATIONAL TRAINING PROGRAM THAT:

(I) MEETS THE SPECIAL NEEDS AND CIRCUMSTANCES OF THE JUVENILES IN THE RESIDENTIAL FACILITY; AND

(II) IS ACCREDITED BY AN APPROVED ACCREDITING AGENCY;

(2) IN CONSULTATION WITH THE JUVENILE JUSTICE MONITORING UNIT AND THE DEPARTMENT, DEVELOP MINIMUM STANDARDS AND A REPORTING STRUCTURE TO MEASURE EDUCATIONAL OUTCOMES AND ASSESS IMPLEMENTATION OF THE JUVENILE SERVICES EDUCATION PROGRAM;

(3) REVIEW A QUALITY ASSURANCE REPORT DEVELOPED BY THE DEPARTMENT EACH QUARTER; AND

(4) CONDUCT A PERFORMANCE REVIEW OF THE SUPERINTENDENT AT LEAST ONCE EVERY 4 YEARS.

(C) THE BOARD SHALL APPROVE POSTSECONDARY EDUCATION PROGRAMS, INCLUDING VOCATIONAL AND ONLINE PROGRAMS, THAT MEET THE NEEDS OF THE JUVENILES IN A RESIDENTIAL FACILITY.

(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS OF THIS SECTION.

9-505.

(A) THE BOARD SHALL MEET PUBLICLY IN THE STATE AT LEAST ONCE PER MONTH AT THE TIMES DETERMINED BY:

(1) A MAJORITY OF THE MEMBERS THEN SERVING;

(2) THE CHAIR OF THE BOARD; OR

(3) THE SECRETARY.

(B) A MAJORITY OF THE MEMBERS THEN SERVING CONSTITUTES A QUORUM.

(C) THE BOARD SHALL:

(1) MAINTAIN MINUTES OF ITS MEETINGS AND ANY OTHER RECORDS THAT IT CONSIDERS NECESSARY;

(2) ON REQUEST, PROVIDE INFORMATION REGARDING ITS BUDGET, ACTIVITIES, AND PROGRAMS; AND

(3) ALLOW TIME FOR PUBLIC COMMENT AT EACH OF ITS MEETINGS.

9-506.

(A) THE BOARD SHALL APPOINT A JUVENILE SERVICES EDUCATION PROGRAM SUPERINTENDENT.

(B) THE SUPERINTENDENT SHALL:

(1) IMPLEMENT AND ADMINISTER THE EDUCATIONAL PROGRAMS APPROVED BY THE BOARD;

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

(3) MEET WITH AND ADVISE THE BOARD ABOUT EDUCATIONAL PROGRAMS AND OUTCOMES FOR JUVENILES;

(4) SELECT, ORGANIZE, AND DIRECT THE STAFF OF THE JUVENILE SERVICES EDUCATION PROGRAM;

(5) ENSURE THAT THE POLICIES AND DECISIONS OF THE BOARD ARE CARRIED OUT; ~~AND~~

(6) COORDINATE WITH THE DEPARTMENT TO ENSURE THAT THE OPERATION OF JUVENILE EDUCATIONAL SERVICES ARE INTEGRATED WITH THE NONEDUCATIONAL OPERATIONS OF THE DEPARTMENT; AND

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

(C) THE SUPERINTENDENT:

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

(2) SERVES AT THE PLEASURE OF THE BOARD.

(D) THE SUPERINTENDENT:

(1) MUST BE AN EXPERIENCED AND COMPETENT EDUCATOR;

(2) MUST BE A GRADUATE OF AN ACCREDITED COLLEGE OR UNIVERSITY;

(3) MUST HAVE AT LEAST 2 YEARS OF SPECIAL ACADEMIC AND PROFESSIONAL GRADUATE PREPARATION IN AN ACCREDITED COLLEGE OR UNIVERSITY;

(4) MUST HAVE AT LEAST 7 YEARS OF EXPERIENCE IN TEACHING AND ADMINISTRATION; AND

(5) MAY NOT BE A CURRENT MEMBER OF THE BOARD OR HAVE BEEN A MEMBER OF THE BOARD AT ANY TIME DURING THE YEAR IMMEDIATELY PRECEDING THE APPOINTMENT.

(E) THE SUPERINTENDENT MAY HIRE ADDITIONAL STAFF, AS PROVIDED IN THE STATE BUDGET, TO PROVIDE AND ADMINISTER EDUCATIONAL SERVICES WITHIN THE DEPARTMENT.

SUBTITLE 6. JUVENILE SERVICES EDUCATION PROGRAM.

9-601.

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

(B) “BOARD” HAS THE MEANING STATED IN § 9-501 OF THIS TITLE.

(C) “FACILITY” MEANS A BUILDING OR BUILDINGS AND RELATED PHYSICAL INFRASTRUCTURE AT A GEOGRAPHICALLY DISTINCT LOCATION AT WHICH THE DEPARTMENT OPERATES A PROGRAM.

(D) “MEMORANDUM OF UNDERSTANDING” MEANS THE MEMORANDUM OF UNDERSTANDING BETWEEN THE BOARD AND THE DEPARTMENT REQUIRED UNDER § 9-502 OF THIS TITLE.

~~(D)~~ (E) “RESIDENTIAL FACILITY” HAS THE MEANING STATED IN § 9-501 OF THIS TITLE.

(F) “SUPERINTENDENT” MEANS THE JUVENILE SERVICES EDUCATION PROGRAM SUPERINTENDENT.

9-602.

THERE IS A JUVENILE SERVICES EDUCATION PROGRAM WITHIN THE DEPARTMENT.

9-603.

(A) (1) BEGINNING JULY 1, 2022, THE DEPARTMENT ~~SHALL~~ AND THE BOARD, SUBJECT TO THE MEMORANDUM OF UNDERSTANDING, JOINTLY SHALL HAVE THE AUTHORITY AND RESPONSIBILITY FOR IMPLEMENTING THE JUVENILE SERVICES EDUCATIONAL PROGRAMS IN THE STATE.

(2) ~~THE DEPARTMENT~~ SUPERINTENDENT SHALL PROVIDE AND OVERSEE EDUCATIONAL SERVICES TO ALL JUVENILES IN A RESIDENTIAL FACILITY.

(B) ~~THE DEPARTMENT~~ SUPERINTENDENT SHALL IMPLEMENT FOR EACH RESIDENTIAL FACILITY AN EDUCATIONAL PROGRAM AS APPROVED BY THE BOARD THAT:

(1) MEETS THE SPECIAL NEEDS AND CIRCUMSTANCES OF THE JUVENILES IN THE RESIDENTIAL FACILITY; AND

(2) IS ACCREDITED BY AN APPROVED ACCREDITING AGENCY.

(C) (1) ~~THE DEPARTMENT,~~ SUBJECT TO THE MEMORANDUM OF UNDERSTANDING, SHALL EMPLOY ANY STAFF NECESSARY TO CARRY OUT THE JUVENILE SERVICES EDUCATION PROGRAM AS PROVIDED IN THE STATE BUDGET.

(2) EDUCATIONAL STAFF IN THE DEPARTMENT SHALL BE SUBJECT TO THE CAREER LADDER AND SALARY PROVISIONS ~~OF THE BLUEPRINT FOR MARYLAND'S FUTURE~~ UNDER TITLE 6, SUBTITLE 10 OF THE EDUCATION ARTICLE.

(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS OF THIS SECTION.

(E) ~~NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE DEPARTMENT FROM CONTRACTING~~ THE BOARD MAY AUTHORIZE THE DEPARTMENT TO CONTRACT WITH A NONPROFIT PRIVATE PARTY OR A COUNTY BOARD OF EDUCATION TO PROVIDE EDUCATIONAL SERVICES FOR JUVENILES IN A RESIDENTIAL FACILITY.

(F) FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION IN AN AMOUNT SUFFICIENT TO MEET THE REQUIREMENTS OF THIS SUBTITLE.

9-604.

(A) (1) THE DEPARTMENT SHALL NOTIFY A JUVENILE IN CUSTODY OF THE JUVENILE'S EDUCATIONAL RIGHTS.

(2) A JUVENILE IN THE CUSTODY OF THE DEPARTMENT WHO IS ENROLLED IN A PUBLIC 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)~~ **(3)** THE PUBLIC SCHOOL IN WHICH A JUVENILE UNDER PARAGRAPH ~~(1)~~ **(2)** OF THIS SUBSECTION IS ENROLLED SHALL PROVIDE THE DEPARTMENT WITH THE EDUCATIONAL MATERIALS NECESSARY FOR THE JUVENILE TO REMAIN CURRENT WITH THE JUVENILE’S EDUCATIONAL PROGRAM AT THE SCHOOL IN WHICH THE JUVENILE IS ENROLLED.

~~(3)~~ **(4)** (I) IN CONSULTATION WITH THE BOARD AND COUNTY BOARDS OF EDUCATION, THE SUPERINTENDENT WITH THE AID OF THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A PROCEDURE TO TRANSFER A COPY OF A JUVENILE’S EDUCATIONAL RECORDS FROM THE SCHOOL IN WHICH THE JUVENILE IS ENROLLED TO A RESIDENTIAL FACILITY IN WHICH THE JUVENILE IS PLACED.

(II) THE EDUCATIONAL RECORDS TRANSFERRED IN ACCORDANCE WITH 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; AND
4. ANY OTHER RELEVANT DOCUMENTS AND INFORMATION.

(B) THE SUPERINTENDENT WITH THE AID OF THE DEPARTMENT, IN CONSULTATION WITH COUNTY BOARDS OF EDUCATION, SHALL DEVELOP AND IMPLEMENT A PROCEDURE FOR THE RE-ENROLLMENT OF A JUVENILE IN A RESIDENTIAL FACILITY BEFORE THE JUVENILE IS RELEASED FROM THE CUSTODY OF THE DEPARTMENT.

(C) THE ~~DEPARTMENT~~ SUPERINTENDENT SHALL DEVELOP AN EDUCATIONAL PLAN FOR EACH SCHOOL-AGE JUVENILE IN THE CUSTODY OF THE DEPARTMENT FOR MORE THAN 4 WEEKS THAT:

- (1) IS DESIGNED TO MEET THE JUVENILE’S INDIVIDUAL NEEDS; AND
- (2) ENSURES THAT, TO THE EXTENT PRACTICABLE, THE JUVENILE IS ABLE TO SEAMLESSLY REINTEGRATE INTO THE JUVENILE’S HOME SCHOOL.

(D) (1) THE ~~DEPARTMENT~~ SUPERINTENDENT SHALL OFFER A MINIMUM OF 2.5 HOURS OF A POSTSECONDARY EDUCATION PROGRAM PER WEEKDAY TO JUVENILES IN THE CUSTODY OF THE DEPARTMENT 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 DEPARTMENT MAY~~ BOARD MAY AUTHORIZE THE DEPARTMENT TO CONTRACT WITH A NONPROFIT PRIVATE PARTY, COMMUNITY COLLEGE, OR ANY OTHER INSTITUTION OF POSTSECONDARY EDUCATION IN THE STATE TO PROVIDE THE SERVICES REQUIRED BY THIS SUBSECTION.

(E) EACH COUNTY BOARD OF EDUCATION ~~SHALL~~ MAY WAIVE ALL HIGH SCHOOL GRADUATION REQUIREMENTS, INCLUDING REQUIRED COURSEWORK, FOR A JUVENILE WHO IS COMMITTED TO THE CUSTODY OF THE DEPARTMENT AND IS SUBSEQUENTLY TRANSFERRED TO THE LOCAL SCHOOL SYSTEM WHILE IN GRADE 11 OR 12.

9-605.

(A) IN THIS SECTION, “BASIC DAILY COST” MEANS THE AVERAGE AMOUNT SPENT BY A COUNTY BOARD OF EDUCATION FROM COUNTY AND STATE FUNDS FOR THE PUBLIC EDUCATION OF A NONDISABLED CHILD DIVIDED BY THE NUMBER OF ACTUAL SCHOOL DAYS REQUIRED FOR A PUBLIC SCHOOL UNDER § 7-103 OF THE EDUCATION ARTICLE.

(B) A COUNTY BOARD OF EDUCATION SHALL REIMBURSE THE DEPARTMENT FOR THE BASIC DAILY COST FOR EACH CHILD WHO WAS DOMICILED IN THE COUNTY PRIOR TO PLACEMENT WITH THE DEPARTMENT IF THE CHILD:

(1) IS IN A FACILITY OR RESIDENTIAL FACILITY;

(2) IS IN THE CUSTODY OF THE DEPARTMENT FOR 15 CONSECUTIVE DAYS OR MORE;

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

(4) WAS INCLUDED IN THE FULL-TIME EQUIVALENT ENROLLMENT OF THE COUNTY AS CALCULATED UNDER ~~§ 5-202~~ § 5-201 OF THE EDUCATION ARTICLE.

9-606.

(A) (1) ON OR BEFORE DECEMBER 1, 2022, AND EACH DECEMBER 1 THEREAFTER, THE SUPERINTENDENT WITH THE AID OF THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE AGGREGATE EDUCATIONAL OUTCOMES OF THE PROGRAMS REQUIRED BY THIS SUBTITLE AT EACH RESIDENTIAL FACILITY.

(2) THE SUPERINTENDENT’S REPORT SHALL INCLUDE:

(I) STUDENT OUTCOMES;

(II) EXTERNAL ORGANIZATIONAL PARTNERSHIPS; AND

(III) TRANSITIONS BETWEEN ENROLLMENT IN PUBLIC SCHOOL AND THE CUSTODY OF THE DEPARTMENT.

(3) THE SUPERINTENDENT SHALL REPORT THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN THE AGGREGATE AND DISAGGREGATED BY:

(I) RACE;

(II) ETHNICITY;

(III) GENDER;

(IV) ENGLISH PROFICIENCY STATUS;

(V) DISABILITY STATUS; AND

(VI) FAMILIAL INCOME.

(B) THE BOARD SHALL BE SUBJECT TO:

~~(1) AUDITS BY THE OFFICE OF LEGISLATIVE AUDITS IN THE DEPARTMENT OF LEGISLATIVE SERVICES;~~

~~(2)~~ INVESTIGATION BY THE MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR EDUCATION; AND

~~(3)~~ (2) OVERSIGHT AND MONITORING BY THE STATE DEPARTMENT OF EDUCATION AND STATE BOARD OF EDUCATION.

9-607.

(A) (1) ON OR BEFORE JANUARY 1, 2024, THE DEPARTMENT SHALL CONTRACT WITH A PUBLIC OR PRIVATE ENTITY TO CONDUCT AN EMPIRICAL EVALUATION OF THE BOARD'S, THE SUPERINTENDENT'S, AND THE DEPARTMENT'S POLICIES AND PRACTICES REGARDING THE EDUCATIONAL SERVICES PROVIDED TO JUVENILES IN RESIDENTIAL FACILITIES.

(2) IN CONDUCTING THE STUDY REQUIRED UNDER THIS SUBSECTION, THE ENTITY WITH WHICH THE DEPARTMENT CONTRACTS SHALL REVIEW THE EFFECTIVENESS OF THE BOARD'S, THE SUPERINTENDENT'S, AND THE DEPARTMENT'S CURRENT POLICIES AND PRACTICES, INCLUDING:

(I) STUDENT EDUCATIONAL OUTCOMES;

(II) WHETHER THE EDUCATIONAL PLANS REQUIRED UNDER § 9-604(C) OF THIS SUBTITLE ARE MEETING JUVENILE NEEDS;

(III) STUDENT DISCIPLINARY OUTCOMES;

(IV) HOW EFFICIENTLY STUDENTS TRANSITION BETWEEN ENROLLMENT IN PUBLIC SCHOOL AND THE CUSTODY OF THE DEPARTMENT, INCLUDING:

1. HOW WELL EDUCATIONAL RECORDS ARE TRANSFERRED BETWEEN THE DEPARTMENT AND COUNTY BOARDS;

2. HOW EFFICIENTLY JUVENILES ARE RE-ENROLLED IN PUBLIC SCHOOL AFTER BEING RELEASED FROM THE CUSTODY OF THE DEPARTMENT; AND

3. HOW WELL THE EDUCATION THE JUVENILE RECEIVES WHILE UNDER THE CUSTODY OF THE DEPARTMENT MATCHES WITH THE EDUCATION RECEIVED IN THE JUVENILE'S PUBLIC SCHOOL;

(V) THE QUALITY OF THE CURRICULUM;

(VI) HOW CONDUCIVE THE EDUCATIONAL SETTING IS TO LEARNING; AND

(VII) ACCESS TO MENTAL HEALTH SERVICES.

(3) THE ENTITY WITH WHICH THE DEPARTMENT CONTRACTS SHALL, AFTER COMPLETING ITS REVIEW, DEVELOP RECOMMENDATIONS TO IMPROVE THE EDUCATION DELIVERED UNDER THIS SUBTITLE.

(B) ON OR BEFORE OCTOBER 1, 2026, THE ENTITY WITH WHICH THE DEPARTMENT CONTRACTS SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE DEPARTMENT, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

9-608.

(A) IN THIS SECTION, "OFFICE" HAS THE MEANING STATED IN § 8-401 OF THE STATE GOVERNMENT ARTICLE.

(B) THE OFFICE SHALL CONDUCT AN EVALUATION OF THE BOARD AND THE SUPERINTENDENT, IN ACCORDANCE WITH § 8-404 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE:

(1) JULY 1, 2027; AND

(2) JULY 1, 2030.

Article – State Government

6-402.

(a) There is a Juvenile Justice Monitoring Unit of the Office of the Attorney General.

(b) The function of the Unit is to investigate and determine whether the needs of children under the jurisdiction of the Department of Juvenile Services are being met in compliance with State law, that their rights are being upheld, and that they are not being abused.

6-404.

The Unit shall:

- (1) evaluate at each facility:
 - (i) the child advocacy grievance process;
 - (ii) the Department's monitoring process;
 - (iii) the treatment of and services to youth;

(iv) the physical conditions of the facility; and

(v) the adequacy of staffing;

(2) review all reports of disciplinary actions, grievances, and grievance dispositions received from each facility and alterations in the status or placement of a child that result in more security, additional obligations, or less personal freedom;

(3) receive copies of the grievances submitted to the Department;

(4) perform unannounced site visits and on-site inspections of facilities;

(5) receive and review all incident reports submitted to the Department from facilities;

(6) receive reports of the findings of child protective services investigations of allegations of abuse or neglect of a child in a facility;

(7) ensure that each facility is in compliance with the regulations applicable to residential facilities;

(8) MONITOR THE IMPLEMENTATION OF EDUCATIONAL PROGRAMS AT EACH RESIDENTIAL FACILITY;

[(8)] (9) collaborate with the Department, the Department of Human Services, the Maryland Department of Health, and the Division of Children and Youth of the Governor's Office of Crime Prevention, Youth, and Victim Services in all matters related to the licensing and monitoring of children's residential facilities; and

[(9)] (10) have a representative available to attend meetings of the advisory boards established under § 9-230 of the Human Services Article **AND MEETINGS OF THE JUVENILE SERVICES EDUCATION BOARD ESTABLISHED UNDER § 9-502 OF THE HUMAN SERVICES ARTICLE.**

8-401.

(a) In this subtitle the following words have the meanings indicated.

(f) "Office" means the office in the Department of Legislative Services designated by the Executive Director of the Department.

8-404.

(a) When directed by the Legislative Policy Committee, the Joint Audit and Evaluation Committee, the Executive Director, the Director of the Office of Policy Analysis, or the Director of the Office of Program Evaluation and Government Accountability, the Office shall conduct an evaluation of a governmental activity or unit and the statutes related to the governmental activity or unit.

(b) The Office, in consultation with the committees of jurisdiction, shall develop a work plan for an evaluation conducted under subsection (a) of this section.

(c) The evaluation report for an evaluation conducted under subsection (a) of this section:

(1) shall be consistent with the work plan developed under subsection (b) of this section; and

(2) may address the governmental activity's or unit's:

(i) efficiency;

(ii) effectiveness;

(iii) role in protecting consumers;

(iv) sufficiency of resources; and

(v) accomplishment of legislative objectives.

(d) On completion, the Department shall submit each evaluation report, including draft legislation to implement any recommended statutory changes, to the committees of jurisdiction.

~~Article State Personnel and Pensions~~

~~25-201.~~

~~(a) Except as provided in subsection (b) of this section, this subtitle applies only to:~~

~~(10) an individual serving as a Department of Juvenile Services employee in one of the following positions on or after July 1, 2018:~~

~~(i) a community detention officer or community detention supervisor;~~

~~(ii) a youth transportation officer, youth transportation officer lead, youth transportation officer supervisor, or youth transportation officer trainee;~~

~~(iii) a resident advisor, resident advisor lead, resident advisor supervisor, or resident advisor trainee; or~~

~~(iv) a youth recreation specialist; [and]~~

~~(11) an individual serving as a Department of Public Safety and Correctional Services employee in one of the following positions on or after July 1, 2018:~~

~~(i) a parole and probation assistant regional administrator;~~

~~(ii) a psychology services chief;~~

~~(iii) a correctional maintenance officer supervisor;~~

~~(iv) a correctional maintenance officer manager;~~

~~(v) a correctional maintenance services officer;~~

~~(vi) a correctional maintenance services supervisor; or~~

~~(vii) a correctional maintenance services manager; AND~~

~~**(12) AN INDIVIDUAL SERVING AS A DEPARTMENT OF JUVENILE SERVICES DIRECT EDUCATION STAFF MEMBER ON OR AFTER JULY 1, 2022.**~~

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2021, the State Department of Education and the Department of Juvenile Services shall submit to the General Assembly, in accordance with § 2-1257 of the State Government Article, a report detailing plans for the transition of juvenile services educational programs to the Juvenile Services Education Program established under Section 2 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before December 1, 2021, the Juvenile Services Education Board established under Section 2 of this Act shall submit to the General Assembly, in accordance with § 2-1257 of the State Government Article, a report that meets the requirements of this section.

(b) In consultation with local school systems, the Juvenile Services Education Board shall examine and report on how, before the disposition of a student's juvenile case, to meet the needs of a student who:

(1) is dually enrolled in the Juvenile Services Education Program and a local school system; and

(2) has an individualized education program or other special education plan.

(c) The Juvenile Services Education Board shall examine and make recommendations regarding funding for the Juvenile Services Education Program established under Section 2 of this Act, including recommendations for any improvements.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) Subject to subsection (b) of this section, any State personnel or contractual employee who is employed in the Juvenile Education Services Program within the State Department of Education on June 30, 2022, shall, on July 1, 2022, be transferred to the Department of Juvenile Services to be employed in accordance with this Act.

(b) Any State personnel or contractual employee involved in a transfer to the Department of Juvenile Services under this section shall:

(1) if applicable, remain in the State Personnel Management System;

(2) remain in a position that is comparable to or most closely compares to their former position, without further examination or qualification;

(3) receive no diminution in compensation or accumulated leave solely as a result of the transfer; and

(4) if applicable, continue in the same salary grade in the Department of Juvenile Services.

SECTION ~~4~~ 6. AND BE IT FURTHER ENACTED, That the provisions of any collective bargaining agreement for staff in the Juvenile Services Education Program shall continue to apply until the bargaining unit for the staff and the State negotiate a new collective bargaining agreement.

~~SECTION 5. AND BE IT FURTHER ENACTED, That all employees who are transferred to the Department of Juvenile Services as a result of this Act shall be transferred without diminution of their rights, benefits, employment, or retirement status.~~

SECTION 7. AND BE IT FURTHER ENACTED, That an individual who is an employee of the Juvenile Services Education Program on June 30, 2022, and remains a Department of Juvenile Services direct education staff member on July 1, 2022, shall remain a member of the Employees' Pension System as provided under Title 23 of the State Personnel and Pensions Article.

SECTION 8. AND BE IT FURTHER ENACTED, That:

(a) On or before July 1, 2022, all appropriations held by the State Department of Education made to carry out the exclusive functions of the Juvenile Services Education Program shall be transferred to the Department of Juvenile Services.

(b) The Department of Juvenile Services shall distribute the appropriations transferred in accordance with subsection (a) of this section to the Juvenile Services Education Board, established under Section 2 of this Act, to be used in accordance with the memorandum of understanding jointly agreed to by the Department of Juvenile Services and the Juvenile Services Education Board.

SECTION ~~5. 6.~~ 9. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.

Approved by the Governor, May 18, 2021.