



## POSITION ON PROPOSED LEGISLATION

Bill: House Bill 71 – Juvenile Education Board and Program – Establishment Powers and Duties

Position: Support

Date: January 26, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 71.

Education programs within the Department of Juvenile Services detention facilities are currently operated by the Maryland State Department of Education (MSDE). It has long been documented that students placed in these schools have not received appropriate education as guaranteed by Article VIII of the Maryland Constitution. Since 2014, OPD has filed over 40 education complaints with MSDE, documenting a broken system. The existing Juvenile Services Education System does not have an independent school board like other systems, pay teachers a competitive salary, have a dedicated funding formula, or provide rigorous curriculum. A detailed history of the specific complaints and the efforts by OPD and other advocacy groups to fix this broken system is attached.

This legislation creates an independent juvenile services education system governed by a school board and implemented by a superintendent. The creation of an independent school board would add much needed transparency and oversight to the current educational system.

Recognizing that education is a primary strategy for curbing recidivism and keeping students out of the school-to-prison pipeline, this population of disproportionately Black and brown students cannot wait any longer for educational equity and are entitled to improved outcomes. We believe that this legislation will fix the lack of accountability and the structural barriers that hinder improved outcomes for our at-risk youth. It is our hope that the creation of an independent school board will remedy the structural barriers, such as lack of staffing, budget, and curriculum availability that this vulnerable population of students currently face. In addition to creating a new governing structure for this system, this bill sets forward a range of standards to address the transfer of student records, continued enrollment in community schools, course availability, access to career and technical education, and planning for transition back to the community.

For these reasons, the Maryland Office of the Public Defender supports this legislation and urges a favorable report.

*For further information please contact Krystal Williams, Director, Government Relations Division, by email at [krystal.williams@maryland.gov](mailto:krystal.williams@maryland.gov) or by phone at 443-908-0241.*

# Attachment to OPD written testimony in support of HB 71

## JSES Chronology

Black type = JSES

Green type = Juvenile Justice Monitoring Unit Reports

Red type = newspaper articles and NAACP Complaint to DOJ

**2000** Education responsibilities at Department of Juvenile Services (DJS) 14 facilities (detention and commitment) was with DJS. At this time, the Department of Justice opened a Civil Rights of Institutionalized Persons Act (CRIPA) into Baltimore City Juvenile Justice Center (BCJJC) because of violations of juveniles' rights to education as required by IDEA and Section 504 of the Rehabilitation Act of 1973. Several years of numerous site visits and findings resulted.

**2002** The Juvenile Justice Monitoring Unit was created with the provision to create quarterly reports sent to Maryland legislature. Current reports from JJMU note (1) general lack of an identifiable treatment model within DJS programs, (2) the need to provide more structured activities for youth when they are not in school, (3) staff turnover, vacancies, and needed training across numerous departments including administration, education and case management, (4) the need to improve family engagement in programming and treatment, (5) security and facility issues such as missing security measures and a significant need for major repairs, maintenance and renovations and (6) educational issues such as a need for elective courses, career and technical courses, postsecondary opportunities, and the need for the use of more educational technology. JJMU reports 2018-2019

**2004** Because students in DJS facilities were not always being able to earn credits, curricula and coursework were not aligned across facilities or with local public school districts, little standardized curricula, up to date textbooks or state approved course frameworks the state incrementally transferred the responsibility of juvenile justice educational services to MSDE.<sup>1</sup>

**2004** Charles Hickey Detention Center (Hickey) - 72 bed detention facility transferred to MSDE

**2005** Settlement Agreement regarding the CRIPA investigation to voluntarily address the multiple deficiencies regarding medical, mental health, treatment, custody, care and education at BCJJC. Educational requirements in the agreement included identifying and assessing students in need of special education services.

**2005** Lower Eastern Shore Children's Center (LESCC) - 18 bed male and 6 bed female detention center transferred to MSDE

**2006** BCJJC 120 bed male detention center transferred to MSDE

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<sup>1</sup> Formally known as MSDE, Juvenile Services Program (MSDE/JSE or JSEP) and the Juvenile Services Education (JSE). Currently known as Juvenile Services Education System (JSES).

**2007** J. DeWeese Carter Center (Carter) - 14 bed female commitment facility (now closed) transferred to MSDE

Victor Cullen- 48 bed male secure commitment facility transferred to MSDE

**2010** Western Maryland Children's Center (WMCC) - 24 bed male detention center transferred to MSDE

**2011** Cheltenham Youth Facility (Cheltenham) - 115 bed male detention center transferred to MSDE

**2012** Thomas Waxter Children's Center (Waxter) - 42 bed female detention center transferred to MSDE

**Feb 1, 2012** Annual Report to the State Superintendent and Governor for Educational Outcomes. "As MSDE assumed responsibility for these programs, it has ensured adequate staff to provide students with access to core academics as well as instruction in Career and Technology Education and life skills/career development over the course of the required six-hour school day; ensured full compliance with the requirements of the IDEA and ensured that students attend school in a facility that meets the standards for public schools in the State. Schools are staffed with certified teachers and administrators."

**Feb 1, 2013** JSE Annual Report to the State Superintendent and Governor for Educational Outcomes. "As MSDE assumed responsibility for these programs, it has ensured adequate staff to provide students with access to core academics as well as instruction in Career and Technology Education and life skills/career development over the course of the required six-hour school day; ensured full compliance with the requirements of the IDEA and ensured that students attend school in a facility that meets the standards for public schools in the State. Schools are staffed with certified teachers and administrators."

**2013** Alfred Noyes Children's Center (Noyes) - 41 bed male/16 bed female detention center transferred to MSDE

Backbone Youth Center (Backbone) - 48 bed male commitment center transferred to MSDE

Green Ridge Youth Center (Green Ridge) - 40 bed male commitment facility transferred to MSDE

Savage Mountain Youth Center (Savage) - 36 bed male commitment facility transferred to MSDE

Meadow Mountain Youth Center (Meadow) - 40 bed male commitment facility transferred to MSDE

**July 2013** MSDE/JSE abolished all specific content, credit-bearing classes at the four youth camps (Backbone/Savage/Green Ridge/Meadow Mountain). Instead of high school credit bearing classes, the MSDE/JSE schools offered only 4 classes – basic math, basic English, life skills and construction core. When the students were discharged, many of the public schools would not award credit for these classes resulting in the students being behind in school.

**Aug 2013** A former JSE principal and several teachers contacted OPD to complain that the MSDE "takeover" was not working and MSDE/JSE were putting plans in place to offer inferior education to detained students. Parents contacted OPD to complain that children were forced to repeat entire school years because community schools would not award any credit for work completed at JSE schools.

**Sept 2013** OPD interviewed clients in all JSE schools. Clients reported that they were receiving the same school work even though they were all in different grades. The school work was described as “a lot of word searches, word puzzles and busy work.”

**Nov 5, 2013** Based on information from students, OPD filed a class education **Complaint #14-039** on behalf of all students alleging widespread IDEA and COMAR violations in the 14 JSE facilities. OPD alleged:

- Education does not meet Md. State standards
- Education is significantly inferior to similarly- situated students in the public school setting
- Denies equal opportunities to access quality education
- Students are only allowed to attend school for 3 hours a day
- Denies children with disabilities educational instruction that meets state standards
- Denies general education students curriculum to achieve credit towards graduation
- JSE modifies IEPs to accommodate services they can provide
- JSE fails to provide accurate records and transcripts upon discharge, denying JSE students to seamlessly re-enroll in home school
- Students do not have the ability to take State assessments needed for graduation
- Instruction is not individualized or differentiated

**Dec 12, 2014** OPD met with JSE administrators to discuss the class educational complaint and the allegations of inferior educational services at the 14 JSES schools.

**Jan 3, 2014** The Maryland State Department of Education, Division of Special Education/Early Intervention (MSDE) investigated **COMPLAINT #14-039** and found widespread violations:

1. **VIOLATIONS FOUND:** JSE has not consistently ensured that students in each of the JSE programs have had access to courses that have enabled them to make progress in the general education curriculum;
2. **VIOLATIONS FOUND:** Student’s IEPs have not been consistently revised based on each student’s need as identified in the present levels of performance;
3. **VIOLATIONS FOUND:** Students have not been consistently provided with services that are similar or equivalent to those that are described in the IEP from the previous public agency;
4. **VIOLATIONS FOUND:** Accurate information has not consistently been transmitted to the new public agencies when students transfer from the JSE program;
5. **VIOLATIONS FOUND:** Instruction in mathematics and English is not consistently provided by teachers meeting the highly qualified provisions of the Elementary and Secondary Education Act.

**CORRECTIVE ACTION:**

- JSE must provide documentation by March 1, 2014 that it has made attempts to locate the named students and that steps have been taken to ensure that an IEP team is convened. They must determine whether the violations identified through this investigation had a negative impact on the student’s ability to benefit from the educational program and offer

the student compensatory services or other remedy to redress the violations identified during this investigation.

- By March 1, 2014 JSE must provide documentation that each student's educational record accurately documents the title of classes taken, and the credits received at the JSE programs.
- JSE must provide documentation by the start of 2014-15 school year that the educational records of all students participating in JSE during the 2013-2014 school year have been reviewed for compliance with the requirements addressed in this investigation. Each student's educational record accurately reflects the title of classes taken and the credits received. For each student whose IEP was revised upon entry to JSE without documentation of a basis for the revision related to the student's needs, an IEP team reviews and revises the IEP to ensure that it is based on the student's needs. The team must also determine whether the violation negatively impacted the student's ability to benefit from the educational program, and if so, determines the compensatory services or another remedy to redress the violation. For each student who was unable to complete a core course as a result of the unavailability of the course, an IEP team determines whether the violation negatively impacted the student's ability to benefit from the educational program, and if so, determines the compensatory services or another remedy to redress the violation.
- MSDE requires all JSE teachers in math and English to be highly qualified by the start of the 2014-2015 school year.

**Jan 24, 2014** MSDE Chief Academic Officer, Jack Smith, responds to OPD concerns in a letter. Mr. Smith acknowledges the wide-spread educational deficiencies and confirms that JSE is working on corrective action, including, that JSE will restore the 6 hour school day, that JSE will offer social studies and science instruction at all sites, that JSE will provide the instruction at the course specific level, that JSE will ensure that teachers have curriculum, instructional materials, and any needed professional development specific to the core content courses, and that JSE leadership is working with principals, teachers and guidance counselors to ensure student records are accurate.

**Feb 1, 2014 Report to the Governor on Implementation of Education in JSE facilities.** *"As MSDE has assumed responsibility for these programs, it has ensured: adequate staff to provide students with access to core academics as well as instruction in Career and Technology Education and life skills/career development over the course of the required six hour school day; full compliance with the requirements of the IDEA. Schools are staffed with certified teachers and administrators."* **No mention of the numerous state complaints filed for failure to provide adequate staff, failure to provide access to core academics, multiple violations of IDEA and lack of certified teachers found after MSDE investigated the complaints.**

**Feb 18, 2014** Based on reports of students that most of the work was "busy work", OPD requested and received the math and English assignments of a student enrolled in the 10<sup>th</sup> grade. The English assignment asked him to use the words "penny" and "pennies" in separate sentences. His math assignment asked him to complete basic math problems even though he was enrolled in Algebra I. JSE reviewed and acknowledged that the worksheets teachers were using were not appropriate.

**Feb 2014** OPD, ACY, Public Justice Center and Disability Rights MD formed an advocacy group and identified 10 JSE priorities: 1 ) JSE lacks courses to graduate/ inadequate curriculum ; 2) Community schools refuse to accept JSE credits; 3) Lack of rigorous GED instruction and testing; 4) Lack of vocational programming; 5) Lack of certified teachers; 6) Insufficient technology/ computer equipment; 7) Inadequate special education services; 8) Lack of transparency and accountability - no oversight; 9) Lack of transition planning and 10) Students are forced to attend school by housing unit.

Specific Issues relating to special education instruction: 1) IEPs modified based on delivery system available – not student need; 2) IEPs modified without looking at data, progress, current evaluations or assessments 3) Boiler plate IEPs – goals are never changed or updated 4) No system to identify children in need of IEPs –initial eligibility 4) General failure to implement IEPs 5) Lack of differentiated instruction - all students get same work

**Apr 4, 2014** OPD filed educational **Complaint # 14-064** on behalf of a student at Cheltenham and alleged JSE failed to obtain the student’s educational records or implement the student’s IEP. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** JSE did not ensure that the student’s educational record was obtained in a timely manner to ensure the student was provided with a FAPE.
2. **VIOLATION FOUND:** When JSE obtained the student’s records, they were incomplete and JSE did not take appropriate steps to obtain the documents needed to ensure the provision of special education and related services consistent with the IEP.
3. **VIOLATION FOUND:** JSE did not ensure that the student had been provided with special education instruction in accordance with his IEP while placed at Cheltenham.

**CORRECTIVE ACTION:**

- JSE must provide documentation that an IEP team has convened to consider compensatory services or other remedy for the services missed as a result of the violation related to not obtaining the student’s educational record in a timely manner.
- JSE must review the educational records for all students participating in the JSE program at Cheltenham during the 2013-2014 school year and identify any student with an IEP that was not implemented due to the delay in obtaining the education records. For each violation, the IEP team must determine whether the violation *negatively impacted* the student’s ability to benefit from the educational program, and if so determine the nature and amount of compensatory services.

**Apr 7, 2014** First JSE/Advocates meeting. Discussed JSE plans for corrective action. Advocates included representatives from OPD, Disability Rights MD, ACY and Public Justice Center.

**May 2, 2014** Email from JSE counsel, Elliott Schoen, indicating that OPD should coordinate future communication with JSE personnel through counsel and that one of us is part of any phone conversations OPD has with JSE personnel. “I no longer feel comfortable with allowing you to contact JSE personnel without its counsel available.”

**May 12, 2014** JSE/Advocates meeting. Slideshow indicated the following: FY 2014 Initiatives Updates: College and Career Readiness Standards Implementation, Career Technology Education CTE Expansion, Student Information System and 2014 GED assessment. Integrate CCRS standards into curriculum. Development of new student assessments underway. Individual learning plans and individual education plans for middle school, high school and high school diploma by examination (GED). Certifications, NCCER construction core, OSHA 10 Safety for construction industry, SERVSAFE, C-Tech, network cabling specialist, IC3/Microsoft office suite, National Retail Federation – customer service. Certification expansion since Nov. 2013 – OSHA 10 Backbone, Cullen, Green Ridge and WMCC. SERVSAFE at Backbone, BCJJC, Cheltenham, Green Ridge, Hickey, Meadow, Noyes, Savage Schaefer and Waxter. Implementation of SIS scheduled for July 1, 2014 for expanded data collection, allows for all sites to share student records, allows JSE to efficiently transfer student records to local school systems SR-3 and SR-7, allow JSE the ability to analyze and review student achievement data.

**Jun 2014** Juvenile Justice Monitoring Unit First Quarter Report – A shortage of teachers has led to instances where uncertified instructional assistants are left to manage classes and simply handout worksheets. Computers and Smartboards are not available in classrooms. There are severely limited options for post-secondary education. The MSDE/JSE schools do not provide instruction in specific content courses in each of the core subjects on a continuous basis. The availability of resources at a particular site should not determine revisions of the IEPs.

**June 4, 2014** OPD met with Sam Kratz, Director of Special Education for JSE, and he confirmed the lack of certified teachers and sufficient staff at JSE facilities. Mr. Kratz stated there were many administrative impediments to effectively comply with the #14-039 corrective action plan (CAP).

**Jun 9, 2014** Meeting with JSE/Advocates. System has been created and implemented on July 1<sup>st</sup>, an adapted version of Powerhouse Records system that will be customized for JSE. This system will be used for grading and keeping records on the students while they are at the facility. This online system will improve efficiency and accuracy of keeping and transferring files within JSE. JSE is using Carroll County curriculum. They are creating a credit recovery program to help students catch up (APEX). They want to create an ILP for each student that will be based on their academic level and will provide within 5 days of their arrival. Advocates questioned why JSE chose to adopt Carroll County curriculum. Advocates also urged that record/transcript procedure and policies be put in place immediately.

**June 10, 2014** OPD filed education **Complaint #14-082** on behalf of a student AC at Backbone and alleged the failure to implement the student's IEP. MSDE investigated and found the following violations:

- 1. VIOLATION FOUND:** JSE had no documentation of the school's attempts to obtain the student's IEP and education record of the last known school of enrollment.
- 2. VIOLATION FOUND:** JSE provided no documentation that counseling services were provided in accordance with the IEP.
- 3. VIOLATION FOUND:** JSE provided no documentation that Backbone Mountain school staff have ensured that educational records of currently enrolled students are consistently obtained.
- 4. VIOLATION FOUND:** JSE provided no documentation that the educational services are consistently being provided in accordance with the students' IEPs.

5. **VIOLATION FOUND:** The IEP team's decision about the student's educational placement is inconsistent with the data that the team documented that is used as the basis for the decision
6. **VIOLATION FOUND:** MSDE also finds when a child is committed to DJS, that agency has the responsibility to ensure that the child is enrolled in school, just as the child's parent would be responsible. MSDE notes that on DJS' website it states that as part of a youth's after care plan, the DJS case managers create transition plans to assist youth in returning to the community with transitioning back to their local community school. The transition plan is developed in collaboration with the local school system officials and teachers and focuses on ways to bring a youth back into the educational environment with as little disruption as possible. Once the youth is re-enrolled in school, the DJS case manager reportedly tracks the youth's attendance and progress at the school through the Spotlight on Schools Program. MSDE find that there was no documentation that DJS developed and implemented a transition plan for the student upon his return to the community to ensure he was properly enrolled in school.

Because DJS did not serve as a public agency responsible for the provision of services, MSDE may not investigate concerns related to DJS' enrollment. MSDE is nevertheless asking DJS to take immediate steps to correct this problem.

**CORRECTIVE ACTION:**

- JSE must provide documentation that the IEP team has convened to review and revise the student's IEP to ensure it addresses the student's needs and begin the re-evaluation process. IEP team must determine the compensatory services.
- JSE must, by the start of the 2014-2015 school year, document the steps taken at Backbone to ensure that proper procedures are followed to get timely educational records, proper procedures are followed to complete re-evaluations and to identify all similarly situated students at Backbone who have not been provided with special education services in accordance with their IEPs and offer compensatory services.

**June 25, 2014** JSE disagrees with MSDE's findings regarding the Backbone complaint #14-082. JSE asked to discuss further with MSDE its prior findings of violations. By way of letter dated August 28, 2014, MSDE declines to reconsider its violations.

**June 25, 2014** OPD sent an email to Mr. Capp asking for a response to OPD questions regarding deficient provision of general education to non-disabled students. OPD raised concerns that non-disabled students did not have a formal complaint process to address educational deficiencies.

**July 1, 2014** Received email from Elliott Schoen (attorney for MSDE and JSE) highlighting the ongoing and focused efforts of JSE to refine, revise and review its educational programming in DJS facilities. He suggests constructive collaboration between our agencies. "Your office should continue to communicate with JSE Director Beth Hart to respond to your concerns existing and future."



**July 10, 2014** OPD filed **educational Complaint #14-092** on behalf of a student TR at Cheltenham and alleged the failure to obtain the student's educational records or implement the student's IEP. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** JSE staff acknowledges that there was no documentation that student's educational records were consistently maintained, as required, or that the named student or other students at Cheltenham were consistently provided with the special education and related services required during the time period covered by this investigation.

**CORRECTIVE ACTIONS:**

1. JSE must provide documentation that the educational records for all students with disabilities participating in the educational program at Cheltenham have been reviewed for compliance with the requirements addressed in the investigation.

**Aug 14, 2014** **Written Testimony prepared by former JSE School Psychologist.** No professional development is provided for school psychologists. Special Education supervisors have directed school psychologists to remove all speech/language services. OGE services are provided only at facilities that have the space. Certain IEP meetings must have a psychologist in attendance and with no psychologist employed by JSE not sure how this mandate will be met. There are no credit recovery programs. There is minimal counseling and medication management provided. JSE uses grade equivalency to measure academic gains. This is not accurate and is not reliable measure.

**Aug 25, 2014** FOIA request for per pupil expenditures for 14 JSE schools, budgets and source of funding for each JSE school, whether MSDE JSE program receives funding from the home schools of each JSE student and description of any federal funding as to each JSE school.

**Aug 26, 2014** OPD filed an educational **Complaint #14-112** on behalf of IH who was detained at the William Donald Shafer House. OPD alleged JSE failed to implement his IEP and inappropriately modified his IEP to take away services that the school could not provide. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** The student was not provided special education instruction in the educational placement required by the IEP. The school staff unilaterally determined the services to be provided until the IEP team convened and revised the IEP.
2. **VIOLATION FOUND:** the special education instruction was provided to students in the general education classroom despite the documentation that not all of those students could be supported in that setting.
3. **VIOLATION FOUND:** JSE could not provide documentation that counseling services were consistently provided as required by the student's IEP.
4. **VIOLATION FOUND:** JSE has not ensured that special education instruction is provided by highly qualified teachers who are certified in the areas of instruction.

**CORRECTIVE ACTION:**

- JSE must provide documentation by Feb. 1, 2015 of the steps taken to locate the student, and if enrolled in an educational program, to coordinate with the current public agency to

ensure the IEP team has convened and made the following determinations: student's current levels of academic performance; the levels of academic and functional performance that were expected to be achieved by that time; the amount and nature of the services needed to compensate the student for the violations identified based upon any identified discrepancy between the student's expected and actual levels of performance; and a plan for how and when the services are to be provided within one year of this findings letter.

- JSE is to provide documentation by Feb. 1, 2015 that the educational records for students with disabilities participating in educational programs at WDS since Dec. 18, 2013 have been reviewed for compliance with the requirements addressed in this investigation. For each student in which a violation is identified, JSE must provide documentation of the steps taken to locate the student and if enrolled in an education program coordinate with the current public agency to ensure that the IEP team has convened and made the following determinations – same as above.
- JSE must provide documentation by Nov. 1, 2014 of the steps taken to ensure that the school staff at WDS follow proper procedures for providing FAPE until an IEP team determines the comparable services that will be provided in the facility or revises the IEP consistent with the data.
- JSE must provide a plan for ensuring the implementation of procedures for the supervision of staff by highly qualified teachers in core content areas within one year of the date of this findings letter.

**Aug 28, 2014** MSDE letter to JSE regarding reconsideration of Findings of Violation at Backbone. MSDE declines to reconsider.

**Sept 5, 2014** OPD filed educational **COMPLAINT #15-003** on behalf of TM for violations incurred at Cheltenham and Meadow Mountain. OPD alleged numerous IDEA violations. MSDE found the following violations:

1. **VIOLATION FOUND:** JSE did not provide student with special education instruction from a special education teacher in the educational placement as required by the IEP.
2. **VIOLATION FOUND.** School staff unilaterally determined the special education services to be provided until the IEP team reviewed and revised the IEP.
3. **VIOLATION FOUND.** JSE did not ensure the educational record was transferred in accordance with state requirements.
4. **VIOLATION FOUND.** JSE did not ensure that the IEP was written clearly with respect to the special education and related services that were to be provided.
5. **VIOLATION FOUND.** JSE at Meadow Mountain did not ensure the student's education record was obtained in a timely manner.
6. **VIOLATION FOUND.** There was a delay in the provision of related services.
7. **VIOLATION FOUND.** JSE has not ensured that special education instruction is provided by highly qualified teachers who are certified in the areas of instruction at either Cheltenham or Meadow Mountain.

**Sept. 15, 2014** Meeting with JSE/Advocates to discuss Strategic Plan and concerns. Advocates raised concerns that JSE did not have adequate funding to provide high-quality special and general education services. Too many structural barriers and MSDE is not equipped to run a school program.

**Sept 24, 2014** Email from advocates listing the priorities to discuss with JSE at next meeting. They were: transition meetings, IEP implementation and arbitrary modifications, curriculum concerns (everyone is getting the same work), lack of computer equipment, lack of continuum of alternative placements, teacher certifications, no credit recovery or ability to earn service hours.

**Oct 9, 2014** OPD filed an educational **Complaint #15-007** on behalf of a student at BCJJC and Green Ridge. OPD alleged the failure to obtain the student's educational records or implement the student's IEP. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** The student was given the right to decline special education and related services without the school notifying or getting permission from his parents.
2. **VIOLATION FOUND:** JSE did not ensure proper procedures to obtain the student's educational records upon enrollment to ensure he could be provided with a free and appropriate education.
3. **VIOLATION FOUND:** JSE did not maintain accurate documentation in the student's record in order to ensure the appropriate planning of the student's education and provision of appropriate education services. The student was not provided with special education instruction to assist him in achieving his annual IEP goals.
4. **VIOLATION FOUND:** The student was not provided with the amount of counseling services required by his IEP.
5. **VIOLATION FOUND:** The student was not provided with special education instruction in the educational placement as required by the IEP.
6. **VIOLATION FOUND:** Student did not receive special education instruction provided by a special education teacher in all areas of instruction
7. **VIOLATION FOUND:** Student was not provided with instructional and testing accommodations.
8. **VIOLATION FOUND:** JSE has not ensured that the IEP team considered positive behavioral interventions to address student's interfering behavior.
9. **VIOLATION FOUND.** The IEP team's decision that the student was no longer demonstrating interfering behaviors and making sufficient progress was not consistent with the data.

**Corrective Actions:** MSDE ordered many corrective actions, including corrective action for all students detained at the facilities

**Oct 10, 2014** OPD filed an educational **Complaint #15-010** on behalf of a student WF at LESCC and Savage Mountain. OPD alleged the failure to obtain the student's educational records or implement the student's IEP. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** JSE did not ensure that LESCC or Savage Mountain followed proper procedures to obtain the educational record in a timely manner and delayed implementation of the IEP.

2. **VIOLATION FOUND:** JSE did not ensure that the IEP was implemented once it was received at Savage.
3. **VIOLATION FOUND:** Student was enrolled in an English class which he had already completed.
4. **VIOLATION FOUND:** Student was not provided with special education instruction in the educational placement required by the IEP.
5. **VIOLATION FOUND.** JSE has not ensured that accurate information has been maintained in his educational record to enable the student to earn required credits.
6. **VIOLATION Found:** Student was not provided special education instruction in all courses by teachers who were certified to provide instruction.
7. **VIOLATION FOUND:** The IEP team's decision that student was making sufficient progress toward annual goals was inconsistent with the fact that the student had not achieved the goals.

**Oct. 17, 2014** Meeting with JSE, Advocates and OPD to discuss issues, i.e., transition plans. Everyone acknowledged that effective transition planning was not occurring.

**Oct 27, 2014** Meeting with OPD and DJS (McWilliams) to discuss transition planning and educating by grade level instead of housing unit.

**Oct 29, 2014** Memo from MSDE,DSE/IES Marcella Franczkowski to all local directors of special education services giving timelines for the transfer of student educational records. "It has come to the attention of MSDE that there have been instances over the last year that student records have not been transferred to receiving schools in a timely manner. Considering each LEA uses an electronic data collection system to gather and transmit information on all students receiving services under the IDEA, it is imperative that school personnel also close and transfer student records immediately upon receiving oral notice of a student's enrollment.

**Nov 5, 2014** Meeting with JSE, Advocates, and OPD regarding transitioning. Advocates were told JSE was able to provide a continuum of alternative placements, including self-contained classes, pull-out services and pull- in services at each school if needed. However, MSDE investigations concerning numerous Complaints reflects that this information was inaccurate.

**Nov 21, 2014** OPD received a letter from MSDE,DSE/EIS acknowledging receipt of IH's Complaint dated Nov. 18, 2013 and identified five areas of investigation. The letter stated that because IH's complaint was similar to the allegations in the class complaint dated Nov 5, 2013, DSE/EIS will investigate the allegations related to IH through the class complaint investigation.

**Dec 3, 2014** JSES/Advocates meeting. Discussed the lack of continuum of special education services. BCJJC had OGE classrooms but other schools did not.

**Dec 19, 2014** Number of JSE Students with Amended IEPs – 25% of special education population was coded with OGE; 12% of the OGE students had their IEPs amended with a reduction of OGE hours; .04% of the OGE students had their IEPs amended with an increase in OGE hours.

**2014** **Juvenile Justice Monitoring Unit Report to Legislature for the Third Quarter – the monitor found:**

- Classes in MSDE-JSE schools are grouped by living unit, not grade level. Teachers are expected to provide instruction in multiple grade levels in a single class period.
- Teacher shortages at MSDE-JSE sites result in students completing education packets on the living unit without teacher instruction
- The MSDE-JSE sites experience significant challenges retaining staff as positions with local school systems pay more and include summers off
- MSDE-JSE teachers do not have access to enough education-related resources, including onsite internet connections, after they are hired.

**2014 JSE 2014 Annual Report.** “JSE IT continued to collaborate with MSDE Office of Information Technology staff and with DJS staff to ensure the system was provided access to the best available resources – from network access to new and evolving technology. Interconnectivity among schools continues to be a priority as JSE works to ensure the effective and efficient educational programming within DJS facilities across the state. Network Maryland has made provisions for JSE schools to communicate over secure channels and collaborative efforts are being made to ensure the installation of an effective network model that will be used for JSE schools. JSE is part of the State Longitudinal Data System grant and began training and creating business rules for the Student Information System (SIS). The provision of special education and related services to students with disabilities includes screening and assessments, instructional and classroom interventions, psychological, speech and language, and social work services.”

*Report does not mention that MSDE has found numerous violations of JSE’s failure to adhere to the IDEA requirements. The Report uses attendance, reading gains measured by the BASI, math gains measured by the BASI and GED pass rate to measure outcomes. However, the BASI is an inaccurate measure of gains. The Survey version should not be used as a measurement of growth. The comprehensive version can be used to measure growth but not the survey version. Pearson (publisher of BASI) sets forth criteria for who can administer each of their subtests. For the BASI, Pearson says that the person administering the BASI must meet the qualifications for Level B. Level B requires the administrator have a master’s degree in psychology, education, occupational therapy, social work, or in a field closed related to the intended use of the assessment, and formal training in the ethical administration, scoring and interpretation of clinical assessments. JSE has teaching assistants administer BASI in several sites. The scores from BASI are interpreted and used incorrectly by JSE. **REPORT DOES NOT DETAIL THE MANY STATE COMPLAINTS AND VIOLATIONS FOUND BY MSDE AS DETAILED IN THE ABOVE CHRONOLOGY.***

**Jan. 5, 2015** JSE/Advocates meeting

**Jan. 29, 2015** Email from advocates to Elliott Schoen, clarifying topics to be discussed at Feb. 9, 2015 meeting:

- Discussion on staffing at JSE schools
- How many teachers in each facility
- What subjects is each teacher teaching
- How many students
- Certification of each teacher

- Licensing for each teacher
- Materials/textbooks available for classes at each facility
- Update on GED prep and testing
- Update on vocational programming
- Update on transition packets and planning

**Feb 2015** Juvenile Justice Monitoring Unit 2014 Annual Report: Youth who struggle with issues of aggression may be placed on the Intensive Services Unit. These youth have been identified as being in need of increased supports. However, during 2014, they were not receiving education services equal to those of youth on regular housing units. Plans for the Maryland State Department of Education Juvenile Services Education division to implement a full education schedule (including six hours of teacher instruction) on the ISU should go forward. The Maryland State Department of Education Juvenile Services Education division provides school related services at Waxter. Currently, vocational education programming is limited to a course offering certification in basic food safety training that is offered once per marking period. Plans to add a course leading to certifications in customer service and medical coding and billing should be implemented. At MSDE-JSE schools, Individualized Education Program(s) [IEPs] are modified to reflect resource availability rather than a student's current needs. Special education staff have both administrative and teaching roles, making it difficult for them to fulfill IEP instructional mandates. MSDE-JSE should enhance resources and support services at its schools, including hiring additional staff, to meet the educational needs of its students.

**Feb. 3, 2015** Email among the advocacy groups clarifying that the goal was to have by summer 2015 (one year after we started) a written reform plan with agreed upon commitments and timelines.

**Feb. 2015** Jacques Smith, a former public school principal and administrator in MSDE's curriculum division, who served as JSE's Director of Curriculum for several months in 2014 left his position with JSE because of his frustrations with the administration of JSE and the quality of educational services. He alleged:

- JSE has not systematically implemented any curriculum that meets state standards
- Teachers and students cannot access the internet and cannot make use of online instructional materials
- JSE students do not have access to high school level textbooks or GED textbooks
- JSE lacks sufficient teachers and teachers teach subjects they are not qualified to teach

**Feb. 9, 2015** JSES/Advocates meeting. JSE Career Technology Education Update – all 14 sites provide a minimum of 3 Career Technology Education (CTE) programs leading towards an industry recognized certification.

**Feb 13, 2015** **OPD Request for Mediation and Due Process Complaint** against JSE and DJS for decision to unilaterally change a youth with a disability juvenile correctional placement thereby changing his educational placement without prior written notice, without convening an IEP team, without a manifestation determination. RV's complaint was settled in April.

**Feb 18, 2015** At the last JSE/Advocate meeting, JSE reported teacher turnover rate was low at 14%. This was not consistent with OPDs observation at IEP meetings that there were severe staff shortages.

OPD compared JSE provided staffing information from 2014 to 2015 and calculated the rate to be over 35%.

**Mar 10, 2015 JSE/MSDE report to Governor indicate adequate staff, access to core academics and full compliance with IDEA**

**Mar 11, 2015** Email from Public Justice Center attorney to Elliott Schoen regarding the upcoming March 23<sup>rd</sup> meeting with a list of requests. "From our perspective, it appears that several of the problems that JSE staff planned to resolve months ago remain outstanding."

**Mar 11, 2015 Interview with former principal of a JSE school who did not want name revealed with Barbara Dezmon (NAACP).** Report cards do not give students appropriate credit. After OPD's initial class complaint, principals were told to offer social studies and science but there was no science program. Teachers lacked certification in the areas they were teaching. Staffing was insufficient to provide adequate instruction and educational support services. There were insufficient text and materials for teaching. Children went to school based on housing units rather than grade. MSDE did an audit in 2014 with Lisa Nelson and MSDE staff. They pulled special education records and MSDE was giving credit for courses that weren't actually taken by students. Audit forms were falsified to show services that students hadn't actually received. The audit wasn't independent. Students received credit for computer literacy without working computers. There was a closet full of computers that were not installed. Teachers didn't have access to computers. They didn't have trained records clerks. IEPs were altered to meet services offered and not students' needs. Counselling accommodations were removed without sufficient documentation.

**Mar 20, 2015** JSE/Advocates meeting. Advocates recommended commissioning an independent evaluation of JSE programs, including recommendations for improvements.

**April 9, 2015** Letter to Marcella Franczkowski, Assistant State Superintendent of DSE/EIS from Beth Hart, Director of JSE. Ms. Hart requests reconsideration of DSE/EIS Status Report on April 1, 2015. Ms. Aux reviewed 30 students' files which had been selected for verification. All student files were determined compliant by Ms. Aux and said she had everything to close 14-039. JSE received a message from DSE/EIS in mid-March of 2015 that 3 additional students' records were reviewed by OPD which had concerns regarding student files JN, CF and KM and whether JSE had corrected all of the actions directly related to #14-039 including accurate courses listed on transcripts, students not offered core course work, students not offered comparable services and a need for policy to provide oversight and monitoring of teachers who do not meet the highly qualified status. Based on OPD's concerns, DSE/EIS completed a review of these records and found they were significantly non-compliant as outlined in the April 1, 2015 status report.

**May 5, 2015 Education Coordinating Council for JSEP – meeting notes reflect that the following Findings Required Corrective Action**

- Access to courses so that students can make progress in the general curriculum
- IEPs need to be revised based on identified needs and services – not what is available
- Need timely transfer and accurate student records
- Need math and English teachers who are highly qualified

**Strategies to Address Findings**

- PRASP (Program Review and Support Process) – monthly monitoring
- Progress monitoring by teachers – provides evidence that IEPs are being implemented
- Highly qualified – paying costs for successful Praxis test results and content lead support
- Continuum of special education services offered at all JSE facilities
- Monthly monitoring and oversight by CAP by special education coordinator and lead special education teachers
- Ongoing professional development and training

### **Instructional and School Support Services Focus Areas**

- Instructional framework
- Curriculum revisions
- Credit attainment – JSE is to provide students with a grade-level plan that can identify courses already completed allows for the selection of appropriate course selection and that can transition with them to any other JSE facility or the receiving community school
- Student records
- School counseling curriculum
- Special education
- Ms. Gibson reported that JSE will add anger management, counseling, observation and management peer and social issues

**May 5, 2015 Affidavit of Jacques Smith.** He was the Academic Education Coordinator of the JSE program from November 2013 to January 2015. His responsibilities included devising high school curriculum in math, language arts, social studies and science. He has personal knowledge of the educational curriculum and teachers at JSEP schools. In November of 2013, JSE students at Victor Cullen were only receiving instruction in reading and math in a skill based instructional program. Due to a lack of high school credits being earned by students, a high school course of studies was developed. A Carroll County curriculum was presented and given to teachers at VC. The curriculum was not implemented at Victor Cullen because there were no high school texts or resource help. During the fall of 2014, the teachers at Victor Cullen had limited internet access. The teacher workload at Victor Cullen had a negative impact on quality instruction and student learning. One teacher was assigned to teach science and social studies. That teacher was required to teach middle school level science and social studies. Government, American History, World History, Biology, Conceptual Physics and Environmental Science. There were no supplemental texts for GED students. Many of the teachers at Victor Cullen were not certified to teach the subjects they were assigned to teach. Vacancies were not filled in a timely fashion. There was a lack of substitute teachers and instructional aides were forced to cover many of the classes. The schedule of classes at Victor Cullen caused many students to fall further behind. Victor Cullen had a 4 block day. Math and English classes met one period per day for 90 minutes. This enabled students to earn one credit for the school year. However, social studies and science classes met every other day, which would only enable students to earn ½ credit for the year.

**May 12, 2015 Interview with former JSE Principal by Barbara Dezmon (NAACP).** When MSDE took over education responsibilities at the youth camps they directed that all books were to be thrown away. MSDE replaced books with 7<sup>th</sup> and 8<sup>th</sup> grade math texts. No Science texts. One English book to be used with grades 7, 8, 9, 10, 11 and 12. The classroom had a set of 10. Before MSDE took over the school had books for more courses and every grade level. MSDE was running generic math and Eng. Courses and awarding credits for courses such as algebra one and two and geometry despite being taught out of



an 8<sup>th</sup> grade book. Credit was given for courses that the student hadn't actually taken. This was done with MSDE's full knowledge and consent. When the staff questioned supervisory personnel from MSDE about not offering science and social studies the supervisory personnel stated "they shouldn't have been locked up." MSDE was using Carroll County's lesson plans but no materials to support the lesson were provided. MSDE directed schools to change timelines, settings, and services in IEPs. MSDE didn't have a speech pathologist and directed English teachers to fill those duties. Principal said MSDE used grade level equivalents to report gains and losses because it provided a more positive report of student progress.

**May 13, 2015 NAACP met with MSDE Superintendent Lowery to discuss ongoing concerns. MSDE refused to agree to an independent audit. MSDE presented budget information indicating 17 million allocated to JSE schools but did not provide additional information on how that money is spent.**

**May 19, 2015** MSDE's response to **Complaint #15-071** at Victor Cullen. They informed JSE and requested that it review this matter with appropriate public agency personnel and determine if requirements under State and federal regulations were met. With regard to the allegation of Medicaid fraud, it was referred to the Maryland Office of the Attorney General for investigation.

**Jun 1, 2015** Email from OPD to Elliott Schoen (JSES counsel) in which OPD is questioning JSE's disingenuous reporting of gains and losses in reading and math using the BASI survey test. The manual for BASI survey test provides guidelines for interpreting and using the information it generates. In order to determine whether the verbal skills total or math skills total score has increased or decreased by a statistically significant amount, the standard scores from the two administrations must be compared, not the grade equivalency score (which is what JSE incorrectly uses). The grade-equivalent scores are not well suited to make comparisons between different BASI scores. After speaking with Dr. Bardos, the creator of the BASI test, he confirmed that when you compare scores from repeat administrations of the same BASI survey test, you must use a specific chart in the user's manual to compare scores. Dr. Bardos said that comparing the grade equivalency on the retest would not be correct and should not be used to determine gains or losses.

OPD lays this out in an email with JSE's counsel to illustrate that JSE is using a false/incorrect measure to report gains in reading and math as an outcome measure. In response, Mr. Schoen emails the following: "COMAR 13A.05.11.5 requires JSE to formally assess student academic achievement upon intake into the educational program to determine appropriate instructional placement. It also requires JSE to determine student academic achievement to be formally assessed after 30 days of enrollment to determine academic gains in reading and math. If you have an alternative formal assessment to suggest, other than the BASI, please let me know."

**Jun 4, 2015** OPD met with former JSE Special Education Director and learned the following: confirmed the lack of curriculum, certified teachers, and lack of a continuum of placements. He also stated that there were many administrative challenges to effectively implement the correct action plan in #14-039. JSE did not review transcripts of general education students – only special education students. Many JSE schools did not provide a lot of transcripts because they did not have guidance counselors so they were not producing transcripts. He does not believe the transcripts were sent to the receiving schools because they did not have the staff to do that. The reviewing team did not have a list of all students with IEPs. They reviewed some of the transcripts but determined no negative impact because the student got some credits. It was clear to the reviewing team that IEPs were modified

without supporting data but they had no list of every student with IEPs and teacher turnover meant that they didn't review everyone.

Jun 5, 2015 JSE/Advocates meeting

Jun 23, 2015 Advocates were notified that Dr. Karen Salmon was the new Assistant State Superintendent overseeing JSE programs.

**Jun 9, 2015** A former JSE employee who does not wish to be named reported to NAACP the following problems with JSE: (1) Related services such as speech services were not being consistently provided at all 14 educational sites because the speech language provider was directed not to provide services at Noyes, LESCC, Western Maryland Children's Center and all of the youth camps because of the cost of travel. The speech language provider resigned. In addition to speech language services, occupational therapy, hearing impaired services and assistive technology were not in place anywhere. This was confirmed by the principal at Cheltenham and the special education coordinator. This deficiency was noted in internal reports. (2) Special education is not being offered at all sites because the special education teachers are being pulled to cover core content area vacancies. (3) Each JSE site does not offer the continuum of placement options for all IEPs to be implemented – due to the lack of teaching staff and resources to offer services. (4) No sense of urgency to implement the JSE Corrective Action Plan (CAP). Oversight and leadership was not provided by leadership. Principals were resistant and reluctant to hold IEP meetings causing delays in meeting the CAP deadlines. (5) There was an adversarial relationship with the Special Education Monitoring team which contributed to JSE not receiving adequate support. (6) The transcript audit team was unable to complete transcript audits at Victor Cullen, the LESCC, BCJC and Cheltenham because transcripts were unavailable and were not reviewed upon entry. (7) The audit team found that most accommodations such as word processors, one to one aides, calculators, verbatim reading of selected sections, Kurzweil, speech services and behavior intervention plans were removed because resources were not available at any of the JSE schools. (8) The audit team found that hundreds of students had missed counseling and speech services.

**Jul 2015 Strategic Plan 2015-2017 JSEP.** This is a three year plan to guide and inform JSES work. It is based on 5 overarching characteristics for providing high quality educational services to detained and committed youth and published in DOJ and Department of Education in December 2014. Five characteristics are: School Environment and Climate, Resources, Recruitment and Staffing, Rigorous and relevant Curriculum and Reentry into home communities. The plan is divided into short-term and long-term strategies all of which are intended to be achieved within 36 months. There are action steps which are quality and performance measures to serve as an annual report card on quality and performance standards. JSE worked with an independent consultant who surveyed students and conducted individual interviews with JSE staff. The creation of this unique program and its placement under the administration of the MSDE demonstrated Maryland's commitment to providing the youth residing in DJS residential facilities with access to quality educational services comparable to those provided within local school systems.

**Jul 15, 2015** OPD relayed concerns to MSDE, DSE/EIS that JSE failed to identify similarly- situated students whose IEPs were not implemented as written upon enrollment as part of the class complaint. They too were entitled to a CAP IEP meeting to discuss the loss of educational benefit for the systemic failure of JSE to implement their IEP upon enrollment. Dr. Aux explained that if JSE were forced to go back and address prior students again, it would take away their efforts to move forward.

**Jul 16, 2015** Letter from MSDE, DSE/EIS replying to an email request from OPD for the number and initials of students placed at Backbone from Jan. 2014 to April 2014; the initials of the 17 students whose files were reviewed by JSE; what violations of any were found in the JSE's review of those students' files; the area of violations and the compensatory services granted for the violations. JSE reviewed 17 students with disabilities as part of the JSE's review and that JSE staff report 22 students in total placed at Backbone in the period. DSE/IES's policy when verifying corrective action is to require the public agency to document that it conducted a compliance review of similarly situated student files and in the event that a violation is found, documents correction. It is not our policy to further compare the documentation of the public agency's compliance review against each similarly situated student's education record.

**Jul 27, 2015** JSE/Advocates meeting. OPD raised concerns that the reading/math gains and losses reported to the legislature are inaccurate and misleading. The BASI Survey test is incorrectly used to support the data JSE is reporting.

**Jul 28, 2015** Email from OPD to Dr. Aux concerning a complaint filed on behalf of LW where he was not identified as a similarly-situated student under the class complaint #14-039 and was therefore not offered compensatory services. According to MSDE, LW is precluded from relief because 1 year has elapsed. Because the CAP in the class complaint has not been closed it is hard to believe that the student is barred from pursuing compensatory relief because JSE failed to identify him as a similarly situated student.

**Aug 5, 2015 Affidavit of Jacques Smith, former academic coordinator for JSE.** Mr. Smith was the Academic Education Coordinator of the JSE program from November 2013 to January 2015. His responsibilities included devising high school curriculum in math, language arts, social studies and science. He has personal knowledge of the educational curriculum and teachers at JSEP schools. In November of 2013, JSE students at Victor Cullen were only receiving instruction in reading and math in a skill based instructional program. Due to a lack of high school credits being earned by students, a high school course of studies was developed. A Carroll County curriculum was presented and given to teachers at VC. The curriculum was not implemented at Victor Cullen because there were no high school texts or resource help. During the fall of 2014, the teachers at Victor Cullen had limited internet access. The teacher workload at Victor Cullen had a negative impact on quality instruction and student learning. One teacher was assigned to teach science and social studies. That teacher was required to teach middle school level science and social studies. Government, American History, World History, Biology, Conceptual Physics and Environmental Science. There were no supplemental texts for GED students. Many of the teachers at Victor Cullen were not certified to teach the subjects they were assigned to teach. Vacancies were not filled in a timely fashion. There was a lack of substitute teachers and instructional aides were forced to cover many of the classes. The schedule of classes at Victor Cullen caused many students to fall further behind. Victor Cullen had a 4 block day. Math and English classes met one period per day for 90 minutes. This enabled students to earn one credit for the school year. However, social studies and science classes met every other day, which would only enable students to earn ½ credit for the year.

**Aug 14, 2015 Interview with Dr. Anthony Thompson (principal at Cheltenham from March of 2013 – March of 2014) conducted by Barbara Dezmon (NAACP).** 98% of students were black, population changed frequently with students staying up to 5-6 months. Schooled according to housing units, not

based on academic need. Class sizes were about 16 students. At Hickey, he used curriculum from Baltimore County Public Schools. At Cheltenham, curriculum was hodge podge. They didn't have staff or materials to teach necessary specialized courses. They taught general reading math and English. Beth Hart, JSE Director, told him when he complained, "to do like I ask you." Students did not have computers yet were given credit for computer literacy. Cheltenham received 55 computers but were kept in a room for 3 years without ever being connected. It was up to the individual teachers to gather coursework materials, no help from MSDE or consistency in the curriculum.

**Aug 14, 2015 Interview with School Psychologist who requested not to be identified with Barbara Dezmon (NAACP).** Psychologist was responsible for 6 centers. Students were not given sufficient instruction in specific subjects. There was an instance where a teacher had only a textbook for one grade level for 2 years. Yet that teacher was responsible for teaching grades 7-12. Staff morale was low and heavy turnover. Generally students were not getting the services they needed. Rumored that black students could not participate in a college related incentive program and students with IEPs were also being excluded.

**Aug 18, 2015** Letter from Marcella Franczkowski regarding OPD complaint LW #16-006 and #14-039. This letter addresses the email from OPD on July 28<sup>th</sup> expressing concern that LW was not identified as similarly-situated in complaint 14-039 and was not offered compensatory services because precluded by timeline. State Complaint #16-006 dated July 23, 2015 is designed to address violations alleged to have occurred not more than one year prior to the date that the complaint is received. This requirement applies even if the alleged violation is continuing or if a complaint is requesting compensatory services.

**Aug 24, 2015** JSE/advocates meeting. Advocates asked Beth Hart whether there were psychologists on staff. Ms. Hart confirmed that JSE lost all 3 psychologists in August. JSE had consequently hired contractual psychologists to attend IEP meetings, test and deliver related services. JSE claimed they would be able to deliver all services by the using contractual psychologists.

**Sept 8, 2015** OPD phone conversation with MSDE - it became clear that there was confusion on several issues regarding the scope of the CAP.

**Sept 11, 2015** OPD attended an IEP meeting at Victor Cullen and a psychologist was not present or available. Another OPD attorney attended an IEP and again no psychologist was present. Additionally, that student was due compensatory related services because Victor Cullen had been without a psychologist for two weeks. Other attorneys report that related services are not being provided at other JSE sites. These are the same violations that were occurring in 2013-2014.

**Sept 15, 2015** LW's **Complaint #16-006** is supplemented with the following information – Raine cottage at Victor Cullen was suspended from school and forced to remain on the housing unit. The entire cottage was suspended from school for over three weeks. No records from the school or DJS documenting the suspension.

JSE indicates only non-disabled students were kept out of school and that disabled students were brought back for ½ days. However, JSE refuses to keep or provide documentation of school closures or specific student school suspensions.

**Sept 28, 2015** JSE/Advocates meeting.

**Sept 30, 2015** JSEP and DJS' Report to the budget committee of Maryland Legislature concerning the education services that all youth in DJS detention or committed facilities are receiving. The report should detail the total amount of instruction time received by students per week at each facility, whether the educators at each facility are state or contractual employees, and whether students with disabilities have all IEP and related services in the least restrictive environment. "Immense effort was involved in assessing and resolving staffing, instruction and curriculum resources/materials, professional development, technology. Specific enhancements included: expanding the instructional day to 6/hrs/day; ensuring all teachers complied with Maryland certification requirements; providing guidance counselors and records staff to the school staffing model, creating policy and procedures for all aspects of the educational program including personnel, instruction, records, assessments, certifications and special education, developing and implementing program accountability standards to document student achievement and growth; developing and implementing individualized student learning plans to guide instruction and remediation; expanding Career and Technology Education offerings to detention sites. MSDE has focused efforts on enhancing the use of instructional technology within all of JSES schools. MSDE's office of information technology and DoIT have physically connected all JSES schools to a centralized server at MSDE headquarters. MSDE has deployed Promethean Boards and new desktops for use in Career Technology Education labs.

**Oct 7, 2015** Email from OPD to Elliott Schoen (attorney for JSE). OPD saw clients yesterday at Victor Cullen. All the boys on Prettyman unit did not go to school last week. Students with IEPs did not receive instruction. The students got packets on some days for some subjects. OPD was told that the decision to suspend school was made by the school not DJS.

**Oct 14, 2015** Letter to MSDE Special Education – seeking clarification on issues in MSDE letter dated Sept. 28, 2015. OPD raised concerns regarding the scope of the corrective action plan in State Complaint #14-039 and remedies for the students were not identified as similarly-situated or not offered compensatory services. **OPD was concerned that they had been informed by DSE/EIS representatives and led to believe by DSE/EIS that IEPs were being reviewed for implementation as part of the class complaint CAP.** OPD has been sounding the alarm over the last year that JSE's review of IEPs to ensure implementation upon enrollment was either non-existent or woefully inadequate. **These students are now barred from filing a State complaint because of the one year time limitation.** OPD attended various IEP meetings in the spring and fall of 2014 and it became clear that IEPs were not implemented and/or comparable services were not offered. One IEP indicated 25 hours of OGE services. JSE placed him in the general education setting and said he was getting comparable services because they using the "co-teaching with collaboration approach." OPD was informed that the special education instructor did not have to be physically present in the room if they were "collaborating" with the general education teacher. OPD asked to see the teacher schedules showing scheduled time for planning and collaboration. It was clear that time to plan and collaborate was not built into their day. JSE stopped using this explanation.

**Nov 2, 2015** **The MD State Conference of NAACP filed a Complaint with The Office of Civil Rights and the US Dept. of Justice for illegal deprivations of educational services and violations of the IDEA on behalf of students detained in DJS facilities.**

**Nov 3, 2015** OPD filed an educational **COMPLAINT #16-001** on behalf of a student at Savage Mountain. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** There is no evidence of supervision of non-certified teachers by certified teachers.
2. **VIOLATION FOUND:** While students currently placed at Savage are being provided with the opportunity to earn service learning hours, this opportunity has not been provided on a consistent basis.
3. **VIOLATION FOUND:** JSE has not ensured that all teachers at Savage have been certified in the areas they provide instruction and are not supervised by teachers holding certification.
4. **VIOLATION FOUND:** Student was not provided with the special education instruction in the educational placement.
5. **VIOLATION FOUND:** The student was not provided with the related speech/language services required by the IEP.

**Nov 3, 2015** OPD filed an educational **COMPLAINT #15-076** for IDEA violations arising out of LESCC, Hickey, Backbone and Victor Cullen. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** JSE violated its Child Find responsibilities.
2. **VIOLATION FOUND:** JSE did not complete the evaluation timely.
3. **VIOLATION FOUND:** JSE did not ensure that the student was able to continue to take a core course needed to progress in the general education curriculum due to a staff shortage.
4. **VIOLATION FOUND:** JSE has not ensured that the special education teacher is either certified or supervised by a certified teacher in each area of instruction provided.

**Nov 3, 2015** OPD filed an education **COMPLAINT #15-071** regarding a student detained at Victor Cullen. OPD alleged numerous IDEA violations. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** JSE did not ensure that the student was able to continue to take courses needed to progress through the general curriculum when he was placed at Victor Cullen.
2. **VIOLATION FOUND:** JSE did not ensure that the school staff at BCJC provided the school staff at Backbone with the information from the student's educational record that was needed to ensure that he was enrolled in core courses he required.
3. **VIOLATION FOUND:** Student was not provided with the opportunity to earn service learning hours.
4. **VIOLATION FOUND:** JSE has not ensured that non-certified general education teachers were supervised by teachers holding appropriate certification at Backbone.
5. **VIOLATION FOUND.** There is no documentation that the student and other students at Victor Cullen have consistently been provided with the special education instruction from a special education teacher in a separate special education classroom as required by his IEP.
6. **VIOLATION FOUND:** There is insufficient staffing at Backbone to provide students with special education instruction from a special education teacher.
7. **VIOLATION FOUND:** Parent was not provided with written notice to ensure parent participation in the IEP meeting.

8. **VIOLATION FOUND:** JSE did not ensure that the student's education record was maintained in an accurate manner and was transferred in a timely manner in order to ensure that the student was placed in core courses he was required to take.
9. **VIOLATION FOUND:** JSE did not ensure the student received speech/language services as required by the IEP.

**Nov 3, 2015** OPD filed an education **COMPLAINT #15-083** on behalf of a student detained at Victor Cullen for IDEA violations. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** JSE did not ensure that appropriate transfer of the documents needed to ensure that the student was enrolled in the core course he required for graduation.
2. **VIOLATION FOUND:** There is no documentation that the special education teacher who provides instruction in the separate special education classroom is either certified or supervised by certified staff.
3. **VIOLATION FOUND:** There was insufficient special education teaching staff to ensure that the special education was provided by both general and special education teachers.

**Nov 3, 2015** OPD filed an education **COMPLAINT #16-006** for allegations arising out of Victor Cullen. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** JSE has not ensured that all of the teachers at Victor Cullen have been certified in the areas in which they provide instruction.
2. **VIOLATION FOUND:** The IEP team's decision to provide all but 4.5 hours per week of special education instruction in the general education classroom was not consistent with its decision regarding student's needs.
3. **VIOLATION FOUND:** The student's IEP contained inaccurate information concerning last evaluation.
4. **VIOLATION FOUND:** JSE did not ensure that information needed to place the student in courses that would allow him to progress through the general curriculum was requested and provided within the timelines required by regulations and its own procedures.

**Nov 17, 2015** Email from Grace Reusing (OPD) to Marcella Franczkowski (MSDE) requesting reconsideration of the corrective action regarding the speech services to include not only similarly-situated students at Savage but also similarly-situated students who attended all JSE schools from Dec. 2014 – May 2015. OPD requests documentation of the identification of all students at JSE schools who had not been provided with speech services in accordance with their IEPs. Email avers that the speech and language provider was instructed to discontinue speech services in all 14 JSE sites.

**Nov 17, 2015** OPD filed education **COMPLAINT #16-025** for IDEA violations occurring at Hickey, and BCJJC and Victor Cullen. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** Student did not consistently receive services from a special education teacher as required by his IEP
2. **VIOLATION FOUND:** Student did not consistently receive counseling services as required by his IEP.

3. **VIOLATION FOUND:** That the IEP team's decision about the student's level of performance in reading and written language was not consistent with the data.
4. **VIOLATION FOUND:** With respect to the development of the student's educational program, MSDE also finds that not only was the data regarding student's level of performance inconsistent with the team's decisions, but that the decision to change the educational placement was inconsistent with the reports.
5. **VIOLATION FOUND:** Student was not provided with instruction in the science course in which he was enrolled when placed at BCJJC. Therefore, he was not provided with the opportunity to continue to complete credit requirements in the science class he was transferred among the DJS facilities.
6. **VIOLATION FOUND:** JSE did not ensure that the student's special education teachers who do not hold certification in the areas of instruction provided are involved in co-planning with teachers holding proper certifications.

**Nov 30, 2015** Dr. Salmon's letter to OPD Grace Reusing regarding a complaint that JSE was not offering foreign language instruction. Dr. Salmon indicated that MSDE recently approved an online, credit-bearing course for Spanish.

**Dec 1, 2015** **JSE Strategic Plan Verification.** In July of 2015, JSE implemented a **three year plan** to fix the school deficiencies. The strategic plan is based on 5 overarching characteristics for providing high quality educational services which was published in DOJ and DOE correctional education guidance documents. 1. School environment and climate, 2. Resources, 3. Recruitment and staffing, 4. Rigorous and relevant curriculum and 5. Reentry into home communities. Within these overarching characteristics, the plan is divided into short-term and long term strategies all of which are intended to be achieved within 36 months. Verification is a process of gathering and analyzing information needed to assess progress. JSE hired a leading expert in the field, Dr. Peter Leone, monitor the goals and outcomes.

**Dec 8, 2015** Letter from MSDE responding to OPDs Nov. 17, 2015 email wherein OPD requests that MSDE, DSE/EIS reconsider the corrective action in the complaint filed on behalf of JL Complaint #15-083 and request that all similarly-situated students enrolled in 14 JSE schools during the time period of the violation at Savage Mtn. be included. Additionally, OPD requests clarification of the process for determining compensatory services. MSDE/DSE/EIS replies by noting that no additional documentation was offered and therefore there is no basis for us to reconsider. The determination of compensatory services should be fact specific. IEP team considers the student's current levels of performance; the levels of performance that the student was reasonably expected to achieve and the services that are needed to narrow the gap, of any between the current and expected levels of performance.

**Dec 22, 2015** **Email from Judith O'Boyle Chief Attorney Office of Civil Right DOE to Barbara Dezmon (NAACP) regarding the Complaint NAACP filed with DOE and DOJ against MSDE/JSEP.** DOE Civil Rights indicates that OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability and age. OCR's review indicates NAACP alleges that *MSDE discriminates against students who are English language learners by failing to provide necessary language instruction, fails to maintain and transfer student education records, fails to provide teachers who are qualified in special education, English and math, discriminates against students with disabilities by failing to provide access*



*to education to enable them to make progress in the gen curriculum, discriminates on the basis of disability by failing to permit students to participate in statewide assessments, discriminates on the basis of disability by failing to review or revise IEPs, discriminates on the basis of disability by failing to review or revise IEPs, and fails to make good faith efforts to address past or pending issues.*

**Dec 27, 2015** Story in Baltimore Sun notes that the NAACP filed a complaint with the U.S. Department of Education's Office for Civil Rights and the DOJ requesting an investigation into youth in detention and residential facilities being denied an adequate education. The deprivation of educational services and violations of the IDEA have been occurring for years and is ongoing in the present as documented in the complaints submitted to MSDE/JSE by the MOPD. The complaint notes the following documented deficiencies:

- ✓ **Insufficient staffing**
- ✓ **Teaching out of area of certification**
- ✓ **Unavailability of required coursework**
- ✓ **Altering academic records without sufficient supporting data**
- ✓ **Inappropriate assignment of course credit**
- ✓ **Students not receiving credit or coursework that would lead to credit**
- ✓ **Failure within the IEP process**
- ✓ **Inappropriate altering of IEPs**
- ✓ **Failure to provide necessary accommodations**
- ✓ **Absence of curriculum and required materials**
- ✓ **Misleading testing and assessment**
- ✓ **Transcripts and other records reflecting coursework which students hadn't actually completed**
- ✓ **Questions regarding preparation of teachers assigned to teach special education**
- ✓ **Deficiencies derive from management by the central office**
- ✓ **Infractions having been occurring for years**
- ✓ **JSE failure to provide accurate records for transitioning students**
- ✓ **JSE's Strategic Plan portrays a positive and misleading portrayal of the educational services available to students in juvenile facilities**
- ✓ **The description of the education provided is contradicted by the MOPD complaints and Findings Letters from MSDE**
- ✓ **MOPD complaints document similar infractions in the various facilities over an extended time**

**Dec 28, 2015** Affidavit of Samuel Kratz, former JSES Coordinator of Special Education. JSES was not consistently implementing IEPs upon enrollment in a JSES school. Many of the JSES schools did not have sufficient qualified staff to implement the IEPs. IEPs were not being implemented for many students who were entitled to special education services in an outside general education setting.

**Dec 29, 2015** Baltimore Sun article noting Maryland lawmakers vow action on education of juvenile offenders. Bobby Zirkin will schedule hearing to get answers from the education agency. Senator Kelly introduced bills. Brooke Lierman hopes the agency will work with advocates and parents to come up

with a plan. Senator Bill Ferguson called the findings extremely disturbing. Salmon says too early to say whether legislation is needed to make changes in the program.

**2015 JSE'S Annual Report to the Governor and Legislature.** *"The provision of special education and related services to students with disabilities includes screening and assessments, instructional and classroom interventions, psychological, speech and language and social work services."* MSDE has found numerous violations of JSE's failure to provide speech language services. Former JSE employees reported to the NAACP that related services were not consistently being provided. *The Report indicates, "During FY 2015 JSES continued to implement and refine the use of individualized Learning Plans ILPs throughout all schools. The use of these plans, based upon each student's intake test scores, provides a detailed instructional plan for the youth containing goals and skills for which the student will receive intensive instruction during their enrollment period."* The Report uses attendance, reading gains measured by the BASI, math gains measured by the BASI and GED pass rate to measure outcomes. A former JSES school psychologist explains in her statement to the NAACP that math and reading gains were not accurately reported. *Report alleges: "JSE Instructional Technology continued collaboration with MSDE Office of Information Technology to ensure technology best practices in building infrastructure. JSES schools interconnectivity remains a priority as work continues to ensure effective, efficient, technology-rich educational programming."* A former principal at Cheltenham details that 55 computers arrived at Cheltenham but were kept in a room for 3 years without ever being connected. Teachers did not have access to the internet to assist with curriculum. **REPORT DOES NOT DETAIL THE MANY STATE COMPLAINTS AND VIOLATIONS FOUND BY THE MONITORS AT MSDE AS DETAILED IN THE ABOVE CHRONOLOGY.**

**Jan 11, 2016 OPD filed Due Process Complaints with the Office of Administrative Hearings on behalf of LW, EC, TC and TJ requesting compensatory services in the form of tutoring or vocational training for the numerous violations of the IDEA.**

**Jan 14, 2016** MSDE formally contracted with Dr. Peter Leone and the College of Education at the University of Maryland to review and assess the implementation of the Strategic Plan. MOU terminates Jan. 1, 2019. UM is to gather and analyze information needed to assess progress towards achievement of the strategies and action steps necessary for systemic improvement. Verification activity will be formally reported at a minimum three times during the course of the strategic plan and will be posted on JSES webpage.

**Jan 28, 2016** OPD filed an education **COMPLAINT #16-053** on behalf of QS regarding the failure to implement his IEP. MSDE investigated and found the following violations:

- 1. VIOLATION FOUND:** JSE did not provide the student with the amount of special education instruction outside of the general education classroom from a special education teacher or the amount of psychological services required by his IEP.
- 2.** In terms of corrective action, MSDE noted that they have already required JSE to document that they are ensuring that they have sufficient staff if a student requires a special education instruction classroom.

**Feb 2016** **Juvenile Justice monitoring Unit Fourth Quarter and 2105 Annual Report: Teacher and other educational staff shortages remain a persistent problem at MSDE-JSE schools requiring immediate**

attention. As a result of staffing issues, students do not receive comprehensive, consistent daily instruction with appropriate educational supports. Greater investment in the JSE program overall, with specific attention to special education services, is also needed to provide JSE students with the education they are legally entitled to receive. Students in detention should remain enrolled in their community school at least until their adjudication hearing to help ensure continuity in their educational program.

**May 2, 2016** MOU between MSDE JSES and DJS involving timelines for record gathering upon admittance to JSE schools and the effective and efficient transition of students from MSDE JSES schools to non-JSES educational programs.

**Jun 15, 2016** OPD filed education **Complaint #16-108** on behalf of a student detained at Meadow Mountain. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** The IEP required that the student be provided with special education instruction in the areas of English/language arts and math in both the general and separate special education classrooms, there is no documentation that the student was provided with instruction that was modified in accordance with the IEP.
2. **VIOLATION FOUND:** JSE did not ensure that the student was placed in appropriate grade level classes based on the records.
3. **VIOLATION FOUND:** JSE did not ensure that the BIP was implemented or that weekly consultation between the general and special education teachers occurred.

**Jun 19, 2016** Baltimore Sun article spotlighting the high-quality education provided at privately run Silver Oak Academy compared to the education program offered at JSES schools.

**Jun 21, 2016** OPD filed education **COMPLAINT #16-110** on behalf of DS who was detained at Victor Cullen. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** Student was not provided with special education from the providers required by the IEP and was not provided with related counseling services required by the IEP at Victor Cullen.
2. **VIOLATION FOUND:** There was no documentation of data to support the IEP team's decision that the IEP remained appropriate despite the reported lack of expected progress.
3. **VIOLATION FOUND:** There was no documentation of supervision by a certified math teacher.

**July 7, 2016** OPD filed education **Complaint #16-114** on behalf of OH detained at Cheltenham. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** JSE did not ensure that the services were provided as intended and obligated to review and revise the IEP to clarify who is responsible for the provision of special education instruction.
2. **VIOLATION FOUND:** The IEP team did not review and revise the IEP to address the lack of expected progress towards achievement of the reading phonics goal.
3. **VIOLATION FOUND:** JSE did not ensure that the SR 7 contained accurate information while the student was placed at Cheltenham.

4. **VIOLATION FOUND:** There was no documentation that there were service learning activities at Cheltenham.
5. **VIOLATION FOUND:** The student was not provided the consistent provision of special education instruction from teachers who hold certification in the areas of instruction.

**July 21, 2016** OPD filed education **Complaint #16-124** on behalf of AB detained at BCJJC and Savage. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** The student was not provided with special education instruction in the placement required by the IEP at Savage.
2. **VIOLATION FOUND:** The student's behavioral intervention plan was not implemented at BCJJC or Savage. There is no documentation that the IEP team determined whether the behavior supports provided through the Challenge Program were sufficient to address the student's needs.
3. **VIOLATION FOUND:** The student was not provided with the required amount of psychological services at BCJJC or Savage.
4. **VIOLATION FOUND:** The SR 7 document did not include required information about the student's grades.
5. **VIOLATION FOUND:** The reading and written language goals were not aligned with the course content required by the general curriculum.
6. **VIOLATION FOUND:** The basis given for the IEP team's decision to change the educational placement (the progress made by the student) is not consistent with the documented lack of progress the student made in the general curriculum in the areas of reading and written language.
7. **VIOLATION FOUND:** The prior written notice provided to the parent did not include information about all of the decisions made by the team.

**Aug 2, 2016** OPD filed **COMPLAINT #16-130** on behalf of KJ who was detained at Cheltenham, Savage and Meadow. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** Student was not able to continue to take core English and math courses at Cheltenham and Savage because his education record was not accurately maintained at Cheltenham and because the school staff at Savage did not request the record from Meadow.
2. **VIOLATION FOUND:** JSE did not ensure that the discharge transcripts completed at Savage and Cheltenham contained accurate information about the dates of the student's participation in JSE programs.
3. **VIOLATION FOUND:** Oversight of non-certified teachers was not provided at Cheltenham.

**Sept 29, 2016** Email from principal at The Children's Guild to OPD asking for assistance in obtaining a youth's education records/transcript from Cheltenham where youth had been detained for six months. Principal contacted JSE administrators without success.

**Oct 2016** Publication of the JSE Strategic Plan Verification Project Newsletter. “Another area of concern is the 21% of special education slots open, though half are new positions. There are only 3 school psychologists (Western MD, CYF, and BCJJC) all filled at this point, but stretched thin in terms of the needs of Child Find (identifying students with special needs).

**Oct 14, 2016** JSE/Advocates Meeting – discussed recruitment issues and the Strategic Plan.

**Oct 20, 2016** Email from OPD to Peter Leone describing JSE’s incorrect usage of the BASI score to measure gains in reading and math. OPD indicates that when Dr. Karen Salmon came on board she announced that they were going to stop using the BASI test to assess reading and math gains in July of 2016.

**Nov 21, 2016** Letter to OPD regarding clarification on **Complaint #17-061** wherein MSDE indicates that the OPD request involves all similarly-situated students and that MSDE will be investigating and if a violation is found corrective, it will be required to ensure provision of appropriate services to students with disabilities.

**Dec 12, 2016** Email from Elliott Schoen (Counsel for MDSE-JSE) to OPD Grace Reusing wherein Mr. Schoen tells Grace Reusing that he advised all MSDE employees that they do not have to speak to any attorney who contacts them directly.

**Jan 13, 2017** JSE/Advocates meeting – discussed Hiring/Retention Incentive, Personnel Updates and Strategic Plan Updates

**Jan 17, 2017** Implementation of the Strategic Plan for the Juvenile Services Education Program **Benchmark Report** - Strategic Plan Review Team (Drs. Peter Leone and Carolyn Fink and Ms. Mi Ji Kim) along with the University of Maryland.

This report is the first in a series of documenting the extent to which JSE adopts and meets targets in the Strategic Plan. While JSE has made considerable strides during the past year in implementing the Strategic Plan, in several areas goals and strategies were not met and there is considerable work to be done. The most persistent problem that hobbles JSE’s efforts to achieve the goals in its Strategic Plan is the high rate of staff turnover and persistent staff vacancies. The state’s cumbersome hiring process is not conducive to hiring teachers in a timely manner. Another problem is the culture within the leadership at JSE. With regard to services to youth, JSE has struggled and continues to struggle to provide individualized services and supports particularly for students eligible for special education services. JSE has made significant progress in aligning instruction with state curriculum guides and in developing the capacity for web-based and web-supported instruction.

1. Environment/Climate – there is considerable work to be done before the classroom and school climate in DJS facilities meets the expectations envisioned in the Strategic Plan.
2. DJS has piloted the assignment of students at Green Ridge and Meadow Mountain to classes based on their educational needs rather than their housing assignment.
3. JSE uses PowerSchool student information system software to track student attendance but to date, have not been able to use this software to manage or report student achievement.
4. While individual Learning Plans (ILPs) are developed for youth, we believe there needs to be much greater focus on systematic review and discussion of them.

5. Management continues to operate under a top-down style with insufficient attention to teacher and principals' needs.
6. During the past year and half, OPD has filed a number of complaints on behalf of individual students for failure to implement IEPs or provide appropriate services. This has been a persistent challenge that JSE has not been able to effectively manage.
7. There does not seem to be an active system to document ongoing contacts with families regarding students' progress.
8. JSE does not currently collect or report student discipline data that is required by all Maryland public schools.
9. Only about half the sites currently use APEX to support students.
10. Problems with internet connectivity and supervision for use of the Florida Virtual School for foreign language instruction.
11. Nooks are used sparingly
12. JSE has discontinued the use of reading teachers and dedicated reading instruction at school sites. Small group and individualized reading instruction is an essential part of the curriculum for students with extremely low levels of literacy.
13. Individual learning plans exist by subject area but need to be integrated with progress reports, transcripts, student portfolios and records.
14. Current system of recruiting, hiring, and supporting teachers is totally inadequate.
15. At many JSE sites there is a mismatch between teacher credentials and the subject areas in which they teach. Too often special educators are used as general education substitute teachers.
16. There are some library media centers but not in all schools.
17. Lengthy delay in procuring textbooks – materials are delivered to JSE central office and the principals have to come to headquarters to retrieve them.
18. With the exception of attendance and numbers of certificates earned, student performance data are not collected and monitored. There is no evidence of quarterly case meetings or the use of a student information system to monitor student progress. There is also no evidence of site meeting notes or logs.
19. Postsecondary education – Garrett College for Backbone and a recent MOU with Frederick Community College.
20. Many CRD courses offered by JSE are paper and pencil and involve minimal hands-on activities.
21. There is no evidence of follow up development of interdisciplinary/interagency teams to facilitate transition between and to community around the enrollment process, outside educational records and aftercare.

**Jan 17, 2017** OPD filed education **Complaint #18-045** on behalf of a student who was not correctly enrolled in summer school classes. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** JSE did not ensure that decisions made about the courses to be continued during the summer session were consistently based on student's needs.
2. **VIOLATION FOUND:** JSE did not ensure that the student had access to instruction in science and to instruction in math by a certified teacher.
3. **CORRECTIVE ACTION REQUIRED**

**Jan 17, 2017 Findings Letter for Complaint #18-043** for an allegation that JSES did not provide the student with special education and related services because written consent was not obtained before he was released back into the community. No violation found.

**Jan 20, 2017** Email from OPD to Ms. Pulley regarding the GED policy and expressing concerns that JSE requires students taking the GED to score 'Likely to pass' on all 4 subject tests before they are scheduled to take the actual test. Many youth score "likely to pass" on 2 subtests and get discouraged and give up. OPD asks JSE to put this issue on the next meeting agenda to reconsider the requirement. "I am requesting that the policy and any impediments to changing the policy be discussed at the next meeting."

**Feb 13, 2017** Email from OPD to JSE Director Deborah Grinnage-Pulley indicating that a site visit to Cheltenham discovered that youth in the infirmary are receiving packets and not direct teacher instruction.

**Feb 13, 2017 MSDE letter to JSE** advising JSE that MSDE monitors for continuous improvement and results (MCIR) to review and analyze information and data of each local school system/public agency to ensure alignment with federal and state regulations regarding IDEA. MSDE JSES general supervision system included the use of a compliance monitoring tool that was developed and aligned with the MSDE, DSE/EIS monitoring tool to ensure compliance with the IDEA and COMAR and **to address the long-standing noncompliance that was issued under Complaint #14-039 prior to July 1, 2014.** Protocols require the MSDE to monitor at least 20% of the special education files at the end of each quarter for key compliance elements. **MSDE, JSES implementation of its general supervision system demonstrated the effectiveness of the system to subsequently correct the long-standing noncompliance, identified in the state complaints,** issued on Jan. 3, 2014 and subsequently corrected as documented in the Notice of Closure letter issued on Oct. 5, 2016. The MSDE, DES/EIS through its verification process determined that the MSDE, JSES completed the corrective actions required by the Letter of Findings dated Jan. 3, 2014 as well as the corrective steps outlined in the Letter of Advisement dated June 2, 2015 and the Letter of Enforcement dated April 11, 2016. The MSDE/ DSE/EIS staff identified 18 letters of findings that were issued between Jan. 2014 and June 21, 2016. The timeliness of corrections ranged from 5 months to 31 months from the issuance of the written findings. **Although the MSDE, JSES subsequently corrected all identified findings of noncompliance, it was not timely, consistent with IDEA and COMAR. If not corrected timely, JSES is required to develop an Improvement Plan within 30 days of this letter.** The compliance review by MSDE, DSE/EIS identified several areas of noncompliance due to the failure of the JSES schools to document the required information on the IEP as part of the student's education records. Of the 49 IEPs reviewed for provision of related services, the JSES facilities did not provide all related services as specified in 17 students' IEPs. There were 15 findings of noncompliance in detention centers and 2 findings in treatment facilities. There were noncompliance findings regarding referral and assessment, initial evaluation, IEP team process, Development of the IEP, behavioral intervention plans were not implemented but rather the Challenge Program, and least restrictive environment determinations. **The Improvement Plan end date May 14, 2018.**

**Feb 16, 2017** Email to Deborah Grinnage-Pulley, Ex. Dir. of JSE, requesting clarification of which students in JSE facilities can take the GED. Ms. Pulley responds that only youth charged as adults in detention centers are eligible to take the GED. It is unclear why others are not eligible.

**Feb 18, 2017** OPD met with JSE administrators to discuss credit issues, the online credit policy, the GED policy and special education services. OPD complained that the JSE policies are not posted on their website or available to students and parents. School counselors and teachers are not aware of the policies JSE administrators put in place. The GED policy was FINALLY changed to allow students to take the GED if that pass only two GED pretests but the school counselor at Waxter is unaware of the change in policy. OPD advocated that students scoring “likely to pass” on one subtest be allowed to take that section of the GED test. DJS was also in agreement with OPD. On the issue of paper packets, OPD complained that schools are still relying on paper packets instead of direct instruction. But now they are un-stapling the pages and giving out worksheets so we can’t call them “packets.”

**Feb 21, 2017** Publication of the JSE Strategic Plan Verification Project Newsletter. They reported results on the student survey. Over 200 students surveyed. Students were generally positive about the program and wished that they had more hands on activities and vocational training. Students generally felt that the teachers were committed to their educational success.

**Feb 27, 2017** Email from Deborah Grinnage-Pulley to OPD about a student at the Carter Center who needed PE to graduate. Carter Center forced the student to take a GED as opposed to offering PE until OPD was made aware of the situation. Student policies, including course offerings, are still not made available to parents and students.

**Mar 2017** Juvenile Justice Monitoring Unit Fourth Quarter and 2016 Annual Report: Staffing issues remain a continuing problem in MSDE JSES schools. There is currently no system in place to realize plans to assign substitute teachers during teacher vacancies or teacher leave. As a result, available teaching staff - including special education teachers and principals - are required to fulfill their regular duties and additionally cover classes or pinch hit to fulfill other education staff responsibilities such as maintaining student records. These practices complicate the provision of general and mandated special education services, undermine thorough recordkeeping, and interfere with efforts to provide comprehensive educational instruction for all students. Leadership at MSDE JSES have not conducted facility-specific staffing and resource assessments in order to form the basis for the creation of tailored staffing and resource models at each site. The lack of a thoughtful approach results in a lack of needed education resources at certain facilities individualized services. Plans to implement a system to provide substitute teaching services should also go forward without further delay. School-wide assessments need to be conducted to assign appropriate numbers of staff and adequate resources in accordance with facility and student needs.

**Mar 1, 2017** JSE/Advocates meeting- discussed GED issues, Credit attainment issues, Strategic Plan updates

**Mar 2, 2017** Email to Grinnage-Pulley from OPD informing the JSE Ex. Director that Career Research Development class is not offered at Victor Cullen and is needed to graduate. The CRD classes are offered at other JSE schools – if student transfers to Victor Cullen from facility that has CRD credit they cannot complete the credit at Victor Cullen.

**May 10, 2017** JSE/Advocates meeting. Discussed Personnel updates, GED follow up and credit issues

**Jun 8, 2017** Email from OPD to Ms. Pulley requesting information on changes to the summer school program.



**Jun 8, 2017** Meeting with OPD/JSE/ NAACP to discuss ongoing concerns about the educational program.

**Jun 16, 2017** Email from Ms. Pulley to OPD explaining the change in the summer school program (which was to start in two weeks). Original credit classes will not be offered this summer. Although OPD and advocates have held many “advocate meetings, this major change was never discussed with the advocate group.

**Jun 26, 2017** OPD filed a **class Complaint** regarding the new changes to the summer school program. The summer school program has always offered original credit classes and the new change means that these courses will not be offered. The change violates COMAR. The new plan offers only non-credit enrichment classes and limited APEX credit recovery courses. MSDE/JSE responds and indicates they will return to regular credit bearing course programs.

**Jun 27, 2017** OPD filed education **Complaint #17-061** on behalf of DG alleging multiple IDEA violations. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** No documentation that the student was consistently or primarily provided instruction by a special education teacher.
2. **VIOLATION FOUND.** No documentation that the teachers who provided instruction were either certified or supervised by certified staff in each content area.
3. **VIOLATION FOUND.** JSES acknowledges that non-certified teachers at Cheltenham were not supervised by teachers who hold certification. No documentation that instruction was consistently provided to the student in ISU.
4. **VIOLATION FOUND.** IEP as written was not implemented.
5. **VIOLATION FOUND.** Student was not consistently provided the counseling services are required by the IEP.
6. **VIOLATION FOUND.** JSES staff did not ensure that the IEP team convened to address the student’s lack of progress toward IEP goals.
7. **VIOLATION FOUND.** Cheltenham did not prepare accurate student record cards.

**July 5, 2017** Letter from Dr. Lawson MSDE re-examining the summer school program and deciding to return to the regular school year credit bearing course programs of instruction as a result of the OPD Complaint.

**July 7, 2017** OPD filed education **Complaint #17-151** regarding MK, a student at WMCC. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** No documentation that the counseling services were provided at WMCC.
2. **VIOLATION FOUND:** The student’s IEP goals were continued beyond one year without explanation for why they continued to be appropriate.
3. **VIOLATION FOUND:** No documentation of the grade levels considered when the team decided to continue the annual goals.

**Aug 10, 2017** OPD filed education **COMPLAINT #17-135** on behalf of CS. MSDE investigated and found the following violation:

1. **VIOLATION FOUND:** The IEP team’s decision that the student no longer required special education instruction in classes other than math and English was inconsistent with the data.

**Oct 14, 2017** JSE/Advocates meeting. Discussed credit attainment and special education issues – again.

**Nov 29, 2017** Emails to MSDE,DEI/EIS involving OPDs concern about JSE changing their summer school program to the detriment of students. OPD wants to ensure that JSE offers appropriate original credit summer classes to those who are eligible. OPD does not know how many JSE schools offered “enrichment” rather than credit bearing classes over the summer or how many students were affected so OPD is not able to suggest appropriate compensatory services. OPD will not agree to resolve the complaint without formal investigation by MSDE, DEI/EIS. Without conducting systemic investigation, determining a systemic remedy and monitoring implementation of the remedy, MSDE is shirking its supervisory authority. OPD asserts that students were not offered credit bearing classes over the summer term in many of the JSES schools making this a systemic issue requiring systemic relief.

**Dec 12, 2017** Email from OPD to Ms. Pulley making her aware of concerning work assignments at Victor Cullen. The student was given English work that was labeled “Ed helper” and not grade appropriate. The math assignment was labeled Algebra I and the student is in Algebra II. The social studies assignment appears to be a government assignment and the student is enrolled in US History. The science assignment appears to be the only work that is class and grade appropriate. OPD provided the work samples for review.

**Dec 2017** **Juvenile Justice Monitoring Unit 2017 Third Quarter Report: Substantial problems with the delivery of education services to youth in Department of Juvenile Services facilities across Maryland have not been resolved, notwithstanding the work and effort of the Maryland State Department of Education’s Juvenile Services Education System—the agency responsible for these services—to make improvements. The structure of MSDE JSES is simply not designed to directly provide education services effectively to youth in the deep end of the juvenile justice system. Maryland should consider the possibility of relieving MSDE JSES of this burden, perhaps incrementally through pilot programs, and vesting the responsibility with other entities better equipped to operate schools and provide the full spectrum of education-related services that youth in the juvenile justice system urgently need.**

**Dec 21, 2017** The Star Democrat article regarding systematic issues within JSES that have consistently interfered with students receiving instruction comparable to public school students. Former JSE principal described JSE education as “academic babysitting” and leadership trying to enforce “bureaucratic strategies that you know don’t work.” Sen. Delores Kelley vows change and says, “[m]any things that are very basic, that any public school would be taken to the woodshed for not doing, haven’t been done. The vision is just not there on part of the department.”

**Jan. 17, 2018** **Letter of Findings for Complaint #18-043** filed on behalf of DS. Student was released before written consent was obtained to initiate IEP. No violation.

**Jan. 18, 2018** OPD filed education **Complaint 18-047** on behalf of a student for numerous IDEA violations. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** JSES did not ensure that the student was provided with special education services as required by the IEP.
2. **VIOLATION FOUND:** The special education instruction was not delivered by a special education teacher in a separate special education classroom.
3. **VIOLATION FOUND:** The student was not provided with the services of a dedicated adult assistant as required by his IEP.
4. **VIOLATION FOUND:** JSES did not ensure that the IEP team considered positive behavioral interventions to address interfering behaviors.
5. **VIOLATION FOUND:** JSES did not ensure that revisions made to the IEP were based on data regarding the student's needs.
6. **VIOLATION FOUND:** JSES did not ensure that assessments determined necessary by the IEP team were conducted and results considered by IEP team in revising the IEP.
7. **VIOLATION FOUND:** Student was not provided the opportunity to continue to earn credit and progress through the general curriculum in science and social studies during the summer session.

**Jan 19, 2018** OPD filed education **Complaint #18-058**. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** JSE provided no documentation that the student was consistently provided with special education instruction in core courses outside of the general education classroom and that there was insufficient staffing to ensure the consistent provision of services.
2. **VIOLATION FOUND:** There was no documentation that the IEP team's decision to increase the amount of time that the student received special education instruction in the general education classroom was based on the student's needs.
3. **VIOLATION FOUND:** JSSE did not ensure that decisions made about the courses to be offered were consistently based on student needs.

**Jan 19, 2018** JSES/Advocates meeting. Group discussed that JSES wanted to implement a blended learning approach but did not have the technology/computers to implement. Advocates were not in favor of moving away from a direct teaching approach. Group also discussed the need for student specific reading interventions for students. JSES was looking into "Lindamood - Bell" material because it was less expensive than "Orton-Gillingham."

**Mar 7, 2018** JSES enrolled student in the wrong science class and JSES failed to award him partial credit for an elective class.

**Apr 16, 2018** JSES/Advocates meeting

**Jun 18, 2018** OPD filed education **Complaint #18-142**. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** The student has not been provided with instruction in the career resource and development class in the placement required by the IEP and has not consistently been provided with the student to teacher staffing ratio determined necessary the IEP team.
2. **VIOLATION FOUND:** JSES did not ensure that there was collaboration between the teacher providing special education instruction in the separate special education classroom and the general education teachers who are certified in the areas of content.

**Jun 18, 2018** OPD filed education **Complaint #18-160**. MSDE investigated and found the following violation:

1. **VIOLATION FOUND:** Prior to May 2018, the JSE did not ensure that there was collaboration between the teacher providing special education instruction and the separate special education classroom and the general education teachers who are certified in the areas of content in which instruction was provided.

**Jun 26, 2018** JSES/Advocates meeting

**July 20, 2018** OPD filed education **Complaint #18-178**. MSDE investigated and found the following violations:

1. **VIOLATION FOUND:** No documentation that the special education instruction provided in the general education classroom was supported by a special education teacher or that the special education teacher collaborated with the general education teachers on the provision of special education instruction in the separate special education classroom.
2. **VIOLATION FOUND:** Some accommodations that were required on a daily basis were not consistently provided and the effectiveness of the BIP interventions were not evaluated as required by the IEP.
3. **VIOLATION FOUND:** No documentation that additional support was provided in the general education classroom as required.
4. **VIOLATION FOUND:** No documentation that the special education teacher consulted with general education teachers who hold certification in the content areas.
5. **VIOLATION FOUND:** No documentation that social studies teacher had the IEP.
6. **VIOLATION FOUND:** The basis for the decisions made regarding ESY services were not documented and the IEP team's decisions were not consistent with the data.
7. **VIOLATION FOUND:** JSE did not ensure that the IEP team addressed the student's lack of expected progress due to interfering behavior.
8. **VIOLATION FOUND:** JSE did not ensure that special education instruction was provided that meets the curriculum standards required by MSDE.

**Sept 13, 2018** Email from OPD to Deborah Pulley. OPD visited clients at Victor Cullen and none of the students understood when they are supposed to earn credits in their classes. JSES had switched the school schedule to "semester based" classes but provided no information to parents, students or advocates.

Jan 4, 2019 Baltimore Sun Op-ed by Dr. Peter Leone. Maryland needs a new approach to educating juvenile offenders. MD has done poorly in providing education to incarcerated youth. Prior litigation has been largely ineffective at institutionalizing lasting positive, system-level change. With few exceptions, MSDE has been unable to provide the leadership and infrastructure necessary to design and deliver quality education services to youth.

Apr 2019 Juvenile Justice Monitoring Report Fourth Quarter and 2018 Annual Report: MSDE JSES is not succeeding in appropriately serving the academic and career preparation needs of the children and young people at these facilities. MSDE JSES must commit to delivering a robust education program that takes into account the individual academic needs and interests of the young people in DJJ facilities and that is focused on college and/or career readiness in addition to the gaining of a high school diploma.

**May 2019** In response to a request from MSDE, the Florida State University College of Criminology and Criminal Justice's Center for Criminology and Public Policy Research entered in to an agreement and partnership with JSES. The partnership is aimed at addressing and ameliorating concerns highlighted by the MSDE, recent legal complaints and public scrutiny. The partnership will conduct a comprehensive assessment of the current state of educational services within DJJ facilities. Three distinct phases of research and planning. **Phase 1** is focused upon describing, evaluating and assessing Maryland's current system in JSES. **Phase 2** will use the information and findings from Phase 1 to assist MSDE/JSES in developing and implementing a data driven model for continuous quality improvement. They will build a comprehensive data-driven model with a new accountability system.

Areas of accountability will include, but not be limited to, assessment, transition services, special education services, personnel qualifications, educational resources, and remedial, academic, career and technical, and postsecondary curriculum and instruction. In addition, the accountability system will determine student and school performance through measures such as student educational gains while in JSES schools, graduation rates while in JSES schools, percentage of students who return to school and post-release recidivism. **Phase 2** begins in 2020 summer. **Phase 3** will assess and validate the effectiveness of the data-driven model. Program performance can be measured through indicators such as personnel qualifications and turnover, increases in educational resources, identification of special education students, course offerings that better align with student needs, and increased transition services. Student performance can be measured by outcomes such as credits earned while in JSES schools, academic gains while in JSES schools, graduation or the attainment of a GED while JSES school, return to school post-release and recidivism.

**Jan 22, 2020** Email from OPD to Deborah Pulley informing her that a student was placed in the incorrect classes at Hickey, causing him to lose credits. "I want to make you aware in case there is a systemic breakdown concerning record requests." The student's parent was never notified by JSES of the student's incorrect class enrollment.

**March 2020** All educational services were transitioned to a virtual format in which teachers prepared resource materials, live-streamed lectures, and recorded guided lectures for students who were quarantined in their units.

May 2020 Juvenile Justice Monitoring Unit Fourth Quarter and 2019 Annual Report: Many youth in the deep-end of the juvenile justice system do not receive the education services that they need while

they are in detention and committed placement centers. Rather than develop a proactive and creative approach to addressing these issues and advocating for more resources when needed, MSDE JSES has continued to maintain an inadequate status quo.

**June 2020** Teachers returned to providing face-to-face instruction in JSES schools in June 2020

**July 2020** Phase 1 Report: Discovery Center for Criminology and Public Policy Research. Florida State University. Lead investigator is Thomas Blomberg. **JSE paid 1.5 million dollars for this study from 2019-2024. The findings in the Florida State University report are not new. They are the same “findings” Dr. Leone uncovered in 2015. These issues have been also been documented by the advocacy groups and JJMU since 2014.** Phase 1 focused on evaluating and assessing the education services provided by the JSES.

#### **Findings in Detention Schools**

- ❖ Limited curriculum for middle school students
- ❖ The services and programming within the detention schools were not consistently individualized based upon assessed performance, need, or post-release educational plans for non-special education students
- ❖ DJS groups students based on their housing unit rather than their grade level or educational abilities. Teachers were required to teach multiple subjects and grade levels in a 90 minute class period.
- ❖ Limited coordination between detention schools and youths’ home school upon their entry and exit. Aside from sending students’ education records, upon request, to students’ receiving schools, there were no formal education exit transition procedures conducted by education personnel for non-special education students who were returning to the community.
- ❖ Challenges associated with teacher retention and hiring. Retaining teachers is difficult because of discrepancies in pay rates between JSES and local school districts. As of this report there 8 teacher vacancies across 7 schools.
- ❖ Documented gaps in testing, students were given reading, math, and career assessments while in committed program school. However, the assessment results were not used to guide student planning decisions or instruction for non-special education students.
- ❖ JSES did not provide non-special education students exiting the commitment program schools with formal education transition planning and services.
- ❖ Beginning in Feb 2020, all students in detention will be given an academic assessment to measure gains every three weeks.
- ❖ There was not consistent schedules across the detention center schools.
- ❖ Class periods (90 minutes) were too long and teachers complained that it was challenging to keep students on task – curriculum should be tailored and individualized to the unique student population rather than a standard curriculum for detention and commitment schools.
- ❖ Schools were inconsistent in their course offerings and approach to teaching during the summer.
- ❖ Students and teachers expressed desire to have additional certification options available in detention schools.
- ❖ Tutorial and social skills programming included some career classes, however they were not individualized and did not consider students’ disposition status or lengths of stay. Each detention center school used a variety of instructional strategies to address student needs, but they were not based on individual goals or needs for non-special education students.

- ❖ In most detention schools, DJS resident advisors and JSES teachers did not consistently redirect student behavior or implement behavioral management procedures (based on the Challenge Program). The Challenge Program was not implemented consistently within or across detention center leading to confusion and tension between JSES and DJS. RAs were sometimes disruptive during class time, shift changes occurring during class periods, loud radios and RAs talking to students about non-educational related topics while the instructor was teaching. – “Chaos from DJS in the classroom.”
- ❖ Schools did not have enough textbooks
- ❖ Technology was not used as much as it could be – interactive boards not all were in full working condition
- ❖ The educational services and programming provided within detention was not reported or observed to be consistently individualized, nor did they account for student length of stay. Standard curriculum provided by JSES was oftentimes not suitable for the highly mobile detention center student population. Students were not always able to earn full credits for courses because of the lengths of stay, semester and course start dates and policies that prohibit earning half credits.

#### **Findings from Commitment Schools**

- ❖ Because JSES did not accept half credits for yearlong courses and yearlong courses were set to begin each fall, students at two commitment program schools were found to have had to restart a class in which they had already completed half of. In one case, a middle school student was enrolled in the next grade level without completing the previous grade level
- ❖ No formal education exit packets provided to students as they transitioned from a committed program back to their home school – apparently state law is that if the student’s receiving school requests the kid’s education records, the JSES school will provide – only upon request
- ❖ Education personnel in committed schools did not typically attend DJS exit/transition staffings and exit packets were not automatically developed and sent to the next educational placement – responsibility of DJS
- ❖ No formal academic assessment testing was occurring when students entered committed schools despite that having diagnostic academic performance results on students would help in their efforts to differentiate instruction
- ❖ Career assessment results were not consistently included in student files, nor were they used to develop specific and individualized career transition plans in any of the committed programs -individual academic plans (IAPs) were not developed for non-special education students in any committed school, could not be used to guide instruction and student progress
- ❖ Student progress is monitored informally by teachers and through curriculum benchmark testing. Attendance in treatment team meetings by educational staff to discuss students’ educational progress was inconsistent
- ❖ DJS staff is responsible for the education transition of students from the committed programs to the community and their home schools. JSES staff were not involved in the formal transition process and did not provide input into students’ transition plans

- ❖ JSES did not provide formal or coordinated educational transitional planning for non-special education students leaving committed programs. Many students expressed that going back to school will be hard and teachers expressed that students were not prepared to re-enter school
- ❖ Instruction is not driven by non-special education students' IAP goals and objectives
- ❖ There is no specific or formal process for identifying students in need of remediation and no established program or formal intervention for remediation in reading. Teachers expressed concern that students' reading abilities and the limited remediation programming offered was not enough
- ❖ Library materials were deficient
- ❖ Career development opportunities differed substantially across the committed program schools. Teachers interviewed at three schools felt that the career and technical curriculum was underdeveloped. They mentioned the need for additional job skills training and opportunities that could lead to employment in the trades. Suggestions included plumbing, mechanics, electronics, overhead door installation, roofing, cosmetology, landscaping and electrical training
- ❖ The committed program schools did not have English for Speakers of Other Languages (ESOL) services for English Language Learner (EL) students
- ❖ JSES needs more teachers that are certified in the subject they are teaching – teaching too many subjects at a time
- ❖ Hard to retain teachers – disparities in pay between JSES and local schools, 12 month teaching requirements as opposed to 10 months for local schools
- ❖ Process for hiring to fill vacant positions takes too long
- ❖ Students in committed program schools received 360 minutes of instruction per day. These programs used the STARR behavior management program which consisted of a blended version of the Positive Behavior Interventions and Supports (PBIS) program and the Challenge program (which was used in the detention centers). Teachers typically used the STARR program to give points for being well behaved in class. Teachers indicated that there was sometimes confusion about staff roles regarding behavior management and that there were regular inconsistencies in the STARR program's implementation. Common classroom disruptions observed and reported by teachers by RAs, i.e. shift changes in the middle of class time and students engaged in non-educational conversations with RAs
- ❖ 3 schools reported they had reliable internet service and observations found students accessing technology when they were permitted. One school reported unreliable internet coverage which impacted students' ability to use online technology. Online learning was available through Apex or other online platforms. However some teachers expressed that online learning opportunities could be enhanced or be more consistently offered. Computers and technology available in all schools, but their utilization varied based upon the condition of the technology, teacher preference and student behavior
- ❖ Student performance information was limited and long-term outcomes of students were not tracked because SJES does not have access to students once they leave JSES
- ❖ Teachers described variation in course offerings, curriculum, and classroom structures between JSES schools and students' home schools as significant barriers to students' successful transition
- ❖ To address the barriers students faced, several administrators suggested that JSES hire education transition specialists to provide needed support and information to students. Specifically regarding how to re-enroll in their home schools and how to have their credits transferred from the detention center or commitment program school



- ❖ With regard to GED – targeting eligible students earlier and providing more preparation materials could increase the number of students who take and pass the test
- ❖ JSES students may require a different instructional approach from what is used in traditional schools and any system reforms should take these unique factors into consideration

### **Aug 14, 2020 Juvenile Services Education System Recovery Plan**

JSES will provide a blended approach to learning during 2020-21 school year. The JSES has developed a school schedule that provides consistency in learning through in person teacher instruction and support to all students as well as in a virtual environment. All students have access to their assigned individual Chromebooks and the ability to utilize Google Classroom as the learning management system.

Teachers will be teaching through both live group interaction, one on one live interaction, and the use of feedback as a one on one teaching tool for meeting students' individual needs.

All students will participate in the same subject at the same time of the day. Based on the individual student needs, each student will receive differentiated course assignments under that subject umbrella.

Students who are taking post-secondary classes will use their Chromebook to sign in and complete all post- secondary work during the same time as their peers within their unit.

Students are organized into groups based on their housing unit.

Upon a student being assigned quarantine, a teacher or RA will download specific assignments that are available for the student to access offline in google classroom.

Students can attend lessons and receive teacher help through the use of a DJS phone if internet is not available

JSES will administer MAP Growth (computer-adaptive assessment for reading and math to determine current skills and knowledge) to all students upon return to schools. The assessment will also be administered at the end of each quarter to determine growth.

JSES will teach all current courses in a face to face setting in order to provide access to courses leading to credit attainment. If a school continued with distance learning, the teachers will provide synchronous instruction using either Google Meet or Cisco WebEx. Asynchronous instruction using Google Classroom will allow students to submit independent work for assessment and grading. Asynchronous means that students are working independently without direct teacher direction.

**Sept 28, 2020** Letter from OPD to the Executive Director of JSE, Deborah Grinnage-Pulley. OPD continues to have concerns regarding the quality of education services to youth in detention and placement. The JSES Recovery Plan and the service delivery model of instruction outlined in the Plan does not match the information we are hearing from our clients. The Plan states that JSES will provide live teaching through live group interaction and one- on- one teaching. JSES will teach all current courses in a face- to -face setting. The plan outlines that schools may be forced to resort to virtual or distance learning but does not explain under what circumstances virtual learning will be employed.

Our clients report no direct face-to-face instruction in any of the JSES schools. All schools are virtual even if there are no incidents of positive COVID testing. Virtual learning does not allow live teaching or any type of live group interaction. Students do not interact or even see the teacher. The students who are enrolled in college classes do not have full access to the online course materials. They are unable to access all of the course curriculum because they are blocked. They do not have access to Google Docs to submit the required writing assignments. They spend most of the day sitting in classrooms with nothing to do.

**Nov 2, 2020** OPD **Letter of Complaint** regarding Backbone Youth Center. OPD visited clients at Backbone who had serious complaints. What our clients are reporting is not consistent with the services JSE claims they are providing. Five students reported that they have to achieve 70% in all classes before they are allowed to take the GED. Students in quarantine are only getting work packets and the work is sometimes too difficult without teacher support. The students do not have consistent access to certain websites and links they need for their school work. They are blocked from sites like CNN10, dictionary.com sites for the periodic table for chemistry.

**Nov 4, 2020** OPD **Letter of Complaint** regarding difficulties the students at Mountain View Youth Center were experiencing with internet connectivity, Go Guardian, class enrollment and the overall virtual learning environment. Students report that school is cancelled 2-3 times/month. Lack of connectivity also interrupts the video streaming on a weekly basis. Students complained about the inability to speak directly with teachers and the restricted access of educational websites, issues students are reporting at every facility. Go Guardian limits the number of tabs that can be opened and will close tabs without warning. One opened tab is the streaming instructional video and the second tab that needs to be open is the Google Classroom, which accesses the classwork and assignments. Once they click on an assignment to begin working, it opens the assignment as a new tab which then closes the instructional video. Students complained but the school has been unable to address the issue. While there are teachers in classroom they don't teach the subject the student is having difficulty with - "wrong teacher in the right class." One student was enrolled in the wrong classes because the school did not have her records and it took the school 5 weeks to get them. She was enrolled in classes that she had already taken. Students cannot work on assignments that are overdue for more than 7 to 10 days.

**Nov 4, 2020** OPD **Letter of Complaint** regarding what students are telling OPD is not consistent with the services JSES reports they are providing. Ms. Brice stated that there is no 70% requirement to take the GED. Students are behind because of quarantine and they find the work packets too difficult to complete without instruction. Students at Backbone do not have consistent access to certain websites and links to perform their school work. Sites like dictionary.com are blocked. Student was blocked from the periodic table for chemistry work.

**Nov 6, 2020** Investigation by DJS' OIG regarding MSDE requirement that students needed a 70% in each class before they would be allowed to take the GED. MSDE staff denied the allegation. DJS' OG interviewed youth and staff and found MSDE emails stating the requirement. OPD has a student signed GED contract stating JSES 70% grade requirement.

**Nov 6, 2020** Recurring issue regarding GED requirement to get a "likely to pass score" on all 2 subtests before student can take the actual test. OPD raised this issue with JSEs on Jan. 20, 2017. OPD has been advocating to lower the requirements for taking the GED test, identifying eligible students

earlier in the process, and ensuring that schools apply for special education accommodations for eligible students.

**Nov 9, 2020** Letter from OPD to Dr. Sylvia Lawson (MSDE) regarding youth detained at BCJJC the week of Oct. 25, 2020 and the difficulties students experience with paper packets and the overall virtual learning environment. Students complain that the work is too difficult without teacher assistance, they are not getting packets, or are getting the wrong packets. A student on admission quarantine was not receiving any educational services – no Chromebook or packets. Students are not getting their work graded or returned. A student reported that he was getting the same packet he got last year. Another student reported getting a social studies packet and had already earned his social studies credit. A student on ISU was receiving chemistry packets and was not enrolled in chemistry. Students at all JSE schools complain of restricted access to educational websites. Students' typed questions are not getting answered. Virtual instruction is particularly difficult as they can only have 2 tabs opened. 1 tab to open the video and a second tab opened in Google Classroom to access the assignment. Once they click on the assignment but closes the streaming tab which cuts off access to the instruction video.

When the issue of paper packets was discussed on Oct. 28, 2020, Ms. Brice told the group that recorded lessons on thumb drives would replace paper packets on all units except for admission quarantine units. Newly admitted students without school records would receive paper packets aligned to their grade level until JSE is able to obtain transcripts from prior schools and enroll them in the correct courses. Two students visited on Nov 9<sup>th</sup> who were transferred from one JSE school (Garrett Children's Center) to another JSE school (Victor Cullen) had both received paper packets even though JSE knew exactly which classes they should be enrolled in.

**Nov 10, 2020** Email from OPD to JSES administrators documenting the ongoing connectivity issues at Mountain View on Nov. 2, 3, 4, 5 and 6 causing virtual school to be cancelled.