

BILL: House Bill 1607
TITLE: Education - Juvenile Services Education Programs - Management and Operation
DATE: March 1, 2018
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Ways and Means Committee
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The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, supports House Bill 1607, with amendments to include a MABE appointed representative on the workgroup; and clarification on the selection process for each of the three proposed regional pilot programs.

MABE recognizes the significant concerns regarding the quality and continuity of educational programs offered within DJS facilities and administered through the Maryland State Department of Education (MSDE). Therefore MABE is supporting a concerted effort to explore alternative strategies to improve the quality of educational services to Maryland students placed in DJS facilities. Therefore, MABE appreciates this bill's proposal to pilot a management model in which the county board of education operates the juvenile services education program at a facility located in the county.

However, MABE requests amendments to clarify that a local school system would have the option of participating in the pilot program, rather than being selected by the Maryland State Department of Education (MSDE) after consultation with the local board. In addition, the timeline of identifying three facilities and opening fully operating programs in these facilities for the 2018-2019 school year is ambitious. MABE proposes that the opening dates rely on the agreements entered into between the school system and MSDE rather than be tied to the coming school year.

House Bill 1607 would also establish a workgroup to study issues including the appropriate funding formula, length of school year, transitional educational services, and staffing and procurement processes. In addition, the workgroup would study management models, including; the current model operated by MSDE, a model where local school systems operate the programs on a regionalized basis; and a model where an independent board of education operates the juvenile services education programs. Unfortunately, a representative appointed by MABE is not currently included on the proposed workgroup. MABE therefore requests an amendment adding a MABE representative in order to assure that the governance issues being studied are informed by the participation of a local board of education member.

Local boards of education support a robust and successful approach to ensuring continuous access to high quality learning experiences for students placed in DJS facilities. Since the passage of the Budget Reconciliation and Financing Act (BRFA) of 2013 (House Bill 102) local boards of education have been required to reimburse DJS for each child from the county that is placed in a detention facility for 15 or more consecutive days. The reimbursement amount is equivalent to the average amount of State and local funds spent for the public education of a nondisabled child in the county; and calculated for students who were included in a school system's annual enrollment count.

MABE and all local boards of education appreciate the need for continued state and local investment in the education of students enrolled in public school systems who, for a time, receive their education in DJS programs. MABE notes the challenge of crafting education programming for a relative small number of students who are in different situations in the criminal justice system and whose time within DJS is typically very brief.

According to current DLS budget analysis, the average length of stay for a youth in secure (pre-adjudication) detention has been consistently under 20 days for the past four fiscal years; and under 26 days for pending placement youth. As the budget analysis emphasizes, these average stays of under a month are in contrast to the average length of stay for the youth-charged-as-adult population which has been about 100 days but currently stands at more than 120 days. In addition, the numbers of students in secure detention pre-adjudication and pending placement have been falling; and the youth-charged-as-adult population has grown dramatically. In this light, MABE supports studying alternative approaches to educating all youth in DJS facilities and pursuing the option for local school systems to develop and deliver their own instructional programs.

For these reasons, MABE requests a favorable report on House Bill 1607, with the amendments described above.