

HOUSE BILL 139

P4, E3, E5

2lr0404

(PRE-FILED)

By: **Delegate Luedtke**

Requested: August 26, 2021

Introduced and read first time: January 12, 2022

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2022

CHAPTER _____

1 AN ACT concerning

2 ~~State Personnel – Professional Service~~ Correctional Education – Juvenile
3 Services Education Teachers Program and Correction Education Teachers

4 FOR the purpose of providing that certain teachers employed by the Department of
5 Juvenile Services and the Maryland Department of Labor are in the professional
6 service in the State Personnel Management System; requiring the Director of
7 Education and Workforce Skills Training for Correctional Institutions to set certain
8 qualification standards for certain teachers; clarifying that the Juvenile Services
9 Education Program is a public agency under certain provisions of law; and generally
10 relating to the State Personnel Management System education in correctional
11 facilities.

12 BY repealing and reenacting, without amendments,

13 Article – Education

14 Section 7–1101(a), 8–412(a)(1), and 8–413(a)(1)

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Education

19 Section 7–1101(e), 8–412(a)(7), and 8–413(a)(6)

20 Annotated Code of Maryland

21 (2018 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY repealing and reenacting, without amendments,
Article – Human Services
Section 9–602
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 9–603
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 11–903
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

7–1101.

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

(e) “Public agency” means the Department, a local school system, **THE JUVENILE SERVICES EDUCATION PROGRAM**, the Maryland School for the Deaf, or the Maryland School for the Blind.

8–412.

(a) (1) In this section the following words have the meanings indicated.

(7) (i) “Public agency” includes the State Department of Education, local education agencies, and other agencies that are responsible for providing education to a child with a disability, including the Maryland Department of Health, the Behavioral Health Administration, the Developmental Disabilities Administration, the [Department of Juvenile Services] **JUVENILE SERVICES EDUCATION PROGRAM**, the Maryland School for the Deaf, the Maryland Department of Labor, and the Department of Public Safety and Correctional Services.

(ii) For the purpose of this section, the Maryland School for the Blind shall be considered a public agency.

8–413.

(a) (1) In this section the following words have the meanings indicated.

(6) “Public agency” means the State Department of Education, a local school system, THE JUVENILE SERVICES EDUCATION PROGRAM, or any State agency responsible for providing education to students with disabilities, including the Maryland School for the Blind and the Maryland School for the Deaf.

Article – Human Services

9–602.

There is a Juvenile Services Education Program within the Department.

9–603.

(a) (1) Beginning July 1, 2022, the Department and the Board, subject to the memorandum of understanding, jointly shall have the authority and responsibility for implementing the juvenile services educational programs in the State.

(2) The Superintendent shall provide and oversee educational services to all juveniles in a residential facility.

(b) The Superintendent shall implement for each residential facility an educational program as approved by the Board that:

(1) meets the special needs and circumstances of the juveniles in the residential facility; and

(2) is accredited by an approved accrediting agency.

(c) (1) The Department, subject to the memorandum of understanding, shall employ any staff necessary to carry out the Juvenile Services Education Program as provided in the State budget.

(2) Educational staff in the Department shall be subject to the career ladder and salary provisions under Title 6, Subtitle 10 of the Education Article.

(3) ~~EACH~~ NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, EACH TEACHER IN THE JUVENILE SERVICES EDUCATION PROGRAM WHO IS EMPLOYED BY THE DEPARTMENT IS IN THE PROFESSIONAL SERVICE IN THE STATE PERSONNEL MANAGEMENT SYSTEM.

(d) The Department shall adopt regulations to carry out the requirements of this section.

(e) The Board may authorize the Department to contract with a nonprofit private party or a county board of education to provide educational services for juveniles in a residential facility.

(f) For fiscal year 2023 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation in an amount sufficient to meet the requirements of this subtitle.

Article – Labor and Employment

11–903.

(a) The Department is responsible for the provision of education and workforce skills training programs in the adult correctional institutions in the State.

(b) The Secretary shall appoint a Director of Education and Workforce Skills Training for Correctional Institutions.

(c) The Director shall receive the salary provided in the budget of the Department.

(d) The Director shall:

(1) implement and operate the educational and workforce skills training programs developed by the Council in the correctional institutions;

(2) meet with and advise the Council about the programs; ~~and~~

(3) consult with the Commissioner of Correction and the warden of each institution about the operation of the programs; AND

(4) SET QUALIFICATION STANDARDS FOR TEACHERS IN WORKFORCE SKILLS TRAINING PROGRAMS WHO ARE EMPLOYED BY THE DEPARTMENT THAT ARE SIMILAR TO THE STANDARDS FOR TEACHERS PROVIDING CTE INSTRUCTION IN ACCORDANCE WITH § 7–205.1 OF THE EDUCATION ARTICLE.

(E) EACH NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, EACH TEACHER IN AN EDUCATIONAL AND WORKFORCE SKILLS TRAINING PROGRAM WHO IS EMPLOYED BY THE DEPARTMENT IS IN THE PROFESSIONAL SERVICE IN THE STATE PERSONNEL MANAGEMENT SYSTEM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.