

SENATE BILL 497

E3, F1

1lr1642
CF HB 71

By: **Senators Kelley, Guzzone, Carter, Beidle, McCray, Feldman, Eckardt, Augustine, Smith, and Sydnor**

Introduced and read first time: January 20, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2021

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Services Education Board and Program – Establishment, Powers, and**
3 **Duties**

4 FOR the purpose of repealing certain provisions of law regarding educational programs for
5 juveniles in residential facilities; establishing the Juvenile Services Education
6 Board; establishing the Juvenile Services Education Program; providing for the
7 composition, terms, and chair and vice chair of the Board; providing that each Board
8 member is entitled to a certain stipend and reimbursement of certain expenses;
9 requiring the Board to have certain authority and responsibility relating to the
10 juvenile services educational programs in the State beginning on a certain date;
11 requiring the Board to provide certain educational services to certain juveniles;
12 specifying the duties of the Board; authorizing the Department of Juvenile Services
13 to adopt certain regulations; requiring the Board to meet publicly in accordance with
14 certain requirements; requiring the Board to appoint a Superintendent for the
15 Juvenile Services Education Program; specifying the duties and salary of the
16 Superintendent; requiring the Department to implement juvenile services
17 educational programs in the State in accordance with certain requirements;
18 requiring the Department to employ certain staff; requiring the Governor to include
19 in the annual budget bill a certain appropriation; requiring the Board and the
20 Department to work cooperatively to implement certain requirements; prohibiting
21 the disenrollment of certain juveniles from certain schools under certain
22 circumstances; requiring the Board to develop certain intake classrooms; requiring
23 the Board and the Department, in consultation with county boards of education, to
24 develop a certain postcustody re-enrollment procedure for certain juveniles;

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.



requiring the Board to offer certain postsecondary education programs to certain juveniles; authorizing the Board to contract with certain entities for certain purposes; requiring county boards of education to waive certain graduation requirements under certain circumstances; requiring county boards of education to reimburse the Department for certain costs under certain circumstances; requiring the Department to submit a certain report to certain entities on or before a certain date each year; requiring the Board to be subject to a certain audit by the Department of Legislative Services and investigation by the Maryland Office of the Inspector General for Education; requiring the State Department of Education and the Department to submit a certain report to the General Assembly on or before a certain date; requiring the Juvenile Justice Monitoring Unit of the Office of the Attorney General to have a representative available to attend meetings of the Board; ~~altering the membership of the Correctional Officers' Retirement System to include certain individuals serving in a certain position in the Department on or after a certain date;~~ providing that the provisions of a certain collective bargaining agreement for certain staff continue to apply under certain circumstances; providing that certain employees transferred to the Department of Juvenile Services under this Act be transferred without diminution of certain rights, benefits, employment, or retirement status; defining certain terms and altering a certain definition; providing for the construction of this Act; and generally relating to the Juvenile Services Education Board and Program.

BY repealing

Article – Education

Section 22–301 through 22–306.1 and 22–307 through 22–310 and the subtitle

“Subtitle 3. Juvenile Services Educational Programs”

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – Correctional Services

Section 8–201(a)

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 8–201(h)

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)

BY adding to

Article – Human Services

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

new subtitle “Subtitle 6. Juvenile Services Education Program”

Annotated Code of Maryland

(2019 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 6–402
Annotated Code of Maryland
(2014 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 6–404
Annotated Code of Maryland
(2014 Replacement Volume and 2020 Supplement)

~~BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 25–201(a)(10) and (11)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)~~

~~BY adding to
Article – State Personnel and Pensions
Section 25–201(a)(12)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 22–301 through 22–306.1 and 22–307 through 22–310 and the subtitle
“Subtitle 3. Juvenile Services Educational Programs” of Article – Education of the
Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
as follows:

Article – Correctional Services

8–201.

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

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

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

Article – Human Services

SUBTITLE 5. JUVENILE SERVICES EDUCATION BOARD.

9–501.

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

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

(C) “RESIDENTIAL FACILITY” MEANS ANY FACILITY LISTED IN § 9–226 OF THIS TITLE.

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

9–502.

THERE IS A JUVENILE SERVICES EDUCATION BOARD WITHIN THE DEPARTMENT.

9–503.

(A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY;

(2) THE SECRETARY OF HIGHER EDUCATION;

(3) THE STATE SUPERINTENDENT OF SCHOOLS;

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

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

1 **(6) SIX MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE**
2 **AND CONSENT OF THE SENATE.**

3 **(B) THE APPOINTED MEMBERS OF THE BOARD SHALL POSSESS A HIGH**
4 **LEVEL OF KNOWLEDGE AND EXPERTISE IN AT LEAST ONE OF THE FOLLOWING**
5 **AREAS:**

6 **(1) TEACHING OR EDUCATIONAL ADMINISTRATION;**

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

9 **(3) SOCIAL WORK;**

10 **(4) SERVICES FOR INDIVIDUALS WITH DISABILITIES;**

11 **(5) WORKING WITH INSTITUTIONALIZED YOUTH;**

12 **(6) MENTAL OR BEHAVIORAL HEALTH SERVICES;**

13 **(7) CIVIL RIGHTS LAW OR ADVOCACY;**

14 **(8) DIGITAL LEARNING OR ONLINE ADMINISTRATION; OR**

15 **(9) HIGHER EDUCATION ADMINISTRATION.**

16 **(C) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.**

17 **(2) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO**
18 **SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

19 **(3) AN APPOINTED MEMBER WHO IS APPOINTED AFTER A TERM**
20 **BEGINS SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR**
21 **IS APPOINTED AND QUALIFIES.**

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

25 **(D) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER ONLY FOR**
26 **CAUSE.**

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

(F) ANY ACTION BY THE BOARD SHALL REQUIRE:

(1) A QUORUM OF A MAJORITY OF THE VOTING MEMBERS THEN SERVING; AND

(2) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS THEN SERVING.

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

(H) THE DEPARTMENT SHALL STAFF THE BOARD.

9-504.

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

(B) THE BOARD SHALL:

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

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

(ii) IS ACCREDITED BY AN APPROVED ACCREDITING AGENCY;

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

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

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

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

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

9-505.

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

(1) A MAJORITY OF THE MEMBERS THEN SERVING;

(2) THE CHAIR OF THE BOARD; OR

(3) THE SECRETARY.

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

(C) THE BOARD SHALL:

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

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

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

9-506.

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

(B) THE SUPERINTENDENT SHALL:

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

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

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

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

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

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

(C) THE SUPERINTENDENT:

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

(2) SERVES AT THE PLEASURE OF THE BOARD.

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

SUBTITLE 6. JUVENILE SERVICES EDUCATION PROGRAM.

9-601.

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

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

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

(D) "RESIDENTIAL FACILITY" HAS THE MEANING STATED IN § 9-501 OF THIS TITLE.

9-602.

THERE IS A JUVENILE SERVICES EDUCATION PROGRAM WITHIN THE DEPARTMENT.

9-603.

(A) (1) BEGINNING JULY 1, 2022, THE DEPARTMENT SHALL HAVE THE AUTHORITY AND RESPONSIBILITY FOR IMPLEMENTING THE JUVENILE SERVICES EDUCATIONAL PROGRAMS IN THE STATE.

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

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

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

7 **(2) IS ACCREDITED BY AN APPROVED ACCREDITING AGENCY.**

8 **(C) (1) THE DEPARTMENT SHALL EMPLOY ANY STAFF NECESSARY TO**
9 **CARRY OUT THE JUVENILE SERVICES EDUCATION PROGRAM AS PROVIDED IN THE**
10 **STATE BUDGET.**

11 **(2) EDUCATIONAL STAFF IN THE DEPARTMENT SHALL BE SUBJECT**
12 **TO THE CAREER LADDER AND SALARY PROVISIONS OF THE BLUEPRINT FOR**
13 **MARYLAND'S FUTURE.**

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

16 **(E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE**
17 **DEPARTMENT FROM CONTRACTING WITH A NONPROFIT PRIVATE PARTY OR A**
18 **COUNTY BOARD OF EDUCATION TO PROVIDE EDUCATIONAL SERVICES FOR**
19 **JUVENILES IN A RESIDENTIAL FACILITY.**

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

23 **9-604.**

24 **(A) (1) A JUVENILE IN THE CUSTODY OF THE DEPARTMENT WHO IS**
25 **ENROLLED IN A PUBLIC SCHOOL AT THE TIME THE JUVENILE IS TAKEN INTO**
26 **CUSTODY MAY NOT BE DISENROLLED FROM THAT SCHOOL UNTIL AFTER**
27 **DISPOSITION OF THE JUVENILE'S CASE.**

28 **(2) THE PUBLIC SCHOOL IN WHICH A JUVENILE UNDER PARAGRAPH**
29 **(1) OF THIS SUBSECTION IS ENROLLED SHALL PROVIDE THE DEPARTMENT WITH**
30 **THE EDUCATIONAL MATERIALS NECESSARY FOR THE JUVENILE TO REMAIN**
31 **CURRENT WITH THE JUVENILE'S EDUCATIONAL PROGRAM AT THE SCHOOL IN WHICH**
32 **THE JUVENILE IS ENROLLED.**

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

6 **(II) THE EDUCATIONAL RECORDS TRANSFERRED IN**
7 **ACCORDANCE WITH THIS PARAGRAPH SHALL INCLUDE A COPY OF:**

- 8 **1. AN INDIVIDUALIZED EDUCATION PROGRAM;**
9 **2. A 504 PLAN;**
10 **3. RECORDS FROM AN ENGLISH FOR SPEAKERS OF**
11 **OTHER LANGUAGES (ESOL) PROGRAM; AND**
12 **4. ANY OTHER RELEVANT DOCUMENTS AND**
13 **INFORMATION.**

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

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

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

24 **(D) (1) THE DEPARTMENT SHALL OFFER A MINIMUM OF 2.5 HOURS OF A**
25 **POSTSECONDARY EDUCATION PROGRAM PER WEEKDAY TO JUVENILES IN THE**
26 **CUSTODY OF THE DEPARTMENT WHO HAVE:**

- 27 **(I) GRADUATED FROM HIGH SCHOOL; OR**
28 **(II) OBTAINED A HIGH SCHOOL DIPLOMA BY EXAMINATION IN**
29 **ACCORDANCE WITH § 11-808 OF THE LABOR AND EMPLOYMENT ARTICLE.**

1 **(2) THE DEPARTMENT MAY CONTRACT WITH A NONPROFIT PRIVATE**
2 **PARTY, COMMUNITY COLLEGE, OR ANY OTHER INSTITUTION OF POSTSECONDARY**
3 **EDUCATION IN THE STATE TO PROVIDE THE SERVICES REQUIRED BY THIS**
4 **SUBSECTION.**

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

10 **9-605.**

11 **(A) IN THIS SECTION, “BASIC COST” MEANS THE AVERAGE AMOUNT SPENT**
12 **BY A COUNTY BOARD OF EDUCATION FROM COUNTY AND STATE FUNDS FOR THE**
13 **PUBLIC EDUCATION OF A NONDISABLED CHILD.**

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

17 **(1) IS IN A FACILITY OR RESIDENTIAL FACILITY;**

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

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

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

25 **9-606.**

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

31 **(B) THE BOARD SHALL BE SUBJECT TO:**

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

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

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

Article – State Government

6–402.

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

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

6–404.

The Unit shall:

(1) evaluate at each facility:

(i) the child advocacy grievance process;

(ii) the Department's monitoring process;

(iii) the treatment of and services to youth;

(iv) the physical conditions of the facility; and

(v) the adequacy of staffing;

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

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

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

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

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

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

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

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

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

~~**Article — State Personnel and Pensions**~~

~~25-201.~~

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

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

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

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

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

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

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

- ~~(i) a parole and probation assistant regional administrator;~~
- ~~(ii) a psychology services chief;~~
- ~~(iii) a correctional maintenance officer supervisor;~~
- ~~(iv) a correctional maintenance officer manager;~~
- ~~(v) a correctional maintenance services officer;~~
- ~~(vi) a correctional maintenance services supervisor; or~~
- ~~(vii) a correctional maintenance services manager; AND~~

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

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

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

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

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