

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1345
Appropriations

(Delegate Haynes, *et al.*)

Juvenile Services Education County Pilot Program - Expansion and Alterations

This bill expands the Juvenile Services Education County Pilot Program to include a juvenile services education program in Baltimore City, beginning in the 2020-2021 school year. It also alters reporting dates for the workgroup established to analyze the results of the pilot program by requiring the workgroup to report its concluding findings and recommendations to the Governor and the General Assembly by December 1, 2020; initial findings and recommendations must be reported by December 1, 2019. The termination date for the workgroup is extended from June 30, 2020, to June 30, 2021. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) can reimburse the Baltimore City Public Schools (BCPS) and continue the required workgroup using existing resources.

Local Effect: BCPS expenditures increase by at least \$2.7 million annually, which are partially offset by State reimbursement revenues. **The bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law/Background:

Juvenile Services Education County Pilot Program

Chapter 565 of 2018 established a juvenile services education county pilot program beginning in the 2019-2020 school year for one juvenile services education program to be operated by a local board of education. The State must fund a participating local board via a specified reimbursement formula. Individuals providing juvenile services education for MSDE and the local school board participating in the pilot program are authorized to be employed for 10-month or 2-month periods. MSDE must convene a workgroup by January 1, 2019, to analyze the results of the pilot program and report its findings and recommendations by December 1, 2019.

MSDE must, after consultation with local boards of education, identify one juvenile services education program to participate in the program. A participating local board must ensure that eligible individuals have access to curricula and other content standards that are comparable to those provided to other students in the county. The pilot program, to be held in Montgomery County, is set to begin in July 2019.

The State must provide funding to a participating county in accordance with a required reimbursement. The required reimbursement is in part a function of a daily rate established by the bill, which is the target per pupil foundation amount for the current year divided by the number of weekdays in a fiscal year. The required reimbursement, per individual served, is the daily rate multiplied by three and then multiplied by the number of days of services provided in the prior fiscal year.

Workgroup

The workgroup must study the pilot program results and make recommendations regarding:

- whether the pilot program was more effective in meeting the needs of students in juvenile services education programs than the current management model;
- the management model that should be used to provide juvenile services education programs;
- an adequate and appropriate funding formula for juvenile services education programs;
- whether a 9-month or 12-month academic calendar is appropriate;
- how to ensure that students and their educational needs seamlessly and effectively transition between the student's home, school, and the juvenile services education program and that students receive credit for their academic progress;

- how to best address staffing, curriculum, and procurement challenges in the current system;
- how to ensure that students in juvenile services education programs who have completed a high school diploma or GED have access to postsecondary options; and
- how to eliminate disparities in course offerings, staffing, and budgetary support available to students in the juvenile services education system (JSES) and to students served by public schools in the State.

The workgroup is scheduled to terminate June 30, 2020.

Educational Services in Juvenile Facilities

MSDE first assumed responsibility for educating juveniles within residential facilities operated by the Department of Juvenile Services (DJS) in 2003, when it assumed control over educational programming at one facility. Chapter 535 of 2004 expanded on these efforts and required MSDE to provide educational services in all of the residential facilities within specified timeframes. By July 1, 2013, MSDE had assumed control of educational programming at all DJS facilities under JSES within MSDE. At the time Chapter 535 was enacted, it was assumed that MSDE, being the overseer of education services for the State, was better positioned to ensure the provision of adequate education services to the population of youth under the care of DJS. However, concerns have been raised questioning whether MSDE is providing the appropriate level of services to students in DJS facilities.

The Baltimore City Juvenile Justice Center (BCJJC) is a male detention facility with an average daily population (ADP) of 99 youth (based on fiscal 2018 statistics). The proposed fiscal 2020 budget for JSES totals \$22.6 million, including \$16.2 million in general funds.

State Funding for Education and School Year Requirements

Aside from funding provided due to minimum State shares, the total foundation program funding amount is determined by multiplying full-time equivalent enrollment by the per pupil foundation target amount.

Specified public school professionals, including teachers, are hired for and paid on a 10-month basis. Public schools must be open for at least 180 days and 1,080 school hours at elementary and middle schools and 1,170 hours at high schools during a 10-month period. However, a local board of education may apply to the State Board of Education for a waiver from these provisions of State law; the application must describe a demonstrated effort by the local board to comply with State law.

State Expenditures: The target per pupil foundation amount for fiscal 2020 is \$7,244 and is projected to be approximately \$7,425 for fiscal 2021 (*i.e.*, during the 2020-2021 school year) and \$7,928 by fiscal 2024. There are approximately 261 weekdays in a year. Therefore, this analysis assumes the daily rate under the bill is \$28.45 in fiscal 2021, when the program begins, and increases to \$30.38 by fiscal 2024. Multiplying these results by three yields a required daily reimbursement per individual served of \$85.34 in fiscal 2021 and \$91.13 by fiscal 2024. Assuming a 180-day school year for public schools applies to the pilot program, this would amount to reimbursements per individual served of approximately \$15,361 in fiscal 2021 and \$16,403 in fiscal 2024.

The Department of Legislative Services (DLS) estimates that per pupil funding under the current JSES totaled \$47,318 in fiscal 2018, including \$41,262 in general funds. Accordingly, DLS finds that current funding levels are more than sufficient to cover State costs under the bill. DLS further assumes that MSDE expenditures for JSES at the pilot facility will decrease by at least the amount that MSDE is required to reimburse the participating local board.

Local Fiscal Effect: BCPS expenditures increase significantly to reflect costs associated with providing educational services in BCJJC. BCPS estimates staffing costs of approximately \$2.7 million annually. This estimate, based on current staffing levels at BCJJC as provided by MSDE, assumes that 27 staff members (including teachers and assistants, administrators, counselors, a psychologist, and administrative support) are needed, at an average cost of \$100,000 per staff, which includes benefits. The estimate reflects *only* staffing costs, and not additional costs associated with instructional materials, supplies, or other education support components. BCPS further advises that adding the responsibility of staffing and supporting an additional educational program is expected to exacerbate existing difficulties of finding staff for critical teaching shortage areas.

A portion of these expenditures are offset by State reimbursements as detailed above. Based on the daily reimbursement rate of \$85.34, and assuming an ADP of 99, BCPS receives annual reimbursements of \$1,520,759, which also assumes a 180-day school year. BCPS also advises that in fiscal 2018, it reimbursed DJS for \$523,709 in costs associated with educating Baltimore City juveniles in BCJJC; it is assumed that these costs are either retained by BCPS or redirected/reimbursed to BCPS to reflect its responsibility for providing educational services in BCJJC, further offsetting anticipated expenditures.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Public Defender; Maryland State Department of Education; Department of Juvenile Services; Baltimore City Public Schools; Department of Legislative Services

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an/rhh

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