



DEPARTMENT OF JUVENILE SERVICES AND THE MARYLAND STATE DEPARTMENT OF EDUCATION

Department of Juvenile Services Education September 18, 2015

INTRODUCTION

In the Report on the Fiscal 2016 State Operating Budget (HB 70) and the State Capital Budget (HB 71) and Related Recommendations - Joint Chairmen's Report, 2015 Session, page 141, the budget committees requested that the Department of Juvenile Services (DJS) and the Maryland State Department of Education (MSDE) submit a report "concerning the education services that all youth in DJS detention or committed treatment facilities are receiving. The submitted report should specifically document 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 Individualized Education Program special education and related services implemented in the least restrictive environment."

RESPONSE

I. Background

The Maryland General Assembly has enacted several pieces of legislation over the past 12 years aimed at transferring the responsibility to provide educational services to youth in residential placements from DJS to MSDE.

MSDE initially assumed control of educational programming at the Charles H. Hickey, Jr. School, which operates as a secure DJS detention facility. MSDE was required to provide educational services in all 14 of the DJS residential facilities by July 1, 2012. The date was extended until July 1, 2014; however, MSDE completed the assumption of responsibility by June 2013.

The transfer of the responsibility for the administration of all educational programming to MSDE within DJS residential facilities was predicated upon two main tenets. First, MSDE's lengthy and successful implementation of educational services within Maryland's adult prison system made it an ideal candidate for administering the programming. Secondly, MSDE, as the State educational agency, would be better equipped than DJS to support and administer educational services.

The following timeline provides a basic overview of MSDE’s transition activities from 2004 through the completion of the process in June 2013:

FY 2005

On July 1, 2004, MSDE assumed responsibility for the education program at the Charles H. Hickey, Jr. School (“Hickey”). It consisted of three components: one for the detention population, one for the short term Impact Program, and one for longer-term Enhanced Security youth. The education program offerings at Hickey included academic, occupational, life skills, special education, library/media, and career development services. In July 2005, DJS announced the impending closure of the Impact and Enhanced Security Programs. Since November 30, 2005, MSDE has operated an expanded detention program at the facility incorporating the program elements described above to serve 72 male students on a daily basis.

FY 2006

On July 1, 2005, MSDE assumed responsibility for the education program at the Lower Eastern Shore Children’s Center (LESCC). The facility is an 18-bed male and 6-bed female detention facility.

On January 4, 2006, MSDE assumed responsibility for the education program at the Baltimore City Juvenile Justice Center (BCJJC). The facility is a 120-bed male detention facility. Staff and instructional materials were transferred from Hickey to BCJJC following the closure of Hickey’s Impact and Enhanced Security Programs.

FY 2007

In FY 2007, MSDE continued to administer the educational programming at Hickey, LESCC, and BCJJC. MSDE worked diligently during FY 2007 to expand and enhance the educational programming at BCJJC in an effort to deliver optimal instructional and occupational programming to the residents of the facility.

FY 2008

On July 1, 2007, MSDE assumed responsibility for the educational program at J. DeWeese Carter Children’s Center (“Carter”). At the time of the transition to MSDE JSE, Carter was a 19-bed detention facility for males. In November 2011, Carter became the site of a 14-bed DJS treatment facility for girls. In July 2007, DJS reopened the Victor Cullen facility. The reopening of this location increased the number of DJS residential facilities that MSDE was initially mandated to assume. MSDE and DJS effectively planned and staffed this new residential educational program.

FY 2009-2010

During the 2009 General Assembly session, the deadline for assuming responsibility for all DJS residential facility educational programming was extended to July 1, 2014. To prepare for meeting the new deadline, MSDE conducted numerous physical site visits and needs assessments of the nine DJS residential education programs not yet assumed.

FY 2011

On July 1, 2010, MSDE assumed responsibility for the educational program at the Western Maryland Children’s Center (WMCC). WMCC is a 24-bed male detention facility.

FY 2012

Legislative action during the 2011 session required that MSDE assume responsibility for the educational program at the Cheltenham Youth Facility (CYF) in October 2011. MSDE and DJS

collaborated in the transfer of the CYF educational program to MSDE effective October 5, 2011. CYF is a 115-bed male detention facility.

FY 2013

MSDE assumed responsibility for the educational programming in the final seven remaining DJS residential facilities in FY 2013. This process involved coordinated planning between MSDE and DJS leadership across the state. Both agencies invested significant effort and time to ensure each site was successfully transitioned to MSDE.

- Thomas J.S. Waxter Children’s Center was assumed on August 22, 2012. Waxter is a 42-bed female detention facility.
- William Donald Schaefer House (WDSH) was assumed on October 20, 2012. WDSH is a 19-bed male treatment facility.
- Alfred D. Noyes Children’s Center was assumed on January 9, 2013. Noyes is a 41-bed male and 16-bed female detention facility.
- Backbone Mountain Youth Center, Green Ridge Youth Center, Savage Mountain Youth Center, and Meadow Mountain Youth Center were assumed on June 26, 2013. Backbone is a 48-bed male treatment facility; Green Ridge is a 40-bed male treatment facility; Savage Mountain is a 36-bed male treatment facility; and Meadow Mountain is a 40-bed treatment facility.

From 2004 through 2013, MSDE was engaged in ensuring each of the DJS residential educational programs was transitioned effectively and as efficiently as possible. In each of these instances, immense effort was involved in assessing and resolving staffing, instruction and curriculum resources/materials, professional development and training, technology, and physical space needs. Specific enhancements included:

- expanding the instructional day to six full hours a 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, assessment, certification, 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;
- procurement and distribution of current instructional resources including textbooks, software applications, and equipment; and
- providing current professional development on instructional strategies.

II. Detail on Number of Employees by School Program/Facility

The following chart provides details on the educational staffing compliment at each of the fourteen MSDE Juvenile Services Education System (“JSES”) locations across Maryland. The total number of staff at each location includes all education staff assigned to each location including teachers, guidance counselors, instructional assistants, records staff, and a site-based administrator (two sites share an administrator where indicated). The number of positions assigned to each location was limited in the majority of the schools assumed to the exact number of DJS positions designated as education positions at each of the

locations. Please note that typically, JSES has between 15-22 education staff vacancies. MSDE employs an ongoing recruitment and hiring process to fill the vacancies.

School Program/Facility	State Employees	Contractual Employees
Charles H. Hickey Jr.*	19	0
Lower Eastern Shore Children’s Center*	8	0
Baltimore City Juvenile Justice Center	21	1 (federal funds)
J. DeWeese Carter Center*	6	0
Victor Cullen *	14	0
Western Maryland Children’s Center*	6	0
Cheltenham Youth Facility	19	0
Thomas J.S. Waxter	9	0
William Donald Schaefer House*	5	0
Alfred D. Noyes	11	0
Green Ridge Youth Facility*	10	0
Backbone Mountain Youth Facility*	11	0
Savage Mountain Youth Facility*	6	0
Meadow Mountain Youth Facility*	8	0
Total	153	1

**indicates that the site has a shared site-based administrator.*

III. Overview of Instructional Hours

MSDE provides instructional services approximately six (6) hours per day five (5) days per week on a twelve month schedule. As a result, the following calculation affords

6 hours per day X 5 days per week = 30 instructional hours per week.

The MSDE schools operate on a twelve (12) month schedule which includes on average 227 instructional days per year. This results in

6 hours per day X 227 days per year = 1362 instructional hours per year.

The public school systems across the state of Maryland also provide approximately six (6) hours per day on a five (5) day a week schedule; however, their annual schedule is comprised of 180 instructional days per year. As a result, the following calculation represents annual instructional hours for a typical Maryland public school system:

6 hours per day X 180 days per year= 1080 instructional hours per year.

IV. Educational Services in DJS detention and committed facilities.

Immediately following the final assumption of the last school sites in June 2013, MSDE initiated focused efforts on developing these previously separate educational sites into a cohesive, local school system.

To achieve this, MSDE centered activities on the following discreet areas: system organization, instruction/curriculum, assessment/testing, staffing/recruitment, technology, and student records. The specific JSES activities included:

System Organization

MSDE reorganized JSES administrative structure to align with the structure of comparable local school systems (LSS) within the State. This reorganization was specifically designed to ensure the systemic support in key components including instruction and school guidance and records. The reorganization allowed JSES the framework coupled collaborative support across the MSDE Divisions to focus on the development of a systemic approach to providing quality instruction and school support services.

Instruction/ Curriculum

MSDE's systemic efforts in the area of instruction have resulted in the implementation of a revised program of study which mirrors LSS' course descriptions and codes. This revision of the program of study included the revision of the existing curriculum to incorporate Career and College Readiness (CCR) standards for all core content areas as well as expanded career technology educational offerings. Additionally, MSDE developed and implemented a revised General Equivalency Diploma (GED) curriculum incorporating CCR standards based upon national changes to the GED test that occurred in 2014.

Assessment/Testing

Based upon the 2014 national transition of the GED test from a pencil and paper test to a computer-based test, MSDE diligently collaborated with Pearson-Vue and the Department of Labor, Licensing and Regulation to create and deploy two GED test sites at Hickey and the Green Ridge Youth Facility. These two sites provide eligible youth access to GED testing. Additionally, MSDE collaborated with Chesapeake College to allow female youth residing at Carter in Chestertown to take the GED test at the Wye Mills location.

Staffing/Recruitment

MSDE's Office of Human Resources (OHR) expanded recruitment activities designed to increase and promote the ability to hire and retain qualified educational staff across the state. Expanded activities included attending regional job fairs and posting positions on online venues. MSDE OHR is streamlining recruitment and hiring process and procedures to reduce the amount of time to fill vacancies.

Technology

MSDE has focused efforts on enhancing the use of instructional technology within all of JSES schools across the State. MSDE's Office of Information Technology (OIT) and the Maryland Department of Information Technology (DoIT) have physically connected all JSES schools to a centralized server at MSDE headquarters in Baltimore. Concurrent with these activities MSDE has deployed Promethean Boards and new desktops for use in Career Technology Education labs.

Student Records

MSDE obtained grant funding as a part of the Maryland State Longitudinal Data System project to procure and deploy Powerschool, a student management system. This management system allows MSDE to electronically manage student records and academic progress in a manner comparable to student management systems deployed by LSS in Maryland. Additionally, Powerschool allows JSES to systemically manage and transfer student information including grades, transcripts, and enrollment information effectively and efficiently.

V. Provision of Special Education Services

MSDE's JSES is organized and staffed to provide a free appropriate public education ("FAPE"), which consists of educational instruction specially designed to meet the unique needs of disabled youth, supported by services necessary to permit the youth to benefit from the instruction. JSES instruction and services are provided at public expense and under public supervision. The instruction is aligned to meet the State's educational standards, approximate the grade levels used in the State's regular education, and comport with the youth's Individualized Education Program (IEP). The federal Individuals with Disabilities Education Act ("IDEA") and State law include State complaint investigation and due process procedures to investigate and resolve disputes related to the provision of FAPE. State complaints are investigated by MSDE's Division of Special Education/Early Intervention Services ("DSE/EIS").

One of the functions of the DSE/EIS is to investigate and resolve formal State complaints filed by individuals and organizations that allege violations of State and federal requirements regarding the education of students with disabilities. Within sixty (60) days of receipt of a complaint, the DSE/EIS must conduct an independent on-site investigation as necessary, review additional information provided by the complainant and the public agency, and issue a Letter of Findings.

Since January 2014, the Maryland Office of the Public Defender (OPD) has filed a total of fourteen (14) State complaints against the Juvenile Services Education (JSE) schools. (Nearly every school system in the State has IDEA complaints filed against it). Each of the OPD complaints has generally revolved around one or more of the following allegations: 1) untimely or incomplete transfer of education records when a student enters or exits one of the JSE schools; 2) failure to implement the specialized instruction and/or related services required by a student's IEP; 3) revision of an IEP without supporting data; 4) lack of access to the full continuum of educational placement options; 5) lack of access to core academic courses that allow a student to progress in the general curriculum; and 6) staff that are not highly qualified in the content area in which they are teaching. To date, the DSE/EIS has issued Letters of Findings, identifying a violation of the IDEA in nine (9) of these State complaints – the remaining five (5) are still under investigation.

Upon finding a violation of special education requirements, the DSE/EIS requires verification that the violations are either corrected or will be corrected within one year. The scope of the corrective action is defined by the Letter of Findings issued at the conclusion of the DSE/EIS's investigation. Depending on the facts alleged by the complainant, the corrective action may apply to a specific student, all similarly situated students in attendance during the period of the violation, or the school system as a whole. To verify the implementation of corrective action, the public agency must document that it conducted a compliance review in the areas identified in the Letter of Findings and, if violations are found, document their correction on behalf of the students impacted.

Corrective actions required for JSES have generally involved a comprehensive review of records. In addition to student-specific reviews, JSE staff have been required to review similarly situated students' education records to ensure that: 1) they were transferred between schools according to required timelines; 2) the IEP was implemented; 3) if the IEP was revised, the revision was based on the student's needs; 4) the title of classes taken and credits received were accurately documented; and 5) core courses were available to allow for progress in the general curriculum. At the school system level, JSE staff have reviewed records to confirm teacher certification and to ensure that teachers are receiving supervision as required for subjects in which they are not highly qualified. In the event violations are identified, an IEP team may be required to convene to determine if there was a negative impact on the student's progress and, if so, offer compensatory services or another remedy to redress the violation.

The OPD has also filed four complaints for due process hearings, which are conducted by the Maryland Office of Administrative Hearings ("OAH"). One complaint was resolved at the required Resolution Session meeting. A second complaint was dismissed by the OAH on a motion for summary decision. A third complaint was withdrawn by the OPD. The fourth complaint was resolved at a mediation.

VI. Conclusion

Like all school systems in the State, MSDE has structured and organized its JSES to provide FAPE to each youth while they reside in a DJS residential facility. There are occasions where the provision of FAPE is challenged through State complaints to the DSE/EIS or complaints for a due process hearing. When a challenge to FAPE occurs, MSDE has an established system in place to investigate State complaints and verify violations and a process to correct those violations. OAH has a system to conduct hearings to determine if a violation occurred.