

HOUSE BILL 1023

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By: **Delegates Ramirez, Barnes, Cane, Frush, Glenn, Healey, Lawton, Manno, Montgomery, Pena–Melnyk, Stein, Valderrama, and Vallario**

Introduced and read first time: February 9, 2007

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – School Attendance**

3 FOR the purpose of requiring certain individuals to take certain action and provide
4 certain notice regarding school attendance; requiring a county school
5 attendance review board to take certain actions under certain circumstances;
6 authorizing a certain school system representative to provide certain
7 information to certain agencies upon certain findings by a county school
8 attendance review board; requiring each county board of education to establish
9 a school attendance review board; providing for the membership, terms, chair,
10 and staffing of a review board; providing that the members of a review board
11 shall serve without compensation or reimbursement; authorizing a review board
12 to take certain actions in certain cases; requiring a review board to develop
13 certain strategies and evaluate and make certain recommendations regarding
14 school attendance; requiring a county superintendent or chief executive officer
15 to meet with a review board at certain times; requiring a review board to make
16 certain reports; requiring a review board to post a certain agenda and certain
17 minutes on a certain website; authorizing a review board to adopt certain rules
18 and regulations; making stylistic changes; defining certain terms; and generally
19 relating to school attendance and county school attendance review boards.

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 7–302
23 Annotated Code of Maryland
24 (2006 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Education
3 Section 7–302.1
4 Annotated Code of Maryland
5 (2006 Replacement Volume)

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

8 **Article – Education**

9 7–302.

10 (a) The principal or head teacher of each public or private school in [this]
11 **THE** State shall report immediately to the county superintendent, the supervisor of
12 [pupil] **STUDENT** personnel, or any other official designated by the county
13 superintendent the name of each child enrolled in [his] **THE** school who has been
14 absent or irregular in attendance, without lawful excuse, or who shows evidence of
15 maladjustment, so that the causes may be studied and solutions worked out.

16 (b) On receipt of a report from a principal or head teacher of a public school
17 that a student has been habitually truant without lawful excuse, the appropriate
18 representative of the school system:

19 (1) Shall initiate an investigation into the cause of the child's truancy;

20 (2) [May provide counseling regarding the availability of social,
21 health, and educational services; and] **SHALL, IN THE NATIVE LANGUAGE OF THE**
22 **STUDENT'S PARENT OR GUARDIAN, NOTIFY THE STUDENT'S PARENT OR**
23 **GUARDIAN, BY FIRST-CLASS MAIL OR OTHER REASONABLE MEANS, OF THE**
24 **FOLLOWING:**

25 (I) **THE STUDENT IS TRUANT;**

26 (II) **THE PARENT OR GUARDIAN IS OBLIGATED TO COMPEL**
27 **THE ATTENDANCE OF THE STUDENT AT SCHOOL;**

28 (III) **A PARENT OR GUARDIAN WHO FAILS TO MEET THIS**
29 **OBLIGATION MAY BE IN VIOLATION OF § 7–301 OF THIS SUBTITLE AND THE**
30 **CONSEQUENCES OF THE VIOLATION;**

1 (IV) THE STUDENT MAY BE FOUND TO BE A CHILD IN NEED
2 OF SUPERVISION AND THE CONSEQUENCES OF THIS FINDING;

3 (V) ALTERNATIVE EDUCATION PROGRAMS ARE AVAILABLE;
4 AND

5 (VI) THE PARENT OR GUARDIAN SHALL MEET WITH
6 APPROPRIATE SCHOOL PERSONNEL TO DISCUSS SOLUTIONS TO THE STUDENT'S
7 ATTENDANCE PROBLEMS WITHIN 10 DAYS OF RECEIPT OF THE NOTICE; AND

8 (3) SHALL, NO LATER THAN 30 DAYS AFTER THE REPORT THAT
9 THE STUDENT IS HABITUALLY TRUANT, ASSEMBLE THE STUDENT'S SUPPORT
10 TEAM AND ASSESS THE CAUSES OF THE STUDENT'S ATTENDANCE PROBLEMS
11 AND DEVELOP AN ACTION PLAN THAT SHALL INCLUDE, AS NECESSARY:

12 (I) COUNSELING;

13 (II) TUTORING;

14 (III) REFERRALS TO COMMUNITY RESOURCES INCLUDING
15 SOCIAL, HEALTH, AND EDUCATIONAL SERVICES;

16 (IV) MENTORING;

17 (V) EVALUATIONS; AND

18 (VI) OTHER RESOURCES AS APPROPRIATE.

19 (C) (1) FOLLOWING INVESTIGATION, NOTIFICATION, AND
20 COUNSELING, THE APPROPRIATE REPRESENTATIVE OF THE SCHOOL DISTRICT
21 MAY REFER THE STUDENT, THE STUDENT'S SUPPORT TEAM, AND THE
22 STUDENT'S PARENT OR GUARDIAN TO THE COUNTY SCHOOL ATTENDANCE
23 REVIEW BOARD ESTABLISHED UNDER § 7-302.1 OF THIS SUBTITLE.

24 (2) IF A REFERRAL IS DEEMED APPROPRIATE, THE APPROPRIATE
25 REPRESENTATIVE OF THE SCHOOL DISTRICT SHALL NOTIFY THE STUDENT, THE
26 STUDENT'S PARENT OR GUARDIAN, AND MEMBERS OF THE STUDENT'S SUPPORT
27 TEAM, IN WRITING, AS FOLLOWS:

- 1 **(I) THE REASON FOR THE REFERRAL;**
- 2 **(II) THAT THE RECIPIENTS OF THE NOTICE ARE REQUIRED**
 3 **TO MEET WITH THE COUNTY SCHOOL ATTENDANCE REVIEW BOARD;**
- 4 **(III) THE ADDRESS, PHONE NUMBER, AND CHAIR OF THE**
 5 **COUNTY SCHOOL ATTENDANCE REVIEW BOARD; AND**
- 6 **(IV) THE DATE AND TIME OF THE MEETING.**

7 **(D) IF THE COUNTY SCHOOL ATTENDANCE REVIEW BOARD DETERMINES**
 8 **THAT AVAILABLE COMMUNITY RESOURCES CAN RESOLVE THE ATTENDANCE**
 9 **ISSUE, THEN THE REVIEW BOARD SHALL DIRECT THE STUDENT, THE STUDENT'S**
 10 **PARENT OR GUARDIAN, OR THE STUDENT'S SUPPORT TEAM TO MAKE USE OF**
 11 **THOSE RESOURCES.**

12 **[(3)](E) Following the [investigation or intervention:]**
 13 **INVESTIGATION, COUNSELING, AND REFERRAL, AND ON A FINDING BY THE**
 14 **COUNTY SCHOOL ATTENDANCE REVIEW BOARD THAT THE STUDENT AND THE**
 15 **STUDENT'S PARENT OR GUARDIAN HAS FAILED TO RESPOND TO THE**
 16 **DIRECTIVES OF THE SCHOOL ATTENDANCE REVIEW BOARD, THE APPROPRIATE**
 17 **REPRESENTATIVE OF THE SCHOOL SYSTEM:**

18 **[(i)](1)** May notify the Department of Juvenile Services that
 19 the student has been habitually truant, without lawful excuse;

20 **[(ii)](2)** Shall notify the appropriate local department that the
 21 student has been habitually truant, without lawful excuse, if a court has given the
 22 notice authorized by § 3-819(b-1) of the Courts Article; and

23 **[(iii)](3)** Shall notify the Department of Juvenile Services that
 24 the student has been habitually truant, without lawful excuse, if a court has given the
 25 notice authorized by § 3-8A-19(d)(5) of the Courts Article.

26 **[(c)] (F)** The county superintendent, the superintendent's designee, or the
 27 supervisor of [pupil] **STUDENT** personnel shall provide to the local education agency
 28 for inclusion in the report of the local education agency under § 7-304(f)(1) of this
 29 subtitle information regarding the number of students identified as being habitually
 30 truant.

1 **7-302.1.**

2 (A) **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:**

3 (1) **EACH COUNTY BOARD OF EDUCATION SHOULD DEVELOP**
4 **POLICIES AND PROGRAMS TO INCREASE AND MAINTAIN HIGH LEVELS OF**
5 **STUDENT ATTENDANCE;**

6 (2) **INTENSIVE GUIDANCE AND COMPREHENSIVE COMMUNITY**
7 **SERVICES SHOULD BE PROVIDED TO STUDENTS WHO ARE HABITUALLY TRUANT;**
8 **AND**

9 (3) **EACH COUNTY SCHOOL ATTENDANCE REVIEW BOARD SHOULD**
10 **COORDINATE THE UTILIZATION OF COMMUNITY AND REGIONAL RESOURCES TO**
11 **REDUCE STUDENT TRUANCY AND DROPOUT RATES.**

12 (B) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
13 **MEANINGS INDICATED.**

14 (2) **“REVIEW BOARD” MEANS THE COUNTY SCHOOL ATTENDANCE**
15 **REVIEW BOARD.**

16 (3) **“STUDENT SUPPORT TEAM” MEANS:**

17 (I) **A GROUP OF INDIVIDUALS COMPOSED OF:**

18 1. **THE PARENTS OR GUARDIAN OF THE STUDENT;**

19 2. **NOT LESS THAN ONE TEACHER OF THE STUDENT;**

20 3. **A REPRESENTATIVE OF THE STUDENT’S SCHOOL**
21 **WHO IS KNOWLEDGEABLE ABOUT THE GENERAL EDUCATION CURRICULUM;**

22 4. **A REPRESENTATIVE OF THE STUDENT’S SCHOOL**
23 **WHO IS KNOWLEDGEABLE ABOUT THE AVAILABILITY OF COMPREHENSIVE**
24 **COMMUNITY RESOURCES IN THE JURISDICTION IN WHICH THE SCHOOL IS**
25 **LOCATED;**

1 **5. THE GUIDANCE COUNSELOR ON STAFF AT THE**
2 **STUDENT'S SCHOOL; AND**

3 **6. THE STUDENT, WHEN APPROPRIATE; OR**

4 **(II) THE STUDENT'S INDIVIDUAL EDUCATION PLAN (IEP)**
5 **TEAM.**

6 **(C) EACH COUNTY BOARD OF EDUCATION SHALL ESTABLISH A SCHOOL**
7 **ATTENDANCE REVIEW BOARD.**

8 **(D) THE REVIEW BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:**

9 **(1) ONE PARENT REPRESENTATIVE OF THE COUNTY**
10 **PARENT-TEACHER ASSOCIATION;**

11 **(2) ONE REPRESENTATIVE OF THE COUNTY BOARD OF**
12 **EDUCATION;**

13 **(3) ONE REPRESENTATIVE OF THE LOCAL HEALTH DEPARTMENT;**

14 **(4) ONE REPRESENTATIVE OF THE LOCAL WELFARE**
15 **DEPARTMENT;**

16 **(5) ONE REPRESENTATIVE OF COMMUNITY-BASED YOUTH**
17 **CENTERS OR YOUTH SERVICES;**

18 **(6) ONE REPRESENTATIVE OF COMMUNITY-BASED MENTAL**
19 **HEALTH SERVICES;**

20 **(7) ONE REPRESENTATIVE OF THE PUBLIC SAFETY**
21 **ORGANIZATION CHARGED WITH SAFEGUARDING THE PUBLIC SCHOOLS; AND**

22 **(8) ONE REPRESENTATIVE OF THE COUNTY BOARD OF**
23 **EDUCATION GUIDANCE PERSONNEL.**

24 **(E) (1) THE REPRESENTATIVES OF THE COUNTY BOARD OF**
25 **EDUCATION SHALL BE APPOINTED BY THE COUNTY SUPERINTENDENT OR CHIEF**
26 **EXECUTIVE OFFICER.**

1 **(2) ALL OTHER PERSONS AND GROUP REPRESENTATIVES SHALL**
2 **BE APPOINTED BY THEIR RESPECTIVE ORGANIZATIONS.**

3 **(F) THE REVIEW BOARD SHALL SELECT A CHAIR FROM AMONG THE**
4 **MEMBERS WHO IS NOT EMPLOYED BY THE COUNTY BOARD OF EDUCATION OR**
5 **THE DEPARTMENT.**

6 **(G) (1) EACH MEMBER SERVES FOR A TERM OF 3 YEARS.**

7 **(2) A MEMBER WHOSE TERM HAS EXPIRED SHALL REMAIN ON**
8 **THE REVIEW BOARD UNTIL A SUCCESSOR IS APPOINTED.**

9 **(3) A MEMBER SHALL SERVE WITHOUT COMPENSATION AND**
10 **WITHOUT REIMBURSEMENT FOR TRAVEL OR OTHER EXPENSES.**

11 **(H) THE CHAIR SHALL CONVENE THE REVIEW BOARD AT LEAST ONCE A**
12 **MONTH DURING THE SCHOOL YEAR.**

13 **(I) THE REVIEW BOARD SHALL:**

14 **(1) REVIEW PUBLIC SCHOOL ATTENDANCE RECORDS IN THE**
15 **COUNTY AND IDENTIFY SCHOOLS WITH HIGH TRUANCY AND DROPOUT RATES;**

16 **(2) IDENTIFY ISSUES AND FACTORS CONTRIBUTING TO HIGH**
17 **RATES OF TRUANCY AND DROPOUTS;**

18 **(3) MAKE RECOMMENDATIONS TO THE COUNTY**
19 **SUPERINTENDENT OR CHIEF EXECUTIVE OFFICER REGARDING THE SERVICES**
20 **PROVIDED TO STUDENTS AND THE NEED OF ADDITIONAL SUPPORT SERVICES;**
21 **AND**

22 **(4) DEVELOP STRATEGIES TO:**

23 **(I) REDUCE THE NUMBER OF DROPOUTS IN THE COUNTY**
24 **PUBLIC SCHOOL SYSTEM BY PROMOTING INTERAGENCY COOPERATION;**

25 **(II) DIVERT STUDENTS WITH ATTENDANCE PROBLEMS**
26 **FROM THE JUVENILE JUSTICE SYSTEM TO AGENCIES WITH SUCCESSFUL**

1 **COMMUNITY-BASED AND SCHOOL-BASED PROGRAMS; AND**

2 **(III) REDUCE DUPLICATION OF THE SERVICES OF STATE**
3 **AND COUNTY AGENCIES SERVING HIGH-RISK YOUTH, INCLUDING YOUTH WITH**
4 **SCHOOL ATTENDANCE PROBLEMS.**

5 **(J) (1) EACH COUNTY PUBLIC SCHOOL SYSTEM SHALL PROVIDE**
6 **STAFF FOR THE COUNTY REVIEW BOARD.**

7 **(2) THE REVIEW BOARD, THROUGH ITS STAFF, SHALL POST ON**
8 **THE COUNTY PUBLIC SCHOOL SYSTEM WEBSITE:**

9 **(I) AT LEAST 7 DAYS BEFORE A SCHEDULED MEETING DATE**
10 **OF THE REVIEW BOARD, THE AGENDA FOR THE MEETING; AND**

11 **(II) WITHIN 15 DAYS AFTER A MEETING OF THE REVIEW**
12 **BOARD IS HELD, THE MINUTES OF EACH MEETING.**

13 **(K) THE REVIEW BOARD SHALL REPORT ITS FINDINGS AND**
14 **RECOMMENDATIONS TO THE COUNTY BOARD OF EDUCATION AND THE COUNTY**
15 **SUPERINTENDENT OR CHIEF EXECUTIVE OFFICER ON AN ANNUAL BASIS.**

16 **(L) EACH COUNTY REVIEW BOARD MAY ADOPT RULES AND**
17 **REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.**

18 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
19 **October 1, 2007.**