

HOUSE BILL 657

F1

3lr1489

By: **Delegates Cluster and Boteler**

Introduced and read first time: February 1, 2013

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Truancy Education Program – Parents and Guardians of Students**

3 FOR the purpose of authorizing a certain court to include mandatory participation in a
4 Truancy Education Program as a certain condition under which the court may
5 suspend a certain fine or prison sentence of a person who fails to see that a child
6 attends school; requiring the Office of Pupil Personnel Services in each county
7 to implement, to the extent that certain funds are provided in a certain State
8 budget, a Truancy Education Program for the parents or guardians of students
9 who are chronically truant; requiring the Program to offer certain education
10 classes during certain time periods; specifying the content of a certain class;
11 requiring the Program to provide a parent or guardian with a certain resource
12 packet and assign a parent or guardian a certain case manager; specifying the
13 duties of certain case managers; authorizing certain pupil personnel workers to
14 refer certain parents or guardians to the Program; defining a certain term; and
15 generally relating to the establishment of a Truancy Education Program in each
16 county.

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 7–301(e) and (e–1)
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2012 Supplement)

22 BY adding to
23 Article – Education
24 Section 7–301(e–1)
25 Annotated Code of Maryland
26 (2008 Replacement Volume and 2012 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Education

2 7–301.

3 (e) (1) Any person who induces or attempts to induce a child to absent
4 himself unlawfully from school or employs or harbors any child who is absent
5 unlawfully from school while school is in session is guilty of a misdemeanor and on
6 conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30
7 days, or both.

8 (2) Any person who has legal custody or care and control of a child
9 who is 5 years old or older and under 16 who fails to see that the child attends school
10 or receives instruction under this section is guilty of a misdemeanor and:

11 (i) For a first conviction is subject to a fine not to exceed \$50
12 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and

13 (ii) For a second or subsequent conviction is subject to a fine not
14 to exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or
15 both.

16 (3) (I) As to any sentence imposed under this section, the court
17 may suspend the fine or the prison sentence and establish terms and conditions which
18 would promote the child's attendance, **INCLUDING MANDATORY PARTICIPATION IN
19 THE TRUANCY EDUCATION PROGRAM ESTABLISHED UNDER SUBSECTION (E-1)
20 OF THIS SECTION.**

21 (II) The suspension authority provided for in this subsection is
22 in addition to and not in limitation of the suspension authority under § 6–221 of the
23 Criminal Procedure Article.

24 **(E-1) (1) IN THIS SUBSECTION, “PROGRAM” MEANS THE TRUANCY
25 EDUCATION PROGRAM IN THE COUNTY.**

26 **(2) TO THE EXTENT THAT FUNDS ARE PROVIDED IN AN ANNUAL
27 STATE BUDGET FOR A TRUANCY EDUCATION PROGRAM, THE OFFICE OF PUPIL
28 PERSONNEL SERVICES IN EACH COUNTY SHALL IMPLEMENT A TRUANCY
29 EDUCATION PROGRAM FOR THE PARENTS OR GUARDIANS OF STUDENTS WHO
30 ARE CHRONICALLY TRUANT IN THE COUNTY.**

31 **(3) THE PROGRAM SHALL OFFER TO A PARENT OR GUARDIAN OF
32 A CHRONICALLY TRUANT STUDENT AN EDUCATION CLASS IN THE EVENINGS OR
33 ON WEEKENDS, INCLUDING INFORMATION REGARDING:**

34 **(I) COMPULSORY SCHOOL ATTENDANCE LAWS;**

1 (II) THE EFFECTS OF TRUANCY;

2 (III) STATISTICS ON TRUANCY AND SCHOOL DROPOUT
3 RATES; AND

4 (IV) AVAILABLE RESOURCES BOTH IN AND OUTSIDE OF THE
5 SCHOOL THE STUDENT ATTENDS.

6 (4) THE PROGRAM SHALL:

7 (I) PROVIDE A PARENT OR GUARDIAN WITH A RESOURCE
8 PACKET; AND

9 (II) ASSIGN TO A PARENT OR GUARDIAN FOR 1 YEAR AFTER
10 THE DATE OF COMPLETION OF THE CLASS ATTENDED UNDER PARAGRAPH (3)
11 OF THIS SUBSECTION A CASE MANAGER:

12 1. WHO IS A CURRENT EMPLOYEE OF THE LOCAL
13 SCHOOL SYSTEM; AND

14 2. WHO IS NOT A PUPIL PERSONNEL WORKER OR
15 SCHOOL COUNSELOR OR ADMINISTRATOR.

16 (5) THE CASE MANAGER ASSIGNED UNDER PARAGRAPH (4) OF
17 THIS SUBSECTION SHALL:

18 (I) BE AN ADVOCATE FOR THE PARENT OR GUARDIAN;

19 (II) PROVIDE INFORMATION ON AVAILABLE RESOURCES TO
20 THE PARENT OR GUARDIAN;

21 (III) PARTNER WITH PUPIL PERSONNEL STAFF CURRENTLY
22 MONITORING THE SCHOOL ATTENDANCE OF THE STUDENT;

23 (IV) MAINTAIN A FLEXIBLE WORK SCHEDULE, INCLUDING
24 EVENINGS AND WEEKENDS, TO ACCOMMODATE THE SCHEDULE OF THE
25 PARTICIPATING PARENT OR GUARDIAN; AND

26 (V) MEET WITH THE FAMILY OF THE STUDENT FOR 2 TO 3
27 HOURS EACH MONTH.

1 **(6) A PUPIL PERSONNEL WORKER MAY REFER A PARENT OR GUARDIAN**
2 **OF AN ELEMENTARY SCHOOL STUDENT WHO IS CHRONICALLY TRUANT TO THE**
3 **PROGRAM.**

4 ~~[(e-1)]~~ **(E-2)** (1) This subsection applies only:

5 (i) In a county in which the circuit administrative judge has
6 established a Truancy Reduction Pilot Program under § 3-8C-02 of the Courts Article;
7 and

8 (ii) To the extent that funds are provided in an annual State
9 budget for a Truancy Reduction Pilot Program.

10 (2) A charge under this section may be filed in the juvenile court and
11 assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts
12 Article.

13 (3) (i) For a person with legal custody or care and control of a child
14 at the time of an alleged violation of this section, it is an affirmative defense to a
15 charge under this section that the person made reasonable and substantial efforts to
16 see that the child attended school as required by law but was unable to cause the child
17 to attend school.

18 (ii) If the court finds the affirmative defense is valid, the court
19 shall dismiss the charge under this section against the defendant.

20 (4) The court may condition marking a charge under this section set
21 on participation of the defendant in the appropriate Truancy Reduction Pilot Program
22 under Title 3, Subtitle 8C of the Courts Article.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2013.