

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 657
Ways and Means

(Delegates Cluster and Boteler)

Truancy Education Program - Parents and Guardians of Students

This bill requires, to the extent that funds are provided in the annual State budget, the Office of Pupil Personnel Services in each county to implement a Truancy Education Program for the parents of students in the county who are chronically truant. The program must offer the parent an evening or weekend education class. The program must provide the parent with a resource packet and assign to the parent a case manager for one year following completion of the class. A pupil personnel worker may refer a parent of an elementary school student who is chronically truant to the program. Mandatory participation in the program may be used by the court as a condition for suspending the fine or prison sentence imposed upon a person found guilty of a misdemeanor offense related to the unlawful absence of a child from school.

The bill takes effect July 1, 2013.

Fiscal Summary

State Effect: General fund expenditures increase to the extent that funding for the Truancy Education Program is included in the State budget. Under one set of assumptions, Truancy Education Program costs total approximately \$7.6 million annually. Minimal decrease in general fund revenues from District Court fines due to the bill.

Local Effect: Local revenues and expenditures increase to the extent that State funds are made available to each county to implement the bill.

Small Business Effect: None.

Analysis

Bill Summary: The weekend and evening classes offered to the parent of a chronically truant student must include information regarding compulsory school attendance laws, the effects of truancy, statistics on truancy and school dropout rates, and available resources both in and outside of the school the student attends.

The case manager assigned to a parent in the program, for a period of one year, must be a current employee of the local school system, but not a pupil personnel worker, school counselor, or school administrator. The case manager must:

- be an advocate for the parent;
- provide information on available resources to the parent;
- partner with pupil personnel staff who monitor the student's school attendance;
- maintain a flexible work schedule, including evenings and weekends to accommodate the parent's schedule; and
- meet with the family of the student for two to three hours each month.

Current Law: A child age 5 to 15 must attend public school regularly unless the child is otherwise receiving regular, thorough instruction at an alternative setting (*i.e.*, a private or home school). An individual who has legal custody of a child age 5 to 15 and fails to see that the child attends school is guilty of a misdemeanor. Chapter 494 of 2012 (SB 362) increases the age of compulsory attendance to 16 for any child who turns 16 on or after July 1, 2015, and to 17 for any child who turns 17 on or after July 1, 2017. Chapter 494 specifies several exemptions from compulsory age requirements.

Beginning July 1, 2015, a child under the legal dropout age must return to attendance at a public school regularly during the school year if the child is no longer participating in general education development (GED) courses and has not obtained a passing score on the GED test that resulted in the issuance of a Maryland high school diploma.

Regulations specify that a record of the daily attendance of each student must be kept in accordance with the Maryland Student Records System Manual (2011). Unlawful absence is any absence that does not meet 1 of 10 conditions in the Code of Maryland Regulations. Each local school system is required to develop a student attendance policy that includes penalties for not meeting attendance standards and actions that will be taken by school system staff when a student is unlawfully absent. The attendance monitoring procedure must include intervention strategies and procedures for dealing with absenteeism at the beginning stages of the problem as well as chronic absenteeism. Students that are chronically absent must be referred to pupil services or other central office professionals for case management.

A student is a habitual truant if the student is unlawfully absent from school in excess of the equivalent of 20% of the school days within any marking period, semester, or year. A local school system may define habitual truancy in a more, but not less, stringent manner.

Truancy Court Programs

Chapter 551 of 2004 (HB 1443) authorized a three-year Truancy Reduction Pilot Program in juvenile courts in Dorchester, Somerset, Wicomico, and Worcester counties. In 2007 the program was extended to five years and Prince George's and Harford counties (Chapter 648, HB 1325). Chapter 718 of 2009 (HB 1321) repealed the termination of the program; Chapters 48 and 49 of 2011 (SB 278/HB 49) extended the program to Talbot County. The program addresses the issue of truancy by intervening to determine and address the causes of poor school attendance.

In a county with a truancy court, a school official may file a petition with the juvenile court alleging that a child who is required to attend school has failed to attend without lawful excuse. The court may order the student to attend school; perform community service; attend counseling, including family counseling; receive substance abuse or mental health treatment; or keep a curfew with hours set by the court. Participants are eligible for graduation from the program after remaining in the program for 90 days with no unexcused absences.

Background: School attendance rates are lower for high school students than for elementary or middle school students. **Exhibit 1** displays the average daily attendance rate for high schools and the percentage of students who were habitual truants during the 2011-2012 school year for each of the 24 local school systems. Poor attendance is one of the key warning signs that a student is going to drop out of high school. One study of Chicago public schools found that missing 20% of the school days in ninth grade is a better predictor of whether a student is going to drop out than eighth grade test scores.

According to the Maryland Office of Problem-Solving Courts Annual Report, truancy courts collectively served 221 children in fiscal 2012.

State Expenditures: State expenditures each year would depend upon the amount provided in the State budget. The following analysis is for *illustrative purposes*.

Approximately 15,600 students were habitually truant during the 2011-2012 school year. Given the number of hours per month that a case manager must spend with the parents participating in the program, and assuming additional time for travel and other responsibilities of the position, each case manager may be able to handle a caseload of up to 40 families, considering that some families may have more than one habitually truant child. Assuming a participation rate of 20% of parents of habitually truant children in the

program, the equivalent of approximately 78 full-time case managers statewide would be required. Assuming salary, benefits, and related expenses totaling \$75,000 per full-time case manager, approximately \$5.8 million per year would be required to cover case manager activities statewide. Further assuming one instructor per county, an additional \$1.8 million would be required annually to provide evening and weekend education classes statewide.

Combined, under the assumptions stated above, annual personnel expenditures required to offer the program in each county totals approximately \$7.6 million annually. To the extent that the program is successful in reducing the number of parents with habitually truant children, program costs may diminish; however, if the program is known to be effective and valuable to parents, participation rates may increase. It is assumed that additional employees required to operate the program will not be participants in the Teachers' Retirement System/Teachers' Pension System.

Local Fiscal Effect: Local revenues and expenditures increase to the extent that State funds are made available to each county.

Exhibit 1
High School Average Daily Attendance Rate and Percentage of
Students who are Habitual Truants from School
2011-2012 School Year

School System	Average Daily Attendance Rate	School System	Percent of Students Habitual Truants
Baltimore City	81.1%	Baltimore City	7.79%
Prince George's	91.2%	Prince George's	3.33%
Cecil	91.4%	Baltimore	1.36%
Dorchester	91.7%	Anne Arundel	1.13%
Kent	92.0%	Montgomery	1.13%
Caroline	92.7%	Washington	0.97%
Baltimore	93.0%	Dorchester	0.92%
Allegany	93.2%	Allegany	0.91%
Anne Arundel	93.2%	Wicomico	0.88%
Wicomico	93.2%	Harford	0.77%
Worcester	93.2%	St. Mary's	0.74%
Somerset	93.3%	Cecil	0.73%
Montgomery	93.4%	Somerset	0.67%
Harford	93.6%	Caroline	0.54%
St. Mary's	93.6%	Frederick	0.51%
Frederick	93.7%	Howard	0.36%
Charles	93.8%	Charles	0.35%
Talbot	93.8%	Kent	0.29%
Queen Anne's	94.3%	Queen Anne's	0.28%
Washington	94.4%	Calvert	0.20%
Calvert	94.5%	Talbot	0.19%
Carroll	≥95.0%	Carroll	0.18%
Garrett	≥95.0%	Garrett	0.13%
Howard	≥95.0%	Worcester	0.13%
All Public Schools	92.2%	All Public Schools	1.89%

Note: In order to ensure compliance with the federal Family Education Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), which prohibits the release of individually identifiable information to the public, MSDE now suppresses the average daily attendance rate for systems where it is greater than or equal to 95%.

Source: Maryland State Department of Education

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Garrett, and Montgomery Counties; Maryland State Department of Education; Judiciary (Administrative Office of the Courts); Department of Juvenile Services; Maryland State Commission on Criminal Sentencing Policy; Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2013
ncs/rhh

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