

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 903
Ways and Means

(Delegate Boteler, *et al.*)

Baltimore County - Truancy Education Pilot Program - Parents and Guardians of Students

This bill requires the Office of Pupil Personnel Services in Baltimore County to implement a Truancy Education Pilot Program for the parents or guardians of 50 students in the county who are chronically truant for each school year. The program must offer the parent or guardian an evening or weekend education class. The program must provide the parent or guardian with a resource packet and assign to the parent or guardian a case manager for one year following completion of the class. A pupil personnel worker may refer a parent or guardian 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, 2014, and terminates June 30, 2018.

Fiscal Summary

State Effect: Minimal decrease in general fund revenues due to a decrease in District Court fines under the bill. Expenditures are not affected.

Local Effect: Baltimore County school system expenditures increase by approximately \$79,100 annually for the duration of the program. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The weekend and evening classes offered to the parent or guardian 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 or guardian in the program, for a period of one year, must be a current employee of the local school system, but may not be a pupil personnel worker, school counselor, or school administrator. The case manager must:

- be an advocate for the parent or guardian;
- provide information on available resources to the parent or guardian;
- 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 or guardian's schedule; and
- meet with the family of the student for two to three hours each month.

On or before December 1, 2017, the Baltimore County Superintendent of Schools must report to specified legislative committees on the impact of the pilot program on attendance rates and whether the program should continue after the 2016-2017 school year.

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 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 age 5 through 20 and 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 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 included Prince George's and Harford counties among participating jurisdictions (Chapter 648). Chapter 718 of 2009 repealed the termination of the program; Chapters 48 and 49 of 2011 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: By some definitions, habitual truancy and chronic absenteeism are the same, other definitions define the two terms differently with chronic absenteeism including students with excused absences. **Exhibit 1** shows the percent of students who were habitually truant for each local school system in the 2012-2013 school year. Habitual truancy rates for 16 of the 24 school systems were less than 1%. Schools systems in only two jurisdictions (Baltimore City and Prince George's County) had habitual truancy rates above the rate for Baltimore County. Typically a greater percentage of high school students than elementary school students are habitually truant.

Exhibit 1
Percent of Students Habitually Truant
2012-2013 School Year

<u>Local School System</u>	<u>Habitually Truant</u>	<u>Local School System</u>	<u>Habitually Truant</u>
Allegany	1.18%	Harford	0.67%
Anne Arundel	1.10%	Howard	0.31%
Baltimore City	7.52%	Kent	1.25%
Baltimore	1.42%	Montgomery	1.08%
Calvert	0.41%	Prince George's	2.93%
Caroline	0.39%	Queen Anne's	0.19%
Carroll	0.19%	St. Mary's	0.49%
Cecil	0.84%	Somerset	0.63%
Charles	0.11%	Talbot	0.47%
Dorchester	1.29%	Washington	0.89%
Frederick	0.64%	Wicomico	0.94%
Garrett	0.00%	Worcester	0.19%

Source: Maryland State Department of Education

Local Fiscal Effect: The pilot program must serve the parents of 50 students each school year from the 2014-2015 school year through the 2016-2017 school year. The bill requires the case manager position to be filled by a *current* employee of BCPS who is not a pupil personnel worker, school counselor, or administrator. However, BCPS advises that its pupil personnel workers would be most qualified to perform the case manager duties and that school counselors and administrators would be the next best set of staff to draw upon for filling the case manager position. Therefore, despite the bill's requirement that the case manager be a current employee, it may be necessary for BCPS to hire additional staff. BCPS estimates an additional employee with salary and benefits of approximately \$140,000 annually will be required. The Department of Legislative Services advises that, assuming below-average (first-quartile) salaries for newly hired pupil personnel employees, the salary and benefits for the additional employee will total approximately \$79,100 annually until the program ends.

Additional Information

Prior Introductions: None.

Cross File: None. However, HB 657 of 2013 would have established a similar program, on a permanent basis, statewide. The bill received a hearing in the House Ways and Means Committee, but no further action was taken.

Information Source(s): Maryland Association of Counties, Baltimore County, Maryland State Department of Education, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2014
mc/rhh

Analysis by: Scott P. Gates

Direct Inquiries to:
(410) 946-5510
(301) 970-5510