

# HOUSE BILL 903

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By: **Delegates Boteler, Cluster, Aumann, Bromwell, Frank, Glass, Kach, Minnick, Szeliga, and Weir**

Introduced and read first time: February 5, 2014

Assigned to: Ways and Means

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## A BILL ENTITLED

AN ACT concerning

### **Baltimore County – Truancy Education Pilot Program – Parents and Guardians of Students**

FOR the purpose of authorizing a certain court in Baltimore County to include mandatory participation in a Truancy Education Pilot Program as a certain condition under which the court may suspend a certain fine or prison sentence of a person who fails to see that a child attends school, subject to a certain limitation; requiring the Office of Pupil Personnel Services in Baltimore County to implement a Truancy Education Pilot Program for a certain number of the parents or guardians of students who are chronically truant; requiring the Pilot Program to offer certain education classes during certain time periods; specifying the content of a certain class; requiring the Pilot Program to provide a parent or guardian with a certain resource packet and assign a parent or guardian a certain case manager; specifying the duties of certain case managers; authorizing certain pupil personnel workers to refer certain parents or guardians to the Pilot Program; defining a certain term; requiring the Baltimore County School Superintendent to report to certain committees, on or before a certain date, certain information and make certain recommendations relating to the Pilot Program; providing for the termination of this Act; and generally relating to the establishment of a Truancy Education Pilot Program in Baltimore County.

BY repealing and reenacting, with amendments,

Article – Education

Section 7–301(e) and (e–1)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY adding to

Article – Education

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 7-301(e-1)  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2013 Supplement)

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

**Article – Education**

7-301.

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

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

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

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

(3) **(I)** As to any sentence imposed under this section, the court may suspend the fine or the prison sentence and establish terms and conditions which would promote the child's attendance, **INCLUDING, IN BALTIMORE COUNTY, MANDATORY PARTICIPATION IN THE BALTIMORE COUNTY TRUANCY EDUCATION PILOT PROGRAM ESTABLISHED UNDER SUBSECTION (E-1) OF THIS SECTION, SUBJECT TO THE LIMITATION ON THE NUMBER OF PARENTS OR GUARDIANS WHO MAY PARTICIPATE.**

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

**(E-1) (1) IN THIS SUBSECTION, "PROGRAM" MEANS THE TRUANCY EDUCATION PILOT PROGRAM IN BALTIMORE COUNTY.**

**(2) THE OFFICE OF PUPIL PERSONNEL SERVICES IN BALTIMORE COUNTY SHALL IMPLEMENT A TRUANCY EDUCATION PILOT PROGRAM FOR THE**

PARENTS OR GUARDIANS OF 50 STUDENTS WHO ARE CHRONICALLY TRUANT IN THE COUNTY FOR EACH SCHOOL YEAR.

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

(I) COMPULSORY SCHOOL ATTENDANCE LAWS;

(II) THE EFFECTS OF TRUANCY;

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

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

(4) THE PROGRAM SHALL:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 2. AND BE IT FURTHER ENACTED,** That, on or before December 1, 2017, the Baltimore County Superintendent of Schools shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1246 of the State Government Article, on:

(1) the impact of the Truancy Education Pilot Program on the attendance rates of students of parents and guardians who participated in the Program during the 2014-2015 school year, the 2015-2016 school year, and the 2016-2017 school year; and

(2) recommendations regarding the continuation of the Truancy Education Pilot Program in Baltimore County after the 2016–2017 school year.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014. It shall remain effective for a period of 4 years and, at the end of June 30, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.