

OPPOSE SB 865 AND SUPPORT EVIDENCE-BASED INTERVENTIONS TO ADDRESS TRUANCY

SB 865 expands a formal judicial truancy court program without evaluating the effectiveness of the pilot programs. The pilot programs were reviewed in both 2008 and 2011 and those studies recommended more data prior to any expansion. The absence of that data should be resolved before encouraging more court involvement.

What are the concerns with truancy court?

- **Truancy court funnels children into the school-to-prison pipeline:** *A single court appearance increases the chance that a young person will drop out of school.*¹ Students in truancy court can face sanctions for non-compliance with court orders, including “any [] order which the court determines is appropriate,” which can include detention.
- **Discriminatory impact:** Bias can exist even in how absences are coded, leading to disproportionate impact on Black students and students with disabilities. In 2022, Black students with disabilities had a chronic absenteeism rate of 48.4%.²
- **Not evidence-based:** Studies calling for more data on the effectiveness of the pilot truancy court reduction programs have been ignored.³
- **Places blame on students and their parents/guardians, without holding school systems accountable:** Many students who are truant have unmet academic and behavioral needs. There is no accountability on the part of school systems which may have failed to meet a student’s needs.
- **More holistic school & community-based interventions better support children:** Prior to referring a child to truancy court, a school system should be required to show that it has exhausted school- and community-based resources, including referrals to the local coordinating council. For students with a disability who have an IEP or Section 504 plan, it is important to

The data & reporting requirements in SB 865 are inadequate.

- Court referrals for truancy are disparately applied to students of color and lower income students.⁴ The data requirement in SB 865 does not require reporting related to the demographics of the students who participate. The bill must be amended to require the collection of data related to race, ethnicity, age, grade, and disability status.
- There are no metrics identified in SB 865 to tell Maryland taxpayers (including families and advocates) whether the truancy court program is effective. Does the program improve attendance over time, lower dropout rates, improve graduation rates within 4 years?

The “Blueprint”: An Evidence-Based Response to Truancy

Rather than furthering ineffective truancy courts – which are part of the school-to-prison pipeline – Maryland must work to ensure that the *Blueprint* plan is fully implemented. Evidence-based strategies and resources in this plan such as mental and behavioral health services, community-based wraparound services, and restorative approaches are proven strategies to mitigate truancy issues and serve to foster strong relationships between students and school staff to create positive school environments.

¹ Am. Civ. Liberties Union, *Bullies in Blue: The Origins and Consequences of School Policing* (2017); Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 Justice Quarterly 4 (2006).

² Maryland Report Card - Demographics - Chronic Absenteeism (2022).

³ Administrative Office of the Courts, *Assessing School Attendance Problems and Truancy Intervention in Maryland: A Synthesis of Evidence from Baltimore County and the Lower Eastern Shore*, at 99; Md. Dept. of Leg. Services, Office of Policy Analysis, *Approaches to Solving the Problem of Truancy* (2008).

⁴ McNeeley, Clea, and Alemu Besufekad, et. al., *Exploring an Unexamined Source of Racial Disparities in Juvenile Court Involvement: Unexcused Absenteeism*

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MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

Proposed Amendments to SB 865 - Juveniles - Truancy Reduction Pilot Program – Expansion

The Coalition to Reform School Discipline (CRSD) recommends that SB 865 be amended to create a workgroup instead of expanding the truancy court pilot program without first studying its effectiveness as was recommended in prior studies in 2008 and 2011.

If a workgroup is rejected, CRSD recommends the following amendments to SB 865:

AMENDMENT NO. 1

On page 3, in line 16, delete “adjudicate” and replace with RESOLVE.

AMENDMENT NO. 2

On page 4, in lines 6-7 after “An authorized school officer may file with the juvenile court a petition alleging a violation of this subtitle” insert:

ONLY AFTER THE SCHOOL COUNTY BOARD OF EDUCATION HAS EXHAUSTED ALL SCHOOL AND COMMUNITY-BASED RESOURCES AND SUPPORTS, INCLUDING REFERRALS TO THE STUDENT SUPPORT TEAM, IEP OR SECTION 504 TEAM WHERE APPROPRIATE, AND LOCAL COORDINATING COUNCILS.

AMENDMENT NO. 3

On page 4, in line 11, add after “allegation”: AND DOCUMENTATION OF THE COUNTY BOARD OF EDUCATION’S EFFORTS TO ADDRESS THE TRUANCY THROUGH SCHOOL AND COMMUNITY-BASED RESOURCES AND SUPPORTS.

AMENDMENT NO. 4

On page 4, in lines 29-30, delete “including summer school, a credit recovery program, or a virtual learning platform” and replace with: Attend school AS DETERMINED BY A COUNTY BOARD OF EDUCATION AND CONSISTENT WITH THE STUDENT’S RIGHT TO ATTEND THEIR REGULAR SCHOOL PROGRAM UNLESS OTHERWISE SUSPENDED OR EXPELLED PURSUANT TO MD CODE, EDUCATION, § 7-305 AND ITS IMPLEMENTING REGULATIONS.

AMENDMENT NO. 5

On page 4, line 31 - page 5, line 1, delete “With the Consent of the County Board of Education, attend a GED Program.”

[Rationale: Students are only eligible for GED testing at 18 years of age which is beyond the compulsory school age and therefore not within the court’s jurisdiction.]

AMENDMENT NO. 6

On page 6, in line 21, add after “include”: DISAGGREGATED BY RACE, ETHNICITY, AGE, GRADE, GENDER, AND DISABILITY (INCLUDING STUDENTS WITH IEPS AND SECTION 504 PLANS).

AMENDMENT NO. 7

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

On page 6, in line 23 add after "program" INCLUDING DATA ON ATTENDANCE 30, 90, AND 120 DAYS AFTER COMPLETION OF THE TRUANCY COURT PROGRAM, AND DROP-OUT AND GRADUATION DATA.

Sources:

Prior studies of the pilot truancy court program:

- Administrative Office of the Courts, *Assessing School Attendance Problems and Truancy Intervention in Maryland: A Synthesis of Evidence from Baltimore City and the Lower Eastern Shore* (2011); https://www.igsr.umd.edu/applied_research/Pubs/Truancy%20Intervention%20Synthesis%20Report.pdf.
- Maryland Department of Legislative Services, Office of Policy Analysis, *Approaches to Solving the Problem of Truancy* (2008); <https://dls.maryland.gov/pubs/prod/CourtCrimCivil/Truancy-and-CINS.pdf>.

Am. Civ. Liberties Union, *Bullies in Blue: The Origins and Consequences Approaches to Solving the Problem of Truancy* (maryland.gov)of School Policing (2017),

https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf; Sweeten, Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement, 23 *Justice Quarterly* 4 (2006) (one court appearance increases likelihood of dropping out of school).

McNeeley, Clea, and Alemu Besufekad, et. al., *Exploring an Unexamined Source of Racial Disparities in Juvenile Court Involvement: Unexcused Absenteeism Policies in U.S. Schools*, *AERA Open*, Vol. 7, (2021),

https://www.attendanceworks.org/wp-content/uploads/2019/06/Clea_McNeeley_AERA_Open_April_2021.pdf.

Maryland Report Card - Demographics - Chronic Absenteeism (2022),

<https://reportcard.msde.maryland.gov/Graphs/#/Demographics/ChronicAbsenteeism/3/99/2/6/99/XXXX/2022>.