



**Testimony for the Senate Judicial Proceedings Committee
February 28, 2024**

**Senate Bill 865 — Juveniles - Truancy Reduction Pilot Program -
Expansion**

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The ACLU of Maryland (ACLU) opposes SB 865 — Juveniles - Truancy Reduction Pilot Program - Expansion, which would give the judiciary the authority to expand juvenile truancy courts across the state. The intent of this bill is well meaning, however, at the core of our opposition is the lack of a comprehensive and evidence-based statewide initiative to effectively address student truancy in Maryland. While truancy court might be preferable to civilian court, the ACLU believes there are more effective alternatives and interventions to address truancy that will ensure better outcomes for students and families.

SB 865 would allow the expansion of truancy courts in Maryland, which are currently limited to operating in Dorchester, Harford, Kent, Prince George's, Somerset, Talbot, Wicomico, and Worcester counties. A state report on Maryland's truancy courts in 2008 recommended that more data be collected and evaluated before expanding this program.¹ It is critical that the state take the time to review data on truancy courts in Maryland and compare it with alternative programs to determine the most effective strategy to address student truancy before expanding truancy courts.

Research shows that the probability of dropout quadruples when a student is made to appear in court.² While the goal of truancy court is to provide supports and services for families, the fact that a single court visit increases the chance of students dropping out completely should give the state pause. Further, courts are not the ideal place for the coordination of services to happen. Local school systems and community-based youth and family providers — particularly ones that are guided by an explicit race

¹ *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).

² ACLU, *Bullies in Blue: The Origins and Consequences of School Policing*. (April 2017); Sweeten, *Who will graduate? Disruption of high school education by arrest and court involvement*, 23 *Justice Quarterly* 4, 2006.

equity framework — are much better equipped to address truancy effectively.

Student attendance rates have decreased significantly since the onset of the pandemic, especially for students who are Black or Latinx, receive special education services, are English Language Learners, and are from low-income households.³ Chronic absenteeism increased from 2.8% in 2020 to a staggering 9.8% in 2021. Students who are habitually truant are likely to be experiencing a variety of stressors, including homelessness, domestic problems at home, mental illness, social unrest in their neighborhoods, or academic struggles. Increasing the interaction between the legal system and students experiencing these stressors is not the best option to support these children and their families.

Instead of passing this bill, the ACLU encourages relevant government entities and community stakeholders to build upon the excellent work of the *Blueprint for Maryland's Future (Blueprint)*, which is still in the early stages of implementation. The *Blueprint* is a once-in-a-generation opportunity to ensure that Maryland public schools are responsive and effective at educating children, no matter their socioeconomic status, race, disability, gender, or immigration status.

The "Kirwan" Commission and education advocates spent years digging into evidence-based best practices to address barriers to learning. The *Blueprint's* Comprehensive Implementation Plan, includes many directives and initiatives to develop and expand new structures and capacity to provide Community Schools programming and wrap around services to students and families throughout the state to address barriers to learning — which are also the causes of the aforementioned stressors to chronic absenteeism and truancy.

Further, the *Blueprint* law established the new Consortium for Coordinated Community Supports ("Consortium"), housed under the Maryland Community Health Resources Commission. The Consortium has three primary purposes:⁴

1. Support the development of coordinated community supports partnerships to meet student behavioral health needs and other related challenges in a holistic, non-stigmatized, and coordinated manner;

³ State of Maryland. Maryland State Department of Education. *Enrollment and Attendance*. Maryland State Department of Education, 25 Jan.2022
<https://www.marylandpublicschools.org/stateboard/Documents/2022/0125/EnrollmnetAndAttendanceRev1282022.pdf>

⁴ State of Maryland. Maryland State Department of Education. *Coordinated Community Supports in Maryland*. Maryland State Department of Education, 22 Sept, 2022
<https://marylandpublicschools.org/stateboard/Documents/2022/0927/BlueprintDeepDiveMDCoalitionCoordinatedCommunitySupportsV2.pdf>

2. Provide expertise for the development of best practices in the delivery of student behavioral health services, supports, and wraparound services;
3. And provide technical assistance to local school systems to support positive classroom environments and the closing of achievement gaps so that all students can succeed.

Before the state considers expanding truancy court, it is critical to allow the Consortium, along with collaborating entities including the Maryland State Department of Education (MSDE), local school districts, other state and local government entities, and community-based providers, to continue its work. Strategies to address truancy are a significant part of the Community Schools strategy, which is one of the core initiatives included in the *Blueprint*. A recent report showed that Community Schools reduced rates of chronic absenteeism and increased attendance.⁵ MSDE cited this study in a presentation last fall. Funding for the Consortium and Community Schools is just starting to ramp up — hundreds of millions will be invested in these strategies in the coming years. Our education system must be an integral partner and be held accountable in addressing truancy.

We appreciate that this committee held a briefing on truancy in Maryland schools on January 18, 2024.⁶ The briefing was informative and included presentations by Dr. Carey Wright, Interim State Superintendent of Education, policy experts on absenteeism and truancy, and Lori Phelps, principal of Woodbridge Elementary School in Baltimore County who led an initiative to reduce her school's chronic absenteeism rate from 28% in 2021-22 to 9.2% in 2022-23. Ms. Phelps highlighted the many components of the strategy that she and her staff developed to significantly increase attendance, which were aligned with what experts have found to be most effective. These strategies include establishing an Attendance Committee, analyzing attendance data, and identifying trends in absenteeism among the student population. A significant part of their approach includes developing strong relationships and communicating effectively with families, connecting families with needed resources, improving school climate through restorative approaches, and implementing a reward system for children that improve their attendance. Woodbridge Elementary School is a model program that should be replicated throughout our state. Investing in the expansion of truancy courts without first putting effort into operationalizing the evidence-based

⁵ Durham, Rachel E. and Connolly, Faith. (2016). *Baltimore Community Schools: Promise & Progress*. Baltimore Education Research Consortium.
<http://baltimore-berc.org/wp-content/uploads/2016/06/CommunitySchoolsPromiseProgressJune2016.pdf>

⁶ Maryland General Assembly. Senate Judicial Proceedings Committee. *Briefing on the Contributing Factors of Chronic Truancy in the Maryland Public School System*. January 18, 2024.
https://mgaleg.maryland.gov/mgawebsite/Committees/Media/false?cmte=jpr&clip=JPR_1_18_2024_meeting_1&ys=2024rs

strategies highlighted in this committee's briefing is premature and ill-advised.

Lastly, even though the goal of truancy courts is to connect families with supports and resources, there are mixed reports on their effectiveness. In Rhode Island, truancy courts became another disciplinary device that triggered more family involvement with the justice system, which in turn led to the threats of fines and imprisonment for minor issues such as failure to complete homework or classroom disruption⁷. There is no guarantee in SB 865 that truancy courts in Maryland will not become another failed punitive measure that will unfairly punish students of color and make life more difficult for their families.

For the foregoing reasons, the ACLU respectfully asks the Senate Judicial Proceedings Committee to give SB 865 an unfavorable report.

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⁷ “ACLU Challenges Unconstitutional Practices of Rhode Island Truancy Courts,” ACLU of Rhode Island, March 29, 2010, <http://www.riaclu.org/news/post/aclu-lawsuit-challenges-unconstitutional-practices-of-rhode-island-truancy>.