

WDC 2024 Testimony_SB865_FINAL.pdf

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MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

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Senate Bill 865 - Juveniles - Truancy Reduction Pilot Program - Expansion
Judicial Proceedings Committee
February 28, 2024
Support

Thank you for the opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2024 legislative session. WDC is one of the largest and most active Democratic Clubs in our County with hundreds of politically active members including many elected officials.

WDC strongly supports SB 865, which authorizes county or circuit administrative judges to establish a voluntary Truancy Reduction and School Re-Engagement Program as a problem-solving court in certain juvenile courts in accordance with rules adopted by the Supreme Court of Maryland. It also requires the Chief Justice of the Supreme Court of Maryland to annually report certain information to the General Assembly.

Chronic absenteeism in Maryland has doubled since 2020. Chronic Absenteeism is defined as a student who is absent for 10% or more of the time that they are in attendance at a school location. These absences include lawful excuses, unlawful excuses and suspensions.

School attendance is critical for a student's success as [students with higher attendance have more positive academic outcomes](#), particularly for African American students and students from lower income families. Preschoolers with higher attendance have higher Kindergarten readiness skills and Grade 3 reading scores. Elementary and middle school youth with higher attendance have higher academic achievement, including GPA and standardized reading and math tests results.

Students who are chronically absent are at greater risk of dropping out of school. This in turn, [reduces a student's employment and earning options well into adulthood](#). The percentage of Maryland schools with [high or extreme Chronic Absence increased from 38% in 2017-2018 School Year \(SY\) to 78% in 2021-2022 SY, according to data analysis from Attendance Works](#). Truancy rates have also doubled in the same time period.

When unexcused absences add up, schools can refer families to the school district for court intervention. Under Maryland law, a truant student is one who is "unlawfully absent" from school for more than 8 days in any quarter, 15 days in any semester, or 20 days in a school year. Depending on where you live the court of referral is either a criminal court or a problem-solving court. Currently only 8 counties have access to problem-solving truancy courts (Dorchester County, Somerset County, Wicomico County, Worcester County, Kent County, Talbot County, Harford County, and Prince George's County all have access). Senate Bill 865 expands these courts statewide so that all students and families will have access to them.

Senate Bill 865 provides judges, schools and families with another tool in the toolbox to address truancy in a positive, supportive manner. The Truancy Reduction and School Re-engagement Program provides resources and services to families to promote the student's engagement or re-engagement with education;



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help to identify the underlying causes of truancy for individual students; and help address these causes in a positive, student/family-supportive and non-punitive way. It will also provide an annual report on the success of the programs.

Addressing truancy through this program is an equity issue. The state's definition of "unlawful" absences disproportionately affects youth of color and those with a lower socioeconomic status. Senate Bill 865 will help to identify and address the root causes of truancy for these youth and provide resources that will keep them out of the criminal court and the Juvenile Justice system, extending the reach of a successful model statewide

We ask for your support for SB 865 and strongly urge a favorable Committee report.

Tazeen Ahmad
WDC President

Karen Finn
WDC Children & Youth
Subcommittee

Melissa Bender
Co-Chair, WDC Advocacy

Judiciary Truancy Court Fact Sheet .pdf

Uploaded by: Linda Miller

Position: FAV



SB 865, Juveniles – Truancy Reduction Pilot

Fact Sheet #1

What does this Bill Do?

What does SB 865 do?

This bill strengthens truancy courts including in these four ways:

➤ **No pilot.** The first truancy court legislation was passed in 2004 and established the truancy court as a pilot program, permitted to operate in only the Second Judicial Circuit (Dorchester, Somerset, Wicomico, and Worcester counties). It has since expanded to Hartford, Kent, and Prince George's counties and operates successfully in each one. Today, at least two more counties (Frederick and Montgomery counties) are interested in establishing truancy courts. Truancy courts are a reality, not a pilot. This language is in §§ 3-8C-01 and 3-8C-01.1 of the bill.

➤ **Faster establishment.** The bill will make it easier for a county to establish a Truancy Reduction and School Engagement Program by allowing a county administrative judge or a circuit administrative judge to establish the program in their county or circuit, respectively, without having to wait for a change in the statute and following compliance with the applicable Maryland Rules (which establish the practices and procedures for all Maryland State courts). This language is in § 3-8C-02(a) of the bill.

➤ **Child-focused purpose with supporting service options.** The bill unequivocally states that the purpose of the program is the child's engagement or reengagement with education. That purpose is reflected in the bill's enhancements to the court's disposition options which bolster the court's ability to enter an order that addresses the reasons for education disengagement and ways to bring it back. This language is in §§ 3-8C-02(b) and 3-8C-06(d) of the bill.

➤ **Annual report.** The bill will require the Judiciary to provide the General Assembly with an annual report on the Truancy Reduction and School Engagement Program so legislators and the public know how the program is serving children and families and what might be needed to improve the program's functioning. This language is in § 3-8C-12 of the bill.

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Fact Sheet #2

What is the Truancy Reduction and School Engagement Program and Why Have One?

1. What is the Truancy Reduction and School Engagement Program?

The program established by SB 865 is a problem-solving court, housed in the juvenile court, that focus on children who (1) are required to attend school under Maryland law, and (2) do not regularly attend school, despite the efforts of school officials to engage the child and their parents with school.

The goal of the truancy court is to:

- Look at root causes of a child's truancy and school disengagement,
- Design and implement services that engage the child and family with the child's education, and
- Increase the child's participation and success in their education.

2. What *isn't* this truancy court?

Most importantly – This truancy court is **not** a delinquency court or child in need of assistance (CINA) court. So:

- The truancy case comes to the juvenile court through a petition from the school system. The State's Attorney does not bring the case and neither does the Department of Juvenile Services or the local Department of Social Services.
- The child who is the subject of the truancy case is not adjudicated delinquent or a CINA.
- The child cannot be detained, placed in shelter care, placed on community detention, or sent to an out-of-home placement.

2. Why is a case be brought before a truancy court?

A case is brought to the truancy court because (1) a child is not attending school as required by Maryland law and (2) the school's efforts to address the child's truancy without court involvement have failed.

Under Maryland's education law, a "truant student" is a student who is unlawfully absent from school for more than 8 days in any quarter, 15 days in any semester, or 20 days in a school year, and whose absences are considered unlawful absences under the State Board of Education's regulations. Education Article, § 7-302.2(a).

Under those regulations, a student generally is an "habitual truant" if the student "is unlawfully absent from school for a number of days or portion of days in excess of 20 percent of the school days within any marking period, semester, or year." The term can be defined more stringently by a local school system. COMAR 13A.08.01.04C.

Each school system is required to develop a system of "active intervention" for truant students and each truant student must be "immediately" referred to that program. Education Article, § 7-

302.2(b), (c). If these efforts are unsuccessful, the school system may refer the child to the Truancy Reduction and School Engagement Program

3. Why is the Truancy Reduction and School Engagement Program good for children and families?

No matter the reason why a child is not attending or avoiding school, not going to school may hamper a child for life. Youth who do not attain a high school education, for example, are more likely to experience poverty and to enter the criminal justice system. Students of color and students experiencing poverty have the highest rates of absenteeism which sets them up for more negative life outcomes.

The Truancy Reduction and School Engagement Program gets children back to school. It identifies why a child is not going to school and provides child and parents with access to needed services.

This program is also a way of “working with the family as a whole”. Programs may identify whether other children in the family have problems with school engagement and tackle those problems in an effort to stop other children from falling into the same behaviors. Several programs have found that even after truancy court ended for one child, parents have sought the program’s help for other children.

4. Are there alternatives to the Truancy Reduction and School Engagement Program?

The Truancy Reduction and School Engagement Program is but one part of a continuum of options that a school system has for children who are absent and disengaged from school.

But - because by the time a child enters the program the school has been unsuccessful in implementing non-court options, the options to this program include filing a CINS petition and/or prosecuting the parents (the absolute last resort).

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Fact Sheet #3

What Happens in Truancy Court?

1. What happens in truancy court?

Procedures may vary from court to court, but each truancy court follows the same general process.

➤ **Petition.** The school system files a petition with the truancy court concerning the child. The petition tells the court the school system's basis for believing that the child is truant and why the court should take action to reengage the child with school.

➤ **Outreach.** Truancy court program staff reach out to the family to invite them to talk about the program before the hearing. The goal is to (1) answer the family's questions about the program, (2) alleviate the family's concerns about the program, and (3) let them know that the program is cooperative and not adversarial.

Before the initial hearing, the program staff again reaches out the family to encourage attendance at the hearing and identify and resolve any transportation needs.

➤ The initial hearing (called the adjudication hearing) is held before the truancy court judge or magistrate. The hearing decides whether the facts in the petition concerning the child's school attendance are true.

➤ If the judge or magistrate does not find that the facts in the petition concerning the child's school attendance are true, they dismiss the petition, and the case is over.

➤ If the magistrate or judge does find that the facts in the petition concerning the child's school attendance are true, a second hearing is held. In this hearing (called the disposition hearing), the judge or magistrate determines whether, and if so, what services or actions should be required to engage or reengage the child with school. This may include referring the family for an assessment to further identify needs. What this will not include is any kind of sanction against the child or family. The child cannot be charged with delinquency, put into detention, removed from home, fined, etc.

➤ The child and family move through the service parts of the program. In some jurisdictions, this involves working through set phases or program elements. As each phase or element is completed, that achievement is celebrated before the court. In other jurisdictions, the child and family have individual targets to meet and are rewarded when meeting those targets.

➤ For children and families who complete the entire program or all phases, the child graduates with a ceremony before the court.

➤ Case termination can look different for those children and families who do not complete the entire program. Some end the program because the child enrolls in alternative education, like home schooling. Others may move out of county. In other circumstances, where the judge or magistrate concludes that the program's work with the child and family has gone as far as it can, the case may be closed unsuccessfully.

2. Many parents have a hard time finding services for their children. What happens to a parent who is before the truancy court and cannot find the services the court orders?

It is often true that a court referral is the “squeaky wheel” that can open doors to services that don’t seem to be accessible otherwise.

But even more than that, one of the benefits of a truancy court is that the parents are not in it alone. The truancy court coordinator and other staff work with the child and family throughout the program, to identify service providers, help the family connect with and get to the services, and address issues that arise in the course of the services.

3. What happens if the child or parents do not comply with the truancy court?

The Truancy Reduction and School Engagement Program cannot sanction a child who does not comply. As noted above, the child cannot be charged with delinquency, put into detention, removed from home, fined, etc. The child who does not comply can, and will, eventually be removed from the program.

For counties in which the Department of Juvenile Services has a child in need of supervision program, a CINS petition may be filed with the juvenile court concerning the child, but that happens rarely.

A parent could be charged with a violation of Education Article, § 7-301, which makes it a misdemeanor to induce or attempt to induce a child to be absent unlawfully from school, to employ or harbor any child who is absent unlawfully from school while school is in session, or (for a person with legal custody or care and control of a child who is from 5- to 15-years-old) to fail to see that the child attends school or receives instruction.

4. Not every child completes the truancy program. Does that mean that children who do not complete the program have failed?

No. Truancy courts each have their own standards for what constitutes “graduation” from the program but not graduating does not mean the child has failed. Many of the children who do not graduate leave the program for administrative reasons, for example, they move from the jurisdiction. Other children who do not graduate do not meet all the county’s requirements to graduate but have improved attendance and connection to education.

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Fact Sheet #4

Other Information

1. Is a child stopped from being able to enlist in the military if a child is in the Truancy Reduction and School Engagement Program?

No. We contacted recruiters from each branch of the military and confirmed that participation in the Truancy Reduction and School Engagement Program, in and of itself, would not stop a child's enlistment in the military.

Under federal law, the military would expect any involvement with a court to be reported as part of the enlistment process. It would be a mark against the recruit's honesty if involvement in the program was not reported. But when reported, generally, the involvement would not preclude enlistment, particularly in the Army, Navy, or Marines.

On the other hand, we were told that failure to graduate from high school (or in some cases get a GED) would preclude or severely hamper enlistment.

2. Why doesn't the bill include public defender representation for children with truancy court cases?

Neither the current law nor the law as it would be amended by this bill provide for representation by the Office of the Public Defender for the simple reason that a **truancy court proceeding is a civil matter without any punitive sanctions to the child**. The proceeding does not in any way allege that the child committed an offense that could lead to any serious repercussions on the child or otherwise put the child at risk of being removed from the child's home.

The law around public defender representation identifies specific circumstances under which an indigent defendant or party is eligible for representation. A proceeding involving a child in a truancy court case is not specifically named. Criminal Procedure Article § 16-204(b)(1).

There does not appear to be a consensus on adding Office of Public Defender representation. There are strong concerns that it would turn truancy courts into a punitive system and remove from the program from its problem-solving core.

3. Are any counties ready to establish a Truancy Reduction and School Engagement Program?

Yes

➤ The Frederick County Juvenile Court, working with the schools and other county stakeholders, has begun meeting informally and is ready to turn those meetings in a formal program. Their delegation filed bills this session to that end. The bills only add the Sixth Circuit Administrative Judge may establish a truancy reduction pilot program in the juvenile court in Frederick County. They do not include any of the enhancements in this bill. See HB 1479/SB1039, Frederick County - Juveniles - Truancy Reduction Pilot Program.

➤ The Montgomery County Juvenile Court has begun working with the schools and other county stakeholders to design a program for that county. They anticipate being able to formalize their plans this year.

4. How are Truancy Reduction and School Engagement Programs funded?

The Judiciary, through the Office of Problem-Solving Courts (OPSC), provides grant funding for existing truancy courts. These grants support truancy court staff and certain services for truancy court participants and families, such as family clinical assessments, mental health and substance use treatment, and transportation and housing assistance. The grant also pays for training for truancy court judges, magistrates, and staff.

Over the past several years, OPSC has recognized and responded to State budget trends by accessing resources from federal, State, and local partners in an effort to sustain court programs. OPSC continues to collaborate with local and State partners, such as the Maryland Department of Health, the Office of Public Defenders, local State's Attorney's Offices, local Boards of Education, and local behavioral health providers to maximize access to existing resources.

For more information, please contact:

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SB865 King Sponsor Testimony.pdf

Uploaded by: Senator Nancy King

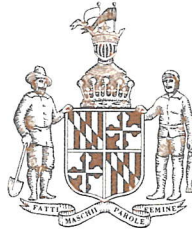
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Senate Bill 865 – Juvenile Law – Truancy Reduction Pilot Program - Expansion

February 28, 2024

Mr. Chairman and Members of the Judicial Proceedings Committee:

Truancy in our local schools is a problem that has afflicted our county's public schools for many years, but since the pandemic we have seen a rise in the number of students who have either chronic absenteeism or are truant.

As an example, Montgomery County Public Schools (MCPS) reports the following data:

- Chronic absenteeism (defined by MCPS as a student who has missed 10% or more of the days they are enrolled for any reason) remains higher districtwide at 21.4% of students in the first marking period this year than the pre-pandemic level of 19.4% in the 2018-2019 school year; but lower year to date than the pandemic high point of 26.2% in the 2022-2023 school year.
- High schools have higher levels of chronic absenteeism. In the last school year 33.2% of high schoolers were chronically absent; this is down to 29.2% in the first marking period, approximately the same as the 2018-2019 level.
- The patterns of chronic absenteeism for subgroups of students mirror these overall trends. Chronic absenteeism rates are highest among Hispanic students, Emerging Multilingual Learners, and students receiving special education services.

Counties have established some programs to address and prevent truancy but given the high rate of chronic absenteeism and truancy in the state, more needs to be done.

Senate Bill 865 will establish the Truancy Reduction and School Reengagement Pilot Program Expansion as a tool for administrative judges to use in juvenile courts across the State in an effort to focus on positive and productive interventions for juveniles in truancy cases.

The truancy courts addressed by this bill are juvenile-based problem-solving courts that focus on children who are required to attend school under Maryland law and who do not regularly attend school despite the efforts of school officials to engage the youth and their parents with school. The goal of this truancy court is to (1) look at root causes of a child's truancy and school disengagement and (2) design and implement services that engage the child and family with the child's education, and thereby increase attendance and success in education.

The Truancy Reduction and School Reengagement Program has been successfully implemented in several Maryland counties. Senate Bill 865 will expand the program statewide and be another tool for our school systems to use to address the problem of truancy.

There are many reasons why our students are missing school and for many of those students the circumstances of their absences are out of their control. Having a multifaceted approach that works with students, families and local services will help these students reengage in school and receive the education they deserve, and so I respectfully request a favorable report on Senate Bill 865.

OPD SB 865 testimony.final.pdf

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Position: UNF



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ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB 865 – Juveniles – Truancy Reduction Pilot Program – Expansion

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 28, 2024

The Office of the Public Defender opposes Senate Bill 865, which would expand the judiciary’s ability to implement formal truancy courts across Maryland. In 2011, the Truancy Reduction Pilot Program (TRPP), along with two other truancy reduction models in Maryland, were evaluated. It was explicitly noted that “[i]deally, expansion of these programs or their use as models would be predicated on more definitive evidence.”¹ The proposed expansion of formal truancy courts throughout the state appears to come without that additional evidence and research. Senate Bill 865’s data collection requirements are also lacking and do not address the need for data and evaluation of truancy programs. The data required under SB 865 fails to require basic and critical information to evaluate a program, including demographic information, such as race, ethnicity, disability status, grade, gender, etc.

OPD agrees that young people are more likely to thrive when they attend and are engaged in school; however, we do not believe that involvement in a truancy court is the most effective intervention to achieve that goal and can, in fact, have negative consequences. Research has repeatedly shown that a single court appearance increases the chance that a young person will drop out of school.²

Truancy and attendance issues are often due to a complex array of factors, including unmet or unidentified academic needs, student discipline, lack of appropriate social

¹ 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; https://www.igsr.umd.edu/applied_research/Pubs/Truancy%20Intervention%20Synthesis%20Report.pdf.

² Am. Civ. Liberties Union, *Bullies in Blue: The Origins and Consequences 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).

emotional/behavior support, as well as family issues, poverty, homelessness, transportation issues, safety concerns, trauma, and mental health challenges. OPD represents students with a wide range of academic and mental health needs. Many of our clients have experienced years of school failure; and yet are never referred for an evaluation to determine if they have a disability impacting their ability to access the curriculum. The relationship between school attendance and academic achievement is well documented and students with disabilities are at greater risk for absenteeism.³ Students may express frustration or behavior related to a disability, which can lead to school discipline, and ultimately lack of engagement and chronic absenteeism. We also know that Black students with disabilities are have the highest risk of chronic absenteeism.⁴ The disproportionate impact of school discipline on students of color and students with disabilities further contributes to this disengagement.⁵ Even the application of attendance policies can be imposed in ways that lead to a disparate impact on students of color and low income students being referred for court intervention.⁶ Rather than expanding court involvement, OPD urges the state and school systems to focus on evidence-based interventions that are non-punitive and center on prevention, including schoolwide strategies that improve school climate and school engagement, as well as individual student focused interventions, such as special education services and student supports.⁷

Informal truancy programs implementing evidence-based interventions are a more effective and holistic approach to addressing truancy issues. One such program is the Truancy Court Program through the University of Baltimore School of Law’s Center for Children Families and the Court (CFCC) which provides a system to informally address attendance issues by meeting individually with youth and their families and finding creative solutions outside of the courthouse. The program offers family assistance in a variety of ways, including assisting

³ National Center on Education Outcomes, *Students with Disabilities and Chronic Absenteeism*, NCEO Brief Number 15, April 2018; <https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief15.pdf>.

⁴ In 2023, Black students with disabilities had a chronic absenteeism rate of 45.6% as compared to all students with disabilities. See *Maryland Report Card - Demographics - Chronic Absenteeism* (2023), <https://reportcard.msde.maryland.gov/Graphs/#/Demographics/ChronicAbsenteeism/3/99/2/6/99/XXXX/2023>.

⁵ See RESEARCH REVIEW: *Understanding Discipline Disparities in Maryland*, at https://ies.ed.gov/ncee/edlabs/regions/midatlantic/app/Docs/Infographics/RELMA_Disproportionality_in_school_discipline_infographic.pdf.

⁶ 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.

⁷ Student supports can include counseling, a functional behavior assessment and behavior intervention plan, tutoring, mentoring, and peer support, among other interventions, including “response to intervention” (RTI) services to address academic needs.

with transportation, homelessness, uniforms, tutoring and mentoring. OPD believes that expanding these types of programs, along with emphasizing other evidence-based best practices to address truancy—such as focusing on individual academic needs, transforming school climate, increasing positive relationship building, reducing common barriers for all students, personalizing early outreach, putting in place caring and engage mentors—are the most effective ways to address truancy concerns.

In addition to the lack of evidence to support the efficacy of court-based truancy programs, the program proposed by SB 865 comes with the risk of specific harms to the youth it intends to serve. While federal law prohibits the incarceration of youth for truancy and other status offenses alone, a child can still be detained for violation of a valid court order. For states that run truancy prevention through the formal court system, this can lead to incarceration or punitive consequences of children for truancy-related reasons.⁸ Establishing a program that operates through the judiciary will only serve to increase the likelihood of youth being pulled deeper into the juvenile justice system and divert funding and emphasis away from the evidence-based best practices to address truancy. Maryland should join states like Connecticut which have purposefully ended court involvement in truancy recognizing that juvenile court is not the appropriate venue for addressing this issue and can in fact have negative consequences.⁹

Moreover, an expansion of court involved truancy reduction programs runs counter to what the [Blueprint for Maryland's Future](#) hopes to accomplish through the continued development of community schools which provide a wide array of wraparound services that enhance students' ability to be successful. Community schools work with other agencies and providers to address the barriers to academic success without the threat of court intervention. This model, along with the student-focused services such as increased academic supports, special education services, behavior intervention plans, counseling, social work services, and mentoring programs, are the more holistic and supportive interventions which OPD supports and advocates on a daily basis for our clients. Expanding the judiciary's engagement on this issue is not the answer.

⁸ In 2016, the largest number of out-of-home placements for adjudicated status offenders was for truancy at 24%. See National Center for Juvenile Justice and OJJDP, *Juvenile Court Statistics (2016)*, at 80; <http://ncjj.org/pdf/jcsreports/jcs2016report.pdf>.

⁹ Connecticut State Department of Education, *Catalog of Truancy Based Interventions (2018)*; https://portal.ct.gov/-/media/SDE/Truancy/TruancyInterventionCatalog_FINAL.pdf.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB 865.

Submitted by: Maryland Office of the Public Defender, Government Relations Division

SB 865 - Truancy Court Expansion - ACLU Testimony

Uploaded by: Frank Patinella

Position: UNF



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

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

FRANK PATINELLA
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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/BlueprintDeepDiveMDCoordinatedCommunitySupportsV2.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>.

SB865 PJC Written Testimony.pdf

Uploaded by: Levi Bradford

Position: UNF



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Senate Bill 865: Juveniles – Truancy Reduction Pilot Program – Expansion

Hearing before the Senate Committee on Judicial Proceedings, February 28, 2023

Position: UNFAVORABLE

The Public Justice Center (PJC) is a nonprofit legal services organization which advocates for social justice, and economic and racial equity in Maryland, including by upholding the rights of historically excluded and underserved students through individual representation, community outreach, and systemic advocacy. We are committed to making discipline responsive to students' behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate.

PJC opposes SB 865, which would pave the way to expand the truancy court program to all counties and circuits within Maryland. The truancy court program is fundamentally punitive and there is no evidence that it is effective. This bill takes a punitive approach to truancy rather than an access-to-resources approach. Instead of providing funding for resources to address the underlying causes of truancy, it empowers judges to drag children into court and order them to comply. Research continues to show that status offenses like truancy may be signs of abusive home or foster environments and be a child responding to traumatic environments, among other things.¹ A judge is not a social worker and issuing a child a court order is an inappropriate avenue for connecting students and families to support services.

Not only does this bill allow the expansion of the program to new jurisdictions, it also vastly expands the express power of the court over children in the program. This bill empowers judges to “issue any . . . order” it deems “appropriate to achieve the purposes” of the program (emphasis added). It should be noted that one purpose a judge may base an order on is, broadly, to “adjudicate cases” filed under Md. Code Educ. § 7-301, the truancy law of the education article. While federal law prohibits detaining children for status offenses like truancy, a child may be detained for not complying with a court order.² This bill includes no limits on the types of orders judges may issue, and children who fail to comply face the range of sanctions available to juvenile courts.

This bill adds one tool to the truancy judge’s tool belt that illustrates the troubling reality of truancy courts: SB 865 allows judges to order children to complete community service. This is a measure wholly disconnected from

¹ Mae C. Quinn & (law students) Tierra Copeland, Tatyana Hopkins, Mary Brody, Jamie Adams, Olivia Chick, Madelyn Roura, and Ashley Taylor, and (community partners) Patrice Sulton and Naïké Savain, *A More Grown-Up Response to Ordinary Adolescent Behaviors: Repealing PINS Law*, 25 UDC Law Review 66, 78 (2022).

² 34 U.S.C. § 11133.

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equipping students for re-engagement with school. It serves exclusively as punishment. And that is what truancy court ultimately is: individual punishment for a problem caused by many factors external to a child.

Additionally, the court is empowered in this bill to order students to attend virtual school or GED programs without their consent. Under Maryland law, students may not be suspended or expelled from school for lack of attendance. Along with that, forced disciplinary transfer to a different school program, like the kind contemplated in SB 865, legally constitutes suspension or expulsion. This bill allows administrators to circumvent their due process obligations and push a child out of their school program by filing a truancy petition.

A decade ago, an evaluation of this program found there was insufficient evidence to conclude it was effective at addressing truancy.³ Today, proponents of SB 865 provide little evidence of efficacy. In previous years, this evidence has been anecdotal and based on outcomes of students who successfully finish the program.⁴ Students who have more difficulty with following the program do not get highlighted by proponents for obvious reasons. Lack of comprehensive data regarding efficacy is particularly concerning for a problem-solving court like this because it prevents lawmakers and community members from determining which programs deserve expansion and continued funding.

This bill proposes increased data collection, but that data is precisely what we need in order to decide whether to expand a court program. Truancy court is a pilot program. The pilot stage is where data should have been collected before now and used to help the legislature decide whether to expand or shutter the program. Now, proponents of SB 865 ask the Senate to expand a pre-existing program with little to no data demonstrating efficacy.

For these reasons, the PJC strongly opposes Senate Bill 865.

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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;

https://www.igsr.umd.edu/applied_research/Pubs/Truancy%20Intervention%20Synthesis%20Report.pdf.

⁴ *Hearing on House Bill 1418 Before the H. Judiciary Committee*, 2022 Leg. Sess. (MD 2022) (testimony of the Honorable Karen Jensen, Senior Maryland State Judge).

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SB 865.CRSD info sheet.pdf

Uploaded by: Megan Berger

Position: UNF

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*

For more information, please contact:

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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>.

SB 865.CRSD.Oppose.pdf

Uploaded by: Megan Berger

Position: UNF

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

SENATE JUDICIAL PROCEEDINGS COMMITTEE SENATE BILL 865: Juveniles - Truancy Reduction Pilot Program - Expansion

DATE: February 28, 2024

POSITION: OPPOSE

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland's public school systems. CRSD is committed to the fair and equitable treatment of all students, including pregnant or parenting students, regardless of race, ethnicity, gender, gender identity, sexual orientation, disability, religion, and socio-economic status, and reducing barriers to learning for all students. **CRSD opposes SB 865**, which would expand a formal judicial truancy court program.

CRSD opposes SB 865 as it would expand a formal 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 expansion.¹ More data should be collected before expanding court involvement.

Truancy court referrals funnel children into the school-to-prison pipeline. A single court appearance increases the chance that a young person will drop out of school.² For instance, students in truancy court can face sanctions for non-compliance with court orders, including counseling and detention. If students do not comply perfectly with court orders, they can go before the truancy court officer again.

Additionally, funneling students into truancy court ignores that many students who are truant have unmet academic and behavioral needs. A truancy court pilot program would not encourage accountability on the part of the school system which may have failed to meet a student's needs. Prior to referring a child to a truancy court, a school system should be required to show that it has exhausted school and community-based resources. For students with a disability who have an individualized education program (IEP) or Section 504 plan, the school team should address attendance concerns through goals, supports, and accommodations related to attendance.

For these reasons, **CRSD opposes SB 865**.

For more information, please contact the Maryland Coalition to Reform School Discipline at CRSDMaryland@gmail.com

CRSD MEMBERS

Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger Institute

¹ 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).

² 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).

Free State Justice

ACLU of Maryland

Progressive Maryland

Maryland Office of the Public Defender

Disability Rights Maryland

Youth Education and Justice Clinic, University of Maryland Francis King Carey School of Law

Public Justice Center, Education Stability Project

The Choice Program at UMBC

League of Women Voters of Maryland

Baltimore Alliance to Reclaim Our Schools