

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Joint Resolution 4 (Senator Carter)
Judicial Proceedings

**Division of Children and Youth - Student Truancy From School - Unit, Policies,
and Report**

This joint resolution (1) requests that the Maryland State Department of Education (MSDE) add a section or unit dedicated to addressing student truancy from school; (2) directs the Division of Children and Youth in the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) to develop comprehensive strategies, in collaboration with relevant stakeholders, to effectively address student truancy; and (3) instructs the division to submit a report to the General Assembly by January 1, 2026, regarding the strategies developed and any proposed legislative changes.

Fiscal Summary

State Effect: The joint resolution does not directly affect State finances. Compliance with the joint resolution would result in an increase in general fund expenditures, but a reliable estimate is not feasible, as discussed below.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

A child age 5 to 17 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 17 and fails to see that the

child attends school is guilty of a misdemeanor. Compulsory attendance does not apply to specified individuals, including, among others, individuals who have obtained a high school diploma or GED, who is married or in military service, or an individual who is severely ill and requires home or hospital instruction.

Absences from school are classified as lawful or unlawful. The Code of Maryland Regulations specifies the conditions that constitute a lawful absence from school. Among these conditions are (1) death in the immediate family, (2) illness of the student, (3) pregnancy and parenting conditions, (4) court summons, (5) hazardous weather conditions, (6) work approved or sponsored by the school, (7) observance of a religious holiday, (8) State emergency, (9) suspension, (10) lack of authorized transportation, or (11) other emergencies or circumstances which, in the judgement of the local superintendent or designee, constitutes a good and sufficient cause for absence from school. An absence, including absence for any portion of the day, for any reason other than those cited as lawful are presumed to be unlawful and may constitute truancy.

A truant student is one who is unlawfully absent from school for more than 8 days in a quarter, 15 days in a semester, or 20 days in a school year. Each local school board must develop a system of active intervention for truant students. Each truant student attending kindergarten through grade 12 must immediately be referred to the local school board's system of active intervention.

A child who is required by law to attend school and is habitually truant can be designated a Child in Need of Supervision, which makes the child subject to the jurisdiction of the juvenile court under Title 3, Subtitle 8A of the Courts and Judicial Proceedings Article. However, Title 3, Subtitle 8C of the Courts and Judicial Proceedings Article sets forth specific procedures for addressing truancy in jurisdictions in which a Truancy Reduction Pilot Program (TRPP) has been established. In a county in which a TRPP has been established, an authorized school official may file with the juvenile court a petition alleging that a child who is required to attend school failed to do so without lawful excuse, as specified.

State Expenditures: The joint resolution is not binding, but compliance with it would result in an increase in general fund expenditures for the Governor's Office and MSDE. The Governor's Office advises that it lacks the staff and expertise to develop comprehensive strategies to effectively address truancy, and therefore requires one additional staff person to oversee that effort and develop the mandated report. As the report is due January 1, 2026, it is assumed that contractual staff would be needed. In the absence of more details regarding the likely duties and responsibilities of a new section or unit, MSDE cannot provide a reliable estimate of the costs associated with complying with the joint resolution; any such addition would likely require multiple new staff positions.

Additional Comments: Executive Order 01.01.2024.05 separated GOCPYVS into (1) the Governor’s Office of Children, and (2) the Governor’s Office of Crime Prevention and Policy.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the past three years.

Designated Cross File: None.

Information Source(s): Governor’s Office of Children; Maryland State Department of Education; Department of Legislative Services

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Analysis by: Scott P. Gates

Direct Inquiries to:

(410) 946-5510

(301) 970-5510