

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 345

(Senator Gladden, *et al.*)

Judicial Proceedings

Child in Need of Assistance - Habitual Truancy

This bill provides that a child who requires court intervention because the child is required by law to attend school and is habitually truant is a Child in Need of Assistance (CINA) instead of a Child in Need of Supervision (CINS).

On receipt of a report from a principal or head teacher of a public school that a student has been habitually truant without lawful excuse, the appropriate representative of the school system, following an investigation or intervention, may notify the local department of social services that the student has been habitually truant, without lawful excuse.

Fiscal Summary

State Effect: Significant increase in general fund expenditures due to substantial increase in CINA caseload for the Department of Human Resources (DHR). Potential significant reduction in expenditures for the Department of Juvenile Services due to reduction in potential CINS caseload.

Local Effect: Any changes in caseload that result from local education agencies reporting to local departments of social services could be absorbed within existing resources.

Small Business Effect: None.

Analysis

Current Law: “CINA” means a child who requires court intervention because the child has been abused, neglected, has a developmental disability or a mental disorder, and the child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child’s needs. “CINS” means a child who requires guidance, treatment, or rehabilitation and is required by law to attend school and is habitually truant; is habitually disobedient, ungovernable, and beyond the control of the child’s custodian; departs himself so as to injure or endanger himself or others; or has committed an offense applicable only to children.

Except as otherwise provided, each child who resides in Maryland and is five years or older and under 16 years must attend a public school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in public school to children of the same age. Each person who has legal custody or care and control of a child who is at least five years, but less than 16 years must see that the child attends school or receives instruction.

Any person who induces or attempts to induce a child to be unlawfully absent from school, or who employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor. That person is subject to a maximum fine of \$500, or imprisonment not to exceed 30 days, or both.

Any person who has legal custody or care and control of a child who is at least five years, but less than 16 years, who fails to see that the child attends school or receives instruction is guilty of a misdemeanor. For a first conviction, the violator is subject to a maximum fine of \$50 per unlawful day of absence or imprisonment not to exceed 10 days, or both. For a second or subsequent conviction, the violator is subject to a maximum fine of \$100 per day of unlawful absence, or imprisonment not to exceed 30 days, or both. The court may suspend the fine or prison sentence imposed and establish terms and conditions that would promote the child’s attendance.

The principal or head teacher of each public or private school in Maryland must immediately report to the county superintendent, the supervisor of pupil personnel, or any other designated official the name of each child enrolled in the school who has been absent or irregular in attendance, without lawful excuse, or who shows evidence of maladjustment, so that the causes may be studied and solutions worked out. On receipt of such a report, the appropriate school system representative must initiate an investigation into the cause of the child’s truancy, and may provide counseling regarding available social, health, and educational services. Following the investigation or intervention, the representative may notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse.

State Expenditures:

Department of Human Resources: General fund expenditures for DHR could increase significantly. DHR estimates that 796 additional positions and \$46.8 million in additional expenditures are needed to meet the bill's requirements. The Department of Legislative Services disagrees with this assessment. According to the Maryland State Department of Education, the habitual truancy rate for the 2002-2003 school year was 23,611 students; DHR's estimate was based on the addition of all of these children to its caseload. However, because a local education agency would have to investigate the causes of truancy before any reporting to a local department, it is likely that a small proportion, perhaps 10% to 20% of the total number of students who are truant, would be reported to the local department of social services. If 10% to 20% (or 2,361 – 4,722 students) of the 23,611 habitually truant students were actually reported to a local department of social services, DHR would require a significant number of additional staff to address the caseload, especially if those children require legal services, counseling, monitoring, and supervision. These costs could range from \$4.7 million to \$9.4 million based on DHR's estimate, and entail 80 – 159 new positions.

Department of Juvenile Services: Despite repeated requests, the Department of Juvenile Services did not provide useful information regarding the impact of this bill. However, if the change in the definition of CINA would substantially increase the workload of DHR, it can be assumed that elimination of habitual truancy from the definition of CINS would generate substantial expenditure savings for the Department of Juvenile Services.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Juvenile Services, Department of Human Resources, Maryland State Department of Education, Department of Legislative Services

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mh/jr

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