

Department of Legislative Services
 Maryland General Assembly
 2008 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 572 (Senators Klausmeier and Stone)

Judicial Proceedings

Judiciary

Juvenile Law - Truancy Reduction Pilot Program - Baltimore County

This bill authorizes the establishment of a Truancy Reduction Pilot Program (TRPP) in the juvenile court in Baltimore County.

The bill takes effect July 1, 2008 and terminates June 30, 2009.

Fiscal Summary

State Effect: General fund expenditures could increase by \$364,600 in FY 2009 for the Administrative Office of the Courts. Additional potential increase for the Department of Juvenile Services and the Office of the Public Defender to handle the additional workload. Revenues would not be affected.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	364,600	0	0	0	0
Net Effect	(\$364,600)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Potential increase in circuit court expenditures to accommodate the increase in caseload. Potential increase in workload for local school officials. Additional potential significant increase in expenditures for Baltimore County to the extent that funding is not included in the State budget and Baltimore County elects to supplement funding for the program. Revenues would not be affected.

Small Business Effect: None.

Analysis

Bill Summary: The bill authorizes the circuit administrative judge of the Third Circuit to establish a truancy reduction pilot program in the juvenile court in Baltimore County. In fiscal 2009, the administration and operation of the truancy court is contingent on the inclusion of funds in the operating budget of the Administrative Office of the Courts or the budget of Baltimore County. The Chief Judge may accept a gift or grant to implement the program after consultation with the circuit administrative judge, but these funds are not considered part of the operating budget for contingency purposes.

The bill establishes that in Baltimore County, a violation of compulsory attendance laws may be filed in the juvenile court by an authorized school official and assigned to a truancy docket for disposition. In making a disposition on a petition filed in truancy court, the court may order a child to attend school, perform community service, attend counseling or treatment, or keep a curfew.

For students under age 12, prior to participation in TRPP, a criminal charge must be filed against the student's legal custodian and dismissed or placed on the inactive docket prior to participation in the pilot program. The bill provides an affirmative defense for persons with legal custody or care and control of a child at the time of an alleged violation of the section if that person made reasonable and substantial efforts to see that the child lawfully attended school, but was unable to make the child attend school. The court may condition placing a charge on the stet docket on participation of the defendant in the appropriate Truancy Reduction Pilot Program.

The bill provides that all Truancy Programs are scheduled to sunset June 30, 2009.

Current Law: A child who is required by law to attend school and is habitually truant can be designated CINS. A student is habitually truant if the student is unlawfully absent from school in excess of 20% of the school days within any marking period, semester, or year. Local school systems have the authority to define habitual truancy more narrowly. CINS cases are under the jurisdiction of the juvenile court.

Except as otherwise provided, each child who resides in Maryland and is 5 years or older and under 16 years must regularly attend a public school unless the child is otherwise receiving regular, thorough instruction during the school year. Each person who has legal custody or care and control of a child who is at least age 5, but less than age 16, must see that the child attends school or receives instruction.

Current statutory penalties focus on parents and guardians rather than children. Any person who induces or attempts to induce a child to be unlawfully absent from school, or

who employees 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 5 years old, 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 DJS that the student has been habitually truant, without lawful excuse.

Background: Chapter 551 of 2004 authorized a three-year Truancy Reduction Pilot Program (TRPP) in the juvenile courts in Dorchester, Somerset, Wicomico, and Worcester counties. Chapter 648 of 2007 extended the term of the existing TRPP and authorized the establishment of a TRPP in the juvenile courts of Harford and Prince George's counties. All TRPPs are scheduled to sunset on June 30, 2009.

Similar to drug courts, truancy courts are problem-solving courts in which cases are heard on a special docket by the same judge each month. The courts hold regular hearings in each case to review a child's progress toward full attendance and to address the causes of the child's truancy. Participants graduate when they have remained in the program for 90 days with no unexcused absences.

Truancy, or unexcused absence from school, is a problem nationwide. A recent U.S. Department of Justice report cites truancy as a significant risk factor for substance abuse, delinquency, gang activity, and dropping out of school. In another study, the department found that approximately two-thirds of serious violent offenders and half of serious nonviolent offenders had been truants. A 2007 report from the National Center

for School Engagement in Colorado cited a number of studies showing that effective truancy reduction programs can produce a marked decline in delinquent acts committed by school age youth.

According to the Maryland State Department of Education, the statewide truancy rate for the 2006-2007 school year was 19,648, or 2.2% of public school students.

State and Local Fiscal Effect: AOC advises that approximately 4% of possible participants have been referred to existing truancy courts on an annual basis. Using this rate as a guide, Baltimore County could expect 603 of 15,091 students to participate in the pilot program. As shown in **Exhibit 1**, the pilot program would cost AOC \$364,619 in fiscal 2009, which is based on a three-month start-up delay. The proposed State budget for fiscal 2009 includes funding only for programs in Prince George's and Harford counties.

Exhibit 1
Estimated Fiscal 2009 Expenditures for the
Administrative Office of the Courts

Program Coordinator	\$28,660
Master	65,803
Courtroom Clerk	46,930
File Clerk	18,392
Assessments	301,500
Drug Testing	24,874
Total Estimate	486,159
Less three-month start-up	(121,540)
Fiscal 2009 Additional Expenditures	\$364,619

Based on the experience of the current programs, a truancy court coordinator is needed to negotiate memoranda of understanding among parties, identify local service providers, coordinate service referrals, attend hearings, and track statistics. AOC anticipates a program in Baltimore County would require at least a part-time coordinator.

Each case in the truancy court involves an average of 5.6 hearings, which could result in increased workload equivalent to one half-time master, one half-time courtroom clerk,

and one half-time file clerk. No additional masters or judges were requested by the Chief Judge for fiscal 2009.

Mental health evaluations are estimated at \$500 per participant and drug assessments at \$75 per participant based on the experience of the existing pilot program. Drug assessments are anticipated to be needed in 60% of all cases.

Potential additional expenses could accrue to other public entities involved in the prosecution, evaluation, and rehabilitation of students referred to the truancy court. These entities include:

- Department of Juvenile Services: Additional staff may be required to handle referrals of children who are habitually truant and/or fail to comply with an order of the truancy court.
- Local school systems: Potential increase in workload for school officials who will be filing most of the petitions and appearing in court.
- State's Attorneys: Potential increase in workload for State's Attorneys due to charges filed against a student's legal custodian prior to participation in TRPP.
- Office of the Public Defender: Potential increase in workload for Public Defenders due to charges filed against a student's legal custodian prior to participation in TRPP.

The total cost of the program has the potential to vary significantly based on the number of students referred to the truancy court and the course of action ordered by the courts.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Juvenile Services, Judiciary (Administrative Office of the Courts), Maryland State Department of Education, Department of Legislative Services

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