

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE

House Bill 1321  
Judiciary

(Delegate Conway, *et al.*)

Judicial Proceedings

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Juvenile Law - Truancy Reduction Pilot Program - Repeal of Sunset

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This bill repeals the termination date for existing Truancy Reduction Pilot Programs (TRPP) and clarifies that provisions of law relating to TRPPs apply only in a county in which the circuit administrative judge has established a TRPP and to the extent that funds are provided in the State budget. The bill requires the Chief Judge of the Court of Appeals to submit an annual report to the General Assembly on each TRPP by November 1.

The bill takes effect June 1, 2009.

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Fiscal Summary

**State Effect:** None. The bill does not contain a mandated appropriation for TRPPs.

**Local Effect:** None. Statutory provisions pertaining to TRPPs apply only to the extent that funds are provided in the State budget.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The bill repeals the existing termination date for TRPPs in Dorchester, Harford, Prince George's, Somerset, Wicomico, and Worcester counties. The bill establishes that existing provisions relating to TRPPs apply only in a county in which the circuit administrative judge has established a TRPP and to the extent that funds are provided in the State budget. The bill also allows a child under 12 years of age to

participate in the TRPP if a court stets a concurrent criminal charge against the child's legal custodian or caregiver for a violation of compulsory attendance laws.

**Current Law:** A child who is required by law to attend school and is habitually truant can be designated a Child in Need of Supervision (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 younger 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 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 penalties of a fine of \$500 and/or 30 days imprisonment.

Any person who has legal custody or care and control of a child who is at least 5 years old, but younger 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 maximum penalties of a fine of \$50 per unlawful day of absence and/or 10 days imprisonment. For a second or subsequent conviction, the violator is subject to maximum penalties of a fine of \$100 per day of unlawful absence and/or 30 days imprisonment. The court may suspend the fine or prison sentence imposed and establish terms and conditions that 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 developed. 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 (DJS) that the student has been habitually truant, without lawful excuse.

**Background:** Chapter 551 of 2004 authorized a three-year TRPP in the juvenile courts in Dorchester, Somerset, Wicomico, and Worcester counties. 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.

Families enter TRPP when a school official files a civil petition alleging that a child who is required to attend school has failed to do so without lawful excuse. For students under the age of 12 years, 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 TRPP.

In making a disposition on the truancy petition, the court may order the student to (1) attend school; (2) perform community service; (3) attend counseling, including family counseling; (4) attend substance abuse evaluation and treatment; (5) attend mental health evaluation and treatment; or (6) comply with a curfew set by the court. Following the disposition hearing, a review hearing is scheduled to review family assessment findings and determine appropriate services. Participants are eligible for graduation from TRPP when they have remained in the program for 90 days without any unexcused absences.

Chapter 648 of 2007 extended the term of the TRPP and authorized the establishment of a TRPP in the juvenile courts of Harford and Prince George's counties. All TRPPs under the legislation are scheduled to sunset on June 30, 2009.

The 2004 legislation also required the Circuit Court Administrative Judge for the First Circuit (Dorchester, Somerset, Wicomico, and Worcester counties) to submit a report evaluating TRPP to the General Assembly by May 31, 2007. According to the report, over 190 truancy cases had been filed since the pilot began in 2005. Approximately 84% of the cases filed were in Wicomico and Somerset counties. Approximately 80% of truancy court case filings were among students between the ages of 13 and 16. Approximately 43% of the cases closed under the TRPP were deemed to be in compliance (*i.e.*, the participant complied successfully with program requirements). By contrast, approximately 33% of the total cases were closed due to noncompliance with the program's requirement. Approximately 9% of the cases were closed because the participant was taken into custody by DJS or a local department of social services.

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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Prince George's County, Somerset County, Wicomico County, Worcester County, Anne Arundel County, Baltimore City, Baltimore County, Maryland State Department of Education, Harford County, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2009  
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