

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 242
Judiciary

(Delegate Jacobs, *et al.*)

Judicial Proceedings

Juvenile Law - Truancy Reduction Pilot Program - Kent County

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

The bill takes effect June 1, 2014.

Fiscal Summary

State Effect: The Judiciary can implement the pilot program with existing resources, as discussed below.

Local Effect: The Circuit Court for Kent County can implement the pilot program with existing resources, as discussed below.

Small Business Effect: None.

Analysis

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 in a school for 91 or more days and is unlawfully absent for 20% or more of the days. CINS cases are under the jurisdiction of the juvenile court.

A child age 5 to 15 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). Chapter 494 of 2012 increased the age of compulsory attendance to 16 for any child who turns 16 on or after July 1, 2015, and to 17 for any child who turns 17 on or after July 1, 2017. Chapter 494 specified several exemptions from compulsory age requirements.

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 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 age 5, but younger than age 16, 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. Chapter 648 of 2007 extended the term of TRPP and authorized the establishment of TRPP in the juvenile courts of Harford and Prince George's 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. Chapter 718 of 2009 repealed the termination date of TRPP, establishing permanent truancy courts in Dorchester, Harford, Prince George's, Somerset, Wicomico, and Worcester counties. Chapters 48 and 49 of 2011 established a truancy court in Talbot County.

A family enters 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 a student younger than 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 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.

According to the Judiciary's *Office of Problem-Solving Courts Annual Report* for fiscal 2013, 119 students entered one of the truancy programs in fiscal 2013, and 31 students graduated during the same time period.

During the 2011-2012 school year (the most recent information readily available), 23.5% of *high school students* in Kent County were absent more than 20 days. During the 2012-2013 school year, 1.25% of total students in Kent County were habitual truants.

State/Local Fiscal Effect: The Judiciary advises that the circuit court in Kent County can implement a modest pilot program with existing resources by limiting the number of participants. However, to the extent that the program expands, an additional part-time program coordinator may be necessary in future years. *For illustrative purposes only*, general fund expenditures for the Judiciary increase by approximately \$60,000 annually should such a position be necessary. The Department of Legislative Services advises that a limited pilot program meeting the bill's requirements can be implemented without materially impacting the operations or finances of DJS, the Maryland State Department of Education, or the Kent County school system.

Additional Information

Prior Introductions: None.

Cross File: SB 282 (Senator Hershey) - Judicial Proceedings.

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

Fiscal Note History: First Reader - January 28, 2014
mc/kdm

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510