

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 35 (Delegate Conaway)  
Ways and Means

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**Baltimore City Public School System - Daily Attendance - Requirements**

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This bill requires the Baltimore City Board of School Commissioners to establish a method of taking daily student attendance that (1) marks all students as absent by default and (2) requires a teacher to affirmatively mark a student as present.

The bill takes effect July 1, 2017.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Expenditures for Baltimore City Public Schools (BCPS) increase by approximately \$810,000 in FY 2018 to procure additional classroom equipment and to contract with an outside vendor for reprogramming changes. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Except in specified circumstances, children in Maryland who are 5 years of age and older and under 18 years of age must attend a public school regularly during the entire school year. A county superintendent, a school principal, or an authorized individual may excuse a student for a lawful absence. Parents and legal guardians must see that the child attends school or receives instruction as required by State law.

Any person who induces or attempts to induce a child to be absent unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed \$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 5 years old or older and under 18 who fails to see that the child attends school or receives instruction is guilty of a misdemeanor and (1) for a first conviction is subject to a fine not to exceed \$50 per day of unlawful absence or imprisonment not to exceed 10 days, or both, and (2) for a second or subsequent conviction is subject to a fine not to exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.

### *Truant Students*

State law defines a truant student as a student who is absent for more than (1) 8 days in any quarter; (2) 15 days in any semester; or (3) 20 days in a school year. In addition, the absences must be unlawful absences as defined by regulation.

Each county school board is required to develop a system of active intervention for truant students. A student who is classified as truant must immediately be referred to the county board's system of active intervention. However, county school boards are not prohibited from intervening in the case of a student who is frequently absent from school (for both lawful and unlawful purposes) but does not meet the criteria for truancy.

**Background:** The Maryland State Department of Education (MSDE) defines the "attendance rate" as the percentage of students in school for at least half of the average school day during the school year. **Exhibit 1** shows attendance rate information for Baltimore City as compared to all Maryland schools in 2016. In addition to attendance rate information, MSDE reports two average figures related to "absenteeism," or the percentage of students absent for a specified number of days.

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**Exhibit 1**  
**Attendance and Absentee Rates:**  
**Baltimore City and All Maryland Schools**

**2016 Attendance Rate**

	<u><b>Baltimore City</b></u>	<u><b>All Maryland Schools</b></u>
Elementary	93.7%	95.6%
Middle	92.3%	95.1%
High	82.4%	92.4%

**2016 Absentee Rates**

**Percent Absent Fewer Than 5 Days per School Year**

	<u><b>Baltimore City</b></u>	<u><b>All Maryland Schools</b></u>
Elementary	29.8%	36.5%
Middle	31.5%	38.0%
High	22.5%	31.0%

**Percent Absent More Than 20 Days per School Year**

	<u><b>Baltimore City</b></u>	<u><b>All Maryland Schools</b></u>
Elementary	17.9%	7.3%
Middle	19.7%	10.0%
High	39.1%	19.0%

Source: Maryland State Department of Education

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Compared to statewide figures, students in Baltimore City are less likely to be absent fewer than 5 days per school year and significantly more likely to be absent for more than 20 days per school year. Elementary school students in Baltimore City are 10.6 percentage points more likely to be absent more than 20 days per year than elementary students statewide, while middle school students are 9.7 percentage points more likely to be absent more than 20 days per year. High school students in Baltimore City are about 20 percentage points more likely to be absent more than 20 days per year than students statewide.

*Attendance Taking in Baltimore City*

According to BCPS, both teachers and attendance monitors enter attendance information into the city’s attendance-monitoring system. Elementary and middle schools take attendance each morning, while high schools take attendance each class period. If a student is late (and thus marked as absent), attendance monitors adjust any erroneous attendance information.

Baltimore City requires each school to identify an attendance monitor. The responsibilities of the attendance monitor include daily recording, processing, submitting, and monitoring of student attendance. In addition, attendance monitors ensure the accuracy of any data entered into the city's attendance system by teachers. Attendance monitors coordinate interventions with students as necessary. Interventions can include phone calls, letters, meetings, and home visits.

**Local Expenditures:** Baltimore City advises that, although the school system currently recommends that teachers enter attendance via computer, the practice is not required. BCPS anticipates that a computer is required in each classroom in order to enter attendance in the manner specified by the bill, and that approximately 1,000 classrooms are not currently equipped with computers. Assuming a unit cost of \$800 per computer, BCPS expenditures increase by \$800,000 in fiscal 2018 to procure the additional computers required as a result of the bill. BCPS also advises that reprogramming changes are necessary for its current attendance-taking system. In total, BCPS estimates at least 40 hours of reprogramming are required, totaling approximately \$10,000.

Thus, total expenditures for BCPS increase by approximately \$810,000 in fiscal 2018. This estimate does not include any costs related to staff retraining or other procedural changes. To the extent that the new attendance-taking method requires significant staff time, expenditures could be higher.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City; Maryland State Department of Education; Department of Legislative Services

**Fiscal Note History:** First Reader - January 17, 2017  
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