

Department of Legislative Services
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 823

(Delegate Clippinger)(By Request - Maryland Judicial Conference)

Judiciary

Juveniles – Truancy Reduction Pilot Program – Expansion

This bill renames the existing “Truancy Reduction Pilot Program” (TRPP) to be the “Truancy Reduction and School Reengagement Program” (program) and expands application of related provisions to any county in which the circuit or county administrative judge has established a program and to the extent that funds are provided. The purpose of the program is to (1) adjudicate cases filed with the court under § 7-301 of the Education Article; (2) identify the causes of truancy and school disengagement for a child participating in the program; (3) assist the child, the child’s parents or guardians, and the schools in ameliorating the causes of the child’s truancy; and (4) reengage the child in furthering the child’s education.

Fiscal Summary

State Effect: General fund expenditures *may* increase to the extent that the Judiciary provides increased grant funding to support additional truancy programs. However, the bill does not require additional funding, and the operation of truancy programs is limited to the extent that funds are provided.

Local Effect: Local grant revenues and corresponding expenditures may increase if funding is made available for additional jurisdictions to implement a truancy program.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Applicability of Specialized Truancy Program Provisions

Under § 7-301 of the Education Article, subject to limited exceptions, each child who resides in the State and is age 5 or older and younger than age 18 must attend a public school regularly during the entire school year. Under 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), which makes the child subject to the jurisdiction of the juvenile court under Title 3, Subtitle 8A of the Courts and Judicial Proceedings Article. However, current law (Title 3, Subtitle 8C of the Courts and Judicial Proceedings Article) also sets forth specific procedures for addressing truancy in jurisdictions in which a TRPP has been established. In a county in which a TRPP has been established, an authorized school official may file with the juvenile court a petition alleging that a child who is required to attend school failed to do so without lawful excuse, as specified.

The bill repeals the existing statutory authority for TRPPs to operate in specified jurisdictions (Dorchester, Harford, Kent, Prince George's, Somerset, Talbot, Wicomico, and Worcester counties), and instead establishes that (1) a county administrative judge may establish a program in the juvenile court in the county in accordance with rules adopted by the Court of Appeals and (2) a circuit administrative judge may establish a program in one or more of the juvenile courts in the circuit in accordance with rules adopted by the Court of Appeals. After consultation with a circuit administrative judge, the Chief Judge of the Court of Appeals may accept a gift or grant for the program.

Dispositions under a Truancy Program

Under current law, when making a disposition on a petition that has been filed as part of a TRPP, the court may order the child 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) keep a curfew with the hours set by the court.

The bill retains these options for a disposition under the program and specifies that an order to attend school may include summer school, a credit recovery program, or a virtual learning platform. The bill also authorizes a court to (1) with the consent of the county board of education, order a child to attend a GED program; (2) refer the child or the child's parent or guardian to any appropriate agency to address behaviors or issues that impact the child's engagement with school or other issues relevant to school attendance; (3) request that the county board of education make a CINS referral to the Department of Juvenile

Services; or (4) issue any other order that the court determines is appropriate to achieve the program's stated purposes.

Under current law, the court *must* retain jurisdiction until every condition of the court's order is satisfied; the bill establishes that the court *may* retain such jurisdiction.

Truancy Programs – Adults

Section 7-301 of the Education Article also requires a person who has legal custody or care and control of a child who is at least age 5, but younger than age 16, to see that the child attends school or receives instruction. A violator 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 three 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 five days imprisonment.

Any person who induces or attempts to induce a child to be unlawfully absent from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor, punishable by a fine of up to \$500 and/or imprisonment for up to 30 days. In a county that has established a TRPP, a charge may be filed in the juvenile court and assigned to a truancy docket for disposition. The court may condition marking a charge as a *stet* on the defendant's participation in the appropriate TRPP. The bill makes conforming changes to expand the applicability of these provisions to a county in which a program has been established.

Background: According to the Judiciary, existing TRPPs represent a proactive approach designed to address the causes of truancy and improve the student's attendance, achievement, and attachment to school. TRPPs are designed to be a proactive intervention rather than a punitive reaction. According to the Judiciary's *Fiscal Year 2021 Problem-Solving Courts Annual Report*, 409 individuals were served by TRPPs in fiscal 2021.

Additional Information

Prior Introductions: None.

Cross File: SB 668 (Senator Smith)(By Request - Maryland Judicial Conference) - Judicial Proceedings.

Information Source(s): Harford, Montgomery, and Wicomico counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State

Department of Education; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of Legislative Services

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