

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1442
Judiciary

(Delegate Edelson)

Judicial Proceedings

Juveniles - Truancy Reduction Pilot Programs - Report

This bill requires the Judiciary to submit a comprehensive report on the impact and effectiveness of Truancy Reduction Pilot Programs (TRPP) based on student GPA, graduation rate, and truancy rate. The report must include recommendations regarding whether a TRPP would be effective in the Eighth Judicial Circuit of Baltimore City. The report must be submitted to the Governor and the General Assembly on or before December 1, 2026. **The bill terminates on December 31, 2026.**

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase, likely minimally, in FY 2026, as discussed below. Revenues are not affected.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: 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. A child who is required by law to attend school and is habitually truant can be designated a child in need of supervision, 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.

Circuit Administrative Judges of the First, Second, Third, Sixth, and Seventh circuits may establish TRPPs in specified counties within their judicial circuits. Dorchester, Frederick, Harford, Kent, Prince George's, Somerset, Talbot, Wicomico, and Worcester counties are currently authorized to have TRPPs.

Dispositions under a Truancy Program

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 court must retain jurisdiction until every condition of the court's order is satisfied.

Annual Reporting Requirements

The Chief Judge of the Supreme Court of Maryland must report annually (by November 1) to the General Assembly on each established TRPP.

Family Educational Rights and Privacy Act

At the federal level, the Family Educational Rights and Privacy Act (FERPA) of 1974 governs the privacy of student data. FERPA generally prohibits the disclosure by schools that receive federal education funding of personally identifiable information from a student's education record unless the educational institution has obtained signed and dated written consent from a parent or eligible student or one of FERPA's exceptions applies. An education record includes a range of information about a student.

FERPA's exceptions are not always well understood, which leads to some believing that no information about a student may be disclosed without facing a lawsuit, even in the face of health or safety concerns. However, federal regulations (34 CFR 99.36) specifically address these circumstances so that an institution may disclose personally identifiable information from an education record to appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

In addition, not all information that comes into the hands of an educator, administrator, or other school staff is an "education record" subject to FERPA restrictions. Two particular sources of information are outside FERPA's definition of "education record":

(1) information an educator learns through personal observation, peer reports, or social media; and (2) records of school security personnel, which are governed under a specific exception to FERPA. Therefore, this information may be disclosed outside of FERPA.

State Expenditures: General fund expenditures increase in fiscal 2026 for the Judiciary to implement computer programming for data collection required to complete the report. The magnitude of costs associated with computer programming cannot be reliably determined at this time but is not anticipated to be significant. Otherwise, the Judiciary can implement the bill using existing budgeted resources.

The Judiciary advises the workload associated with data gathering, data analysis, and report preparation is a significant undertaking, mainly due to student privacy laws and data variation across school districts. It estimates the need for a contractual consultant to research and produce the report, with general fund expenditures increasing by as much as \$280,000 in fiscal 2026, which includes \$150,000 to coordinate with schools to collect student data and perform statistical data analysis. The Judiciary primarily bases its estimate on the compressed timeline for preparation of the report, hurdles to develop data use agreements with school systems that comply with student privacy laws, as well as additional factors not specified by the bill to comprehensively evaluate program efficacy.

The Department of Legislative Services advises that while the Judiciary's fiscal estimate is reasonable for the described report, the envisioned report significantly exceeds the requirements of the bill. The bill does not appear to require disaggregated data or the use of data that would lead to identification of a student. This estimate assumes that the report can be completed without encountering significant student/educational privacy issues.

Given the following factors and assuming that computer programming costs are not significant for the production of a more modest report, the bill is likely to result in a minimal increase in general fund expenditures for the Judiciary: current staffing levels of the Office of Problem-Solving Courts; the history of TRPPs; current TRPP participation; existing relationships between the courts and schools through TRPPs; and recurring efforts in recent years to expand TRPP to other jurisdictions.

According to the Administrative Office of the Court's *Problem-Solving Courts Annual Report – Fiscal Year 2024*, 373 total students were actively involved in a TRPP statewide in fiscal 2024. Under current practice, school systems often already provide TRPP caseworkers with the required information for purposes of the report, including attendance records and grades. For example, TRPP caseworkers often meet with their assigned students for weekly check-ins at the student's school and otherwise engage with school staff as needed. School staff may also attend court hearings to directly inform the judge or magistrate of successes or persisting problems with the student's engagement with school.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

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