



**Testimony for the House Judiciary Committee
March 2, 2023**

**House Bill 1190 — Juveniles - Truancy Reduction Pilot Program
- Expansion**

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The ACLU of Maryland (ACLU) opposes HB 1190 — Juveniles - Truancy Reduction Pilot Program - Expansion, which would give the judiciary the authority to expand juvenile truancy courts across the state. The intent of this bill is well meaning, however, at the core of our opposition is the lack of a comprehensive and evidence-based initiative to effectively address student truancy in Maryland. While truancy court might be preferable to civilian court, the ACLU believes there are more effective alternatives and interventions to address truancy that will ensure better outcomes for students and families.

First and foremost, research shows that the probability of dropout quadruples when a student is made to appear in court.¹ While the goal of truancy court is to provide supports and services for families, the fact that a single court visit increases the chance of students dropping out completely should give the state pause. Further, courts are not the ideal place for the coordination of services to happen. Local school systems and community-based youth and family providers — particularly ones that are guided by an explicit race equity framework — are much better equipped to address truancy effectively.

Student attendance rates have decreased significantly since the onset of the pandemic, especially for students who are Black or Latinx, receive special education services, are English Language Learners, and are from low-income households.² Chronic absenteeism increased from 2.8% in 2020 to a staggering 9.8% in 2021. Students who are habitually truant are highly likely to be experiencing a variety of stressors, including

¹ ACLU. *Bullies in Blue: The Origins and Consequences of School Policing*. (April 2017); Sweeten, *Who will graduate? Disruption of high school education by arrest and court involvement*, 23 *Justice Quarterly* 4, 2006.

² State of Maryland. Maryland State Department of Education. *Enrollment and Attendance*. Maryland State Department of Education, 25 Jan.2022

<https://www.marylandpublicschools.org/stateboard/Documents/2022/0125/EnrollmnetAndAttendanceRev1282022.pdf>

homelessness, domestic problems at home, mental illness, social unrest in their neighborhoods, or academic struggles. Increasing the interaction between the legal system and students experiencing these stressors is not the best option to support these children and their families.

Instead of passing this bill, the ACLU encourages relevant government entities and community stakeholders to build upon the excellent work of the Blueprint for Maryland's Future, the \$3.8 billion education reform initiative that is just beginning implementation. The Blueprint is a once-in-a-generation opportunity to ensure that Maryland public schools are responsive and effective at educating children, no matter their socioeconomic status, race, disability, gender, or immigration status.

The "Kirwan" Commission and education advocates spent years digging into evidence-based best practices to address barriers to learning. The Blueprint's Comprehensive Implementation Plan, which was adopted just two months ago, includes many directives and initiatives to expand structures and capacity to provide Community Schools programming and wrap around services to students and families throughout the state to address barriers to learning — which are also the causes of the aforementioned stressors to chronic absenteeism.

Further, the Blueprint law established the new Consortium for Coordinated Community Supports ("Consortium"), housed under the Maryland Community Health Resources Commission. The Consortium has three primary purposes³:

1. Support the development of coordinated community supports partnerships to meet student behavioral health needs and other related challenges in a holistic, nonstigmatized, and coordinated manner;
2. Provide expertise for the development of best practices in the delivery of student behavioral health services, supports, and wraparound services; and
3. Provide technical assistance to local school systems to support positive classroom environments and the closing of achievement gaps so that all students can succeed.

Before the state considers expanding truancy court, it is critical to allow the Consortium, along with collaborating entities including the Maryland State Department of Education, local school districts, other state and local government entities, and community-based providers, to continue its work. Strategies to address truancy are a significant part of the Community Schools strategy, which is one of the core initiatives included

³ State of Maryland. Maryland State Department of Education. *Coordinated Community Supports in Maryland*. Maryland State Department of Education, 22 Sept, 2022
<https://marylandpublicschools.org/stateboard/Documents/2022/0927/BlueprintDeepDiveMDCoordinatedCommunitySupportsV2.pdf>

in the Blueprint. A recent report showed that Community Schools reduced rates of chronic absenteeism and increased attendance⁴. State Superintendent Mohammed Choudhury cited this study in a presentation last fall. Funding for the Consortium and Community Schools is just starting to ramp up — hundreds of millions will be invested in these strategies in the coming years.

Lastly, even though the goal of truancy courts is to connect families with supports and resources, there are mixed reports on their effectiveness. In Rhode Island, truancy courts became another disciplinary device that triggered more family involvement with the justice system, which in turn led to the threats of fines and imprisonment for minor issues such as failure to complete homework or classroom disruption⁵. There is no guarantee in HB 1190 that truancy courts in Maryland will not become another failed punitive measure that will unfairly punish students of color and make life more difficult for their families.

HB 1190 is not aligned with the strategies outlined in the Blueprint or evidence-based best practices to address truancy. The ACLU respectfully asks the House Judiciary Committee to give HB 1190 an unfavorable report. Thank you.

⁴ Durham, Rachel E. and Connolly, Faith. (2016). *Baltimore Community Schools: Promise & Progress*. Baltimore Education Research Consortium.
<http://baltimore-berc.org/wp-content/uploads/2016/06/CommunitySchoolsPromiseProgressJune2016.pdf>

⁵ “ACLU Challenges Unconstitutional Practices of Rhode Island Truancy Courts,” ACLU of Rhode Island, March 29, 2010, <http://www.riaclu.org/news/post/aclu-lawsuit-challenges-unconstitutional-practices-of-rhode-island-truancy>.