



## **SB 1039, Juveniles – Truancy Reduction Pilot**

### **Fact Sheet #1**

#### **Why Does Frederick County Need this Bill?**

##### **1. What does this bill do?**

This bill will permit Frederick County to establish a truancy reduction pilot program that operates in the juvenile court in accordance with Courts Article, Title 3 Subtitle 8C. It will do this by authorizing the Circuit Administrative Judge of the Sixth Circuit to establish a reduction pilot program in the juvenile court in that county.

##### **2. Why is this bill needed?**

This bill is needed because Frederick County stakeholders have decided that they want to establish a truancy reduction pilot program in accordance with Courts Article, Title 3 Subtitle 8C as one of their tools to address truancy as well as re-engage students who have been disengaged from school in their county.

Stakeholders in Frederick County began working on a unified approach to addressing truancy and educational disengagement in 2019. These stakeholders, who included court and education officials, looked at various examples of truancy reduction programs and decided that establishing a truancy reduction pilot program was the best approach for their county. They came to this decision because:

- They want to use the juvenile court, with its ability to bring families, agencies, and providers together to work on solutions, as the central means of operating.
- They want to access grant funding, available through the Judiciary for truancy reduction pilot programs, to support program costs including a caseworker and payment for services (such as evaluations and transportation) for program participants.
- They want to find the root causes for the disengagement and support families and the student thereby increasing attendance and connection with school.

##### **3. A little more about Frederick County's truancy and educational re-engagement court work**

Frederick County stakeholders have already partnered with several local organizations such as the local Health Department, Boys and Girls Club of Frederick, the Spanish Speaking

Community of Maryland and SHiP to support families. Establishing a problem-solving court gives more structure to create long-standing partnerships with more organizations.

Frederick County's program seeks to use motivation and incentives to the student and family in addition to any needed services (e.g. substance treatment, mental health treatment, tutoring and evaluations) to increase attendance.

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## Fact Sheet #2

# What is a Truancy Reduction Pilot Program Court and Why Have One?

### 1. What is a truancy reduction pilot program court?

The program that Frederick County wants to establish through SB 1039 is a problem-solving court, housed in the juvenile court, that focus on children who (1) are required to attend school under Maryland law, and (2) do not regularly attend school, despite the efforts of school officials to engage the child and their parents with school.

The goal of this program is to:

- Look at root causes of a child's truancy and school disengagement,
- Design and implement services that engage the child and family with the child's education, and
- Increase the child's participation and success in their education.

### 2. What *isn't* this truancy reduction pilot program court?

Most importantly – This truancy reduction court is **not** a delinquency court or child in need of assistance (CINA) court. Those courts operate under a different set of statutes (Courts Article, Title 3, Subtitles 8A and 8 respectively). Under the statutes that govern this program (Courts Article, Title 3, Subtitle 8C):

- The matter comes to the juvenile court through a petition from the school system – that is set out in Courts Article, § 3-8C-04. The State's Attorney does not bring the case and neither does the Department of Juvenile Services or the local Department of Social Services.
- The child who is the subject of the petition is not found to be delinquent or in need of assistance – Subtitle 8C simply does not permit that.
- The child cannot be detained, placed in shelter care, placed on community detention, or sent to an out-of-home placement. Again, Subtitle 8C does not permit that.

### 2. Why is a case be brought before a truancy reduction pilot program court?

A case is brought to the truancy reduction pilot program court because (1) a child is not attending school as required by Maryland law and (2) the school's efforts to address the child's truancy without court involvement have failed.

Under Maryland's education law, a "truant student" is a student who is unlawfully absent from school for more than 8 days in any quarter, 15 days in any semester, or 20 days in a school year, and whose absences are considered unlawful absences under the State Board of Education's regulations. Education Article, § 7-302.2(a).

Under those regulations, a student generally is an "habitual truant" if the student "is unlawfully absent from school for a number of days or portion of days in excess of 20 percent of the school days within any marking period, semester, or year." The term can be defined more stringently by a local school system. COMAR 13A.08.01.04C.

Each school system is required to develop a system of “active intervention” for truant students and each truant student must be “immediately” referred to that program. Education Article, § 7-302.2(b), (c). If these efforts are unsuccessful, and the county has a truancy reduction pilot program, the school system may refer the child to the program.

### **3. Why is the truancy reduction pilot program good for children and families?**

No matter the reason why a child is not attending or avoiding school, not going to school may hamper a child for life. Youth who do not attain a high school education, for example, are more likely to experience poverty and to enter the criminal justice system. Students of color and students experiencing poverty have the highest rates of absenteeism which sets them up for more negative life outcomes.

The truancy reduction pilot program gets children back to school. It identifies why a child is not going to school and provides child and parents with access to needed services, which may include assessments and evaluations, engagement with community partners such as mentoring, tutoring or mental health services. The program also includes motivational incentives tailored to the individual family.

This program is also a way of “working with the family as a whole”. It may identify whether other children in the family have problems with school engagement and tackle those problems in an effort to stop other children from falling into the same behaviors. Several current programs have found that even after truancy court ended for one child, parents have sought the program’s help for other children, and the program has been able to provide that help.

### **4. Are there alternatives to the truancy reduction pilot program?**

The truancy reduction pilot program is but one part of a continuum of options that the Frederick County school system would have for children who are absent and disengaged from school.

But - because by the time a child enters the program the school system has been unsuccessful in implementing non-court options, the options to this program include filing a CINS petition and/or prosecuting the parents (the absolute last resort).

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## Fact Sheet #3

### What Happens in the Truancy Reduction Pilot Program?

#### 1. What happens in the Truancy Reduction Pilot Program?

While the process varies somewhat among truancy reduction pilot programs - and the Frederick County program will establish its own specific process - each truancy reduction pilot program court follows the same general process.

➤ **Petition.** After efforts to engage the child with school have been unsuccessful, the school system files a petition with the court concerning the child. The petition tells the court the school system's basis for believing that the child is truant and why the court should take action to reengage the child with school.

➤ **Outreach.** Truancy reduction program staff reach out to the family to invite them to talk about the program before the hearing. The goal is to (1) answer the family's questions about the program, (2) alleviate the family's concerns about the program, and (3) let them know that the program is cooperative and not adversarial.

Before the initial hearing, the program staff again reaches out the family to encourage attendance at the hearing and identify and resolve any transportation needs.

➤ The initial hearing (called the adjudication hearing) is held before the truancy reduction pilot program judge or magistrate. The hearing decides whether the facts in the petition concerning the child's school attendance are true.

➤ If the judge or magistrate does not find that the facts in the petition concerning the child's school attendance are true, they dismiss the petition, and the case is over.

➤ If the magistrate or judge does find that the facts in the petition concerning the child's school attendance are true, a second hearing is held. In this hearing (called the disposition hearing), the judge or magistrate determines whether, and if so, what services or actions should be required to engage or reengage the child with school. This may include referring the family for an assessment to further identify needs. What this will not include is any kind of sanction against the child or family. As previously stated, the child cannot be charged with delinquency, put into detention, removed from home, fined, etc.

➤ The child and family move through the service parts of the program. In some jurisdictions, this involves working through set phases or program elements. As each phase or element is completed, that achievement is celebrated before the court. In other jurisdictions, the child and family have individual targets to meet and are rewarded when meeting those targets.

➤ For children and families who complete the entire program or all phases, the child graduates with a ceremony before the court.

➤ Case termination can look different for those children and families who do not complete the entire program. Some end the program because the child enrolls in alternative education, like home schooling. Others may move out of county. In other circumstances, where the judge or magistrate concludes that the program's work with the child and family has gone as far as it can, the case may be closed unsuccessfully.

**2. Many parents have a hard time finding services for their children. What happens to a parent who is before a truancy reduction pilot program court and cannot find the services the court orders?**

It is often true that a court referral is the “squeaky wheel” that can open doors to services that don’t seem to be accessible otherwise.

But even more than that, one of the benefits of this program is that the parents are not in it alone. The truancy court coordinator and other staff work with the child and family throughout the program, to identify service providers, help the family connect with and get to the services, and address issues that arise in the course of the services.

**3. What happens if the child or parents do not comply with a court order?**

The statutes establishing the truancy reduction pilot program (Court Article, Title 3, Subtitle 8C) do not authorize the court to punish a child who does not comply. As noted above, the child cannot be charged with delinquency, put into detention, removed from home, fined, etc. The child who does not comply can, and will, eventually be removed from the program.

For counties in which the Department of Juvenile Services has a child in need of supervision (CINS) program, a CINS petition may be filed with the juvenile court concerning the child, but that happens rarely.

A parent could be charged with a violation of Education Article, § 7-301, which makes it a misdemeanor to induce or attempt to induce a child to be absent unlawfully from school, to employ or harbor any child who is absent unlawfully from school while school is in session, or (for a person with legal custody or care and control of a child who is from 5- to 15-years-old) to fail to see that the child attends school or receives instruction.

**4. Not every child completes the truancy reduction pilot program. Does that mean that children who do not complete the program have failed?**

No. Truancy reduction pilot programs each have their own standards for what constitutes “graduation” from the program but not graduating does not mean the child has failed. Many of the children who do not graduate leave the program for administrative reasons, for example, they move from the jurisdiction. Other children who do not graduate do not meet all the county’s requirements to graduate but have improved attendance and connection to education. The Frederick County Truancy Reduction Pilot Program will establish its own graduation standards.

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## Fact Sheet #4

### Other Information

#### 1. Is a child stopped from being able to enlist in the military if a child is in the truancy reduction pilot program?

No. We contacted recruiters from each branch of the military and confirmed that participation in the Truancy Reduction Pilot Program, in and of itself, would not stop a child's enlistment in the military.

Under federal law, the military would expect any involvement with a court to be reported as part of the enlistment process. It would be a mark against the recruit's honesty if involvement in the program was not reported. But when reported, generally, the involvement would not preclude enlistment, particularly in the Army, Navy, or Marines.

On the other hand, we were told that failure to graduate from high school (or in some cases get a GED) would preclude or severely hamper enlistment.

#### 2. Why doesn't the bill include public defender representation for children with truancy court cases?

Neither the current law nor the law as it would be amended by this bill provide for representation by the Office of the Public Defender for the simple reason that a **truancy court proceeding is a civil matter without any punitive sanctions to the child**. The proceeding does not in any way allege that the child committed an offense that could lead to any serious repercussions on the child or otherwise put the child at risk of being removed from the child's home.

The law around public defender representation identifies specific circumstances under which an indigent defendant or party is eligible for representation. A proceeding involving a child in the Truancy Reduction Pilot Program is not specifically named. Criminal Procedure Article, § 16-204(b)(1).

There does not appear to be a consensus on adding Office of Public Defender representation. There are strong concerns that it would turn truancy courts into a punitive system and remove from the program from its problem-solving core.

#### 3. How are truancy reduction pilot programs funded?

The Judiciary, through the Office of Problem-Solving Courts (OPSC), provides grant funding for the truancy reduction pilot program. These grants support truancy court staff and certain services for truancy court participants and families, such as family clinical assessments, mental health and substance use treatment, and transportation and housing assistance. The grant also pays for training for truancy court judges, magistrates, and staff.

Over the past several years, OPSC has recognized and responded to State budget trends by accessing resources from federal, State, and local partners in an effort to sustain court programs. OPSC continues to collaborate with local and State partners, such as the Maryland Department of Health, the Office of Public Defenders, local State's Attorney's Offices, local Boards of Education, and local behavioral health providers to maximize access to existing resources.

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