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POSITION ON PROPOSED LEGISLATION

BILL: SB 1039 - Frederick County – Juveniles – Truancy Reduction Pilot Program

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: March 27, 2024

The Office of the Public Defender opposes Senate Bill 1039, which would expand the judiciary's ability to implement a formal truancy court program in Frederick County. In 2011, the Truancy Reduction Pilot Program (TRPP), along with two other truancy reduction models in Maryland, were evaluated. It was explicitly noted that “[i]deally, expansion of these programs or their use as models would be predicated on more definitive evidence.”¹ This bill's proposed expansion of a formal truancy court in Frederick County appears to come without that additional evidence and research.

OPD agrees that young people are more likely to thrive when they attend and are engaged in school; however, we do not believe that involvement in a truancy court is the most effective intervention to achieve that goal and can, in fact, have negative consequences. Research has repeatedly shown that a single court appearance increases the chance that a young person will drop out of school.²

Truancy and attendance issues are often due to a complex array of factors, including unmet or unidentified academic needs, student discipline, lack of appropriate social emotional/behavior support, as well as family issues, poverty, homelessness, transportation issues, safety concerns, trauma, and mental health challenges. OPD represents students with a wide range of academic and mental health needs. Many of our clients have experienced years of

¹ Administrative Office of the Courts, *Assessing School Attendance Problems and Truancy Intervention in Maryland: A Synthesis of Evidence from Baltimore County and the Lower Eastern Shore*, at 99; https://www.igsr.umd.edu/applied_research/Pubs/Truancy%20Intervention%20Synthesis%20Report.pdf.

² Am. Civ. Liberties Union, *Bullies in Blue: The Origins and Consequences of School Policing* (2017), https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf; Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 Justice Quarterly 4 (2006).

school failure; and yet are never referred for an evaluation to determine if they have a disability impacting their ability to access the curriculum. The relationship between school attendance and academic achievement is well documented and students with disabilities are at greater risk for absenteeism.³ Students may express frustration or behavior related to a disability, which can lead to school discipline, and ultimately lack of engagement and chronic absenteeism. We also know that Black students with disabilities have the highest risk of chronic absenteeism.⁴ The disproportionate impact of school discipline on students of color and students with disabilities further contributes to this disengagement.⁵ Even the application of attendance policies can be imposed in ways that lead to a disparate impact on students of color and low income students being referred for court intervention.⁶

Rather than expanding court involvement, OPD urges school systems to focus on evidence-based interventions that are non-punitive and center on prevention. These strategies include schoolwide programs that improve school climate and school engagement, as well as student-focused services such as increased academic supports, special education services, behavior intervention plans, counseling, social work services, and mentoring programs.⁷ Expanding the judiciary’s engagement on this issue is not the answer.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB 1039.

Submitted by: Maryland Office of the Public Defender, Government Relations Division

³ National Center on Education Outcomes, *Students with Disabilities and Chronic Absenteeism*, NCEO Brief Number 15, April 2018; <https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief15.pdf>.

⁴ In 2023, Black students with disabilities had a chronic absenteeism rate of 45.6% as compared to all students with disabilities. See *Maryland Report Card - Demographics - Chronic Absenteeism* (2023), <https://reportcard.msde.maryland.gov/Graphs/#/Demographics/ChronicAbsenteeism/3/99/2/6/99/XXXX/2023>.

⁵ See RESEARCH REVIEW: *Understanding Discipline Disparities in Maryland*, at https://ies.ed.gov/ncee/edlabs/regions/midatlantic/app/Docs/Infographics/RELMA_Disproportionality_in_school_discipline_infographic.pdf.

⁶ McNeeley, Clea, and Alemu Besufekad, et. al., *Exploring an Unexamined Source of Racial Disparities in Juvenile Court Involvement: Unexcused Absenteeism Policies in U.S. Schools*, AERA Open, Vol. 7, (2021); https://www.attendanceworks.org/wp-content/uploads/2019/06/Clea_McNeeley_AERA_Open_April_2021.pdf.

⁷ Student supports can include counseling, a functional behavior assessment and behavior intervention plan, tutoring, mentoring, and peer support, among other interventions, including “response to intervention” (RTI) services to address academic needs.