



Empowering People to Lead Systemic Change

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DisabilityRightsMD.org

JUDICIARY PROCEEDINGS COMMITTEE
TESTIMONY OF DISABILITY RIGHTS MARYLAND
SENATE BILL 75 – PARENTAL ACCOUNTABILITY ACT

January 28, 2025

Position: Oppose

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. We have been serving children, youth, and adults with disabilities in our state for over 40 years. DRM is a leader in Maryland's educational advocacy community, working on issues such as school discipline, restraint and seclusion, juvenile justice, and enforcing the rights of students with disabilities. DRM has significant experience representing students with disabilities statewide, including youth involved in the juvenile justice system.

DRM opposes Senate Bill 75, which would require students determined to be 'a child in need of supervision' because of the student's habitual truancy to be put on probation and would require parents to participate in probation and rehabilitative services for children who have committed certain crimes or who have been determined to be a child in need of supervision because of the student's habitual truancy.

While it may seem logical that increased parental participation in probation and rehabilitative services would improve the outcomes of these services, SB 75 is likely to have very harmful unintended consequences that will fall on the backs of Maryland's most economically disadvantaged families and will disproportionately impact Black and Brown students, as well as students with disabilities and their families. SB 75 will also increase the number of students interacting with the criminal justice system and could exacerbate disparities already evident in our criminal justice system.

Requiring parental participation has the potential to impose financial burdens that will negatively impact parents and students. Even if this legislature passes SB 58 to require employers to provide job protected leave to attend a child's school related activities, SB 75 would force parental participation in probation and rehabilitative services without corresponding job-protected paid leave. This required participation would place the same financial burden on parents as school-based meetings currently require, but unlike school-based meetings, this bill would subject a parent to a court order to comply, exposing a parent to risk of repercussions of failure to comply if they are unable to attend.

Economically disadvantaged students, the group with the highest rate of chronic absenteeism, will be most impacted by any added financial burden..¹ Black and Brown students, as well as students with disabilities, are overrepresented in this group.² In MSDE's 2022 data, 72% of 'economically disadvantaged' students were Black and Hispanic/Latino students, and 16% of these students were students with disabilities.³ Over one-third of all students with disabilities were economically disadvantaged. Based on this data, economically disadvantaged Black and Brown students, as well as students with disabilities will be a significant portion of students impacted.

Apart from economic disadvantage, Maryland's Black and Brown students, and students with disabilities have the highest rates of chronic absenteeism.⁴ Nationally, students with disabilities are about 36% more likely to be chronically absent.⁵ The Maryland State Education Agency (MSEA) found that illness, family circumstances, housing instability, a need to work, and involvement with the juvenile justice system contribute to chronic absenteeism.⁶ Considering this data and MSEA's findings, if probation is imposed based on absences, the students most affected will be Black and Brown students, as well as students with disabilities.

While SB 75 has the potential to exacerbate existing absenteeism rates, there is another bill before this legislature, HB 523, which could help collect information on the causes of absenteeism, and ultimately help inform culturally competent solutions aimed at the root causes of the issue.

Additionally, requiring probation based on whether a student has committed a certain type of crime will disparately impact Black and Brown individuals, as well as individuals with disabilities, who are overrepresented in the criminal justice system.⁷ Increased involvement with the juvenile justice system will not protect the academic interests of students who are already facing barriers to attendance or who are struggling to stay up-to-date with schoolwork due to court proceedings.

SB 75 has the potential to detrimentally impact students and parents by requiring parents to risk financial loss from time in court, job loss if an employer refuses to provide leave, and

¹ [MARYLAND STATE DEPARTMENT OF EDUCATION, CHRONIC ABSENTEEISM TRENDS AND BRIGHT SPOTS \(2024\).](#)

² [MARYLAND STATE DEPARTMENT OF EDUCATION, SPOTLIGHT ON ECONOMICALLY DISADVANTAGED \(2021\).](#)

³ [MARYLAND STATE DEPARTMENT OF EDUCATION, SPOTLIGHT ON ECONOMICALLY DISADVANTAGED \(2021\).](#)

⁴ [MARYLAND STATE DEPARTMENT OF EDUCATION, CHRONIC ABSENTEEISM TRENDS AND BRIGHT SPOTS \(2024\).](#)

⁵ [CHRONIC ABSENTEEISM | U.S. DEPARTMENT OF EDUCATION.](#)

⁶ [MARYLAND STATE EDUCATION ASSOCIATION, BRIEFING ON CONTRIBUTING FACTORS OF CHRONIC TRUANCY IN THE MARYLAND PUBLIC SCHOOL SYSTEM \(2023\).](#)

⁷ Some literature even suggests that youth with disabilities are overrepresented in the incarcerated population, in part, due to the failure to attend school on a regular basis. Hogan et al., *Meeting the Transition Needs of Incarcerated Youth with Disabilities*, 61 J. CORRECTIONAL EDUCATION 133 (2010).

consequences of an inability to find care for other children due to financial or other barriers. SB 75 could also contribute further to the disproportionate rates at which Black and Brown students, as well as students with disabilities, are interacting with the criminal justice system.

For these reasons, DRM opposes Senate Bill 75.