

**SENATE JUDICIAL PROCEEDINGS COMMITTEE**

**SENATE BILL 711 – FAMILY LAW – CHILD NEGLECT DEFINITION – ALTERATION**

**February 26, 2026**

**Position: Letter of Information**

Disability Rights Maryland (DRM) is the protection and advocacy organization for the state of Maryland; the mission of the organization, part of a national network of similar agencies, is to advocate for the legal rights of people with disabilities throughout the state. In carrying out its mission, DRM represents many students in special education matters and engages in systemic work to ensure that students with disabilities have the opportunity to attend school safely and to obtain the free appropriate public education to which they are entitled by federal law. DRM submits this Letter of Information to outline concerns about the unintended consequences of Senate Bill 711, which would expand the definition of child neglect to include the failure or refusal to provide to a child the education required by law by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child.

Because Senate Bill 711 does not qualify the circumstances under which failure to send a child to school could constitute neglect, the bill increases the possibility that parents whose children are not attending school will be accused of child neglect and will be swept into the juvenile court process. For example, not infrequently, DRM receives calls from distressed parents who are afraid to send their children back to school because their children have sustained injuries—often unexplained—at school, and the school staff have not taken steps to ensure that appropriate measures have been taken to ensure that their children will be safe and appropriately served at school.

Transportation can also be a significant barrier to school attendance even though school systems have the responsibility to ensure appropriate transportation for students with disabilities who need transportation to be able to attend school and benefit from their special education. School attendance can also be affected by lack of school system responsiveness to families whose children may experience school phobia or bullying, or who may have other disability-related barriers to regular school attendance.

Additionally, students with disabilities may miss school because needed staff, such as nurses, paraprofessionals or aides are not available, and it is not safe or appropriate for the student to attend. DRM has represented many students whose parents have advocated relentlessly for the provision of the services their child needs; no child should be excluded from school because of a

lack of staff or needed services, and no parent whose child is in this situation should be at risk of being charged with neglect.

Several other states have added educational neglect to their definition of neglect, but utilization of the child welfare process does not result in increased school attendance. Child protective services (CPS), an already over-burdened system, is not equipped to handle cases of educational neglect.<sup>1</sup> When cases of educational neglect reach courts, there are few mechanisms to address the challenges faced by these students. In New York, one study showed that 25% of children subject to reports of educational neglect were facing unstable housing and homelessness, something that CPS and courts do not have the tools to fix.<sup>2</sup> Although House Bill 834 provides grounds for courts to threaten to place children into foster care when reported for educational neglect,<sup>3</sup> it does not address provision of the resources that are needed to overcome the barriers faced by families, particularly those with disabilities.

Anecdotal evidence from CPS workers also reveals that reports of educational neglect often result in a finding there is insufficient evidence for the report.<sup>4</sup> Additionally, in a sampling of reports from one county in New York, approximately 50% of reports resulted in findings that parents were actively pushing their children to attend school or find support services to address their child's attendance.<sup>5</sup>

Chronic absence from school is already addressed by the truancy process, which allows school staff to separate those parents who are motivated by legitimate concerns for their children and those who are engaging in neglect.

It is also important to note that Maryland's child welfare system has come under intense scrutiny for its inability to protect the youth in its care. Increasing the potential population of children in the child welfare system will place additional stress on the system.

DRM hopes that this information will be helpful to the Committee as Senate Bill 711 moves through the legislative process.

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<sup>1</sup> Jessica Gunderson et al., *Rethinking Education Neglect for Teenagers*, VERA INSTITUTE OF JUSTICE (2009), at p. 4.

<sup>2</sup> *Id.* at 17.

<sup>3</sup> Foster care will not improve educational outcomes; students who experience foster care are less likely to graduate high school and nearly five times less likely to graduate with a degree in higher education. See Nathanael J. Okpych et al., *Secondary and Postsecondary Education Outcomes of Students with Experience in Foster Care: Systematic Review of the Literature From 2000–2023*, AMERICAN EDUCATIONAL RESEARCH JOURNAL (2025).

<sup>4</sup> Jessica Gunderson et al., *Rethinking Education Neglect for Teenagers*, VERA INSTITUTE OF JUSTICE (2009), at p. 7.

<sup>5</sup> *Id.* at 8.

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