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## POSITION ON PROPOSED LEGISLATION

**BILL: HB 1457 – Juveniles – Truancy Reduction Pilot Program – Expansion**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: March 12, 2026**

The Maryland Office of the Public Defender (MOPD) opposes House Bill 1457, which would expand the judiciary's ability to create a truancy court program in Washington 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.”<sup>1</sup> The expansion of formal truancy courts throughout the state has come without that additional evidence and research. In 2025, the legislature passed House Bill 1442 which requires a report on data, outcomes, and recommendation for current programs. In addition, in July 2025, the General Assembly authorized the creation of the Task Force to Improve Attendance and Reduce Chronic Absenteeism in Schools, which will complete its work in December 2026.<sup>2</sup> The legislature should not approve any expansion of the program into new counties without the benefit of these reports.

MOPD 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.<sup>3</sup>

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<sup>1</sup> 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 (2011), [https://www.igsr.umd.edu/applied\\_research/Pubs/Truancy%20Intervention%20Synthesis%20Report.pdf](https://www.igsr.umd.edu/applied_research/Pubs/Truancy%20Intervention%20Synthesis%20Report.pdf).

<sup>2</sup> See Task Force to Improve Attendance & Reduce Chronic Absenteeism in Schools, <https://msa.maryland.gov/msa/mdmanual/26excom/html/01absent.html>.

<sup>3</sup> 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](https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf); Gary Sweeten,

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. MOPD represents students with a wide range of academic and mental health needs throughout the state. Many of our clients have experienced years of 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.<sup>4</sup> Students may express frustration or exhibit behavior related to a disability, which can lead to school discipline, and ultimately lack of engagement and chronic absenteeism.

We also know that chronic absenteeism disproportionately impacts students of color and students with disabilities at the highest rates. Chronic absence rates in the 2023-2024 school year were highest for Black/African American and Hispanic/Latino students and students in special service groups, such as students with disabilities and economically disadvantaged students.<sup>5</sup> In 2025, Black students with disabilities had one of the highest risks of chronic absenteeism.<sup>6</sup> The disproportionate impact of school discipline on students of color and students with disabilities further contributes to this disengagement.

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.<sup>7</sup> Rather than expanding court involvement, MOPD urges the state and school

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*Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 Justice Quarterly 4 (2006).

<sup>4</sup> 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>.

<sup>5</sup> See MSDE's Aligned Metrics Update Presentation (Jan. 28, 2025),

<https://marylandpublicschools.org/stateboard/Documents/2025/0128/AM/Chronic-Absenteeism-A.pdf>.

<sup>6</sup> In 2025, Black students with disabilities had a chronic absenteeism rate of roughly 40% as compared to all students with disabilities. See *Maryland Report Card - Demographics - Chronic Absenteeism* (2025),

<https://reportcard.msde.maryland.gov/Graphs/#/Demographics/ChronicAbsenteeism/3/17/2/6/99/XXXX/2025>.

<sup>7</sup> Clea McNeeley, et al., *Unpacking Unexcused Absences in Maryland: A Working Paper*, Attendance Works <https://www.attendanceworks.org/wp-content/uploads/2019/06/Unpacking-Unexcused-Absences-In-MD-April-22-2025-052325.pdf>; Clea McNeeley, 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](https://www.attendanceworks.org/wp-content/uploads/2019/06/Clea_McNeeley_AERA_Open_April_2021.pdf).

systems to focus on restorative practices and evidence-based interventions that are non-punitive and center on prevention, including schoolwide strategies that improve school climate and school engagement, as well as individual student focused interventions, such as special education services and student supports.<sup>8</sup>

In addition to the lack of evidence to support the efficacy of court-based truancy programs, the program proposed by HB 1457 comes with the risk of specific harms to the youth it intends to serve. While federal law prohibits the incarceration of youth for truancy and other status offenses alone, a child can still be detained for violation of a valid court order. For states that run truancy prevention through the formal court system, this can lead to incarceration or punitive consequences of children for truancy-related reasons.<sup>9</sup> Indeed, Maryland's truancy courts programs model juvenile court procedures with "adjudication" and "disposition" hearings.<sup>10</sup> Establishing a program that operates through the judiciary will only serve to increase the likelihood of youth being pulled deeper into the juvenile justice system and divert funding and emphasis away from the evidence-based best practices to address truancy. Maryland should join states like Connecticut which have purposefully ended court involvement in truancy recognizing that juvenile court is not the appropriate venue for addressing this issue and can in fact have negative consequences.<sup>11</sup>

Moreover, an expansion of court involved truancy reduction programs runs counter to Maryland's focus on restorative practices and what the [Blueprint for Maryland's Future](#) has accomplished through the continued development of community schools which provide a wide array of wraparound services that enhance students' ability to be successful. Community schools work with other agencies and providers to address the barriers to academic success without the threat of court intervention. This model, along with the student-focused services such as increased academic supports, special education services, behavior intervention plans, counseling,

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<sup>8</sup> 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.

<sup>9</sup> In 2016, the largest number of out-of-home placements for adjudicated status offenders was for truancy at 24%. See National Center for Juvenile Justice and OJJDP, *Juvenile Court Statistics (2016)*, at 80; <http://ncjj.org/pdf/jcsreports/jcs2016report.pdf>.

<sup>10</sup> See, e.g. Maryland's First Circuit Judicial Reduction Program at <https://www.courts.state.md.us/circuit/worcester/truancy>.

<sup>11</sup> Connecticut State Department of Education, *Catalog of Truancy Based Interventions* (2018); [https://portal.ct.gov/-/media/SDE/Truancy/TruancyInterventionCatalog\\_FINAL.pdf](https://portal.ct.gov/-/media/SDE/Truancy/TruancyInterventionCatalog_FINAL.pdf).

social work services, and mentoring programs, are the more holistic and supportive interventions with proven results for reducing chronic absenteeism and truancy, which MOPD advocates on a daily basis for our clients.<sup>12</sup> Truancy court programs are an outdated intervention which unnecessarily pulls children into the court system when other more effective interventions are available.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on HB 1457.**

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

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<sup>12</sup> See Maryland Center for Community Schools, Towson University, *From Absence to Engagement: Community Schools' Innovative Approaches to Reducing Chronic Absenteeism and Increasing Attendance* (Research Brief Spring 2025), <https://www.towson.edu/coe/centers/maryland-center-community-schools/mccs-research-brief-3.pdf>.