

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
 Third Reader

House Bill 1190

(Delegate Clippinger)(By Request - Maryland Judicial Conference)

Judiciary

Judicial Proceedings

Juveniles - Truancy Reduction Pilot Program - Expansion

This bill renames the existing “Truancy Reduction Pilot Program” (TRPP) to be the “Truancy Reduction and School Reengagement Program” (program) and expands application of related provisions to any county in which the circuit or county administrative judge has established a program and to the extent that funds are provided. The purpose of the program is to (1) adjudicate cases filed with the court under § 7-301 of the Education Article in a manner that promotes the child’s and the child’s parent’s or guardian’s engagement or reengagement with education; (2) identify the causes of truancy and school disengagement for a child participating in the program; (3) assist the child, the child’s parents or guardians, and the schools in ameliorating the causes of truancy and school disengagement; and (4) reengage the child in furthering the child’s education.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by at least \$155,000 annually for program grant funding. The Judiciary can comply with the bill’s reporting requirements using existing resources. Revenues are not affected.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	155,000	155,000	155,000	155,000	155,000
Net Effect	(\$155,000)	(\$155,000)	(\$155,000)	(\$155,000)	(\$155,000)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local grant revenues and corresponding expenditures increase by at least \$155,000 annually from grant funding for programs in additional jurisdictions and program implementation. Local expenditures may increase further for additional program support.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Applicability of Specialized Truancy Program Provisions

Under § 7-301 of the Education Article, subject to limited exceptions, each child who resides in the State and is age 5 or older and younger than age 18 must attend a public school regularly during the entire school year. Under current law, a child who is required by law to attend school and is habitually truant can be designated a Child in Need of Supervision, which makes the child subject to the jurisdiction of the juvenile court under Title 3, Subtitle 8A of the Courts and Judicial Proceedings Article. However, current law (Title 3, Subtitle 8C of the Courts and Judicial Proceedings Article) also sets forth specific procedures for addressing truancy in jurisdictions in which a TRPP has been established. In a county in which a TRPP has been established, an authorized school official may file with the juvenile court a petition alleging that a child who is required to attend school failed to do so without lawful excuse, as specified.

The bill repeals the existing statutory authority for TRPPs to operate in specified jurisdictions (Dorchester, Harford, Kent, Prince George's, Somerset, Talbot, Wicomico, and Worcester counties), and instead establishes that (1) a county administrative judge may establish a program as a program-solving court in the juvenile court in the county in accordance with rules adopted by the Supreme Court of Maryland and (2) a circuit administrative judge may establish a program as a program-solving court in one or more of the juvenile courts in the circuit in accordance with rules adopted by the Supreme Court of Maryland. After consultation with a circuit administrative judge, the Chief Justice of the Supreme Court of Maryland may accept a gift or grant for the program.

Dispositions under a Truancy Program

Under current law, when making a disposition on a petition that has been filed as part of a TRPP, the court may order the child to (1) attend school; (2) perform community service; (3) attend counseling, including family counseling; (4) attend substance abuse evaluation and treatment; (5) attend mental health evaluation and treatment; or (6) keep a curfew with the hours set by the court.

The bill generally retains these options for a disposition under the program and specifies that an order to attend school may include summer school, a credit recovery program, or a virtual learning platform. The bill also authorizes a court to (1) with the consent of the county board of education, order a child to attend a GED program; (2) refer the child or the child's parent or guardian to an appropriate agency to address behaviors or issues that impact the child's engagement with school or other issues relevant to school attendance;

or (3) issue any other order that the court determines is appropriate to achieve the program's stated purposes.

Under current law, the court must retain jurisdiction until every condition of the court's order is satisfied; the bill establishes that the court *may* retain such jurisdiction.

Truancy Programs – Adults

Section 7-301 of the Education Article also requires a person who has legal custody or care and control of a child who is at least age 5, but younger than age 16, to see that the child attends school or receives instruction. A violator is guilty of a misdemeanor. For a first conviction, the violator is subject to maximum penalties of a fine of \$50 per unlawful day of absence and/or three days imprisonment. For a second or subsequent conviction, the violator is subject to maximum penalties of a fine of \$100 per day of unlawful absence and/or five days imprisonment.

Any person who induces or attempts to induce a child to be unlawfully absent from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor, punishable by a fine of up to \$500 and/or imprisonment for up to 30 days. In a county that has established a TRPP, a charge may be filed in the juvenile court and assigned to a truancy docket for disposition. The court may condition marking a charge as a *stet* on the defendant's participation in the appropriate TRPP. The bill makes conforming changes to expand the applicability of these provisions to a county in which a program has been established.

The bill clarifies that provisions subjecting criminal defendants under the subtitle governing TRPPs to specified conditions of probation apply to a criminal defendant who is alleged to have violated § 7-301 of the Education Article (inducing a child to be unlawfully absent from school – described above) under the subtitle governing programs.

Annual Reporting Requirements

Under current law, the Chief Justice of the Supreme Court of Maryland must report annually (by November 1) to the General Assembly on each established TRPP. The bill requires the Chief Justice to report on each established program and requires the annual report to include (1) the number of established programs; (2) the number of children participating in each program; (3) information on outcomes for children participating in each program; and (4) information on any changes recommended to improve the functioning of the programs. The report may not include any personal identifying information of a child who participates in a program.

Background: According to the Judiciary, existing TRPPs represent a proactive approach designed to address the causes of truancy and improve the student’s attendance, achievement, and attachment to school. TRPPs are designed to be a proactive intervention rather than a punitive reaction. According to the Judiciary’s *Fiscal Year 2022 Problem-Solving Courts Annual Report*, during fiscal 2022, 196 new students and families entered TRPPs, and there were 387 total active clients.

State Expenditures: The Office of Problem-Solving Courts (OPSC) provides annual reimbursable grants to each circuit court that operates a program. OPSC advises that it anticipates one county to establish a program in fiscal 2024, and \$155,000 is the standard anticipated cost for a truancy program. Additional counties have expressed varying levels of interest in establishing a program.

Local Expenditures: The Judiciary advises that the \$155,000 grant for fiscal 2024 is sufficient for the fiscal 2024 needs of the currently anticipated program. However, local supporting agencies do provide support staff or services where needed.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See SB 668 and HB 823 of 2022.

Designated Cross File: SB 220 (Senator Smith)(By Request - Maryland Judicial Conference) - Judicial Proceedings.

Information Source(s): Carroll, Queen Anne’s, Somerset, and Worcester counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Maryland State’s Attorneys’ Association; Maryland State Department of Education; Department of Human Services; Department of Juvenile Services; Department of Public Safety and Correctional Services; Anne Arundel County Public Schools; Department of Legislative Services

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