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# **Approaches to Solving the Problem of Truancy**

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**Department of Legislative Services  
Office of Policy Analysis  
Annapolis, Maryland**

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October 30, 2008

The Honorable Thomas V. Mike Miller, Jr., President of the Senate  
The Honorable Michael E. Busch, Speaker of the House  
Members of the Maryland General Assembly

Ladies and Gentlemen:

This report, *Approaches to Solving the Problem of Truancy*, was prepared by the Department of Legislative Services, Office of Policy Analysis, in response to the continuing legislative interest in the area of truancy. The report discusses Maryland's truancy situation, approaches to solving the problem of truancy in Maryland and in other states, and recommendations to address the issue of truancy.

This report was written by Susan McNamee and Chantelle Green under the editorial direction of Lauren Nestor.

I trust this information will be of assistance to you.

Sincerely,

Warren G. Deschenaux  
Director

WGD/LCN/lkj



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## Executive Summary

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Truancy, or unexcused absence from school, is a problem nationwide. A recent Department of Justice report cites truancy as a significant risk factor for substance abuse, delinquency, gang activity, and dropping out of school. In another study, the department found that approximately two-thirds of serious violent offenders and half of serious nonviolent offenders had been truants. A 2007 report from the National Center for School Engagement in Colorado cited a number of studies showing that effective truancy reduction programs can produce a marked decline in delinquent acts committed by school age youth.

Under Maryland law, a child is required to attend school from the age of 5 years until the age of 16 years. An “habitual truant” is a student who is unlawfully absent more than 20 percent of the school days in a marking period, semester, or school year. According to the State Department of Education, the statewide habitual truancy rate for the 2006-2007 school year was 19,648 or 2.2 percent of public school students.

State law provides a mechanism for addressing habitual truancy by filing a Child in Need of Supervision (CINS) petition with the juvenile court. Under the Juvenile Causes Subtitle, a child may be a “child in need of supervision” if the child is required to attend school and is habitually truant. While the Department of Juvenile Services (DJS) has authority to bring habitual truants to juvenile court, this option is rarely utilized. During the past seven fiscal years, less than 6 percent of all habitual truancy referrals resulted in a formal filing of a CINS petition.

Maryland’s truancy situation has prompted several legislative and local school board initiatives designed to address the problem. Several of the initiatives include (1) a Truancy Reduction Pilot Program in Dorchester, Harford, Prince George’s, Somerset, Wicomico, and Worcester counties; (2) legislation prohibiting students under age 16 with more than 10 unexcused absences during the prior school term from obtaining a learner’s permit to drive; (3) a CINS Pilot Project in Baltimore City and Baltimore County; and (4) local school system intervention strategies including a truancy agreement with local stakeholders in Carroll County and a Truancy and Assessment Center in Baltimore City.

In an effort to understand and prevent truancy, other states have developed a variety of approaches to the problem of truancy. Several of these programs include (1) Delaware’s Truancy Court Program; (2) Washington’s Becca Bill (which requires school districts to file a truancy petition in juvenile court if a student has 7 unexcused absences in a month or 10 in an academic year); and (3) Colorado’s juvenile detention and intervention strategies for truancy.

This report provides an overview of (1) Maryland’s truancy situation, including local school board and DJS’ involvement in addressing this issue; (2) approaches utilized by Maryland and other states to combat truancy; and (3) recommendations regarding the most effective methods of addressing truancy in Maryland.





# Approaches to Solving the Problem of Truancy

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## Introduction

Truancy, or unexcused absence from school, is a problem nationwide. A recent Department of Justice report cites truancy as a significant risk factor for substance abuse, delinquency, gang activity, and dropping out of school. In another study, the department found that approximately two-thirds of serious violent offenders and half of serious nonviolent offenders had been truants. A 2007 report from the National Center for School Engagement in Colorado cited a number of studies showing that effective truancy reduction programs can produce a marked decline in delinquent acts committed by school age youth.

In Maryland, primarily the local school systems and, in some counties, a truancy court pilot program, address the problem of truancy. While the Department of Juvenile Services (DJS) has authority to bring habitual truants to juvenile court, this option is rarely utilized.

This paper will set forth (1) Maryland's truancy situation, including local school board and the DJS' involvement in addressing this issue; (2) approaches utilized by Maryland and other states to combat truancy; and (3) recommendations regarding the most effective methods of addressing truancy in Maryland.

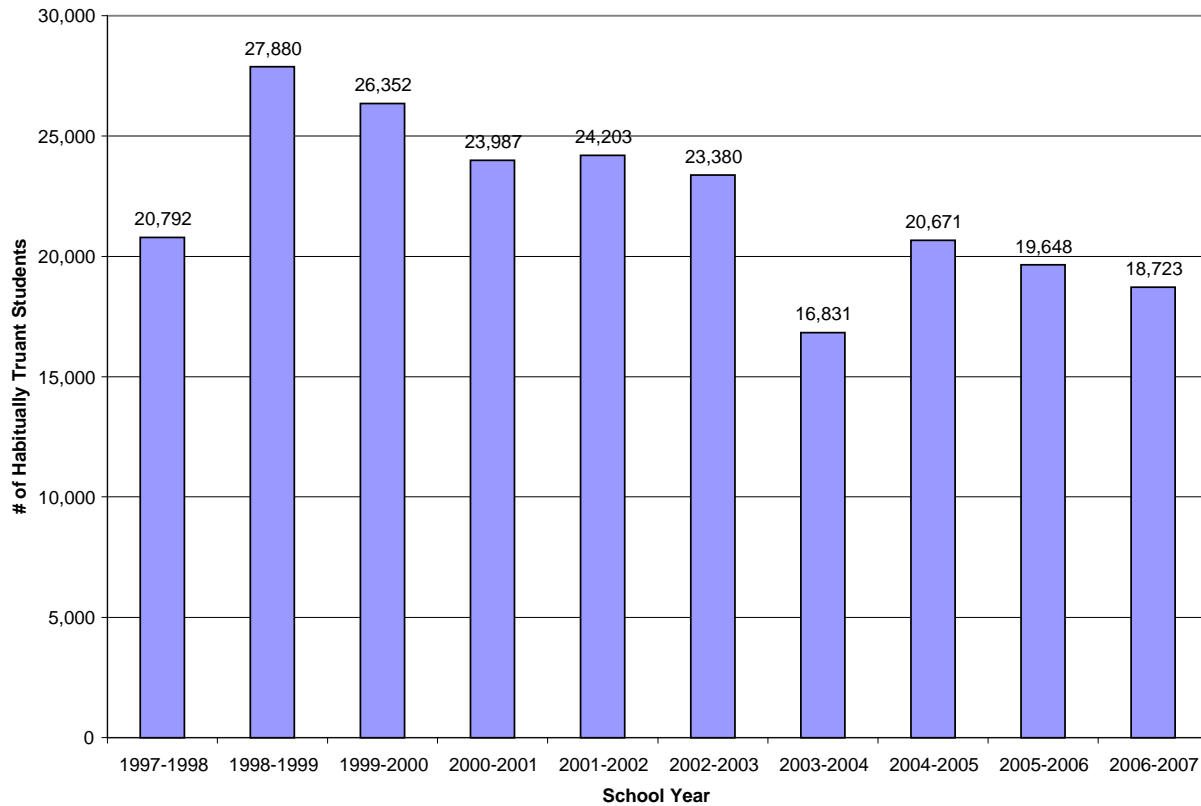
## Maryland's Truancy Situation

In Maryland, an "habitual truant" is a student who is unlawfully absent more than 20 percent of the school days in a marking period, semester, or school year.<sup>1</sup> **Exhibit 1** illustrates the statewide number of habitually truant students over the past 10 school years. The number of truant students decreased from 20,792 to 18,723, or 10 percent, from 1997 to 2007.

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<sup>1</sup> State law authorizes a local school board to define "habitual truancy" in stricter terms. For example, the Baltimore City Public School System defines habitual truancy as being unlawfully absent more than 15 percent of the school days in a marking period, semester, or school year.

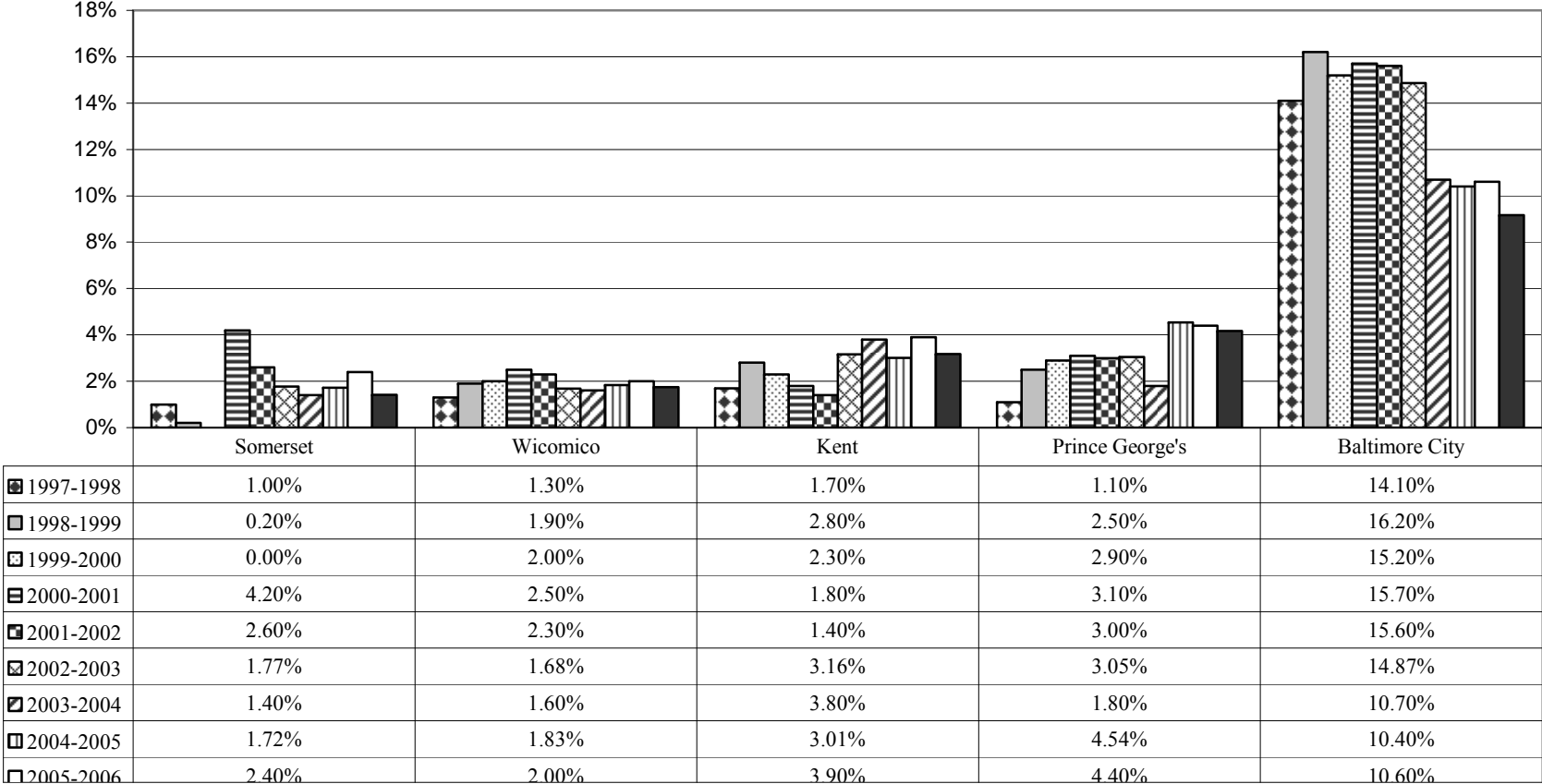
**Exhibit 1**  
**Statewide Number of Habitual Truants**  
**School Year 1997-2007**



Source: Maryland State Department of Education

Habitual truancy data provided by the Maryland State Department of Education (MSDE) indicates that five local school systems have continued to maintain the highest habitual truancy rates across the State over the past 10 school years: Baltimore City, Prince George's County, Kent County, Wicomico County, and Somerset County. **Exhibit 2** depicts the habitual truancy rate for each of these counties over the past 10 school years.

**Exhibit 2**  
**Truancy Rates for Maryland's Most Habitually Truant School Systems**  
**School Year 1997-2007**



Source: Maryland State Department of Education, Department of Legislative Services

According to MSDE, the statewide habitual truancy rate for the 2006-2007 school year was 19,648, or 2.2 percent of public school students. While over half of the local school systems reported habitual truancy rates of less than 1 percent, the highest rates were in Baltimore City (9.2 percent), Prince George's County (4.2 percent), Kent County (3.2 percent), Wicomico County (1.8 percent), and Somerset County (1.4 percent).

## **Criminal Action Against Parent**

Under § 7-301 of the Education Article, a child is required to attend school from the age of 5 years until the age of 16 years.

A parent or guardian who fails to ensure that a child attends school regularly is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500, imprisonment not exceeding 30 days, or both.<sup>2</sup> The court may suspend the parent's or guardian's sentence and establish terms and conditions that promote the child's attendance in school.

## **School Intervention**

Under § 7-302 of the Education Article, school officials are required to report the case of a child with irregular attendance or unlawful absences to the local school system office so that solutions to the child's situation may be worked out. If a school reports that a child is habitually truant, local school system officials are required to investigate and may intervene by providing counseling regarding the availability of social, health, and educational services. Following the investigation, local school system officials may notify DJS that the child is habitually truant.

## **Child in Need of Supervision (CINS)**

State law provides a mechanism for addressing truancy by filing a Child in Need of Supervision (CINS) petition<sup>3</sup> with the juvenile court. Under the Juvenile Causes subtitle, a child may be a "child in need of supervision" if the child is required by law to attend school and is habitually truant.

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<sup>2</sup> The circuit court has concurrent jurisdiction with the District Court over any criminal case arising under the compulsory school attendance laws.

<sup>3</sup> See Title 3, Subtitle 8A of the Courts Article, "Juvenile Causes – Children Other Than CINAs and Adults."

A juvenile adjudicated a CINS has not committed a delinquent act<sup>4</sup> because the relevant act is a status offense, an act that would not be a crime if committed by an adult. Examples of status offenses include habitual truancy, underage drinking or smoking, running away from home, and curfew violations.

A DJS intake officer determines whether to file a petition alleging that an habitually truant child is a child in need of supervision or whether the case may be resolved informally through the provision of services. If the intake officer files a petition, the juvenile court is required to hold an adjudicatory hearing. If the child is adjudicated a CINS, the juvenile court must hold a hearing to determine the child's disposition. Possible dispositions include (1) placing the child on probation or under supervision at home or in the custody of a relative or other fit person; (2) committing the child to the custody of DJS, the Department of Health and Mental Hygiene, or a public or private licensed agency; (3) ordering the child and parent or guardian to participate in counseling or rehabilitative services; or (4) adopting a treatment service plan for the child.

According to DJS policy<sup>5</sup>, chronic truancy is considered a family problem that is most appropriately addressed by local school systems. Interviews conducted by the Department of Legislative Services (DLS) with the supervisors of student services in 14 local school systems<sup>6</sup> reveal that school systems rarely refer truancy cases to the local DJS because the department will not file a CINS petition for habitual truancy. Several supervisors commented that DJS will address habitual truancy only if the case also involves allegations of delinquent activities. Another stated that DJS' resources were primarily focused on delinquent juveniles and not on CINS cases.

The anecdotal information received from the local school system personnel is confirmed by statistical data supplied by DJS that indicates that the department rarely files formal CINS petitions for truancy. **Exhibit 3** illustrates the percentage distribution of habitual truancy referrals made to DJS for fiscal 2001 to 2007. Less than 6 percent of all habitual truancy referrals resulted in a formal filing of a CINS petition over the past seven fiscal years.

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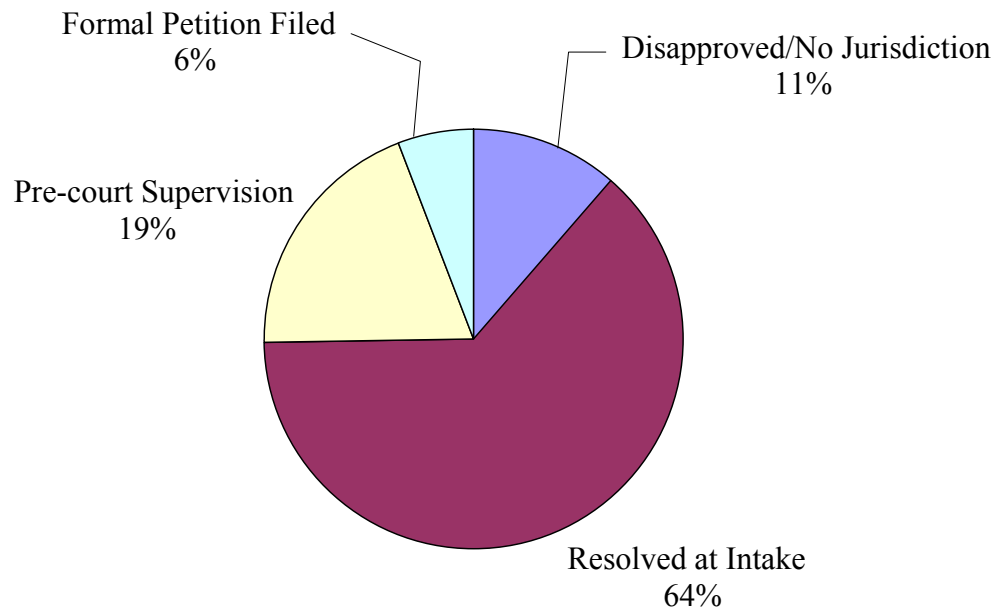
<sup>4</sup> A "delinquent act" means an act which would be a crime if committed by an adult. Courts Article, § 3-8A-01.

<sup>5</sup> DJS Policy No. 16.01F, effective January 1, 1995.

<sup>6</sup> Allegany County, Anne Arundel County, Baltimore City, Baltimore County, Cecil County, Charles County, Frederick County, Garrett County, Harford County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, and Worcester County.

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**Exhibit 3**  
**Percentage Distribution of Habitual Truancy Referrals**  
**Fiscal 2001-2007**



Source: Department of Juvenile Services

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## **Approaches to Solving the Problem of Truancy in Maryland**

Maryland's truancy situation has prompted several legislative and local school initiatives designed to address the problem.

### **Truancy Reduction Pilot Program**

Chapter 551 of 2004 authorized a three-year Truancy Reduction Pilot Program (TRPP) in the juvenile courts in Dorchester, Somerset, Wicomico, and Worcester counties. Families enter TRPP when a school official files a civil petition alleging that a child who is required to attend school has failed to do so without lawful excuse. For students under the age of 12 years, prior to

participation in TRPP, a criminal charge must be filed against the student's legal custodian and dismissed<sup>7</sup> or placed on the inactive docket<sup>8</sup> prior to participation in TRPP.

In making a disposition on the truancy petition, the court may order the student 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) comply with a curfew set by the court. Following the disposition hearing, a review hearing is scheduled to review family assessment findings and determine appropriate services. Participants are eligible for graduation from TRPP when they have remained in the program for 90 days without any unexcused absences.

Chapter 648 of 2007 extended the term of the existing TRPP and authorized the establishment of a TRPP in the juvenile courts of Harford and Prince George's counties. All TRPPs under the legislation are scheduled to sunset on June 30, 2009. A flow chart of the TRPP process is depicted in **Appendix 1**.

### **Report on the Truancy Reduction Pilot Program**

Chapter 551 of 2004 required the Circuit Court Administrative Judge for the First Circuit to submit a report evaluating TRPP to the General Assembly by May 31, 2007. According to the report, over 190 truancy cases have been filed since the pilot began in 2005. Approximately 84 percent of the cases filed were in Wicomico and Somerset counties. As is illustrated in **Exhibit 4**, approximately 80 percent of truancy court case filings were among students between the ages of 13 and 16.

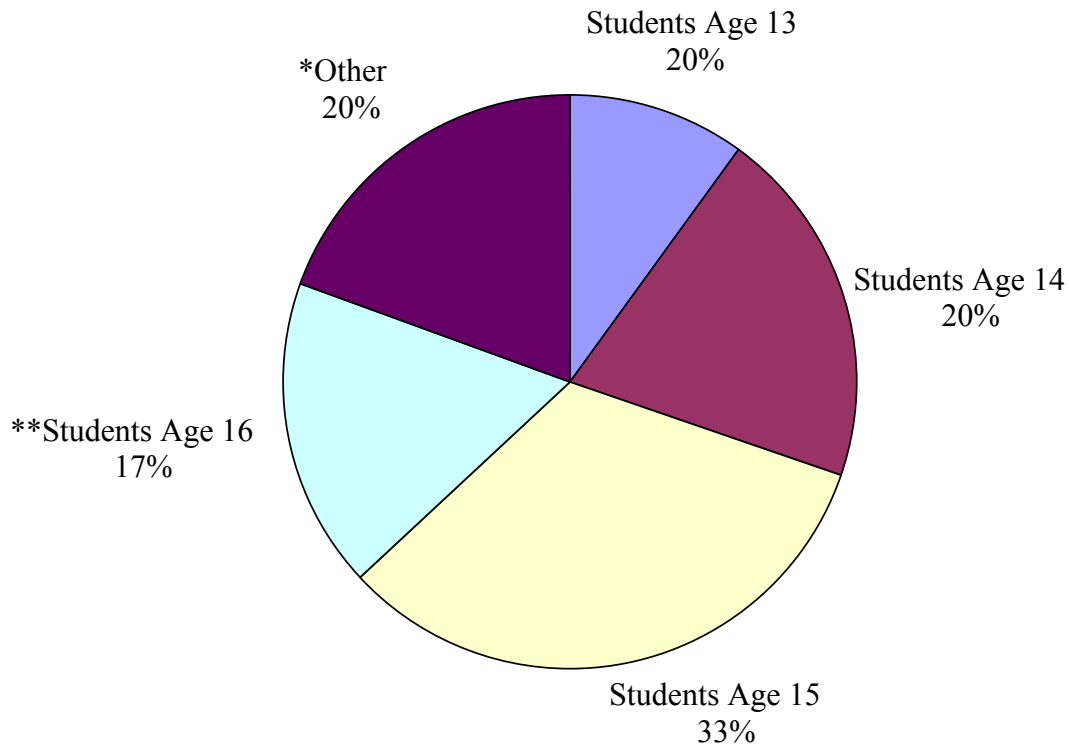
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<sup>7</sup> In an action on the truancy docket for failure to ensure attendance in school, it is an affirmative defense that a legal custodian made reasonable substantial efforts to ensure attendance but that efforts have been unsuccessful. If the court determines that the defense is valid, the court must dismiss the charges against the defendant. Education Article, § 7-301(e-1).

<sup>8</sup> Chapter 648 of 2007 amended § 7-301(e)(1) of the Education Article to permit criminal charges against legal custodians to be placed on the inactive docket after October 1, 2007, to allow participation in TRPP.

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**Exhibit 4**  
**Percentage of Truancy Court Filings by Age**  
**School Year 2005-2007**



\*Other: Constitutes students between the ages of 6 and 12.

\*\*Students Age 16: According to a juvenile master in the First Circuit, although no statutory authority exists for the filing of truancy actions once a child reaches the age of 16, actions were filed against 16-year-olds in 2005-2007 after assurances were made by the parents to the court that the parents would not allow their children to drop out of school. However, most of these children eventually did drop out. Over the past year, the number of actions filed against 16-year-olds has been greatly reduced.

Source: Maryland Judiciary, First Judicial Circuit Report on the Truancy Reduction Pilot Program, May 2007

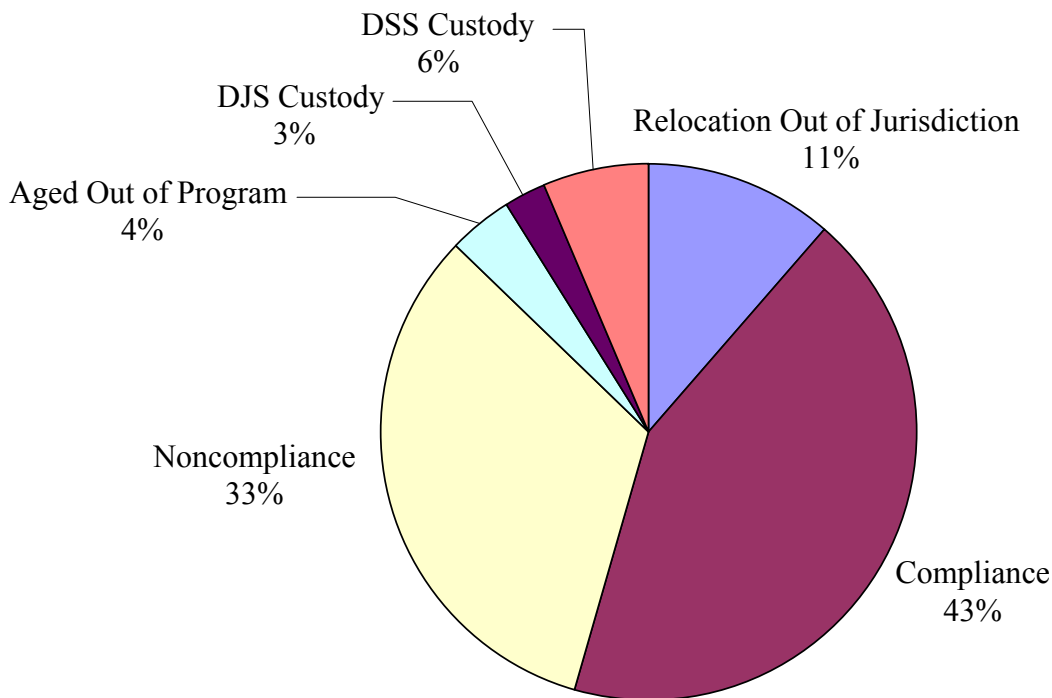
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According to the report, approximately 66 percent of the truancy cases filed were either closed or resulted in additional criminal filings. **Exhibit 5** shows the percentage distribution of the manner in which truancy court cases were closed. Approximately 43 percent of the cases closed were deemed to be in compliance (*i.e.*, the participant complied successfully with program requirements). By contrast, approximately 33 percent of the total cases were closed due to noncompliance with the program’s requirements. Approximately 9 percent of the cases were closed because the participant was taken into custody by DJS or a local department of social services.

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**Exhibit 5**  
**Disposition of Truancy Cases Closed**  
**School Year 2005-2007**



Source: Maryland Judiciary, First Judicial Circuit Report on the Truancy Reduction Pilot Program, May 2007

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According to the report, TRPP remains a “work in progress.” Program strengths are documented by the services provided and the number of students successfully re-engaged in school. Based upon judicial observations, several changes are necessary to enhance the effectiveness of Maryland’s truancy court programs, including statutory enforcement authority for noncompliance, greater participation from local school boards, and improved outcome and data collection.

### **Observations on the Truancy Reduction Program**

According to the report, approximately 43 percent of program participants were found to be in compliance with the program. Participants are required to undergo a 90-day period without any unexcused absences prior to graduating from the program. Despite the seemingly positive results, the report fails to provide long-term data related to participants’ attendance subsequent to completing the program – a key factor in assessing the efficacy of TRPP. Recent discussions with MSDE have revealed that outcome data such as attendance, drop-out, and graduation rates are important measures utilized to assess the effectiveness of truancy programs.

In light of the State’s increasing financial commitment<sup>9</sup> to TRPP, there is a continued need to evaluate the efficacy of TRPP. Specifically, additional study is warranted in the following areas:

- **Attendance Data:** Aside from noting that participants must undergo a 90-day period without any unexcused absences prior to graduating from the program, the report fails to discuss long-term attendance outcomes. In particular, the report fails to answer one of the most fundamental questions – did program participants’ attendance continue to improve or remain the same subsequent to completing the program? A comprehensive analysis of countywide, schoolwide, and program participants’ attendance data is needed in order to determine whether the TRPP is the most appropriate intervention aimed at reducing truancy.
- **Graduation and Drop-out Rates:** A key component of assessing the efficacy of TRPP is to evaluate whether the program has made a long-term impact on graduation and drop-out rates. In particular, while the program was undoubtedly successful in getting 43 percent of program participants to attend school for 90 consecutive days without any unexcused absences, the key question is whether TRPP has been successful in keeping program participants in school beyond age 16? While noting that such data may have been previously unavailable due to the infancy of the program when the report was submitted, TRPP should focus on collecting this type of data going forward.

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<sup>9</sup> In fiscal 2008 and 2009, the State appropriated approximately \$105,000 and \$771,000 for the TRPP, respectively. The fiscal 2009 appropriation reflected a \$666,000 or 634 percent increase in funding for TRPP.

- **Cost Benefit Analysis:** Similar to Maryland's drug court programs, TRPP should undergo a cost benefit analysis. A cost benefit analysis, which is designed to determine the feasibility of the program by quantifying its costs and benefits, will be useful in assessing the overall benefit of TRPP to the State. The analysis will also be useful when conducting a comparative analysis of TRPP to other types of truancy reduction programs.

### **Learner's Driving Permits**

As of October 1, 2007<sup>10</sup>, a student under the age of 16 years with more than 10 unexcused absences during the prior school semester may not obtain a learner's permit to drive. Because Maryland's compulsory school attendance laws require school attendance only until the age of 16<sup>11</sup>, and because a student must be 15 years, 9 months of age before obtaining a learner's permit, an habitual truant is only restricted from obtaining a permit for up to three months. In states where compulsory school attendance is required until a child reaches the age of 17 or 18, a prerequisite of minimal unexcused absences before obtaining a learner's permit may have a more significant impact in reducing habitual truancy.

### **Task Force to Study Raising the Compulsory Public School Attendance Age to 18**

Chapter 449 of 2006 established a Task Force to Study Raising the Age of Compulsory Attendance to 18. In December 2007, the task force issued its report and recommendations. The task force did not specifically recommend that the age of compulsory school attendance be raised but did encourage strong use of student supports and alternative paths to high school graduation. In addition, the task force recommended that, if the State does increase the age of compulsory school attendance, the State should provide adequate financial support for the endeavor.<sup>12</sup>

Additionally, the task force recommended appointing a group to examine the State's existing truancy court programs, including their structure and effectiveness. The task force also recommended studying whether Maryland's TRPP should be expanded as a statewide initiative.

The task force noted that the State lacks an established system of support and consequences for frequently truant students. According to the report, criminal actions against a parent or guardian for failing to ensure that a student attends school regularly are rarely filed. Without enforcement of attendance, raising the compulsory school age will have little or no influence in keeping students in school. Consequently, the task force suggested that the State

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<sup>10</sup> Chapters 562 and 563 of 2007.

<sup>11</sup> Maryland is one of 23 states and the District of Columbia where compulsory school attendance ends at age 16.

<sup>12</sup> Senate Bill 436 of 2008 would have increased the age of compulsory school age attendance to age 17. The law would have taken effect July 1, 2009, contingent on the inclusion of \$45.0 million in the fiscal 2011 State budget. Senate Bill 436 passed in the Senate but failed in the House.

consider establishing a truancy court program in each county as a means of improving school attendance and enhancing achievement.

The task force report cited Maryland's TRPP and successful evaluations of truancy court programs in North Carolina, Missouri, Michigan, and Delaware. According to the task force report, a three-year evaluation of the truancy court in St. Louis County, Missouri found that 60 percent of the students referred to court significantly improved their attendance rates, reducing absences by an average of 44 percent. Delaware reported success with its truancy court program also. In 2003, 55 percent of the students referred to truancy court complied with its requirements, and two-thirds of the students involved in truancy court in 2002 continued to remain in school more than one year later.<sup>13</sup>

### **CINS Pilot Project in Baltimore City and Baltimore County**

In 2005, the General Assembly established a five-year "Child in Need of Supervision Pilot Program" in Baltimore City and Baltimore County under the jurisdiction of DJS.<sup>14</sup> A DJS intake officer is required to refer a child alleged to be a CINS to a designated service provider who will provide comprehensive family focused assessments and service planning to the child and parent or guardian. The provider meets with the family to discuss the child's school performance, family interactions, relationships with peers, and emotional and physical health. The provider reviews the child's records, conducts assessments of the child and family, and establishes a case plan for providing wrap-around services to both the child and the family. The length of the program is three to six months, depending on the services provided.

The program tracks the child at 6- and 12-month intervals following program completion. Two reports discussing the implementation of the pilot program have been submitted to the General Assembly. The first, dated December 31, 2006, stated that because the program had only recently been implemented in both jurisdictions, the program's effectiveness could not be evaluated. The next report, submitted December 31, 2007, indicated some positive outcomes in that, at the 6- and 12-month benchmarks, fewer juveniles had had further contacts with DJS than had been expected. One obstacle to success, noted in the 2007 report, was a low commitment on the part of parents and families of CINS youth to participate in the counseling and services.

### **Positive Behavioral Interventions and Support Programs**

Chapter 222 of 2004 required elementary schools with high suspension rates to implement Positive Behavioral Interventions and Support (PBIS) programs or similar behavior modification programs. Other schools, including middle and high schools, have voluntarily implemented PBIS. PBIS seeks to enhance the capacity of schools to adopt effective practices

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<sup>13</sup> *Attending to Learn: The Implications of Raising the Compulsory Age for School Attendance* (Final Report of the Task Force to Study Raising the Compulsory Public School Attendance Age to 18). December 1, 2007, pp. 18 and 19.

<sup>14</sup> Chapter 601 of 2005, Courts Article §3-8A-10.1.

that improve a school’s ability to teach and support positive behavior. According to MSDE, more than one-third of Maryland’s public schools are actively implementing PBIS strategies.

Chapter 368 of 2008 requires schools with truancy rates in excess of 8 percent of their enrollment during the 2008-2009 year to implement PBIS or a comparable behavior modification program. As illustrated in **Exhibit 6**, the truancy rate that triggers the requirement is then reduced each subsequent year until it reaches 1 percent of enrollment for the 2012-2013 school year and thereafter. A school that has already implemented PBIS or an alternate program must expand its program if its truancy rate exceeds the limit set or if the existing suspension rate limit set for elementary schools is exceeded.

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**Exhibit 6**  
**PBIS Truancy Rate**

| <u>School Year</u>  | <u>Truancy Rate</u> |
|---------------------|---------------------|
| 2008-2009           | 8% or more          |
| 2009-2010           | 6% or more          |
| 2010-2011           | 4% or more          |
| 2011-2012           | 2% or more          |
| 2012-2013 and after | 1% or more          |

Source: Department of Legislative Services

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**Local School Initiatives**

State law requires school systems to develop intervention strategies and procedures to deal with absenteeism. Interviews conducted with 14 local systems<sup>15</sup> revealed the use of the following school-based intervention strategies: (1) parent notification and parent/teacher conferences; (2) home visits; (3) referrals to counseling or tutoring; and (4) referrals to local State’s Attorneys Offices. The most notable strategies are those employed by the Baltimore City Public School System (BCPSS), Carroll County, and Prince George’s County.

**Baltimore City Truancy Assessment Center**

In November 2003, Baltimore City opened a Truancy Assessment Center (B-TAC). B-TAC’s primary focus is on habitually truant students in grades six through eight (middle school). At B-TAC, a truant child meets with school police officers, guidance counselors, and staff from DJS and the local department of social services. Social workers at B-TAC evaluate whether the child needs mental health counseling, academic tutoring, medical care, housing, or other services.

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<sup>15</sup> See footnote 6 for names of school systems.

B-TAC also serves as the central truancy office for all Baltimore City public schools. B-TAC accepts student referrals from local schools that have exhausted every effort to get a student to return to school prior to referral. This school year, B-TAC assumed the responsibility of filing criminal charges against parents for noncompliance for the entire BCPSS. According to B-TAC, this new method is favored because B-TAC ensures that there is sufficient documentation of a student's attendance history, including previous efforts made by the school system to encourage compliance prior to filing criminal charges. According to B-TAC, criminal charges filed against parents is a method of last resort.

### **Truancy Court Program at the University of Baltimore School of Law**

The University of Baltimore School of Law's Center for Families, Children and the Courts launched its truancy court program in March 2005. The program, which consists of a partnership with six elementary and middle schools in Baltimore City, operates as a volunteer truancy court with an emphasis on therapeutic intervention and prevention. Although not an official court, the truancy court is staffed with judges who volunteer to work with parents and students to resolve truancy issues. Under the program, a judge or court official, accompanied by local school officials and a University of Baltimore law student and administrator, meets with a truant child and parent or guardian once a week for 10 weeks to determine and resolve truancy issues. According to program officials, this simple, yet effective weekly follow-up has resulted in a 50 to 75 percent increase in students' attendance.

### **University of Maryland School of Law Truancy Mediation Program**

In 2002, the Center for Dispute Resolution at the University of Maryland School of Law (C-DRUM) in collaboration with MSDE and the Maryland Judiciary's Mediation and Conflict Resolution Office, initiated a statewide school grants program for conflict resolution education. The program awards grants to schools to implement conflict resolution programs. As a component of its conflict resolution program, C-DRUM also initiated a Truancy Mediation Program. Under the program, Baltimore City students with attendance problems are identified at an early stage when it first becomes apparent that there is a truancy concern. During confidential mediations, parents and teachers meet with a mediator to discuss problems at home and in school in an effort to develop a plan for improving school attendance. One of the key benefits of this program is its ability to link parents with available social services in the community to prevent habitual truancy.

### **Carroll County Truancy Agreement**

Of the counties interviewed for this report, Carroll County is the only local school system that has entered a written agreement with DJS and the State's Attorney's Office for handling

truancy cases.<sup>16</sup> According to the agreement, if interventions by the school are not successful with an habitual truant, a truancy complaint is filed with DJS or the State's Attorney seeking informal court assistance with an intake officer or a truancy conference with the parents, student, and a school official. If a CINS/Truancy petition is filed with the court, the school official agrees to monitor the case and report violations of the court order to the State's Attorney for purposes of filing a petition with the juvenile court. If the juvenile court finds that the child or parent has violated the court order, it may impose community service against the child and fines or incarceration against the parent.

### **Project Attend**

Project Attend operates in Anne Arundel County and Baltimore County. The program is designed for students (up to age 15) who are referred by school pupil personnel workers because previous school interventions have been ineffective.

Under the program, a law enforcement officer delivers to the child a letter on DJS letterhead requesting the child and the child's parent to attend a hearing at the District Court. A DJS hearing officer conducts the hearing and explains the truancy laws and possible sanctions to the parent. The parent is asked to sign an agreement for attendance monitoring. While in the program, the student signs a daily attendance log which is tracked by the program's coordinator. The coordinator maintains contact with both the parent and the child throughout the duration of the program. A follow-up hearing may be conducted if the student's attendance does not improve.

The Baltimore County program is funded by the local school system and is in effect for the entire school year. If a child is terminated from Project Attend, the case is referred back to the pupil personnel worker for possible legal action against the parent in District Court.

The Anne Arundel County program is funded by DJS. The program is similar to Baltimore County's program but also includes the involvement of the county health department. A parent is asked to agree to a mental health and substance abuse screening of the child (if necessary), and an assessment by the health department for other services. The Anne Arundel County program is a 90-day program that may be extended on a case-by-case basis.

Success in Project Attend is measured by improvement in a student's attendance record. Both programs report such success. In the Anne Arundel County program, 61 percent of the 270 students referred to the program during the 2007-2008 school term, had an overall decline in their absences. In Baltimore County during the 2006-2007 school term, 272 middle and high school students received Project Attend services because of low school attendance. The students' average daily attendance pre-hearing was 75 percent. The students' post-hearing

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<sup>16</sup> Carroll County Truancy Agreement, March 24, 2003, signed by the Director of Student Services for the Carroll County Public Schools, the Supervisor for the Department of Juvenile Justice (now Department of Juvenile Services), and an Assistant State's Attorney in the Carroll County State's Attorney's Office.

average daily attendance was 85.4 percent, a gain of 10.4 percentage points. This gain was the largest ever achieved in the twelve year history of Project Attend in Baltimore County.

### **Prince George's County Initiatives**

Prince George's County's habitual truancy rate is the second highest in the State. Legislation passed during the 2007 session expanded TRPP to include Prince George's County.<sup>17</sup> According to school officials, Prince George's County is actively implementing its truancy court program. In the 2007-2008 school year, the Prince George's County School Board hired 70 new pupil personnel workers in an effort to address the county's truancy situation. The ratio of pupil personnel workers to schools consists of one to one for every middle and high school and one for every three elementary schools.

In Bowie, Maryland, stepped-up police patrols and community partnerships with local businesses have been instrumental in addressing truancy concerns. During school hours, law enforcement officers transport to school any children they encounter who are required by law to attend school. Businesses are also requested not to serve school-age children during school hours and to contact law enforcement if a child is observed in the community. Bowie's initiative, in effect for the last two years, has resulted in a marked decline in car thefts and daytime burglaries, two of the most common juvenile offenses.

### **Approaches to Solving the Truancy Problem in Other States**

In an effort to understand and prevent truancy, several states have implemented a variety of programs and legislative reforms. Some of these approaches are outlined below.

#### **Delaware's Truancy Court Program**

Maryland's truancy court is patterned after a similar program in Delaware. Delaware's truancy court program was established in New Castle County, Delaware in 1996, and was expanded statewide in 1998. The Delaware truancy court takes a comprehensive approach to solving truancy problems by involving teachers, prosecutors, judges, court personnel, social workers, and health providers. All of the aforementioned parties serve an active role in assisting families in solving truancy and other problems during the six- to nine-month period that a family typically remains in truancy court.

The Delaware truancy court coordinates and collaborates with a variety of services, agencies, and programs to provide wraparound family services. Provider agencies are present in the courtroom to begin the process immediately upon court referral. For example, on-site substance abuse testing is available, and parents and students who test positive or self-report are

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<sup>17</sup> TRPP was expanded to Harford and Prince George's Counties by Chapter 648 of 2007.



referred for assessment and treatment. This immediate contact with providers has been regarded as a significant factor in engaging families in needed services such as mental health and substance abuse treatment and parenting education.

In addition to working collaboratively with community health and social service partners, Delaware's truancy court program works extensively with teachers. Teachers are not only responsible for filing charges with the court, but also for the ongoing monitoring of attendance and academic performance of each case until the case is closed. Teachers attend arraignments, as well as subsequent case reviews, serving as the primary source of information for judges. According to Delaware's Truancy Court Annual Report<sup>18</sup>, the filing of charges against a parent and/or student represents the more aggressive intervention in addressing truancy. Prior to this step, teachers utilize more conservative measures to engage parents and students such as face-to-face meetings with parents, attendance contracts, tutoring, transportation assistance, and after-school programs.

### **Washington's Truancy Petition Process**

In 1995, Washington enacted the Becca Bill<sup>19</sup> that, in part, requires school districts to take legal action against children and their parents when they fail to comply with the compulsory school attendance laws. A school district is required to file a truancy petition in juvenile court if a student has 7 unexcused absences in a month or 10 in an academic year. As a last resort, the court may order a truant youth to a county detention facility and order the parents to perform community service or pay fines.

Most studies of the truancy petition process have reported positive results. In 1998, the Washington State Institute for Public Policy reported a significant increase in the number of petitions filed during the first two years of the bill's implementation and a general strengthening of attendance monitoring and enforcement policies among schools<sup>20</sup>. A later study<sup>21</sup> found that students were more likely to stay in school and that high school enrollment rates increased after the Becca Bill was passed.

In 2004, the Washington State Center for Court Research issued a study based on a statewide survey of juvenile court administrators.<sup>22</sup> While the study found that the court community was committed to the truancy petition process as a way of improving school attendance and also reaching out to youth at risk for developing more serious legal issues,

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<sup>18</sup> *Delaware Truancy Court Annual Report*, School Year 2004-2005, Justice of the Peace Court.

<sup>19</sup> The bill was named for a 13-year-old runaway girl who was murdered in Seattle in 1993. The provisions of the law also address runaway and at risk juveniles.

<sup>20</sup> *"Truant Students: Evaluating the Impact of the 'Becca Bill' Truancy Petition Requirements,"* Washington State Institute for Public Policy, January, 1998.

<sup>21</sup> In 2002, the Washington State Institute for Public Policy conducted a follow-up study of the Becca Bill. *"Keeping Kids in School: the Impact of the Truancy Provisions in Washington's 1995 'Becca Bill,'"* Washington State Institute for Public Policy, October, 2002.

<sup>22</sup> *Truancy Case Processing Practices*, Washington State Center for Court Research, May 2004.

“[a]chieving these positive results has placed heavy burdens on both the courts and the schools. The number of truancy petitions grew from 91 in 1994 to over 10,000 in 1996.”

Specifically, as a result of this legislation, juvenile courts developed programs including court sessions at school for truancy petitions, truancy classes and attendance workshops, and deferred truancy petition programs that keep students out of court if they participate in truancy intervention programs. In these classes and programs, a trained facilitator provides information on the impact of dropping out of school and helps students develop personal education plans and behavior contracts with their parents. These pre-court interventions have been effective in reducing unexcused absences.

However, some students do not improve their attendance as a result of pre-court interventions or a court truancy order. A student who continues to be truant after a court order is entered may be served with a motion for contempt of court. A show cause hearing on the contempt motion is conducted by a judge. The court holds an individual hearing with a public defender present for each student cited for contempt. Washington law authorizes the court to place a student found in contempt in detention for up to seven days or to use detention alternatives, including community service, fines for parents, weekend detention, day detention, electronic monitoring, community service for the parent, or fines for the student. Courts also have the authority to order a truant student to submit to drug testing and to refer students to mental health counseling, anger management classes, tutoring, and to order parents into counseling or parenting courses.

## **Colorado’s Juvenile Detention and Intervention Initiatives for Truancy**

In Colorado, two approaches used to reduce truancy are: (1) juvenile detention ordered for habitual truants who violate court-ordered attendance; and (2) programs of intensive intervention and services for truants and their families.

### **Juvenile Detention**

Colorado law authorizes ordering a juvenile to detention for failure to obey a court order to attend school.<sup>23</sup> The National Center for School Engagement (NCSE) studied the effects and costs of using detention for truancy in four judicial districts in Colorado by interviewing magistrates, school officials and juvenile detainees and by analyzing the juveniles’ academic and juvenile records.<sup>24</sup> NCSE interviewed<sup>25</sup> youth who served time in detention between March

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<sup>23</sup> In Colorado, as in Maryland, schools make the first attempts to address attendance problems. The schools’ methods parallel interventions used in this State. If the school files a truancy petition, a court date is set. The court will order the child to attend school. If the court orders the child back to court for failure to obey its order, under Colorado law, it has the authority to order detention. Practically speaking, detention is ordered as a last resort after numerous court hearings.

<sup>24</sup> “*Juvenile Detention for Colorado Truants: Exploring the Issues*,” National Center for School Engagement, March 2004.

2001 and February 2002. Thirty juveniles, or 30 percent of the total number of juveniles who were detained that year, participated in the study by completing questionnaires, authorizing the release of academic and juvenile records, and by participating in a focus group.

NCSE also interviewed magistrates regarding the factors they considered when ordering a juvenile to detention. The results showed that there was a consensus that magistrates did not order juveniles who were showing improvement to detention. In such a case, they scheduled another review. All reported that detention was a last resort, and ordered only after all other alternatives had failed. As alternatives to detention, magistrates first assigned community service, imposed curfews, suspended drivers' licenses, required parents to accompany children to school, or used electronic monitoring.<sup>26</sup> The four reasons magistrates cited for assigning truants to detention were to (1) deal with defiance; (2) "scare them straight"; (3) keep them safe; and (4) access resources, such as substance abuse treatment, mental health or family counseling, on their behalf.

NCSE then analyzed whether attendance outcomes improved following detention. According to the study, there were mixed results. The study showed no evidence that detention improved attendance or academic performance for participants in the study. On the other hand, there were some positive results. Only three participants actually dropped out of school at age 16, and one participant later returned to school. Other participants received a diploma, GED, or were still in school. On the written questionnaire, participants were asked to compare their pre-detention and current behavior and attitude changes. Most respondents reported an improvement in school-related behavior and an improvement in attitudes and behavior. One-third of the detainees expressed the opinion that they benefited from detention. Two-thirds stated that they were either unaffected or that detention was detrimental.

Due to the study's relatively small sample size, NCSE concluded the study by stating that the issue of the characteristics of the juveniles who are likely to benefit from detention versus those who will not benefit warrants further research. Preliminary evidence from the study indicates that juveniles whose other behaviors are less serious are more likely to be "scared straight" from a brief detention sentence. All magistrates interviewed did agree on one point: a major problem for truant juveniles is the lack of mental health and social services available for them. The magistrates felt more detention sentences could be avoided if more services were available.

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<sup>25</sup> The detainees who participated were representative of the total number of detainees. The average age at detention was 15.2 years and the most common length of detention was 3 days. Juvenile records showed that half of the detainees had juvenile records and, often had substance abuse problems. Some detainees had a history of out-of-home placements and some were victims of abuse.

<sup>26</sup> See Appendix 2. This chart of court-ordered alternatives to detention was developed from the answers of juvenile judges who participated in a "Best Practices in Sentencing Truants" survey. See "Alternatives to Juvenile Detention," National Center for School Engagement, July, 2006.

### **Intensive Interventions**

In 2003, NCSE conducted a cost-benefit analysis of three truancy reduction programs<sup>27</sup> in Colorado.<sup>28</sup> All three treated truancy as a family problem and did intensive case management with the family. All made frequent use of referrals to outside agencies such as health clinics, substance abuse recovery programs, or mental health service providers and made frequent communication with providers part of the regular process.

The study showed that the costs of each of the three truancy reduction programs were minimal in comparison to the high costs of high school failure and of juvenile delinquency.<sup>29</sup> In light of the benefits of high school graduation, all approaches to truancy reduction reviewed in the study paid for themselves many times over. Truancy reduction programs were regarded as having widespread positive effects because of the referrals made for serious family problems. Neither the case management approach nor the court approach was shown to be demonstrably better than the other.

The study concluded that “the best model includes a court system that works in close cooperation and conjunction with social workers and school districts to provide a coherent and consistent approach to truancy in which children are not allowed to slip through the cracks.” The study demonstrated the serious financial impact resulting from non-attendance in school and academic failure. It also showed that public policy and practice should shift to investing in at-risk youth prior to juvenile court involvement.

### **Conclusion and Recommendations Regarding Maryland’s Truancy Situation**

Truancy is both a cause and effect of legal and economic problems. Research has shown that truants often come from low-income families, have parents who lack high school degrees, are victims of abuse or neglect, have mental health problems, or have parents with histories of

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<sup>27</sup> One program was court initiated; the Denver Community Assessment Center was established for middle school students only; and the third was school based with an active program in every school in the Pueblo urban school district.

<sup>28</sup> The Costs and Benefits of Three Intensive Interventions with Colorado Truants, National Center for School Engagement, October 2003.

<sup>29</sup> The study assumed that doing nothing to prevent truancy would lead to students dropping out of high school. The costs of each truancy reduction project were calculated as the budget for each program. The costs of the court systems were estimated by adding the cost of operating truancy court plus the time of school and other personnel who attended court and the cost of sentencing options used in each judicial district. The costs of dropping out have been calculated by the RAND Corporation in a study done in 1999 entitled *Closing the Education Gap: Benefits and Costs* by Vernetz, Krop, and Rydell. The costs include the value of social and welfare program use, lower tax contributions, adult prison and jail expenses of high school dropouts, the cost of juvenile crime based on average court costs and detention and probation practices, and the loss of income to school districts of per student revenue in funding from the State. Leaving aside the costs to society associated with juvenile delinquency, the RAND study valued the savings in public social programs, increases in tax revenues and disposable income associated with high school graduation at an average of \$200,000 lifetime savings in 1997 dollars.

criminality or substance abuse. Although Maryland has taken several steps towards addressing habitual truancy, questions remain as to the most appropriate methods of addressing this problem.

### **CINS Petitions**

Anecdotal information from the local school systems and statistical data indicate that DJS rarely uses CINS petitions in habitual truancy situations. Cooperation and collaboration between DJS, local school systems, and the local State's Attorney's Office concerning truancy cases are the exception rather than the norm. The CINS law could be used but perhaps the resources and manpower at DJS are stretched to their limits in concentrating on delinquency matters. On the other hand, DJS, local school boards, and the State's Attorney's Office could develop written agreements explicitly setting forth truancy procedures. DJS, also, could be more active in pre-court interventions such as Project Attend.

### **Truancy Court**

TRPP is arguably one of the most noteworthy legislative initiatives designed to address Maryland's truancy situation. While the report submitted by the Administrative Judge for the First Judicial Circuit indicates anecdotally that TRPP has experienced success, additional data is needed in order to perform a comprehensive assessment of the program's achievements.

### **Recommendations**

Recent discussions with the Judiciary have revealed that the Wicomico County program does in fact collect some statistics related to program participants. However, it remains unclear to DLS as to whether the program specifically tracks attendance-related statistics following program participants' completion of the program. DLS recommends that the Judiciary specifically address this issue in its December 2008 report to the General Assembly. DLS also recommends that TRPP undergo a cost benefit analysis to determine whether the program has any financial benefit to the State. The Wicomico County program, which has been operational since 2005, would be a likely candidate for such an analysis. Lastly, DLS recommends that the State consider refraining from expanding TRPP into additional jurisdictions until there is sufficient evidence of the program's financial benefit to the State as well as its efficacy in reducing truancy.

### **Enforcement Authority**

Discussions with TRPP Enforcement Authority officials have indicated that greater enforcement authority accompanied by a continued collaboration with DJS is essential to the program's long-term success. Although the courts under TRPP have no specific legislative authority to enforce their orders, it is believed that the courts have the inherent authority to enforce their orders through contempt powers. If contempt is utilized by the court, participants

are charged with the offense of delinquent contempt and processed in the same manner as any other child who committed a delinquent act. The Circuit Court for Somerset County has attempted to utilize this method previously; however, students were placed on informal probation by DJS with no referral to the court. According to TRPP officials, placing participants on informal probation defeats the purpose of trying to get a student to comply with court-ordered services. For TRPP to be successful and contempt issues addressed, the courts must have the continued cooperation of DJS.

Lastly, a comparison of Delaware's truancy court program to Maryland's TRPP indicates that Delaware's truancy court program experienced greater participant compliance. During the 2004-2005 school year, approximately 51 percent of the total cases closed in Delaware's truancy court program were deemed to be in compliance (*i.e.*, the participant complied successfully with program requirements). By contrast, approximately 43 percent of the total cases closed in Maryland's TRPP were deemed to be in compliance. One of the key interventions of Delaware's truancy court program is on-site substance abuse testing. This allows for an immediate referral to an agency for treatment. Currently, TRPP refers program participants to nearby health facilities for substance abuse testing. Given TRPP officials' concerns regarding the court's enforcement authority, on-site substance abuse testing and referrals may improve the program's compliance rate by streamlining the treatment process and removing (at an early stage in the program) any notion that complying with the court's orders is voluntary.

In conclusion, one of the key benefits of TRPP is the court's ability to link students and parents to appropriate wraparound services. Further study is warranted to ascertain whether local school systems have the ability to link parents and students to the appropriate wraparound services for assessment and treatment prior to or in lieu of participation in the truancy court program.

### **Other Approaches and Recommendations**

DLS' study of truancy in Maryland and other states has produced a number of truancy reduction approaches and recommendations. The section below provides a synopsis of various alternatives for addressing Maryland's truancy situation.

**Legislative Initiatives:** As of October 1, 2007, a student under 16-years-old with more than 10 unexcused absences during the prior school term may not get a learner's permit to drive. Since a student must be 15 years, 9 months of age before obtaining a learner's permit, in theory, an habitual truant will only be restricted from obtaining a permit for up to three months. Maryland is one of 27 states where compulsory attendance ends at age 16. Increasing the compulsory age for school attendance to 17 or 18 may have a positive impact on encouraging truant students to remain in school in order to receive and keep a driver's license. However, as previously discussed, raising the compulsory school age without enforcement of attendance will have little influence in preventing truancy.

**Compulsory Truancy Filings:** Under Washington's Becca Bill, school districts are required to file a truancy petition in juvenile court if a student has 7 unexcused absences in a month or 10 in an academic year. DLS interviews with local school systems revealed that the practice for filing truancy petitions in Maryland varies by county. Truancy petitions are usually filed against parents in District Court. Establishing a statewide compulsory truancy petition process in juvenile court may have a beneficial impact on standardizing Maryland's truancy petition process in an effort to facilitate the process of addressing truancy in a cooperative fashion among all of the key stakeholders. However, as in the case of Washington's truancy petition process, achieving such results may place heavy burdens on Maryland's courts and schools.

**Law Enforcement and School Partnership:** Increased police patrols by Baltimore City and Bowie law enforcement during school hours has yielded positive results in reducing truancy and other delinquent activities. Creating an effective partnership between law enforcement and school systems is essential to combating Maryland's truancy situation.

**Recommendations for Schools and School Districts:** Local school systems should consider establishing a centralized truancy office similar to Baltimore City's Truancy Assessment Center. This method of addressing truancy may be beneficial in jurisdictions where, historically, DJS has been reluctant to file CINS petitions for truancy. Evidence of a coordinated response by local and county school officials to address truant students' behavior prior to referring cases to DJS may encourage the agency to proceed with a CINS petition upon referral as it will be apparent that all other options have been exhausted.

**Recommendations Regarding the CINS Pilot Project:** The December 2007 report submitted to the General Assembly only provided anecdotal information regarding the program's success. DJS should focus on gathering hard data regarding the program's effectiveness going forward. DLS recommends that the State refrain from expanding the program into additional jurisdictions until a comprehensive statistical evaluation of the program is conducted.

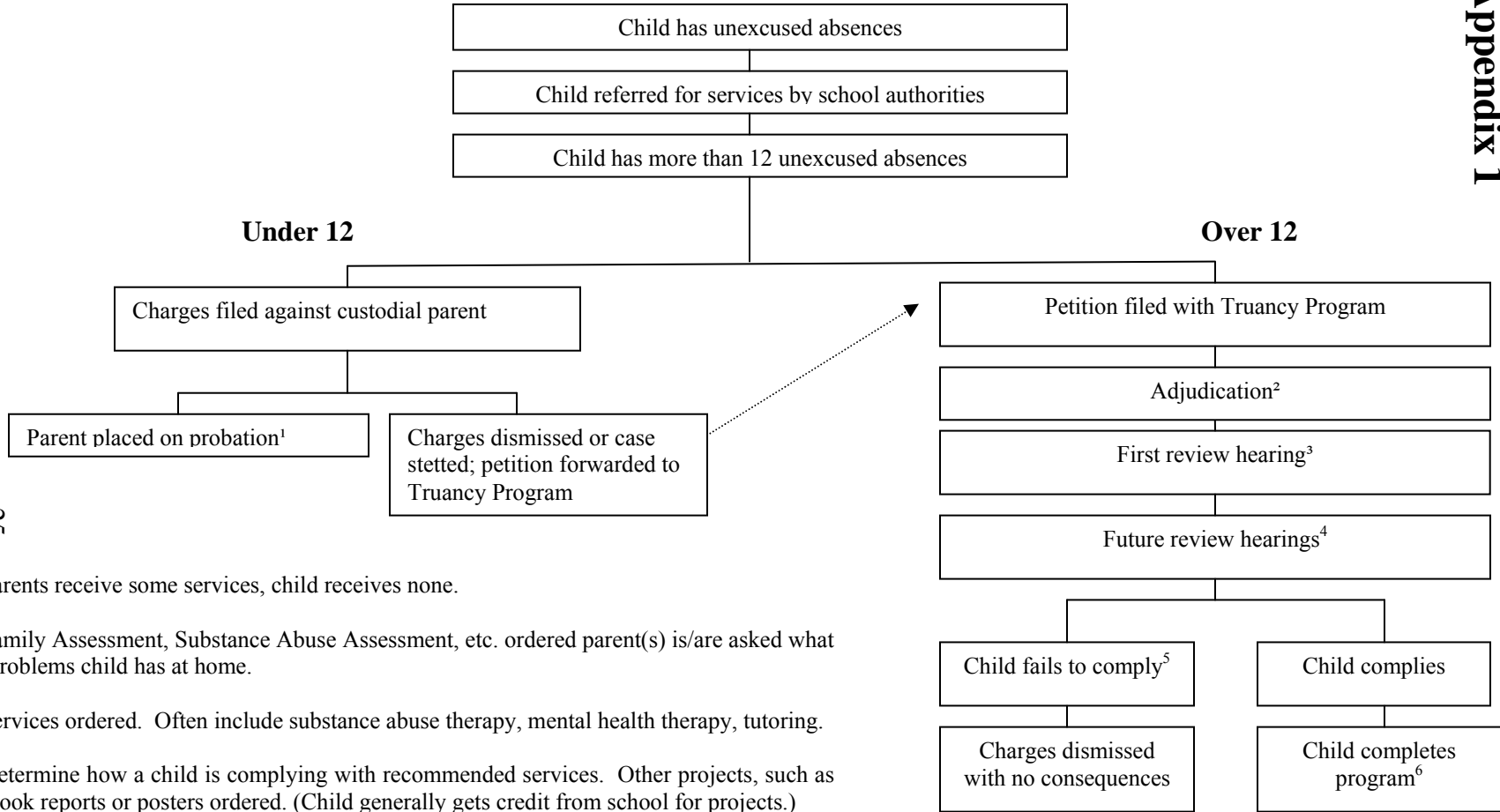
**Recommendations Regarding TRPP:** Recent discussions with the Judiciary have revealed that the Wicomico County program does in fact collect some statistics related to program participants. However, it remains unclear to DLS as to whether the program specifically tracks attendance-related statistics following program participants' completion of the program. DLS recommends that the Judiciary specifically address this issue in its December 2008 report to the General Assembly. DLS also recommends that TRPP undergo a cost benefit analysis to determine whether the program has any financial benefit to the State. The Wicomico County program, which has been operational since 2005, would be a likely candidate for such an analysis. Lastly, as with the CINS Pilot Project, DLS recommends that the State consider refraining from expanding TRPP into additional jurisdictions until there is sufficient evidence of the program's financial benefit to the State as well as its efficacy on reducing truancy.

**Media Campaign on Truancy:** The State or local school systems should consider developing a comprehensive media campaign that is focused on increasing student and parent

awareness about compulsory attendance laws and raising awareness of community agencies and resources that will support parents in overcoming barriers to school attendance. A coordinated communication effort regarding the short-term and long-term consequences of truancy such as parental fines, students' inability to obtain a learner's permit, and the lack of employment opportunities may be beneficial.



## Truancy Reduction Pilot Program



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<sup>1</sup> Parents receive some services, child receives none.

<sup>2</sup> Family Assessment, Substance Abuse Assessment, etc. ordered parent(s) is/are asked what problems child has at home.

<sup>3</sup> Services ordered. Often include substance abuse therapy, mental health therapy, tutoring.

<sup>4</sup> Determine how a child is complying with recommended services. Other projects, such as book reports or posters ordered. (Child generally gets credit from school for projects.)

<sup>5</sup> Generally, is a child fails to comply, the child receives escalating negative sanctions, such as a verbal reprimand, community service, book reports, and other projects.

<sup>6</sup> Child completes program generally when they have had a 90-day period of attendance with no unexcused absences, and receive recommendation of therapists. Case can still be reopened during that school year, if child relapses.

Source: Maryland Judiciary, First Judicial Circuit Report on the Truancy Reduction Pilot Program, May 2007; Department of Legislative Services



## Appendix 2. Meaningful Alternatives to Detention that Can Be Court-Ordered, Grouped by Goal

|  | Support, Stick, or Carrot? |
|--|----------------------------|
| <i>Require student to focus on desired future and how to get there:</i>  |                            |
| Tour juvenile detention facilities   | Stick                      |
| Tour area jails or prisons   | Stick                      |
| Tour local community college and prepare freshman course schedule using college catalogue  | Support                    |
| Require student to prepare a job/career plan and learn about the education requirements of that plan                                     | Stick                      |
| Prepare a budget to match the income from a full-time minimum wage job   | Stick                      |
| Essays on career goals or on the student's skills, strengths and interests and how they might apply to a career                          | Stick                      |
| <i>Academic supports and alternatives:</i>   |                            |
| Tutoring   | Support                    |
| School sign-in sheets  | Stick                      |
| Modify school schedule to incorporate classes the student is happier with , or remove the student from a least favorite class or teacher | Carrot                     |
| Modify school schedule to meet student's work or health needs, including a part-time options   | Carrot                     |
| Saturday school to avoid losing credit in current classes, or summer school to catch up to grade level                                   | Support                    |
| Alternative learning programs, potentially including residential programs  | Support                    |

|   |         |
|---|---------|
| <b><i>Community or school engagement:</i></b>   |         |
| Join a school club or team  | Carrot  |
| Join a community activity   | Carrot  |
| <b><i>Parent involvement:</i></b>   |         |
| Require parent to attend school with child  | Stick   |
| Weekly meeting with student, parents, and a teacher or school administrator or counselor, with or without the judge | Support |
| Court review hearings with parent participation required  | Stick   |
| Family counseling   | Support |
| Parenting classes for parents of the student, or for teen parents when appropriate                                  | Support |
| <b><i>Mental health services:</i></b>   |         |
| Mental health evaluation for the student and/or parent  | Support |
| Counseling for the student  | Support |
| Drug testing  | Support |
| Substance treatment program   | Support |
| <b><i>Generic Motivator (may be more appropriate for truancy reduction program)</i></b>                             |         |
| Restrict student's driving privileges   | Stick   |
| Take away cell phone  | Stick   |
| Ankle monitoring  | Stick   |
| Community service   | Stick   |
| Curfew  | Stick   |
| Probation   | Stick   |
| Saturday school   | Stick   |

|  |        |
|--|--------|
| Gift certificates to local stores or restaurants | Carrot |
| Tickets to sports events                         | Carrot |
| Recreation center coupons                        | Carrot |
| Movie coupons                                    | Carrot |
| After-school activities or parties               | Carrot |
| For younger children, a trip to the zoo          | Carrot |
| A rewards ceremony                               | Carrot |

Source: “*Alternatives to Juvenile Detention*,” National Center for School Engagement, July 2006. Certain stylistic changes made to chart by Department of Legislative Services.



## Appendix 3. Sources

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