

**BILL:** House Bill 1507  
**TITLE:** Compulsory School Attendance - Truancy Violations - Reporting of Neglect  
**DATE:** March 1, 2018  
**POSITION:** OPPOSE  
**COMMITTEE:** Judiciary Committee  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, opposes House Bill 1507.

MABE does not support requiring school employees to report as neglect the failure to see that a child attends schools. To create a strict and uniform mandate for the reporting of neglect by school employees would create potential conflicts with the ongoing work of school counselors, pupil personnel workers, and school policies intended to promote school attendance with the cooperation of parents and guardians.

Generally, a parent or guardian of a child between the compulsory attendance ages of 5 and 16 who fails to see that the child attends school or receives instruction is already guilty of a misdemeanor. For a first conviction, the violator is subject to a maximum fine of \$50 per unlawful day of absence, or imprisonment not to exceed 10 days, or both. For the second or subsequent conviction, the violator is subject to a maximum fine of \$100 per day of unlawful absence, or imprisonment not to exceed 30 days, or both. In addition to these enforcement measures directed at parents, circuit courts in several Maryland counties have been authorized to implement truancy reduction pilot programs that include civil sanctions directed at students, including orders to attend school, perform community service, and attend individual or family counseling (Md. Code Ann., Cts. & Jud. Pro. §§ 3-8C-01 – 10).

In 2013, the General Assembly enacted legislation to define truancy in statute, and to mandate the provision of interventions based on truancy (House Bill 207, Chapter 355, 2013 Laws of Maryland). The law now requires local boards of education to develop a system of active interventions for truant students. The law provides that any student attending kindergarten through grade 12 who is truant must immediately be referred to the system of active interventions. The law defines truant as being unlawfully absent more than 8 school days in any quarter, 15 days in any semester, or 20 days in a school year (Md. Code Ann., Ed. Art. § 7-302.2). The General Assembly enacted this law based on the concern that the regulations requiring a response to students truant more than 20 percent of the time was insufficient.

Prior to 2013, state regulations defined as truant a student who is absent without lawful cause for a school day or portion of it (COMAR 13A.08.01.04). The regulations stated that an absence for all or a portion of a school day for any reason other than those cited as lawful are presumed to be unlawful and may constitute truancy. State regulations further defined as habitually truant a student who is unlawfully absent for a number of days or portion of days in excess of 20 percent of the school days within a marking period, semester or year (COMAR 13A.08.01.04). Corresponding to this definition of habitual truancy, statutory law had required school systems to respond to reported cases of habitual truancy with an investigation into the cause, and authorized the provision of counseling and notice to appropriate agencies (Md. Code Ann., Ed. Art. § 7-302).

MABE believes that these laws effectively govern responses to truancy, without imposing the mandate and burden on individual school employees to report, as neglect, the failure to assure a child's school attendance.

For these reasons, MABE requests an unfavorable report on House Bill 1507.