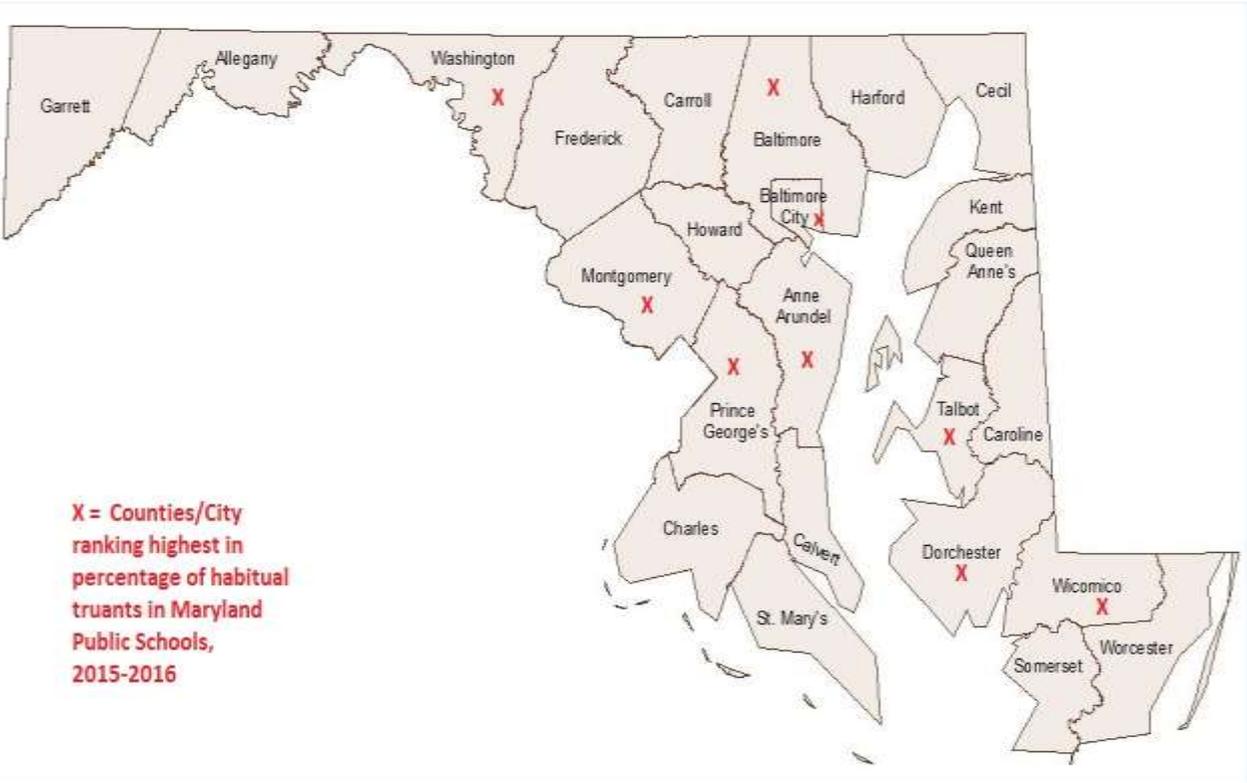


# WINNING STRATEGIES ON THE WAR AGAINST HABITUAL STUDENT TRUANCY

*Report of the Task Force to Combat Habitual Student Truancy  
House 429, Chapter 266 2016  
Submitted to Governor Lawrence J. Hogan, Jr. and the  
Maryland General Assembly  
December 20, 2017*



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## *Message from the Chair*

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It is with great pleasure that I, Patricia L. Welch, Ph.D., the undersigned, hereby submit this Report on behalf of the Task Force to Combat Habitual Student Truancy. The work involved to produce it reflects the dedication, commitment, hard work and generous contributions of all Task Force members.

It goes without saying that children are precious and that they represent our future. Their safety and happiness are paramount to the success academically toward their individual paths to adulthood. It is extremely disheartening to know that there is a growing population of our school-aged children in the State of Maryland who are facing obstacles to academic success due to poor attendance, and particularly those who are habitually truant. This Task Force was enacted to address these issues. It remains incumbent upon each of us to do what is necessary to promptly address these issues as they arise, to reduce truancy and to increase attendance.

Although there are yet and still a myriad of factors that Task Force had neither the time nor specific mandate to address, the ones we have addressed here are relevant to resolving the issues surrounding habitual student truancy. We respectfully urge the Maryland General Assembly and Governor Hogan to consider all issues addressed in this Report, and based on our recommendations, to also consider investing any and all resources required to assist our students.

It has been a pleasure to serve as Task Force Chair. The Task Force is deeply indebted to all other members of the various related state agencies and constituents who provided invaluable input. The Task Force also appreciates the input provided by the local Baltimore City Public school systems and the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts Truancy Court Program (TCP).

Thank you for this opportunity to serve Maryland's youth.

Sincerely,

Patricia L. Welch, Ph.D., *Chair, Task Force to Combat Habitual Student Truancy*  
*Dean, School of Education and Urban Studies, Morgan State University*

## ***Task Force Membership***

<b>Member</b>	<b>Appointing Agency/Organization</b>
Patricia L. Welch, Ph.D., Chair	Morgan State University
Lesley A. Thompson Kelly Crawford Beth Doory, Esq.	Staff, Morgan State University Advocates for Children and Youth
Tiffany Harvey, Esq.	Attorney General of Maryland
Delegate Edith Jerry Patterson	House of Delegates
Edward Burroughs III	Maryland Association of Boards of Education
Bernard Sadusky, Ph.D.	Maryland Association of Community College
Susan M. Meyers	Maryland Association of Elementary School Principals
Stanley Truman, Ph.D.	Maryland Association of Pupil Personnel
Gary Wasielewski	Maryland Association of Secondary School Principals
Michael B. Sedgwick	Maryland Parent Teacher Association
Edward Reed	Maryland School Counselor Association
Jonathan E. Schachter	Maryland State Education Association
Selina Oliver	Maryland School Psychologists Association
Karen Couch, Ph.D. Darlene Spurrier	Public School Superintendents Association of Maryland
Cheryl D. DePinto, M.D., M.P.H.	Secretary of Department of Health and Mental Hygiene designee
Senator Nathaniel McFadden	Senate of Maryland
Matthew Fonseca	Secretary of the Department of Juvenile Services
John McGinnis	Student Series and Strategic Planning Branch of the Maryland State Department of Education designee
Derryck Fletcher	Y of Central Maryland
John McGinnis Brandy Stocksdale Steve Berry	Maryland State Department of Education Department of Human Services

## *History and Charge*

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On April 26, 2016, pursuant to House Bill 429, the Maryland General Assembly enacted a task force that would study and assess matters concerning habitual student truancy, requiring the Task Force to report its findings and recommendations to the Governor and to the Maryland General Assembly on or before July 1, 2017. The bill states that this act remains in effect through June 30, 2018. Approximately two months prior to the reporting deadline of July 1, 2017, the Task Force determined that it needed additional time to submit its report. On or about May 5, 2017 the Task Force submitted a letter to the Governor and to the Maryland General Assembly requesting additional time through December 31, 2017, to complete its Report, which was subsequently approved and granted.

The Task Force met and discussed best practices in the State of Maryland and strategies to motivate and engage students to improve attendance in school; the structure and effectiveness in overall student attendance arising from the State's existing truancy court programs; the impact of these programs; the collection and gathering of data pertaining to the student habitual truancy and absenteeism; reporting of chronic absenteeism and habitual truancy; collaboration among State agencies; considerations of evening high school programs, improvement of admission policies to alternative programs and expansion of the Child in Need of Supervision pilot program to all counties; and allowing school personnel to file a Child in Need of Assistance petition with appropriate courts. Additional members who could bring expertise to the subcommittees were invited to join the Task Force. Each subcommittee was asked to focus its work primarily on the statutory provisions of House Bill 429 that pertained to its area of study. Subcommittees met periodically throughout the process, and reported to the full Task Force at each of the Task Force meetings, as requested.

House Bill 429 mandates the Task Force to address the following:

1. "study and assess how the structure and effectiveness of the State's existing truancy courts can be improved;"
2. "study the State's chronic student absentee rates and assess whether chronic student absenteeism influences truancy rates;"
3. "identify best practices regarding:
  - (i) How records relating to student absences are gathered and maintained; and
  - (ii) The proper time a pupil personnel worker should be notified of a student's chronic absenteeism or habitual truancy;"

4. “determine methods of encouraging State agencies to work collaboratively to reduce habitual student truancy;”
5. “determine whether the following actions would be helpful in combating habitual student truancy:
  - (i) Requiring each local school system to provide evening high school programs;
  - (ii) Revamping current admissions policies to alternative programs;
  - (iii) Expanding the Child in Need of Supervision pilot program to all counties in the State;
  - (iv) Allowing school personnel to file a Child in Need of Assistance petition with the appropriate court; and”
6. “make recommendations on how best to combat habitual student truancy in the State.”

It is our hope that our findings and recommendations will help increase student attendance and reduce habitual truancy in the State of Maryland, as well as improve students’ overall educational experience.

## Executive Summary

### *What is Habitual Truancy, and Chronic Absenteeism?*

A student is considered a habitual truant if he or she meets ALL of the following criteria: the student was age 5 through 20 during the school year; the student was in membership in a school for 91 or more days; and, the student was unlawfully absent for 20% or more of the days in membership. In Maryland, chronic absence is missing more than 20 days over the school year for any reason.

According to MSDE, in the 2015-2016 school year the state percentage of habitually truant students was 3.09% (based on an aggregation of local education agency counts). This is an increase of 1.13% since the 2014-2015 school year. Habitual truancy rates for 11 of the 24 schools systems were less than 1%, a decrease from 2014-2015 when 17 of the 24 school systems were less than 1%. In Baltimore City 14.8% of students were habitually truant, an increase of 7.39% over its 2014-2015 rates. During this time period, the compulsory age of attendance increased from 16 to 17.

The Center for American Progress states: mounting evidence suggests that allowing a student to go from truant to dropout comes at a very high cost to both the individual and to society as a whole. In fact, the average high school dropout costs society more than \$800,000 over the course of their lifetime through potential decreases in tax revenue from lower earnings, consumption of social services, and utilization of the justice system, among other costs. According to the Alliance for Excellent Education, if even half of dropouts in the class of 2010 nationwide had graduated, it would mean an additional \$7.6 billion in increased earnings and \$713 million more in tax revenue in an average year, as well as \$9.6 billion in economic growth as these students enter the middle of their career.

In addition to the economic cost, there is an instructional cost. In the 2011 State Justice Institute's Report *Assessing School Attendance Problems and Truancy Intervention in Maryland: A Synthesis of Evidence from Baltimore City and the Lower Eastern Shore*, the following table illustrates the instructional loss for those counties evaluated in the report. The first column is 2010, the second is 2016.

Jurisdiction	# of Habitual Truants		Number of Missed Days of Instruction	
Baltimore City	6,596	8,927	237,447	312,445
Dorchester County	61	97	2,192	3,395
Somerset County	43	22	1,544	770
Wicomico County	155	315	5,563	10,990
Worcester County	19	53	694	1,855

Source: Maryland State Department of Education (2011 and 2016). *Summary of Attendance, Maryland Public Schools, 2009-2010 and 2015-2016*. Baltimore, MD: MSDE, Division of Accountability and Assessment.

This instructional loss often impacts the student throughout his/her school career as the student falls further and further behind often resulting in increased truancy and an increase in the likelihood of the student dropping out of school. According to *The Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System, 2012*, dropouts comprised more than 42% of those who entered into the Maryland Juvenile Justice System between the school years 2007-2011 and 57.2% of adult offenders entering the Department of Corrections in

2011. Dropouts have a greater need for social services due to their earning capacity being greatly reduced. "School Discipline and Academic Success: Related Parts of Maryland's Education Reform," Report of the Maryland State Board of Education (July 2012)

## *Summary of Recommendations*

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1. Revise Family Law, Section §5-701 of the Annotated Code of Maryland (s) to add educational neglect.
2. Expand the Truancy Reduction Pilot Program (TRPP) by amending Courts and Judicial Proceedings, Section §3-8-C in order to afford all local jurisdictions the opportunity to establish a TRPP.
3. Explore the creation, development, and expansion of truancy reduction programs across the state of Maryland such as Teen Court and Response Attendance Action Programs.
4. Establish recommended guidelines as to when pupil personnel workers and social workers are notified of chronic absenteeism and habitual truancy.
5. Encourage the development of mechanisms, such as parent engagement, and consider use of memoranda of understanding (MOUs), to facilitate the sharing of information among state agencies to realize efficiencies and to better and more quickly serve and identify children at risk.
6. Consider chronic absenteeism as a public health issue.
7. Improve parent engagement by development of programs which encourage parents/guardians to have the capacity to become partners in learning and supporting the academic success of their children.
8. Establish a task force to explore the waiver process which allows students who are age sixteen and have a history of habitual truancy to have the opportunity to pursue alternative diploma programs such as the General Education Development (GED) program.
9. Review the guidelines and criteria for access to Career Technology Education programs (CTE) in order to ensure they are accessible to all students who want to pursue a career path.
10. Make changes to COMAR which would require all local education agencies to provide opportunities for original and recovery credit with varied schedules using various methods such as evening school and on-line/cyber/virtual school.
11. The Maryland State Department of Education shall review the admissions criteria for all alternative programs to ensure that all students have equitable access.
12. The Maryland State Department of Education shall convene a workgroup consisting of SROs, teachers, parents, students, and other stakeholders to review current bullying and harassment policies and procedures, as well as school safety issues
13. Public funding to be provided to establish early intervention programs, including the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts Truancy Court Program (TCP), at all Maryland public schools.

This shall include initiatives which offer training to schools, courts, and districts to replicate the TCP.

14. Recommend that all local education agencies explore the benefit to high schools to providing on-site or nearby child care and support grade recovery for teen mothers who miss school as a result of their pregnancies.

## Recommendation 1: Revise Family Law, Section §5-701(2) to add educational neglect.

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In a family law context, “**Educational Neglect**” refers to a parent's failure to provide for a child's basic needs with regards to school and **education**. In most cases, this refers to younger children who are still claimed as dependents of the parent. There are currently 24 states that include educational neglect under the definition of abuse. Types of educational neglect include: permitted, habitual truancy, failure to enroll or other truancy, inattention to special education needs. See § 7-301. Compulsory attendance. [Amendment subject to abrogation; subject to amendment effective July 1, 2007; amended version follows this section].

Educational neglect, in no way, is to be directed to those who home-school their children and comply with the related laws, policies, and regulations. The specific wording and placement of educational neglect varies based on the state, but the general definition is as stated above.

Adding educational neglect to statute will provide an avenue for mandatory reporters to file a report to the Department of Social Services. For the purpose of this recommendation, the definition would be referencing habitual truancy. It is important when crafting the revision in statute to note that a child's absences from school may not be considered abuse or neglect unless the school has first made efforts to improve attendance and those efforts were unsuccessful because the parents refused to cooperate. Further, it is recommended that the statute focus specifically on students age 13 and under. In the Vera Institute of Justice report *Rethinking Educational Neglect for Teenagers*, researchers found that “parental responsibility for teen absences is often murky, and a child protective investigation to determine it can be counterproductive.” In other words, local education agencies must have a standardized process or procedure for referring a student to the Department of Social Services for Educational Neglect.

In addition to revising the statute, it is recommended that the Maryland State Department of Education and the Department of Social Services work together on the specific language for a statute and on a model policy for educational neglect that would detail what needs to happen prior to a report of educational neglect to provide guidance to schools on the steps that must occur prior to reporting to ensure there is not over-reporting to social services.

### Sources:

Gunderson, Jessica, et al. *Rethinking Educational Neglect for Teenagers: New Strategies for New York State*. Casey Family Programs, 2009, pp. 1–66, *Rethinking Educational Neglect for Teenagers: New Strategies for New York State*.

“Education Neglect Statues.” *Coalition for Responsible Home Education*, Dec. 2014, [www.responsiblehomeschooling.org/policy-issues/current-policy/educational-neglect-statues/](http://www.responsiblehomeschooling.org/policy-issues/current-policy/educational-neglect-statues/)

Zuel, Tim; Larson, Anita. (2005). Child Protection and Educational Neglect: A Preliminary Study (ML Special Issue #1). Retrieved from the University of Minnesota Digital Conservancy, <http://hdl.handle.net/11299/185498>.

Rethinking Educational Neglect for Teenagers: New Strategies for New York State. Retrieved from <http://www.vera.org/content/rethinking-educational-neglect>.

**Recommendation 2: Expand the Truancy Reduction Pilot Program (TRPP) by amending Courts and Judicial Proceedings, Section §3-8-C in order to afford all local jurisdictions the opportunity to establish a TRPP.**

Truancy courts, under the Truancy Reduction Pilot Program, have been established in the First Circuit (in Dorchester, Somerset, Wicomico and Worcester Counties), the Second Circuit (in Kent and Talbot Counties), the Third Circuit (in Harford County) and the Seventh Circuit (in Prince George’s County).

The Maryland General Assembly created the Truancy Reduction Pilot Program in 2004, with the enactment of the Courts and Judicial Proceedings Article, Title 3-8A. As addressed above, eight truancy courts have been established under the program. These truancy courts operate as part of the juvenile court in their county. The Task Force noted these truancy courts have operated successfully in the eight counties in which they are established.

However, due to the extraordinary challenges with habitual truancy having markedly increased over the past few years in Baltimore City, Prince George’s County, Baltimore County, Wicomico County, Dorchester County, Anne Arundel County, Montgomery County, Washington County and Cecil County, each of which the traditional truancy courts have had challenges with the reduction of habitual truancy, a less punitive and more holistic approach towards truancy reduction, is recommended and is set forth in Recommendation 13 of this Report.

Sources:

Evaluation of the Truancy Reduction Pilot Program in the First Judicial Circuit. Administrative Office of the Courts, State Justice Institute grant number SJI-08-N-086. December 2011.

Assessing School Attendance Problems and Truancy Intervention in Maryland: A Synthesis of Evidence from Baltimore City and the Lower Eastern Shore. Administrative Office of the Courts State Justice Institute grant number SJI-08-N-086.

<http://archives.marylandpublicschools.org/MSDE/divisions/planningresultstest/doc/20152016Student/20152016HabitualTruants.pdf>

<http://archives.marylandpublicschools.org/MSDE/divisions/planningresults/doc/20152016Student/20152016SummaryAttendance.pdf>

**Recommendation 3: Explore the creation, development, and expansion of truancy reduction programs across the State of Maryland including, but not limited to, Teen Court and Response Attendance Action Programs.**

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**TRUANCY REDUCTION PROGRAMMING**

***Components to successful truancy programs***

**Collaboration** involves creating a broad-based multidisciplinary partnership between the agencies and organizations whose involvement impacts truancy directly (*i.e.*, schools, juvenile courts, and law enforcement agencies).

True **family involvement** actively engages parents “for their advice, experience, and expertise in the community, as clients of our public systems of care, and as experts in the lives of their children” (NCSE, 2005).

A **comprehensive approach** addresses every factor that affects truancy, including transportation, mental health, family setting, and school climate.

Effective programs combine meaningful **sanctions** for truancy and meaningful **incentives** for attendance to change the behavior of students. For example, suspending students from school for truancy is not effective and does not promote pro-school attitudes among students.

A **supportive context** includes organizations, community cultures, and policies.

Rigorous **evaluation** and ongoing assessment uses outcome data to develop evidence-based programs that are successful in reducing and preventing truancy.

See *National Center for Mental Health Promotion and Youth Violence Prevention and* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2805010/>

***Truancy Reduction Programs***

Kern County, CA 2008

**Style-** Review board and School Resource Officer (SRO) collaborates with staff, family, child serving agencies.

**Actions-** Direct to counseling, parenting classes, assistance from agencies

**Results-** 2009-11, the percentage seen due to truancy went from 41% to 58%, Reduction with students 10 or more truant absences dropped from 595 to 451, Unexcused absences dropped from 9.4% to 7.7%

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Bourbon County, KY 2008

**Style-** An academy was developed for students 14-21 with truancy concerns.

**Actions-** Utilize flexible scheduling and earn performance based credit.

**Results-** Since 2007, district attendance rates increased from 93.6% to 94.4% and decrease in truancy cases filed from 56 to 37.  
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Pueblo City Schools, CO 2008

**Style-** Project Respect, Community advocates matched with struggling students

**Actions-** Student meetings with advocates

**Results-** Identified underlying risk factors for truancy and implemented effective interventions

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Nevada County, CA 2009

**Style-** Truancy Deputy Probation Officers for community outreach services

**Actions-** K-8, building trust between students and authority

**Results-** Trust has been built between students, families, and schools.

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Anne Arundel County, MD 2017

**Style-** Responsible Actions Attendance Committee

**Actions-** Discuss compulsory attendance law, consequences of truant behavior, goal setting, practice effective communication skills, discuss parenting styles and effective discipline techniques.

**Results-** six week course designed to help families of truant students become successful to avoid court sanctioned consequences.

### ***Access to existing programs***

#### **Teen Court**

A real justice program run by teens for teens. Juvenile's aged 12 through 17 who have committed a misdemeanor crime appear before a jury of their peers. The crime is generally a first offense, and the respondent must admit involvement since this is a disposition (sentencing) hearing only.

The Anne Arundel County Teen Court is a cooperative effort of the County Executive, Anne Arundel County State's Attorney's Office, Anne Arundel County Public Schools, Maryland Department of Juvenile Justice, the Anne Arundel County Police Department, and the Leadership Anne Arundel Teen Court.

Since the Teen Court's inception in Jan 1998 over 1075 cases have come before the Teen Court. The program completion rate for offenders is around 82% with a recidivism rate of 11%. The Teen Court has assigned well over 28,941 community service hours to be completed by respondents. Currently the location being utilized by the Teen Court is the Annapolis District Court buildings.

See <http://www.aacounty.org/departments/police-department/teen-court/index.html>.

Baltimore City has had a robust Teen Court for over 14 years and has diverted over 1,800 youth from the Department of Juvenile Services. "BCTC has provided service learning opportunities for more than 800 Baltimore City middle and high school youth. There are several workable models of Teen Court including Adult Judge, Youth Judge, Youth Tribunal and Peer Jury. BCTC uses the Peer Jury model, where adults serve as the judge, and youth volunteers serve as bailiffs, jurors, clerks. The youth jurors hear the facts, question the respondent, and deliberate in order to determine appropriate sanctions, which most often include Teen Court jury duty, community service, essays, anger management or other therapeutic sessions and letters of apology to the victim or family members affected."

“Considered an alternative to the traditional juvenile justice system and school disciplinary code, Teen Court is offered to young offenders who have been charged with misdemeanor crimes (e.g., shoplifting, loitering, disorderly conduct, second-degree assault), and whose case has been referred to us by Baltimore City Police or School Police. BCTC utilizes the diversion, along with leadership development and education, to teach youth about the law and increase respect for the justice system. BCTC emphasizes self accountability, community restitution, and positive peer influence for youth respondents and volunteers.”

See <http://www.clrep.org/baltimore-city-teen-court.html>.

### **Maryland’s Truancy Reduction Program**

Maryland’s Truancy Reduction Program was first implemented during the 2001-2002 school year. This problem-solving court was created to battle the oppressive volume of youth who were truant during that particular year. It has been widely noted that truant behavior is commonly linked to other forms of delinquency, thus leading to negative contact with law enforcement and subsequent incarceration.

In 2004, the General Assembly created the Truancy Reduction Pilot Program (HB1443) to serve the needs of students and families within Maryland’s First Judicial Circuit. Codified at §3-8C-01 through §3-8C-10, the program, now simply known as the Truancy Reduction Program (TRP), began in Wicomico County in December 2004. It continued to develop throughout the lower eastern shore with the additions of Somerset County (November 2005), Worcester County (January 2007), and Dorchester County (March 2007).

Serving more than 160 students in the 2016 fiscal year, the TRP is providing full service truancy case management and utilizing a proactive approach designed to address the causes of truancy and improve the student’s attendance, achievement, and attachment at school. TRP serves as a proactive intervention rather than a punitive reaction.

See <http://www.mdcourts.gov/circuit/somerset/truancy.html>.

**Recommendation 4: Establish recommended guidelines as to when pupil personnel workers and social workers are notified of chronic absenteeism and habitual truancy.**

**Attendance Strategies/Interventions**

The intervention strategies and responsibilities listed below, are Best Practices for school staff to address excessive absences. The attendance strategies should be utilized when the student has the following cumulative absences. See Table 1 below:

Table 1

<b>Administrator Responsibilities</b>	<b>Strategies/Interventions</b>
Elementary/Middle	<ol style="list-style-type: none"> <li>1. Review the student’s attendance at the monthly attendance meeting.</li> <li>2. Send letter warning of referral to PPW.*</li> <li>3. Require parent to produce doctor’s note for future absences.</li> <li>4. Refer to PPW if no improvement</li> <li>5. Refer to Department of Social Services for educational neglect.</li> </ol>
High School	<ol style="list-style-type: none"> <li>1. Review the student’s attendance at the monthly attendance meeting.</li> <li>2. Send letter warning of referral to PPW&gt;</li> <li>3. Require parent to produce doctor’s note for future absences.</li> <li>4. Refer to PPW if no improvement</li> <li>5. Refer to Department of Social Services for educational neglect.</li> </ol>

Aug/Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June
2	4	6	8	10	12	14	16	18	20

<b>Teacher Responsibilities</b>	<b>Strategies/Interventions</b>
Elementary/Middle	<ol style="list-style-type: none"> <li>1. Discuss the absences with the student</li> <li>2. Contact the parent/guardian to discuss absences and plans for improvement</li> <li>3. If no improvement, refer to school counselor/school nurse/appropriate staff.</li> </ol>
High School	<ol style="list-style-type: none"> <li>1. Refer to School Counselor</li> </ol>

<b>School Counselor Responsibilities</b>	<b>Strategies/Interventions</b>
Elementary/Middle	<ol style="list-style-type: none"> <li>1. Complete a record review.</li> <li>2. Conference with the student and contact the parent/guardian.</li> <li>3. Refer case to school nurse/school team if appropriate</li> <li>4. Refer to administrator if attendance does not improve.</li> <li>5. Refer to student support team and/or Pupil Personnel Worker (PPW).</li> </ol>
High School	<ol style="list-style-type: none"> <li>1. Complete a record review.</li> <li>2. Conference with student and contact the parent/guardian.</li> <li>3. Refer to school team if appropriate and/or PPW.</li> <li>4. Refer to community agencies/outside resources if needed.</li> <li>5. If no improvement, refer to principal or his/her designee.</li> </ol>

Pupil Personnel Worker*	Strategies/Interventions
Elementary/Middle/High School	<ol style="list-style-type: none"> <li>1. Consult with Student Services colleagues.</li> <li>2. Complete a record review.</li> <li>3. Consult with school nurse.</li> <li>4. Conference with parent/guardian and student.</li> <li>5. Review attendance laws with parent/guardian/student.</li> <li>6. Refer to outside agencies/Attendance Mediation if appropriate.</li> <li>7. Place the student on an attendance contract if appropriate.</li> <li>8. Refer to State's Attorney's Office.</li> <li>9. Project Attend Referral.</li> <li>10. Refer the case to the District Court of Maryland.</li> </ol>

Each local education agency (LEA) shall make available a list of viable community resources and agencies to which students and families can be referred for additional services and assistance. With regard to chronic absenteeism and habitual truancy it is critical to determine the root causes of the absence, such as mental health issues, delinquent behavior, etc. and to differentiate and respond appropriately.

See sample Truancy Law Middle School Attendance Contract, page 16.

\*There are no PPWs in Baltimore City. Staff holding similar job duties as PPWs in the Baltimore City Public School system are referred to as attendance staff.

## Truancy Law Middle School Attendance Contract

The Compulsory Attendance Law of Maryland states that a child between the ages of 5 and 18 shall attend school regularly. Truancy Law Public School's Attendance Regulation 901.01 is in effect to ensure compliance with the law and includes the following:

- The conditions that constitute a lawful absence are illness of child; death in immediate family; or court order.
- A parent/guardian is required to provide a written note explaining the reasons for a student's absence within 3 days of the student's return to school.
- Absences due to illness in excess of 5 consecutive days require verification from a physician.
- The Principal may require physician's verification from a parent/guardian when a student is continuously absent for illness. Students requiring physician's verification for absences are considered unlawfully absent if documentation is not provided.
- Students who are unlawfully absent from school may request and complete make-up work, but can receive a failing grade for the work.
- A student with lawful absences will be allowed a reasonable number of days to complete missed work. Work not completed within the specified time can receive a failing grade.
- Students who are absent 6 days or more in a semester are considered excessively absent. These students may not meet the requirements for earning credit.
- The Principal may refer to the Pupil Personnel Worker students who have an excessive number of unlawful absences.
- On-time arrival to school is equally as important as daily attendance and is treated in a similar manner to lawful and unlawful absences.

<b>Student(s):</b> _____	<b>Date:</b> _____
<b>Parent(s):</b> _____	<b>Date:</b> _____
I agree to take responsibility as a parent/guardian to make sure my child attends school every day.	
I understand that if my child is excessively (unlawfully) absent from school, I may be referred to the Pupil Personnel Worker and possibly to the State's Attorney's Office, the Department of Juvenile Services and/or the District Court of Maryland for violation of the Compulsory Attendance Law.	
Parent/Guardian's Signature _____	Date ____/____/____
Student Signature _____	Date ____/____/____
PPW Signature _____	Date ____/____/____

**Recommendation 5: Encourage the development of mechanisms, such as parent engagement, and consider use of memoranda of understanding (MOUs), to facilitate the sharing of information among state agencies to realize efficiencies and to better and more quickly serve and identify children at risk.**

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Coordination of services across multiple agencies requires adherence to state and federal confidentiality rules and mandates. While establishing interagency MOU's regarding service delivery, an MOU is not likely a mechanism to allow sharing of information on individual students and families, but it is to be considered. Engaging parents in addressing issues of truancy and school attendance is one suggested mechanism to facilitate sharing of data within the confidentiality rules of the Family Educational Rights and Privacy Act (FERPA). When working with families and interagency teams, parents may be requested to sign a document to allow sharing of information. When permission is granted, data sharing is allowed.

Because the Department of Juvenile Services has strict confidentiality laws, as well as all other agencies bound by FERPA requirements, it is recommended that any and all MOUs be evaluated individually, and on a case by case basis, to determine if they are in compliance with all Maryland state rules and regulations.

Examples:

-- Link data systems so that health and education data within school may be shared across different programs within schools in accordance with FERPA.

---MOUs between Department of Social Services (DSS) and LEAs to share information about vulnerable students to better ensure services (Family Preservation programs, for example)

--Communication between SROs, law enforcement, and school systems. For instance the *Handle with Care* program which exists in Harford County.

Sources:

Gunderson, Jessica, et al. *Rethinking Educational Neglect for Teenagers: New Strategies for New York State*. Casey Family Programs, 2009, pp. 1–66, *Rethinking Educational Neglect for Teenagers: New Strategies for New York State*.

“Education Neglect Statues.” *Coalition for Responsible Home Education*, Dec. 2014, [www.responsiblehomeschooling.org/policy-issues/current-policy/educational-neglect-statues/](http://www.responsiblehomeschooling.org/policy-issues/current-policy/educational-neglect-statues/)

Zuel, Tim; Larson, Anita. (2005). Child Protection and Educational Neglect: A Preliminary Study (ML Special Issue #1). Retrieved from the University of Minnesota Digital Conservancy, <http://hdl.handle.net/11299/185498>.

## Recommendation 6: Consider chronic absenteeism as a public health issue.

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The strong relationship between education and health is well documented. Nationally, there is an effort to better define school absenteeism. Students may miss school for many reasons, and research shows health concerns are among some of the most the common causes. The National Collaborative on Health and Education, an initiative of the Healthy Schools Campaign and Trust for America's Health, has compiled a list of health conditions that impact student attendance. See <https://healthyschoolscampaign.org/wp-content/uploads/2015/12/School-Health-and-Attendance-Chart.pdf>

The report cites teen pregnancy, mental health and substance abuse, food insecurity, asthma, bullying and violence, and oral health concerns among the most common health related causes of absences.<sup>1</sup> The National Collaborative cites asthma as a leading cause of school absences and suggests community health providers as partners to address this association. Asthma is also an important public health condition accounting for 68.3 ED visits per 10,000 population in 2014. Asthma is also among several health conditions with racial and ethnic disparities, making many vulnerable minority students at greater educational risk if asthma leads to chronic absence.

The role and actions of public health agencies in addressing these findings is proposed in a 2014 article published in the *American Journal of Public Health*.<sup>2</sup> A 2011 report of the Administrative Office of the Courts entitled "*Assessing School Attendance Problems and Truancy Intervention in Maryland: A Synthesis of Evidence from Baltimore City and the Lower Eastern Shore*"<sup>3</sup> states 2.25% (or nearly 20,000 Maryland students) were considered to be habitually truant during the 2009-2010 school year. Their analysis of data on school attendance and truancy showed a strong positive correlation between rates of habitual truancy and dropout rates. The report goes on to suggest lack of timely identification and response to health issues as a potential barrier to prevent school attendance problems. They estimate the total societal public cost to of dropouts, a consequence of habitual truancy, to be nearly \$1.5 billion dollars for the reported period. In recent years, high school dropout as become considered an important public health issue.<sup>4</sup> The Maryland Department of Health currently considers high school graduation rates as an important public health indicator. Graduation rate is included among the 39 measures within the State Health Improvement Process. Strong collaborations between local school systems and local health departments in providing school health services may be an important context to strengthen ways health and education agencies can jointly address chronic absenteeism and high school dropout. Activities such as innovation in school chronic disease management may be effective in addressing chronic absence among students with chronic conditions.

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<sup>1</sup> [http://www.attendanceworks.org/wordpress/wp-content/uploads/2011/10/School-Health-Chart-for-CA\\_Sept9\\_draft.docx](http://www.attendanceworks.org/wordpress/wp-content/uploads/2011/10/School-Health-Chart-for-CA_Sept9_draft.docx).

<sup>2</sup> Gase LM, et al. Assessing the Connection Between Health and Education: Identifying Potential Leverage Points for Public Health to Improve School Attendance. *Am J Public Health*. 2014;104:e47–e54. doi: 10.2105/AJPH.2014.301977. Epub 2014 Jul 17.

<sup>3</sup> [http://www.igsr.umd.edu/applied\\_research/Pubs/Truancy%20Intervention%20Synthesis%20Report.pdf](http://www.igsr.umd.edu/applied_research/Pubs/Truancy%20Intervention%20Synthesis%20Report.pdf)

<sup>4</sup> [Freudenberg N, Ruglis J. Reframing school dropout as a public health issue. \*Prev Chronic Dis\* 2007;4\(4\). http://www.cdc.gov/pcd/issues/2007/oct/07\\_0063.htm](http://www.cdc.gov/pcd/issues/2007/oct/07_0063.htm). Accessed March 18, 2009

**Recommendation 7: Improve parent engagement by development of programs which encourage parents/guardians to gain the capacity to become partners in learning and supporting the academic success of their children.**

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The task force recommends that local education agencies and schools work closely with their countywide and school Parent-Teacher Associations, countywide and school Certified Associate Counselors (CACs), and other organized parent/guardian groups to encourage participation and in the development of school-based programs.

Suggested programs may including the establishment of monthly mailing of home mailers to parents would alert them as to the number of school days their child has missed, as well as how many days absent.

Other modes of communications to engage parents include:

- Backpack reminders
- Text messages
- Email to parents
- Face-to-face meeting

A Parent University Program, such as the one established in Baltimore County Public Schools, may be explored as a potential school-based program.

**Recommendation 8: Establish a task force to explore the waiver process which allows students who are age sixteen and have a history of habitual truancy to have the opportunity to pursue alternative diploma programs, such as Job Corps, GED, the Challenge Program.**

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According to the California Department of Education, the premise behind alternative schools of choice is that “one size doesn’t fit all.” In other words, not all students will thrive or reach their full potential in the traditional comprehensive school. Alternative schools and programs of choice can offer a different structure, learning philosophy, or academic emphasis to accommodate different student needs, interests, and learning styles. The effective use of such instructional strategies as independent study, community-based education, focused or thematic education, and flexible scheduling increases attendance and improves performance while fostering student engagement.

Specifically, the student attending an alternative diploma program may be able to:

- “Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- Recognize that the best learning takes place when the student learns because of his or her desire to learn.
- Maintain a learning situation that encourages student motivation, time-management, and the ability to follow their own interests.
- Maximize the opportunity for teachers, parents, and students to cooperatively develop the learning process and its subject matter. This opportunity must be a continuous, permanent process.
- Maximize the opportunity for students, teachers, and parents to continuously react to the changing world, including, but not limited to, the community in which the school is located.”

This task force noted that alternative diploma programs for eligible students may aid in the reduction of habitual student truancy, and therefore, recommends the establishment of a task force to explore the waiver process option from the traditional school system. Currently students who attend alternative diploma programs are labeled as drop-outs. A suggested goal in waiving eligible students from attending traditional comprehensive schools is to remove the labeling of the student as being drop-outs since they are not dropping out of school but instead attending an alternative diploma program which better suits their learning needs.

Currently students between the ages of 16 and 18 may not participate in a program that may lead them to a General Education Development (GED) diploma, unless they are home schooled. The only programs currently approved by Maryland State Department of Education, and open to 16-18 year olds, are the Job Corps and FreeState Challenge Program and students who enroll in these two programs are counted as drop-outs. It may benefit students if their parents are permitted to enroll their children, 16-18 year-olds, in an alternative program by signing a waiver to the Maryland Compulsory Attendance law. These alternative programs may include Multicultural Learning Centers, Conservation Corps, and various GED programs offered at county and city community colleges.

Students who successfully complete a GED program within their four or five year cohort shall be considered a graduate, with the label of drop-out student replaced by the designation “graduate”. In speaking with students, many feel that the diploma earned by taking the GED is inferior to the diploma offered by the traditional high school. This fact is borne out by COMAR which states, “a graduate does not include a student: a) leaving school and completing a GED or other State-approved high school equivalency program; b) Completing a program of study and time in grade but not meeting the basic skills testing requirement.”

**Recommendation 9: Review the guidelines and criteria for access to Career Technology Education programs to ensure they are accessible to all students who want to pursue a career path.**

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The Division of Career and College Readiness (DCCR) promotes quality career preparation and lifelong learning for Marylanders. The division is responsible for the area of Career and Technology Education (CTE). This Division provides oversight and technical assistance to local school systems and community colleges implementing CTE programs of study, as well as programs in Technology Education and Financial Literacy in Maryland's public schools. Currently the CTE programs are not offered at all of the schools and therefore limits CTE career options for interested students. Students with CTE career options who are not interested in going to college may fare well with complete and open access to the CTE career training facilities of their choice. Students with these options made available to them are likely to attend school regularly, thereby reducing the incidence of habitual student truancy.

Source:

([http://marylandpublicschools.org/programs/Documents/CTE/CTE%20Programs%20of%20Study/Policies-Procedures\\_Continuous-Improvement\\_Sept-2015\\_Accessible.pdf](http://marylandpublicschools.org/programs/Documents/CTE/CTE%20Programs%20of%20Study/Policies-Procedures_Continuous-Improvement_Sept-2015_Accessible.pdf))

**Recommendation 10: Making changes to COMAR which would require all local education agencies to provide opportunities for original and recovery credit with varied schedules using various methods such as evening school and on-line/cyber/virtual school.**

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Currently 19 of the 24 LEAs provide evening high school.  
Recommend modification to COMAR, Education 13.A.03.02.04.C.

Current language: Evening School. A local school system may provide evening school programs for credit as an extension of the regular school day as determined by the needs of students.

Proposed Revised language: Evening School. A local system shall provide evening school programs for credit as an extension of the regular school day as determined by the needs of the students. This may be done in collaboration with adjoining LEAs.

Include a list of original credit and credit recovery opportunities and a description. Examples include:

- High School Plus
- Summer School
- Online/Cyberschool

Most LEAs have credit recovery programs, high school plus, summer school and online courses. However, not every LEA has an evening high school program. An evening high school offers students a wide range of classes and provide an opportunity for students to make up classes they failed which are required for graduation. The program would be self-sustaining with students having to pay a fee to take a class. For FARMS (Free and Reduced Price Meals) students there would be a discounted rate. They would be able to earn up to two credits each semester. Suggested course dates and times are Monday through Thursday in two sessions: 4:00pm to 6:00pm and 6:15pm to 8:15pm.

Students who need only two, three, or four credits may opt out of the day program and enroll in evening school to take the required classes in order to graduate with a diploma. Students enrolling in evening school in lieu of the day program would not incur course fees. Students enrolled in evening school could work during the day.

Finally, some LEAs may operate a regional evening high school to serve students from more than one jurisdiction.

Sources:

See Reasons for Chronic Absenteeism Among Secondary Students, Amber Humm Brundage, Jose M. Castillo and George M. Batsche, 8/9/2017

Florida's Problem Solving & Response to Intervention Project  
A collaborative project between the Florida Department of Education and the University of South Florida

**Recommendation 11: The Maryland State Department of Education will review the admissions criteria for alternative diploma programs to ensure that all students have equitable access.**

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While Recommendation 8 addresses exploration of the establishment of a task to explore the waiver process which allows students who are age sixteen and have a history of habitual truancy to have the opportunity to pursue alternative diploma programs, this Task Force also recommends that the Maryland State Department of Education review the current admissions criteria for alternative programs to ensure that all students have equitable access to alternative diploma programs.

**Recommendation 12: The Maryland General Assembly is requested to establish a workgroup lead by the Maryland State Department of Education in collaboration with the Maryland Center for School Safety consisting of SROs, teachers, parents, administrators, students, school counselors, and other stakeholders to review current student bullying and harassment policies and procedures, as well as school safety issues and report back to the Maryland General Assembly by December 1, 2019.**

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Students repeatedly identify school safety and bullying as reasons for non-attendance at school. The trends of habitual student truancy are particularly high in Maryland public schools.

Certain federal laws address particular kinds of harassment, but federal legislation does not currently prohibit all kinds of harassment in schools. Similarly, no federal legislation specifically prohibits bullying in schools.

Pursuant to the Annotated Code of Maryland, Education Article §7–424 “bullying, harassment or intimidation” means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that creates a hostile educational environment by substantially interfering with a student’s educational benefits, opportunities, or performance, or with a student’s physical or psychological well-being and is:

1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or
2. Threatening or seriously intimidating; and  
Occurs on school property, at a school activity or event, or on a school bus; or  
Substantially disrupts the orderly operation of a school.

Each county board is required to submit summaries of report forms on bullying filed with the county board to the State Board on or before January 31 each year.

The Department shall submit a similar related report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2–1246 of the State Government Article, consisting of a summary of the information included in the victim of bullying, harassment, or intimidation report forms filed with the county boards the previous year.

Because bullying impacts the incidence of habitual student truancy, this task force recommends that a workgroup consisting of the aforementioned collaborators be established to bring the current bullying and harassment policies and procedures, as well as school safety issues, up to date.

Sources:

<http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/Bullying/MSDEReportBullyingHarassment.pdf>

<https://www.instantcheckmate.com/crimewire/post/cyberbullying-laws-by-state>

**Recommendation 13: Public funding to be provided to establish early intervention programs, including the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts Truancy Court Program (TCP), at all Maryland public schools. This shall include initiatives which offer training to schools, courts, and districts to replicate the TCP.**

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Punitive approaches to chronic absenteeism and habitual truancy have not been proven effective, particularly in areas such as Baltimore City, where families face poverty and high rates of trauma. Instead, holistic approaches to truancy that embrace therapeutic jurisprudence have been successful in re-engaging students and families in schools. Identifying the reasons why students are not attending school and providing resources to address those needs, can better help impact absenteeism.

**University of Baltimore School of Law Truancy Court Program (“TCP”).**

The grant-funded University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) Truancy Court Program (TCP) is based on a developmental approach that incorporates legal, psychosocial, and social service expertise. It is an early intervention, non-punitive program that targets students who have missed ten to thirty days of school in the prior two marking periods (although data indicate that the program is equally successful with chronically truant students). Participation is voluntary on the part of students and their families. District and Circuit Court Judges volunteer to serve as TCP judges, who continue at the same school throughout each TCP session and who meet with each student individually. In addition to the TCP Judge, each TCP participant and his/her parent/caregiver meet with a TCP Mentor, a TCP Attorney, a TCP Social Worker, a TCP Coordinator, and school administrators or service providers. The aim of the program is to identify the reasons why students are not attending school and to address the underlying issues. Students also receive tutoring to catch up on missed school work. Families are connected to much needed resources such as housing supports and public assistance, as well as support navigating the Individualized Education Program process.

Data indicates that the TCP makes a dramatic difference in attendance rates and school behavior. On average, 70-75 percent of participants “graduate” from the program, based on a minimum 65 percent decrease in unexcused absences and/or tardies. According to surveys administered to TCP students, the program substantially changes their attitudes toward school attendance, academic performance, and the importance of education. As a result of their involvement with the TCP, children and their families become more engaged with their schools and communities and are better able to advocate for themselves within and outside of the school. The program, which continues for ten weeks in elementary/middle schools and 12-14 weeks in middle/high and high schools, is able to serve an average of 25-30 students per school each year. CFCC has implemented the TCP in 40 public schools in Baltimore City, Montgomery County, Baltimore County, and Anne Arundel County. School administrators report that the TCP’s impact is school-wide and has resulted in an overall increase in attendance because of its forceful message: students are responsible to come to school every day, on time, and to complete their education.

CFCC has recently published its updated “Truancy Court Program Toolkit” for school districts and jurisdictions that are interested in replicating the TCP. The Toolkit provides detailed and

extensive information about implementing the TCP, including a step-by-step guide to setting up and evaluating the program, an explanation of the roles and responsibilities of each team member, and a collection of forms used by the TCP to record and collect information about the TCP. CFCC makes the Toolkit and technical assistance available on a fee-based basis.

## Best and Promising Practices

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### **University of Baltimore School of Law Truancy Court Program (“TCP”).**

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## **Community Schools:**

Community and School Engagement Strategy Community Resource Schools. The Baltimore City Community Schools Initiative (BCCSI), funded since 2005, is a partnership of Baltimore City, City Schools and The Family League of Baltimore City. Each Community School in Baltimore has a full-time site coordinator responsible for managing programs and supports reaching students, families, and the neighborhoods surrounding our schools. Services are delivered when and where each community needs them. The Initiative accomplishes its results through the site coordinator working with the principal and the school community to identify needs and address those needs through partnerships (over 400) and leveraged funding (\$8.5 million).

## **Trauma-informed training for school personnel:**

Being trauma-informed generally means being sensitive to the impact that trauma may have on a person. Trauma-informed school personnel can increase their own safety as well as the safety of the individual they are interacting with in the system, and reduce that individual's risk for re-traumatization by the system.

Trauma-informed practices in the K-12 school setting will provide for school personnel to focus on creating safety in the classroom and school community and to help develop regulation skills and social emotional literacy, all within the context of strong, connected relationships. Having a heightened sense of awareness and understanding of a student's normal reactions to abnormal occurrences in his or her life will assist school personnel with strengthening the relationship between the student, his or her family and the school, instead of punishing him or her for normal reactions to abnormal occurrences. When the student is not doing well it is up to trauma-informed school personnel to be concerned about and respond to what is happening with the student and to work in partnership with them and their caregivers to devise strategies and systems of support. Assisting students using a nonviolent, trauma-informed approach with help develop joyful relationships that will nurture the student's intellectual, social and emotional lives.

Baltimore County Public Schools, for example, through its Department of Communications and Community Outreach, periodically offers in-person trauma-informed care workshops, at no cost to participants, through its Parent University.

Baltimore City Public Schools, through its Title I program, will hold an annual professional development seminar for School-based Title I family and community engagement leads, principals, parent leaders, community school coordinators, and designees to learn ways to engage families and community members in the district's blueprint for student success and in strategies to support academic achievement. Topics include trauma-informed family and community engagement

**Innovative School Scheduling:** MSDE shall monitor the Lynx School in Frederick County to determine if the modified school schedule improves attendance. In addition, MSDE shall consider the recommendation of and programs noted in the Report on Innovative School scheduling to determine if there is a correlation between modified school schedules and student attendance.

## Glossary of Terms

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**Child in Need of Assistance (CINA):** A juvenile court may find a child to be in need of assistance if the court finds that the child requires the court's intervention because:

- (1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and
- (2) The child's parents, guardian or custodian are unable or unwilling to give proper care and attention to the child and the child's needs.

A CINA proceeding begins with the filing of a petition by the local department of social services (LDSS). The goal of every CINA proceeding is to achieve a permanent placement for the child that is consistent with the child's best interests. Generally, the LDSS must make reasonable efforts to prevent a child from being removed from her/his home and make reasonable efforts to reunite the child with the family if the child is removed.

**Career and Technology Education (CTE):** Prepares both youth and adults for a wide range of careers. These careers require varying levels of education- from high school and postsecondary certificates, to apprenticeships, or two- and four-year college degrees. Students add value to their overall education by completing CTE programs of study that provide opportunities to earn industry-recognized credentials and college credit while still in high school.

**Habitual Truancy:** A student is a habitual truant if the student has been in membership in a school for 91 or more days in a school year and is unlawfully absent from school for a number of days or portion of days in excess of 20% of the school days within any marking period, semester, or year. An LEA has the prerogative of defining habitual truancy in a more but not less stringent manner

**Local Education Agency (LEA):** An education agency at the local level that exists primarily to operate schools or to contract for educational services. In Maryland this term means any of the 24 local public school systems within the state.

**Pupil Personnel Worker:** An educator trained to determine student needs through a collaborative process, to serve as advocates for students and their families, and to facilitate appropriate services.

**Truancy:** Unexcused absence from school.

**Unlawful absence:** An absence, including absence for any portion of the day, for any reason other than those cited as lawful are presumed to be unlawful and may constitute truancy.

## Statewide Agencies involved in Truancy and Chronic Absenteeism

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**Department of Juvenile Services.** The Department of Juvenile Services (DJS) is an executive agency whose primary task is to appropriately manage, supervise, and treat youth who are involved in the juvenile justice system in Maryland.

The Department of Juvenile Services is involved in nearly every stage of the juvenile justice process from the moment a youth is brought into a juvenile intake center by the police or as a result of a citizen complaint to the time when a youth returns to the community after completing treatment.

**Department of Labor, Licensing and Regulation.** Currently students between the ages of 16 and 18 may not participate in a program that may lead them to a GED, unless they are home schooled. The only programs approved by MSDE and open to 16-18 year olds are the Job Corps and FreeState Challenge Program and students who enroll in these two programs are counted as drop-outs. Parents should be permitted to enroll their children, 16-18 yr olds, in an alternative program by signing a waiver to the Md. Compulsory Attendance law. These alternative programs may include: Multicultural Learning Centers, Conservation Corps, GED programs offered at County Community Colleges.

Students who successfully complete a GED program within their four or five year cohort should be considered a graduate. In talking with students, many feel that the diploma earned by taking the GED is inferior to the diploma offered by the traditional high school. This fact is borne out by COMAR which states, “a graduate does not include a student: a) leaving school and completing a GED or other State-approved high school equivalency program; b) Completing a program of study and time in grade but not meeting the basic skills testing requirement.”

**Department of Social Services.** The filing of truancy charges in the local court system is done as an intervention of last resort. When this occurs, the Department of Social Services has already been contacted previously to offer family intervention support.

**Maryland State Department of Education.** The Maryland State Department of Education, under the leadership of the State Superintendent of Schools and guidance from the Maryland State Board of Education, develops and implements standards and policy for education programs from pre-kindergarten through high school. MSDE also oversees technical education, rehabilitation services, and library programs throughout the state’s 24 local systems.

**Maryland Judiciary.** The Judiciary is involved in truancy matters in several ways. For example, the District Court hears cases involving persons charged with inducing a child to be absent unlawfully, attempting to induce a child to be absent unlawfully, or employing or harboring a child who is absent unlawfully, under Education Article §7-301(e). Truancy courts, operating under the circuit court’s juvenile court and established under Courts and Judicial Proceedings Article 3-8A, hear cases of individual truant children. In addition, the Administrative Office of the Courts provides grants to truancy courts and other relevant programs.

## Maryland Statutes/Regulations Related to Truancy/Absenteeism

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### Education, Section § 7-301. Compulsory attendance

(a) Applicability. -- This section does not apply to a child under the age of 18 years who:

(1) Has obtained a Maryland high school diploma, an equivalent out-of-state high school diploma, or a GED;

(2) Is a student with disabilities and has completed the requirements for a Maryland high school certificate of completion;

(3) Is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age;

(4) Has completed an instruction program under item (3) of this subsection;

(5) Is severely ill and requires home or hospital instruction;

(6) Is married;

(7) Is in military service;

(8) Is committed by court order to an institution without an educational program;

(9) Provides financial support to the child's family as documented by a local department of social services;

(10) Subject to the approval of the county superintendent, has been expelled under § 7-305 of this subtitle;

(11) Is pregnant or a parent and is enrolled in an alternative educational program;

(12) Attends an alternative educational program;

(13) Subject to written parental consent and written agreement with the county board, attends a public school on a part-time basis and attends a private career school as defined under § 10-101 of this article; or

(14) Is waived from the provisions of this section by the State Superintendent.

(a-1) Who must attend. --

(1) Except as otherwise provided in this section, each child who resides in this State and is 5 years old or older and under 18 shall attend a public school regularly during the entire school year.

(2) In accordance with regulations of the State Board of Education, a child who resides in this State and is 5 years old may be exempted from mandatory school attendance for 1 year if the child's parent or guardian files a written request with the local school system asking that the child's attendance be delayed due to the child's level of maturity.

(3) Except as provided in subsection (f) of this section or in regulations of the State Board of Education, each child who resides in this State shall attend a kindergarten program regularly during the school year prior to entering the first grade unless the child is otherwise receiving regular, thorough instruction in the skills and studies usually taught in a kindergarten program of a public school.

(b) Excused absences. -- A county superintendent, school principal, or an individual authorized by the county superintendent or principal may excuse a student for a lawful absence.

(c) Duty of parent or guardian. -- Each person who has legal custody or care and control of a child who is 5 years old or older and under 18 shall see that the child attends school or receives instruction as required by this section.

(d) Application of section. --

(1) This section applies to any child who has a mental, emotional, or physical handicap.

(2) This section does not apply to a child:

(i) Whose mental, emotional, or physical condition makes the child's instruction detrimental to the child's progress; or

(ii) Whose presence in school presents a danger of serious physical harm to others.

(3) With the advice of the school principal, supervisor, pupil personnel supervisor, or visiting teacher and with the written recommendation of a licensed physician or a State Department of Education certified or licensed psychologist, the county superintendent may:

(i) Make other appropriate provisions for the free education of any student excepted from attendance under paragraph (2) of this subsection; or

(ii) Permit the parents or guardians of that student to withdraw the child from public school, for as long as the attendance of the child in a public school would be detrimental to the child's progress or the child's presence in school would present a danger of serious physical harm to others.

(4) If a child is withdrawn from a public school under this subsection, the county board shall make other appropriate provisions for the education of the child.

(5) If an appropriate educational placement is not available immediately, the county board shall make interim provisions for the education of the child until an appropriate placement becomes available.

(e) Penalties. --

(1) Any person who induces or attempts to induce a child to be absent unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed \$ 500 or imprisonment not to exceed 30 days, or both.

(2) Any person who has legal custody or care and control of a child who is 5 years old or older and under 18 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and:

(i) For a first conviction is subject to a fine not to exceed \$ 50 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and

(ii) For a second or subsequent conviction is subject to a fine not to exceed \$ 100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.

(3) (i) As to any sentence imposed under this section, the court may suspend the fine or the prison sentence and establish terms and conditions that would promote the child's attendance.

(ii) The suspension authority provided for under subparagraph (i) of this paragraph is in addition to and not in limitation of the suspension authority under § 6-221 of the Criminal Procedure Article.

(e-1) Applicability of subsection; charge filed in juvenile court. --

(1) This subsection applies only:

(i) In a county in which the circuit administrative judge has established a Truancy Reduction Pilot Program under § 3-8C-02 of the Courts Article; and

(ii) To the extent that funds are provided in an annual State budget for a Truancy Reduction Pilot Program.

(2) A charge under this section may be filed in the juvenile court and assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts Article.

(3) (i) For a person with legal custody or care and control of a child at the time of an alleged violation of this section, it is an affirmative defense to a charge under this section that the person made reasonable and substantial efforts to see that the child attended school as required by law but was unable to cause the child to attend school.

(ii) If the court finds the affirmative defense is valid, the court shall dismiss the charge under this section against the defendant.

(4) The court may condition marking a charge under this section stet on participation of the defendant in the appropriate Truancy Reduction Pilot Program under Title 3, Subtitle 8C of the Courts Article.

(f) Exemption from attending kindergarten. -- A child may be exempted from attending kindergarten if a parent or guardian of the child files a written request with the local school system and verifies that the child is enrolled:

(1) Full time in a licensed child care center;

(2) Full time in a registered family child care home; or

(3) Part time in a Head Start 5 year old program.

(g) Return to school under certain conditions. -- Subject to data being available through the Maryland Longitudinal Data System established under § 24-702 of this article and except as otherwise provided in this section, a child under the age of 18 years shall return to attendance at a public school regularly during the school year as required by this section, if the child:

(1) Is no longer participating in GED courses; and

(2) Has not obtained a passing score on the GED test that resulted in the issuance of a Maryland high school diploma.

Education, Section § 7-302.2. Truant students.

(a) "Truant student" defined. -- In this section, "truant student" means a student:

(1) Who is unlawfully absent from school for more than:

- (i) 8 days in any quarter;
- (ii) 15 days in any semester; or
- (iii) 20 days in a school year; and

(2) Whose absences for purposes of item (1) of this subsection are unlawful absences as defined by regulation.

(b) System of active intervention to be established. -- Each county board shall develop a system of active intervention for truant students.

(c) Referrals; intervention. --

(1) Each truant student attending kindergarten through 12th grade shall immediately be referred to the county board's system of active intervention developed under this section.

(2) This section does not prohibit a county board from intervening in the case of a student who is frequently absent from school for both lawful and unlawful purposes, but is not a truant student.

Courts and Judicial Proceedings, Section § 3-8C-02. Truancy Reduction Pilot Programs.

(a) Power to establish programs in certain counties. --

(1) The Circuit Administrative Judge of the First Circuit may establish a Truancy Reduction Pilot Program in one or more of the juvenile courts in Dorchester County, Somerset County, Wicomico County, and Worcester County.

(2) The Circuit Administrative Judge of the Second Circuit may establish a Truancy Reduction Pilot Program in the juvenile courts in Kent County and Talbot County.

(3) The Circuit Administrative Judge of the Third Circuit may establish a Truancy Reduction Pilot Program in the juvenile court in Harford County.

(4) The Circuit Administrative Judge of the Seventh Circuit may establish a Truancy Reduction Pilot Program in the juvenile court in Prince George's County.

(b) Acceptance of gift or grant to implement pilot programs. -- After consultation with the administrative judges of the first, second, third, and seventh circuits, the Chief Judge of the Court of Appeals may accept a gift or grant to implement the pilot programs in each respective circuit.

COMAR, Education Article 13A.08.01.03

.03 Lawful Absence.

Students presently enrolled in public schools are considered lawfully absent from school, including absence for any portion of the day, only under the following conditions:

A. Death in the immediate family. The local school system shall determine what relationships constitute the immediate family.

B. Illness of the student. The principal or a pupil personnel worker shall require a physician's certificate from the parent or guardians of a student reported continuously absent for illness.

C. Court summons.

D. Hazardous weather conditions. Hazardous weather conditions shall be interpreted to mean weather conditions which would endanger the health or safety of the student when in transit to and from school.

E. Work approved or sponsored by the school, the local school system, or the State Department of Education, accepted by the local superintendent of schools or the school principal, or their designees as reason for excusing the students.

F. Observance of a religious holiday.

G. State emergency.

H. Suspension.

I. Lack of authorized transportation. This does not include students denied authorized transportation for disciplinary reasons.

J. Other emergency or set of circumstances which, in the judgment of the superintendent or designee, constitutes a good and sufficient cause for absence from school.

*13A.08.01.04*

.04 Unlawful Absence.

A. An absence, including absence for any portion of the day, for any reason other than those cited as lawful are presumed to be unlawful and may constitute truancy. Local school systems may add specified criteria for unlawful absences to local board-approved attendance policies.

B. Truancy. A truant is a student who is absent without lawful cause as defined in Regulation .03, of this chapter, from the attendance for a school day or portion of it.

C. Habitual Truant. A student is an habitual truant if the student is unlawfully absent from school for a number of days or portion of days in excess of 20 percent of the school days within any marking period, semester, or year. A local school system has the prerogative of defining habitual truancy in a more but not less stringent manner (for example, unlawful absences in excess of 15 percent of the school days).

*13A.08.01.05*

.05 Student Attendance Policy.

Each local school system shall develop a student attendance policy which includes:

A. A general statement dealing with the local school system's purpose and rationale for promoting regular school attendance.

B. Rules, Definitions, and Procedures for Policy Implementation.

(1) Reasons for lawful and unlawful absences and tardiness include lawful/unlawful absence as defined in Regulations .03 and .04, of this chapter. Clarification of special situations for unlawful absence may also be identified.

(2) Standards for regular attendance include minimal requirements for student attendance in order to foster continuity of the instructional program. The standards for school attendance may identify a specific number of excessive or unlawful absences allowed within a marking period, semester, or school year.

(3) Procedure to verify absences/tardiness includes responsible persons, time limits, and methods of absent/tardy verification.

(4) Penalties for not meeting standards for regular attendance requirements include actions taken by school system staff when a student is unlawfully absent or accumulates an equivalent number of excessive or unlawful absences which exceeds the standard for regular school attendance. The penalties should be identified, and should reflect a continuum of excessive or unlawful absences.

(5) Make-up work requirements include classroom teacher and student responsibility, time limits, and grading policy for make-up work. Make-up work requirements may also involve a procedure for completing class work in advance of an absence wherever possible.

(6) Attendance-monitoring procedure includes:

(a) Record-keeping format to comply with State attendance reporting requirements;

(b) Intervention strategies and procedures for dealing with absenteeism at the beginning stages of the problem as well as chronic absenteeism; and

(c) A referral process to pupil services or other central office professionals for case management of chronic attendance cases.

(7) Reward process includes an identified motivational program to reward regular school attendance.

(8) Information dissemination includes methods for informing school staff, students, parents, and community members of attendance policy requirements.

(9) Appeals process includes specific due process procedures for appealing attendance violation decisions at the school and central office level.

(10) Legal foundation includes citations of legal authority for attendance policy development and implementation.

## COMAR Education Article 13A.08.01.07

### .07 Student Withdrawal Status.

A. The Maryland Pupil Attendance Register prescribes the withdrawal status for students. In general a student will be withdrawn when the student has completed a high school program, transfers to another school, or terminates the student's formal education.

B. Graduate.

(1) A graduate is defined as a student who completes the student's program of study at the high school level and satisfies the graduation requirements for a Maryland High School Diploma or the requirements for a Maryland High School Certificate.

(2) A graduate includes a:

(a) Student receiving a diploma as a result of the completion of a State-approved regular or alternative secondary school;

(b) Handicapped student who cannot meet the requirements for a diploma and is awarded a Maryland High School Certificate.

(3) A graduate does not include a student:

(a) Leaving school and completing a GED or other State-approved high school equivalency program;

(b) Completing a program of study and time in grade but not meeting the basic skills testing requirements.

C. Dropout.

(1) A student who terminates the student's formal education is a dropout. A dropout is defined as a student who, for any reason other than death, leaves school before graduation or the completion of a Maryland-approved educational program (including a special education program) and is not known to enroll in another school or State-approved program during a current school year.

(2) A dropout includes a student:

(a) Who drops out for the reasons as identified in the Maryland Pupil Attendance Register;

(b) Who leaves school and enters a program not qualifying as an elementary/secondary school;

(c) Of any age who drops out;

(d) From special education who drops out.

(3) A dropout does not include a student:

(a) Who dies;

(b) Out of school for temporary periods, for example, extended suspension, reinstatements of expulsion during the school year, or extended illness;

(c) Who transfers to another public elementary/secondary school, to another State-approved elementary/secondary educational program that continues the student's education, or to a nonpublic elementary/secondary school;

(d) Transferred to another public institution with an educational program;

(e) Placed at another grade level.

D. Nontraditional Graduate.

(1) A nontraditional graduate is a student who leaves school (terminates/withdraws) but finishes a high school equivalency through the General Educational Development Testing Program or The Adult External Diploma Program.

(2) A nontraditional graduate includes all completers of a high school equivalency regardless of age.

(3) A nontraditional graduate does not include any student who has earned the Maryland High School Diploma or Maryland High School Certificate.

E. Each local school system shall develop and implement a procedure to conduct an educational interview with all students who leave school before graduation, or with their parent or guardian, or all of the above. At a minimum, the interview should encourage the student to remain in the student's current school program or enroll in an alternative school program, verify the reason, or reasons, for a student dropping out of school, and ensure that the parent or guardian is informed.

COMAR Education Article 13A.03.02.04

.04 Other Provisions for Earning Credit.

A. In addition to earning credits during the regular school day and year, credits may be earned, at the discretion of the local school system, through the means specified in §§B—I of this regulation.

B. Summer School.

(1) Each local school system may provide summer school programs for original and review credit as determined by the needs of students.

(2) Credit instruction shall meet the aggregate time requirements specified by the local school system.

(3) Consistent with local school system policy and procedure, credit may be given for acceptable summer study offered by approved public and nonpublic institutions in or outside of Maryland.

C. Evening School. A local school system may provide evening school programs for credit as an extension of the regular school day as determined by the needs of students.

D. Online Courses.

(1) Consistent with local school system policy and procedure, credit may be given for Department-approved online courses.

(2) If credit is to be applied toward minimum graduation requirements, the Department-approved online course shall be provided by the local school system.

E. Tutoring.

(1) Tutoring may be considered only after all the resources of the school system have been used fully and when it is determined that the best interests of the students are being served.

(2) If tutoring is recommended by the school and approved by the local school system for credit to be applied toward minimum graduation requirements, then the tutor, the program of study, and examination shall be provided by the local school system.

F. Work Study Programs, Job Entry Training Programs, or Experience Outside the School.

(1) Consistent with local school system policy and procedure, actual time spent in work study, job entry training, or other experience may be counted for credit when identified as an integrated part of a planned study program.

(2) For work or experience outside the school which is approved and supervised by the local school system, not more than nine elective credits toward meeting graduation requirements may be granted to a student.

G. College Courses. Consistent with the payment requirement of Education Article, §§ 18-14A-04 and 18-14A-05, Annotated Code of Maryland, local school system policies and procedures and with prior approval of the local superintendent of schools or the superintendent's designee, credit toward high school graduation may be given for courses offered by accredited colleges.

H. Independent Study/Internship. Consistent with local school system policy and procedure, credit toward high school graduation may be earned for independent study or internships in which a student successfully demonstrates pre-established curricular objectives.

I. Credit through Examination.

(1) Credit toward high school graduation may be earned by passing an examination that assesses student demonstration of local school system curricular objectives.

(2) A student who would be eligible to graduate but for attaining credit in either English 12 or Algebra II may obtain that credit by taking a State-approved examination and achieving a passing score as defined by the Maryland State Department of Education.

(3) Credit toward high school graduation may be earned by middle school students if the following criteria are met:

(a) The student has taken a high school level course meeting the local school system curricular objectives; and

(b) The student passes an examination that assesses student demonstration of course objectives and the examination is equivalent in content coverage and rigor to examinations given to high school students for the course content area.

(4) The determination to allow high school credit by examination for middle school students shall be made by the local school system.

Education Article, Annotated Code of Maryland Section 7-301.1

7-301. \*\* TAKES EFFECT JULY 1, 2017 PER CHAPTER 494 OF 2012 \*\*

(a) This section does not apply to a child under the age of 18 years who:

(1) Has obtained a Maryland high school diploma, an equivalent out-of-state high school diploma, or a GED;

(2) Is a student with disabilities and has completed the requirements for a Maryland high school certificate of completion;

(3) Is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age;

(4) Has completed an instruction program under item (3) of this subsection;

(5) Is severely ill and requires home or hospital instruction;

(6) Is married;

(7) Is in military service;

(8) Is committed by court order to an institution without an educational program;

(9) Provides financial support to the child's family as documented by a local department of social services;

(10) Subject to the approval of the county superintendent, has been expelled under § 7-305 of this subtitle;

(11) Is pregnant or a parent and is enrolled in an alternative educational program;

(12) Attends an alternative educational program;

(13) Subject to written parental consent and written agreement with the county board, attends a public school on a part-time basis and attends a private career school as defined under § 10-101 of this article; or

(14) Is waived from the provisions of this section by the State Superintendent.

(a-1) (1) Except as otherwise provided in this section, each child who resides in this State and is 5 years old or older and under 18 shall attend a public school regularly during the entire school year.

(2) In accordance with regulations of the State Board of Education, a child who resides in this State and is 5 years old may be exempted from mandatory school attendance for 1 year if the child's parent or guardian files a written request with the local school system asking that the child's attendance be delayed due to the child's level of maturity.

(3) Except as provided in subsection (f) of this section or in regulations of the State Board of Education, each child who resides in this State shall attend a kindergarten program regularly during the

school year prior to entering the first grade unless the child is otherwise receiving regular, thorough instruction in the skills and studies usually taught in a kindergarten program of a public school.

(b) A county superintendent, school principal, or an individual authorized by the county superintendent or principal may excuse a student for a lawful absence.

(c) Each person who has legal custody or care and control of a child who is 5 years old or older and under 18 shall see that the child attends school or receives instruction as required by this section.

(d) (1) This section applies to any child who has a mental, emotional, or physical handicap.

(2) This section does not apply to a child:

(i) Whose mental, emotional, or physical condition makes the child's instruction detrimental to the child's progress; or

(ii) Whose presence in school presents a danger of serious physical harm to others.

(3) With the advice of the school principal, supervisor, pupil personnel supervisor, or visiting teacher and with the written recommendation of a licensed physician or a State Department of Education certified or licensed psychologist, the county superintendent may:

(i) Make other appropriate provisions for the free education of any student excepted from attendance under paragraph (2) of this subsection; or

(ii) Permit the parents or guardians of that student to withdraw the child from public school, for as long as the attendance of the child in a public school would be detrimental to the child's progress or the child's presence in school would present a danger of serious physical harm to others.

(4) If a child is withdrawn from a public school under this subsection, the county board shall make other appropriate provisions for the education of the child.

(5) If an appropriate educational placement is not available immediately, the county board shall make interim provisions for the education of the child until an appropriate placement becomes available.

(e) (1) Any person who induces or attempts to induce a child to be absent unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.

(2) Any person who has legal custody or care and control of a child who is 5 years old or older and under 18 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and:

(i) For a first conviction is subject to a fine not to exceed \$50 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and

(ii) For a second or subsequent conviction is subject to a fine not to exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.

(3) (i) As to any sentence imposed under this section, the court may suspend the fine or the prison sentence and establish terms and conditions that would promote the child's attendance.

(ii) The suspension authority provided for under subparagraph (i) of this paragraph is in addition to and not in limitation of the suspension authority under § 6-221 of the Criminal Procedure Article.

(e-1) (1) This subsection applies only:

(i) In a county in which the circuit administrative judge has established a Truancy Reduction Pilot Program under § 3-8C-02 of the Courts Article; and

(ii) To the extent that funds are provided in an annual State budget for a Truancy Reduction Pilot Program.

(2) A charge under this section may be filed in the juvenile court and assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts Article.

(3) (i) For a person with legal custody or care and control of a child at the time of an alleged violation of this section, it is an affirmative defense to a charge under this section that the person made reasonable and substantial efforts to see that the child attended school as required by law but was unable to cause the child to attend school.

(ii) If the court finds the affirmative defense is valid, the court shall dismiss the charge under this section against the defendant.

(4) The court may condition marking a charge under this section set on participation of the defendant in the appropriate Truancy Reduction Pilot Program under Title 3, Subtitle 8C of the Courts Article.

(f) A child may be exempted from attending kindergarten if a parent or guardian of the child files a written request with the local school system and verifies that the child is enrolled:

- (1) Full time in a licensed child care center;
- (2) Full time in a registered family child care home; or
- (3) Part time in a Head Start 5 year old program.

(g) Subject to data being available through the Maryland Longitudinal Data System established under § 24–702 of this article and except as otherwise provided in this section, a child under the age of 18 years shall return to attendance at a public school regularly during the school year as required by this section, if the child:

- (1) Is no longer participating in GED courses; and
- (2) Has not obtained a passing score on the GED test that resulted in the issuance of a Maryland high school diploma.