

**LEGAL AND EDUCATIONAL SYSTEM SOLUTIONS FOR YOUTH:
A LEADERSHIP AND POLICY FORUM ON TRUANCY AND DROPOUT PREVENTION**

Topic: Youth and Family/Caregiver Engagement Prevention Strategies

Each day in the United States, hundreds of thousands of youth are absent from school—but we don't know how many are considered truant. While there is no national truancy data available, many large cities report increasing rates of truancy and chronic absenteeism. From the period of 1995 to 2007 alone, the number of petitioned truancy cases processed by juvenile courts went up by a staggering 67% (from 34,100 cases in 1995 to 57,000 cases in 2007)¹. When a child is missing school without a legitimate reason, it can often be an indicator of a more serious personal or family issue at home, and can be a precursor to delinquency system involvement. This paper provides a general overview of: 1) Risk factors affecting truancy and dropout rates, 2) Prevention practices, 3) Intervention practices, and 4) Training for judges and lawyers. Its purpose is to generate awareness on the issue of truancy and to facilitate discussion on how best to engage youth, parents, caregivers, schools, and government leaders.

Risk Factors Affecting Truancy and Dropout Rates

Truancy has been clearly identified as an early warning sign for potential substance abuse, delinquency, teen pregnancy, and school drop out:

Substance Abuse

- Truancy is associated with increased odds of first time substance use, and if an adolescent has already begun using, truancy is related to a substantial escalation of use.²
- Truancy is also a predictor of middle school drug use. Truant 8th graders were 4.5 times more likely than regular school attendees to smoke marijuana.³

*Delinquency*⁴

- Many jurisdictions have found connections between higher truancy rates and higher rates of daytime crimes, including burglary and vandalism.
- In Contra Costa County, California, police reported that 60 percent of juvenile crime occurred between 8 a.m. and 3 p.m. on weekdays, when children should have been in school.

¹ Adams, Benjamin, Puzzanchera, Charles, and Sickmund, Melissa, *Juvenile Court Statistics 2006-2007: Report*, National Center For Juvenile Justice, March 2010, available at: <http://www.ncjservehttp.org/ncjjwebsite/pdf/jcsreports/jcs2007.pdf>.

² Henry, Kimberly L.; Thornberry, Terence P., "Truancy and escalation of substance use during adolescence," *Journal of Studies on Alcohol and Drugs*, January 2010, available at [http://www.thefreelibrary.com/Truancy and escalation of substance use during adolescence.-a0218598600](http://www.thefreelibrary.com/Truancy+and+escalation+of+substance+use+during+adolescence.-a0218598600)

³ Halfors, D., et. al., "Truancy, Grade Point Average, and Sexual Activity: A Meta-Analysis of Risk Indicators for Youth Substance Use, *Journal of School Health*, Col. 72, No. 5, May, 2002, p. 205-211.

⁴ Census of Juveniles in Residential Placement, *Databook*, available at http://www.ojjdp.ncjrs.gov/ojstatbb/cjrp/asp/State_Offense.asp.

- Truancy has been identified as a likely precursor to serious nonviolent and violent offenses among youth.
- The number of truant youth held in juvenile detention is on the rise. There were 784 truant youth in juvenile detention in 2001, 841 in 2003, and 863 in 2006.

Teen Pregnancy

- Teens who are more involved in school are less likely than their uninvolved peers to get pregnant.
- Young teen mothers are less likely to graduate from high school. Only 38 percent of mothers who have a child before they turn 18 have a high school diploma.
- Parenthood is a leading cause of school drop out among teen girls—30 percent of teen girls cited pregnancy or parenthood as a reason for dropping out of high school.⁵

School Dropout

- Each year, five of every 100 high school students drop out of school.
- Over the last decade, between 347,000 and 544,000 tenth through twelfth grade students left school *each year* without completing high school.
- Students who drop out of school are more likely to be unemployed, earn only 65% of the amount earned by high school graduates (a difference in lifetime earnings of \$200,000), experience higher levels of early pregnancy and substance abuse problems, require more social services, and are more likely to be arrested or incarcerated.⁶

Prevention Practices

Because truancy can result in so many negative outcomes for youth, it is essential to address the issue of absenteeism in school well before it becomes a truancy problem. The key to success is early prevention. Programs that address unexcused absences before a child is labeled a truant and encourage attendance are critical. Effective preventative strategies that keep youth engaged in school and in the community and demonstrate effective collaboration between the legal and education systems will help prevent truancy and ultimately reduce the number of school dropouts. In doing so, juvenile crime may decrease as well as teen pregnancy, and substance abuse. Currently, there are a number of strategies being implemented throughout the country that are promising, including:

- **Ohio's Truancy Prevention through Mediation Program (TPTMP)** (*Elementary School Program*): Once a student been absent a certain number of times, the school invites the student's parents or guardians to participate in a mediation session with a mediator and school representative (often the child's teacher), and in some cases, a truancy officer, the school principal, school social worker, and/or

⁵ National Campaign to Prevent Teen Pregnancy, Why it Matters, *Teen Pregnancy and Education*, March 2010.

⁶ U.S. Department of Education, *Lead and Manage My School: Truancy: A serious problem for students, schools, and society*, Available at: http://www2.ed.gov/admins/lead/safety/training/truancy/problem_pg13.html#dropout.

a representative from the department of social services. The parties aim to identify the causes of the child's absences and create a prevention strategy to overcome identified problems. If the parents violate the terms of the plan, they may be required to attend a second mediation or be referred to court. TPTMP was evaluated by the Vera Institute of Justice in 2002. Results indicated a significant reduction in the number of absences and tardies for those students participating in the TPTMP. For kindergarteners, the average number of absences fell from 15 to 4, and for first-graders, it fell from 13 to 2.⁷ Another evaluation of the TPTMP done by the Wilder Research Center in 2007 demonstrated that on average, participation in the program's mediation sessions decreased absences by 6 days and tardies by 3, compared with more moderate improvements for students who did not show up for their scheduled mediation sessions. Findings suggest that even when a family knows that a mediation session is scheduled, but doesn't participate, that they are more likely to observe attendance rules.⁸

- **Fulton County, Georgia Truancy Intervention Project (TIP):** TIP aims to provide an early, positive intervention for children identified either as truant or at risk for truancy. It has both a court based program, and school based/early intervention model. The court-based program utilizes attorney volunteers to represent children in truancy and educational neglect cases. The school based/early intervention model pairs children and families with trained volunteers who provide services to address the underlying causes of the student's absenteeism. Volunteers attend initial meetings at the school, work with the school, child, and family, serve as a role model to the child, and make weekly contact to monitor progress. Since its inception, 2,159 Atlanta attorneys have volunteered to donate 80,924 hours to Truancy Intervention Project cases. Of the 3,679 children served by TIP since 1992, 3022 did not return to Juvenile Court—an 82.1% success rate.⁹
- **Hartford, Connecticut Truancy Court Prevention Project (TCPP) (*Middle School Program*):**¹⁰ The TCPP focuses on eighth and ninth grade students. Students identified as at risk for truancy attend biweekly in-school court sessions with a judge who meets with them individually and monitors their academic progress and attendance. Students are also assigned case managers who link them to needed services, monitor their academic progress and attendance and serve as liaisons between the school, students and family. They also conduct regular home visits and update parents on their child's progress. An

⁷ Mogulescu, Sara, Segal, Heidi J., *Approaches to Truancy Prevention*, New York, NY: Vera Institute of Justice, October 2002, available at: <http://www.vera.org/content/approaches-truancy-prevention>

⁸ Gandy, Chanelle, & Schultz, Jennifer Lee, *Increasing School Attendance for K-8 Students: A review of research examining the effectiveness of truancy prevention programs*. Wilder Research, March 2007, available at:

[http://wilder.org/reportssummary.0.html?&no_cache=1&tx_ttnews\[swords\]=school%20attendance&tx_ttnews\[tt_news\]=1977&tx_ttnews\[backPid\]=311&cHash=08c161a3f6](http://wilder.org/reportssummary.0.html?&no_cache=1&tx_ttnews[swords]=school%20attendance&tx_ttnews[tt_news]=1977&tx_ttnews[backPid]=311&cHash=08c161a3f6).

⁹ Truancy Intervention Project, *Truancy Statistics*, Available at:

http://www.truancyproject.org/programs_statistics.asp.

¹⁰ American Bar Association, Criminal Justice Section. *Model Truancy Prevention Programs*. Available at: www.abanet.org/crimjust/juvjus/truancypreventionprograms.doc. (last visited on July 8, 2010).

independent educational consultant reviews each student's cumulative school record and makes recommendations for improved academic performance. Finally, students are given legal counsel in areas that affect attendance, such as education, special education, access to health and mental health services, and public benefits. The lawyer may also assist in issues relating to the school's fair discipline policy, the entitlement to appropriate bilingual education, and access to tutoring and school choice under the No Child Left Behind Act.¹¹ The ultimate goal of the TCPP is to resolve students' unmet academic needs to decrease high rates of absenteeism.

While many truancy prevention programs are school and court-based, community-based prevention programs have proven successful as well. Some community-based programs target high-risk populations.

- **Los Angeles, CA Achievement for Latinos through Academic Success (ALAS):** is a drop out prevention program serving at-risk middle school students in a predominantly lower income, Latino community. Students participate in the program throughout middle school. Intervention strategies include strengthening the student's problem-solving skills, fostering mentoring relationships with caring adults, intensive attendance monitoring, frequent teacher feedback to students, direct instruction and modeling for parents, linking participants with services including mental health, social services, drug and alcohol treatment programs, job training, and sports and recreation programs. In 2006, an evaluation of the program showed statistically significant positive effects for participants. At the end of the intervention, ALAS students were significantly more likely than control students to be enrolled in school; 98% compared to 83% respectively. Further, by the end of ninth grade, the students in the comparison group who did not receive the intervention had twice the number of failed classes, were four times more likely to have excessive absences, and were twice as likely to be seriously behind in high school graduation credits.¹²
- **Communities in Schools (CIS) Project:** is a national, non-profit organization that encourages youth-oriented activities and services in local communities and schools to prevent truancy and dropping out. CIS connects young people with existing community services and resources by either making services available to all students and their families, or connecting particular students with resources catering to their individual needs. CIS utilizes community members to serve as mentors and tutors, and encourages parents to become more involved in their children's education by providing parental involvement programs. CIS also provides personalized resources to community youth by offering mental health counseling, family strengthening initiatives, drug and alcohol education, physical and dental exams, eye care and immunizations, and help for teen parents. The CIS takes a community-centered approach—catering to the needs of the youth of any

¹¹ Center for Children's Advocacy, *Truancy: A Closer Look. The Link between Unmet Academic Needs and Truancy*. December 2006, available at: http://www.kidscounsel.org/legalresources_specialied.htm.

¹² U.S. Department of Education, *Intervention Report: Dropout Prevention*, Institute of Education Sciences, What Works Clearinghouse, WWC, October, 2006.

participating community. An evaluation of the CIS program demonstrated that compared to other dropout prevention projects (examined by the Department of Education in the “What Works Clearinghouse” evaluation), Communities In Schools is one of a small number of programs proven to keep students in school, and the only program in the country to scientifically prove that it increases graduation rates—graduating students on time with a regular diploma.¹³

Discussion Questions

- What are the key components to a successful prevention program? How do those components change when targeting a particular population or community? To be successful in curbing truancy, must programs begin in elementary school? Should they be court, school or community-based or some combination of the three?
- Is it possible to create a national model for truancy prevention? Or do approaches need to be specific to communities?
- What should the role of judges be in prevention efforts?
- What should the role of lawyers be in prevention efforts?
- How should schools and the legal system work together to prevent truancy?
- How can we encourage communities to invest in truancy prevention efforts instead of waiting until truancy becomes a problem?

Intervention Programs

Once students are in high school, intervention style truancy programs typically replace the preventative pre-court strategies often seen in elementary schools, middle schools, and communities:

- **Ramsey County, Minnesota Truancy Intervention Program (TIP):** focuses on students ages 12-17, and uses a three-step process of increasing interventions to improve student attendance. The first step involves a parent or guardian and the child meeting with the assistant county attorney and school personnel once the student has 3 unexcused absences. When the student has between 5 and 7 unexcused absences, a referral is made to the School Attendance Review Team (SART). The team, made up of school administrators, school social workers or counselors, an assistant county attorney, a probation officer and the parents and student, meet to create a plan for successful school attendance. The plan is formalized into a written attendance contract. At this stage, the student, as part of the contract, may be referred to social services, chemical dependency evaluations, mental health evaluations and individual or family counseling. If attendance does not improve the school files a truancy petition in Juvenile Court. The Ramsey County Attorney’s office reports that, since TIP started, filings for truancy petitions have dropped approximately 50%. The most recent data available also shows that during the 2007-2008 school year 76% of St. Paul TIP students

¹³ ICF International, *Communities in Schools National Evaluation School Level Report: Summary of Findings*, April 2008, available at: <http://communitiesinschools.org/subpage.php?rsid=17&p=About>.

improved their attendance, and the program helped 82 % of families connect with community resources.¹⁴

- **Minneapolis, Minnesota Check and Connect:**¹⁵ offers truant students mentors who also advocate for the student and coordinate services. The mentor's primary goal is to make education a high priority for the student and his or her family. The mentor works with each student and his or her family for at least two years and follows the student's case from program to program and school to school. Check & Connect is structured to maximize personal contact and opportunities to build trusting relationships. Student levels of engagement (such as attendance, grades, suspensions) are "checked" regularly and used to guide the mentor's efforts to increase and maintain a student's "connection" with his or her school.¹⁶ In a four-year follow-up of students (who began the program in 9th grade), there was a 42% increase in the percentage of students who had completed high school via diploma or GED, as well as a 37% increase in the rate of regular attendance.¹⁷

Discussion Questions

- What are the key components to a successful intervention program for older youth?
- What role can/should the courts and lawyers play in this effort?
- What prevention techniques can/should be fused into an intervention approach?
- What role should parents play in intervention efforts?

Common Themes between Approaches

There are several common threads that tie the intervention and prevention approaches discussed above together. They include:

Parental Involvement. The sooner parents become involved in the process and in identifying the causes behind the child's absences, the greater the chances are of correcting the behavior. Whether parental notification simply means a letter or call home, pairing the family with a trained volunteer, or setting up a mediation session—programs that encourage parental involvement *before* reaching the courts, have been more successful in keeping children in school.

Coordinating Legal and School System Approaches. Involving lawyers and judges in

¹⁴ Ramsey County Attorney's Office, *Truancy Intervention Project Overview*.
<http://www.co.ramsey.mn.us/Attorney/TIPOverview.htm>.

¹⁵ National Center for School Engagement, *Truancy Program Registry: Check and Connect*, Available at: <http://www.schoolengagement.org/truancypreventionregistry/index.cfm?fuseaction=programinfo&displayprogramid=221> (last visited on July 8, 2010).

¹⁶ University of Minnesota, *Check and Connect*, available at: <http://ici.umn.edu/checkandconnect/>

¹⁷ Scheinberg, Kathryn, *Truancy Intervention: National Models and Connecticut Initiatives*, Center For Children's Advocacy, January, 2010, available at: http://www.kidscounsel.org/legalresources_juvenilejustice.htm.

preventative practices gives children and families a better understanding of the truancy process and underscores the importance of pre-court efforts. Students and families have a more positive impression of the legal system as one that is as rehabilitative as it can be punitive. Contact between the court, the child, the parents, school officials, and service providers within the school reinforces the idea that the legal community is an available resource for struggling youth.

Mentorship/Case Management. By giving each student a mentor to monitor his or her progress and encourage his or her improvement and growth, truancy prevention approaches become more individualized. This support and continuous monitoring helps each student connect to available resources that are tailored to his or her needs.

Training for Legal and Judicial Professionals

Although there are many programs that successfully integrate school and legal system approaches to prevent truancy, there is limited guidance for lawyers and judges on preventing truancy or handling truancy cases. Below are a few examples of some existing national and state training materials for legal professionals.

- **American Civil Liberties Union of Washington State: Defending Youth in Truancy Court Proceedings: A Practice Manual for Attorneys:**¹⁸ is a guide for attorneys handling truancy cases in Washington State. It covers issues, such as notice, party status, court processes and issues relating to disability, special education, homelessness, bullying and language barriers.
- **National Juvenile Defender Service: Juvenile Defender Delinquency Notebook:**¹⁹ is an advocacy and training guide for attorneys representing children in the delinquency system. The guide emphasizes proper ways to initiate the attorney-client relationship, and addresses issues relating to children's mental health and competency, arrest and processing, investigation, defense strategies, and court proceedings information. This manual highlights the complexities of dealing with children within the justice system and is a broad, national outline for attorneys representing youth. Although the guide does not go into detail about status offense or truancy representation tactics, many of its themes and suggestions are applicable.
- **Children's Law Office, University of South Carolina School of Law: Guide for Handling Status Offender Cases in Family Court:**²⁰ is a guide for judges and lawyers working with status offender cases. The guide outlines steps to follow when handling a truancy case before, during and after court-involvement.

¹⁸ American Civil Liberties Union of Washington Foundation and Team Child, *Defending Youth in Truancy Proceedings: A Practice Manual for Attorneys*, October, 2009, available at: <http://www.teamchild.org/projects.html>.

¹⁹ Calvin, Elizabeth, Marcus, Sarah, Oleyer, George, and Scali, Mary Ann, *Advocacy and Training guide: Juvenile Defender Delinquency Notebook, 2nd Ed.*, National Juvenile Defender Center, Spring 2006, available at: http://www.njdc.info/delinquency_notebook/interface.swf.

²⁰ Richey, Blanche Quinn, *Guide for Handling Status Offender Cases in Family Court*, Children's Law Office, University of South Carolina School of Law, 2004, available at: http://new.abanet.org/child/Pages/rjso_ica.aspx.

- **Joseph B. Tulman: Using Special Education Advocacy to Avoid or Resolve Status Offense Charges:**²¹ is an article that provides lawyers practical guidance when handling status offense or truancy cases where the child may have undiagnosed or unmet special education needs. This article discusses ways attorneys can use special education laws to combat status offense charges.

Discussion Questions

- Should there be a national training model for lawyers and/or judges on handling truancy cases? If so, what are the key components to such a manual or training?
- To what extent should training focus on prevention strategies to limit court and legal system involvement for truant youth?
- Should there be training/manuals for school system professionals about the legal system with respect to truancy? If so, what should they cover?
- Should there be training/manuals for legal system professionals about school system processes? If so, what should they cover?

Conclusion

Truancy prevention and intervention programs stem either from the schools, courts or communities. Successful programs involve parents, offer youth mentors/case management services and encourage collaboration between schools and courts. Given the lifelong detrimental effects that truancy predicts, it is essential that systems work together to engage children, parents, caregivers, schools, and government leaders implement proactive preventative measures to combat truancy and ultimately reduce school drop out rates.

²¹ Tulman, Joseph B., *Using Special Education Advocacy to Avoid or Resolve Status Offense Charges*, 1992, available at: http://new.abanet.org/child/Pages/rjso_se.aspx.