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Truancy Problem Solving Courts in Colorado: A Case Study



Prepared by Spark Policy Institute on behalf of the
Juvenile Justice and Delinquency Prevention Council



COLORADO
Division of Criminal Justice
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Contents

- Introduction..... 1**
 - Defining Truancy Problem Solving Courts 2
 - What does a Truancy Problem Solving Court program look like? 3
 - Truancy Problem Solving Court program phases..... 4
 - Pilot Site Overview 6
 - Jefferson County (1st judicial district) 6
 - Aurora Public Schools (18th judicial district) 7
 - 16th judicial district 7
- Program Design..... 8**
 - Creating teams..... 8
 - Training and ongoing learning..... 9
 - Setting a direction 9
 - Building buy-in and recruiting participants 10
 - Designing the program..... 11
 - Designing case management 12
 - Case management models..... 13
 - Collaboration 13
 - Developing incentives and sanctions 14
 - Incentives..... 14
 - Sanctions..... 15
 - Evaluating and sustaining 15
 - Baseline and on-going data collection 15
 - Long-term data collection 16
 - Shared metrics 16
 - Sustaining the program..... 17
- Lessons Learned 18**
 - What is working?..... 18
 - What has been challenging? 19
- Conclusion 21**

INTRODUCTION

All 50 states have compulsory attendance laws – that is, laws that require students within a set age range to attend school. In Colorado, students are required to attend school between the ages of 6 and 17. Broadly, truancy is defined by a set number of unexcused absences from school (four per month or ten in a year in Colorado). Truancy is a serious issue, and truants are often found to be living in “multiple disadvantaged” circumstances,ⁱ to have parents suffering from alcoholism,ⁱⁱ and to have a family history of abuse,ⁱⁱⁱ maltreatment, or neglect.^{iv} Moreover, studies have shown that once young people are detained, even when controlling for their prior offenses, they are more likely than non-detained youth to end up deeper in the system.^v

The Colorado Juvenile Justice and Delinquency Prevention (JJDP) Council’s Low Risk/High Need (LRHN) Committee was established in 2013. The Committee strives to address the needs of juveniles who may not have criminogenic tendencies, but may have undiagnosed, unmet, or underserved needs in areas such as trauma, mental health, or substance abuse; factors which may contribute to their eventual entrance into the juvenile justice system. Specifically, the JJDP Council has focused on truancy and the use of detention for truants in Colorado who violate a court order (204 youths in fiscal year (FY) 2014).

For these reasons, the JJDP Council, through the LRHN Committee, funded four truancy demonstration pilots (one focused on prevention and three Truancy Problem Solving Courts (TPSCs) based on HB 13-1021 and the Coalition for Juvenile Justice’s *Safety, Opportunity & Success: Standards of Care for Non-Delinquent Youth*.^{vi} The State Court Administrator’s Office provided the TPSCs with training on and expertise related to Problem Solving Court Models. The JJDP Council’s LRHN committee serves as an advisory group and learning collaborative for the pilot sites. As of December 2015, the TPSC pilot sites are:

- Jefferson County, located in the 1st judicial district;
- Otero, Crowley and Bent Counties, comprising the 16th judicial district; and
- Aurora Public Schools, part of Arapahoe County in the 18th judicial district.

Implementation in all three sites began in May 2014, supported by Colorado’s Juvenile Accountability Block Grant (JABG). All three pilots focus on youth who meet the definition of being truant and are court-involved.

The purpose of the pilots is to learn and document:

Colorado has long been a pioneer in the area of truancy reform, creating early intervention programs since the late 90s. In 2006, Denver Public Schools collaborated closely with the National Center for School Engagement (NCSE) to create a framework for intervention. Statewide, the Expelled and At-Risk Student Services Program (EARSS) was created in 1997, which provided support to at-risk students and, in 2009, appropriations were increased with the mandate that at least 50% of the increased appropriation be dedicated to reducing “the number of truancy cases requiring court involvement.” Further, the Colorado Legislature has continually revised Colorado’s current compulsory attendance law (the School Attendance Law of 1963) to move away from punitive measures to reduce truancy. The most recent revisions are House Bill (HB) 13-1021¹, which requires school districts to explore interventions to reduce court involvement, and Senate Bill (SB) 15-184, requiring the creation of a community stakeholder group to design a policy to address truancy.

- The causal factors of truancy;
- Effective prevention strategies to keep youth in school and on track, academically and socially, while increasing school and student engagement; and
- Systems changes needed to successfully address truancy.

The following case study documents the process and experiences of the three TPSCs, presenting similarities and differences across the three sites, highlighting lessons learned, and offering guidance to judicial districts interested in the use or exploration of a TPSC.^{vii}



1st judicial district

The STEP Court multi-disciplinary team discusses on a regular basis the possibility of revisions that might need to be made to treatment to ensure that the student and family are able to meet the program goals. The STEP Court initially struggled to connect students with appropriate and reasonably priced substance abuse treatment providers. However, collaboration with the 1st JD SB94 program resulted in the availability of funding and reliable substance abuse treatment providers. Every STEP Court participant is now able to access substance abuse treatment at no cost. 82% of STEP Court students are engaged in therapeutic services once they are entered into the STEP Court program and one student met all of his treatment goals and successfully completed treatment.

18th judicial district

We are excited to graduate and celebrate our first graduating class this winter. This shows that not only is it possible to complete the program, but that the efforts of the ACE Court team paid off. Hopefully, this will empower these participants with greater confidence to tackle greater challenges and greater obstacles later in life. The greatest win we are taking away from ACE Court is the confidence we are starting to see in these young people. The more time we spend with them and the more we encourage attendance, participation and pro-active actions, the greater their confidence becomes. They know they can do it, and we want to continue to encourage them, as their successes are the catalyst that keeps ACE Court going.

DEFINING TRUANCY PROBLEM SOLVING COURTS

Problem-solving courts (PSCs) follow a wrap-around model, providing resources within the courtroom and in the community, to students and their parents/guardians. Although PSCs require significant upfront time and effort, they can be more effective in a shorter amount of time, reduce recidivism, and decrease the use of sanctions including detention. Several hallmarks of PSCs directly compliment the three main principles of truancy reduction: (1) problem-solving orientation, (2) collaboration, and (3) accountability, making PSCs natural models for truancy courts. Common elements include:

- **Focus on outcomes** – Providing positive outcomes for youth, schools, and the community.
- **Systems change** – Promoting reform in how government systems respond to the problem.
- **Collaboration** – Working with external parties to achieve goals.
- **Non-traditional roles** – Allowing the court to take on roles or processes not common in traditional courts, such as facilitating outcomes rather than overseeing an adversarial process.
- **Screening and Assessment** – Incorporating screening and assessment tools, which are important to determine the appropriateness of treatment plans.

WHAT DOES A TRUANCY PROBLEM SOLVING COURT PROGRAM LOOK LIKE?

There are a number of key elements to the structure of TPSCs, which are based on drug courts. In contrast to traditional models, TPSCs:

- Offer clearly defined phase schedules, with well-defined expectations, with the beginning phases structured to allow participants early successes, helping them see their potential;
- Are clearly focused on family engagement and participation, and work to ensure all voices are heard, respected, and empowered;
- Take a strengths-based approach, beginning with what is working in a youth's life and building from there; and
- Focus on integrative and collaborative support, with the court playing a more supervisory role in partnership with a set team that is working toward the common goal of improved attendance, academic performance, and behavior.

Allowing for greater success in these early phases decreases the chances participants will feel overwhelmed at the outset, leading to a higher probability of a participant successfully completing the program.

~ 18th Judicial District

The sanctions that seemed to most impact behavior were: increased court appearances, subtraction of points, and restarting a phase. Participants seemed to place a high value on not wanting to disappoint the judge and tended to perform better when they were required to appear in court more often.

~16th Judicial District

The foundation of a TPSC is the dual purpose it serves. A TPSC offers immediate consequences and rewards, which is critical to addressing a truant student's behavior. Specifically, PSC's provide consequences for failing to attend school or complying with orders, while providing natural rewards when a student demonstrates progress.

Truancy Problem Solving Court Program Phases

In Colorado, youth at-risk of truancy receive a series of interventions, including the creation of an intervention plan, consultation with a district attendance officer who consults with parents and youth to investigate the causes of non-attendance, and encouragement to work with local service providers. In addition, schools must document truancy along with other procedural requirements that demonstrate interventions, including having provided written notice to students and parents that court proceedings will be initiated for failure to comply. According to § 22-33-108 of the Colorado School Attendance Law, if court proceedings are initiated, and after the first finding of contempt, sanctions may include community service, participation in services for at-risk students, supervised activities, and other activities designed to ensure the student has an opportunity to obtain quality education. Additionally, if the court finds a student has refused to comply with the truancy reduction plan, the court may impose a sentence of up to five days of detention for contempt of court.^{viii} A student is eligible (or required) to participate in a TPSC if he or she has been found to be habitually truant and has been provided documentation of that fact.

1. Orientation & Stabilization

After a referral is made or program eligibility is determined, either the judge or magistrate at the initial hearing compelling attendance or a TPSC staff member introduces the student and his or her parents/guardians to the program. Orientation comprises an overview of the program, including policies, expectations, and goals, which are all documented in a handbook. The student must also go through an intake process where assessments (e.g. the MAYSI-2, School Refusal Assessment Scale, and Truancy/Attendance Assessment) are conducted.

2. Engagement

During this phase, the student is encouraged to create new habits, including pro-social behavior and active participation in school, and is provided treatment services as needed. The student is also encouraged to explore the reasons for non-attendance, and positive behavior reinforcements are used. A student in one of Colorado's TPSC pilot sites has regular communication with program staff through school visits (typically weekly), phone calls (typically weekly), and court dates (typically monthly). A student may also regularly meet with his or her Court Appointed Special Advocate (CASA) or Guardian Ad Litem (GAL). Program staff strives to address the needs of a student's family that might impede engagement, such as transportation or linguistic barriers.

3. Achievement

During the third phase, "achievement," the program encourages the student to turn his or her new habits into typical behavior, and maintains higher expectations for this new behavior pattern. The student focuses on maintaining progress while celebrating his or her successes. Judicial districts are mindful to celebrate student successes by honoring incentives, holding social events when school is not in session, and hosting parties for program graduates.

Preliminary data from the 18th judicial district indicates that over half of participants attend school more than 70% of the time, a sharp increase from when they entered the program, when many attended school less than 50% of the time, and none of the students have experienced any major behavioral issues at school or contact with law enforcement. As of 12/31/16, 91% of participants achieved a 90% or higher attendance rate during their second 90 days of program participation in the 16th judicial district.

4. Aftercare

During the Aftercare phase, the program supports the student from afar, focusing on self-directed, internal behavior. The pilot site encourages the student to continue services that may impact his or her future success. Providing aftercare is challenging, because once participants have completed the program it is difficult to track student outcomes in large part because the students will have shifted from court to school supervision. To address this challenge, the 1st judicial district plans to connect with students through Infinite Campus to review grades and attendance at pre-determined intervals. Similarly, the 18th judicial district plans to connect with students beyond program graduation, tracking attendance, school behavior, and/or grades (though this may require a waiver).

Table 1. Description of program phases

Phase	Program Perspective	Participant Perspective
1: Orientation & Stabilization	Complete assessments; build rapport; formulate treatment and action plans	Explore importance of school and the why of attending; decrease fear of court and the judicial system; work with parents on their role in truancy
2: Engagement	Active participation in school attendance, treatment, pro-social activities; creation of new habits	Help student see how to realize his or her potential; understand and honestly explore likes/dislikes of school; positive reinforcement for desired behavior
3: Achievement	New habits become typical behavior, expectations of attendance, no behavioral issues, and better academic performance; reinforce positive habits	Maintain progress and celebrate success
4: Aftercare	Staff assist/support from afar, focus is on self-directed positive behavior with lower levels of staff assistance	Realize the ability to stay in school and do the best he or she can – he or she is ready!



16th judicial district

The program recently recognized a 6th grader in the courtroom for achieving the Student of the Week in his class. He entered the program with a high absence rate for 2014-2015 school year. At the end of his first 90 days in the program, he had no tardies or absences. The teacher reported choosing him as the Student of the Week due to his growth academically, which was connected to attending school. The parent provided a picture of her son being recognized at school, which was given to the judge. This student also received a gift card and applause for his achievement.

PILOT SITE OVERVIEW

Jefferson County (1st judicial district)

Name of program – STEP (Specialized Truancy Engagement Program) Court

Mission Statement – The 1st judicial district STEP Court is a specialized, collaborative court that seeks to improve attendance by identifying barriers to education and providing assistance to empower students and families to overcome those challenges.

Population Served – STEP serves students between 12 and 16 years of age in Jefferson County (JEFFCO) Public Schools; the average age served is 14 years.

Participants – Total number of participants: 17; number of youth successfully completing the program: 3; number of terminations from the program: 5; left program for other reasons: 5.

Pilot Site Description – Jefferson County Public Schools (JeffCo) is the largest public school district in Colorado with 154 schools and academic programs on 168 campuses.

Project Description – The STEP Court is a voluntary program that takes, at a minimum, approximately 6-9 months to complete. Youth are expected to comply with the following requirements:

- All STEP Team directives. The STEP Team is a multidisciplinary group that oversees every participant's performance. The STEP Team meets just prior to every docket to staff cases and determine appropriate Court orders.
- All STEP'ing Up Plan requirements. At the beginning of each STEP, every student in conjunction with school staff, the STEP Court Coordinator, parents, and other involved professionals meet and create a STEP'ing Up Plan. The STEP'ing UP Plan is an individualized plan that sets forth the requirements that a student must satisfy in order to STEP Up to the next STEP. The STEP'ing Up Plan addresses mental health treatment, substance abuse treatment, sobriety monitoring, and attendance goals.
- All STEP Court rules as set forth in the STEP Court handbook.

1st judicial district

The 1st judicial district STEP Court has been successful in reducing the number of absences for 24% of the students. 35% of the students reduced their tardies by 50% or more. 24% of the students received passing grades at the end of the semester. 41% of the students saw a 50% reduction in behavior incidents and/or suspensions. 24% of the students saw reductions in court hearings, sobriety monitoring, and supervision. 0% of those students were sentenced to detention for non-compliance in the program.



16th judicial district

Name of program – MAP (Motivation, Achievement and Power) Program

Mission Statement – The MAP Program is designed to MOTIVATE youth to ACHIEVE high attendance and academic performance in school and bring out the POWER to thrive not only in school but in everyday life.

Population Served – Elementary to high school students in Bent, Crowley, and Otero Counties for whom an Order to Compel Attendance has been entered.

Participants – Total number of participants: 43; number of youth successfully completing the program: 14; number of terminations from the program: 0; left program for other reasons: 6.

Pilot Site Description – The 16th judicial district comprises three rural southeast Colorado counties. There are 9 school districts and 23 schools (not counting online options). Enrollment across the 23 schools totals 3,266 students.

Project Description – The MAP Program is a mandatory program designed to last between 6-12 months. The program is divided into four phases called the Four C's: Choice, Challenge, Change, and Courage. Youth move through each phase via a point system, tracked through a points register. A points list shows participants how to earn or lose points. Points are monitored on a weekly basis by the youth, the case manager, and parent/guardian. Each phase is worth a certain amount of points, with a set number of points that must be accumulated to move on to the next phase.

Aurora Public Schools (18th judicial district)

Name of program – ACE (Academic Centered Empowerment) Court Program

Mission Statement – The 18th judicial district Truancy Problem Solving Court honors and empowers families to reconnect truant students with school or other educational alternatives. It employs a holistic, problem solving, culturally sensitive approach in order to foster educational success and create self-sufficient families.

Population Served – Although Arapahoe County has five school districts, this pilot is limited to Aurora Public Schools (APS), which has the highest level of need in the county. ACE Court is open to youth that qualify in the 6th–9th grades.

Participants – Total number of participants: 9; number of youth successfully completing the program: 0, with 3 expected to complete in 2016; number of terminations from the program: 1; left program for other reasons: 1

Pilot Site Description – Aurora Public Schools (APS) currently serves nearly 40,000 students with 61 total schools in the district.

Project Description – Participation in the ACE Court Program is a voluntary commitment of approximately 8-12 months. The ACE Court Program has four phases, each of which has progressively more rigorous standards. ACE Court provides youth with the following tools to set them up for success:

- Incentives and sanctions;
- Accountability through court reviews and assignments;
- Substance use monitoring; and
- Meetings or check-ins with Court Appointed Special Advocates (CASAs), Guardians ad Litem (GALs) and Student Engagement Advocates.

PROGRAM DESIGN

As schools and judicial districts began to develop plans in response to HB 13-1021, there was a resounding feeling that a new approach to address truancy was needed. For the three pilot sites, and the schools they serve, TPSCs offered an inspiring alternative for judicial districts and schools to traditional truancy court, particularly with regard to the wrap-around aspect of the courts, which encourage “communities to assess the youth’s and family’s needs and to involve community-based partner agencies to prevent future truancy.”^{xix}

While PSCs are not new to the State of Colorado, which currently has 78 including adult and juvenile drug courts, family courts, DUI courts and veteran trauma courts, these three pilot programs are the first TPSCs in the state.^x The three judicial pilot sites (1st, 16th and 18th) were awarded grant money from Colorado’s Juvenile Accountability Block Grant (JABG) in a graduated cycle, \$70,000 the first year, \$60,000 the second and \$55,000 the third year. These funds support the creation, implementation, and evaluation of the TPSCs. This section of the report provides an overview of the process of creating and implementing the TPSCs, as well as steps being taken to evaluate the programs.

HB13-1021, signed into law in August 2013, requires school districts to explore best practices and research-based interventions to reduce court involvement and, specifically, the use of detention. To accomplish this, the law focuses on:

- Creating an intervention plan, jointly completed by students, parents, and the school, with explicit encouragement to work with local service providers and community groups;
- Establishing a district attendance officer to consult with parents and youth to investigate the causes of non-attendance;
- Requiring the school district to implement interventions before resorting to the court; and
- Providing written notice to parents and the student that court proceedings will be initiated for failure to comply (which may be combined with a summons to appear in court).

CREATING TEAMS

All three pilot sites created a steering committee to design, implement, and maintain the TPSC. Steering committees were composed of a combination of the following individuals:

- Chief justice
- District judge presiding over the existing truancy court
- Department of Human Services staff
- School principal
- School resource officer
- Local mental health/substance abuse staff
- District court administrator and/or coordinator
- Probation department representative
- SB 94 director or coordinator
- GAL
- CASA
- District Attorney’s office representative
- Juvenile services representative

Senate Bill 94 (SB 94) is a statewide program funded through the Division of Youth Corrections (DYC), but implemented locally. Participating districts have SB 94 committees and submit annual plans outlining goals to the DYC. Funds from the grant are used to support a continuum of community-based services, providing alternatives to detention for justice-involved youth ages 10-17.

The 16th and 18th judicial districts also created working groups to operationalize the day-to-day needs of running the TPSC, consisting of many of the same individuals listed above. Both the steering committees and work groups are essential components of the structure and operation of TPSCs, despite the different roles they play. For example, in the 18th judicial district, all potential changes to ACE Court and ACE Court policies and procedures go through the Steering Committee. In addition, the Steering Committee provides ongoing recommendations and critiques to the ACE Court. The Work Team in the 18th judicial district oversees the “day-to-day” operations of ACE Court, has the most interaction with the youth, and attends all ACE Court hearings and staffings.

Training and ongoing learning

From the start, all three pilot sites understood the importance of rigorous training and continual learning for those involved in the TPSC. To meet this need, the sites leveraged the existing skills and knowledge of those working with low-risk/high-need youth and multi-cultural populations, and offered learning opportunities via trainings and conferences. Learning opportunities conducted or attended by judicial district staff and community partners include training on:

- Adolescent brain development;
- Effective communication styles for juveniles;
- Motivational interviewing;
- Cultural sensitivity/awareness;
- General education on program structure and desired outcomes;
- General education on program evaluation and how success will be measured;
- Data collection techniques;
- What drives student success;
- Disproportionate minority contact; and
- The creation and implementation of a problem solving court (via the Office of the State Court Administrator).

Problem-solving Court models call for more interaction and dialogue between participants and the judicial officer compared to traditional models or adversarial courts. As such, training judicial officers in motivational interviewing highly recommended.

~18th judicial district

Pilot sites also reported that some judicial district staff members and community partners attended various conferences, such as the National Dropout Prevention Conference and a PSC-specific conference. Pilot sites found conference attendance beneficial both for the “how to model” they provide for TPSC team members and the space they provide for learning about new approaches, as well as models used in other states.

SETTING A DIRECTION

While the three judicial district pilot sites share a common goal and direction, they each developed unique mission statements (in the profiles above) and discrete goals, which reflect the nature of their programs and

the populations they serve. As the 1st judicial district noted, “the [Truancy PSC] goals were developed based on the needs of the students and the community to promote success.” Similarly, both the 16th and 18th judicial districts developed goals based on grant outcomes, which were then modified and agreed on by working groups or steering committees, who were designed to bring a variety of perspectives to the table.

Program goals, and therefore program measures of success, center on the following:

- Increasing school and attendance;
- Improving academic performance;
- Reducing or eliminating the use of detention; and
- Improving overall functioning (including decreasing subsequent case filings and addressing behavior issues in school, at home, and in the community).

The 1st judicial district spent over three months bringing stakeholders together, soliciting input, conducting research, and developing their program. They spent approximately another three months hiring staff to ensure staff were ready to begin providing services to participants. They balanced careful planning and program implementation with the need to revisit areas for modifications. For example, after a year had passed, they noticed many students were spending more time than anticipated in the stabilization phase of the program, so in turn they modified this phase of the program to promote student progress in this area.

In order to achieve these goals, however, TPSCs must ultimately address the needs of schools, students, and their families. One key element to achieving this is establishing a feedback loop to solicit community input, which is an important part of both setting and revising a direction. All three pilot sites involve community stakeholders at various points of the process via surveys, meetings, and digital communication. For example, the 16th judicial district conducted a short survey with participants and parents of participants of the former program prior to implementing the new [PSC] format, and incorporated suggestions from the survey as they refined their model.

BUILDING BUY-IN AND RECRUITING PARTICIPANTS

An early consideration in program design is how to build district support and buy-in for a TPSC. Necessary buy-in across the sites came from various entities, such as chief judges, traditional truancy court magistrates, probation departments, key school district administrators, and key court-level administrators with the Department of Human Services. A wide and varied base of support significantly increases the likelihood of positive community change; simply put, without community backing a TPSC cannot be successful.

“Initially, superintendents, principals, and school counselors were targeted since it was crucial for them to be part of the process – they must believe in the program for it to work.”

~16th judicial district

To build buy-in and support for the TPSC, the sites regularly communicate with stakeholders (such as school administrators, community services providers, students, and parents) via face-to-face conversations, presentations, and Question & Answer sessions. While promoting their TPSC, sites were aware of the crucial role *all* stakeholders play in addressing truancy and decreasing the use of detention as a sanction. The 16th

judicial district's program takes a collaborative approach with a team (of which the student and parent(s) are a part) working toward the same goals. They emphasize:

- Using adequate assessments to define the problem(s) unique to the student;
- Promoting genuine parental involvement;
- Increasing the feeling of “connectedness”;
- Leveraging far more “carrots” than “sticks”;
- Providing accountability; and
- Turning to detention as a last resort.

In Jefferson County (1st) and Aurora Public Schools (18th), student participation in the TPSC is voluntary. These sites, therefore, actively recruit participants. Sites communicate regularly with various community partners to ensure active recruitment while also building program buy-in.

The 18th judicial district has found the best marketing tool to be conversations with key stakeholders, educating them about the ACE Court. Both the Magistrate and the Problem Solving Court Coordinator (PSCC) have personally reached out to APS stakeholders and have had numerous meetings with them about the ACE Court, namely how it differs from a traditional truancy court and the continued efforts made to ensure the ACE Court's success. Because the ACE Court only serves students from APS, it is vital for us to effectively communicate and collaborate with district schools; the PSCC drafted an ACE Court flyer to distribute to APS stakeholders, and directly to district schools (see appendix). Another successful referral mechanism organically emerged through the presence of the Truancy Reduction Coordinator for APS, as this person is well-equipped to identify the students in traditional truancy court who may see increased growth in ACE Court.



16th judicial district

In late 2015, a student graduated from the program who had entered during the previous format. She had numerous issues which included marijuana abuse, self-harming behavior, low self-esteem, and a great deal of tension with her mother. She was attending an online school that did not lend itself to student-staff rapport. This student would attend court wearing long sleeves, hiding her face with her hair, and would barely interact with the judge. Through assessment and interaction, we began to understand that her mental health challenges correlated with her poor academic performance and social interactions. This student began working with an intensive in-home service program and she was switched to a blended-learning school environment. By her graduation day, this student no longer used marijuana, interacted well with the judge, would wear short sleeves, and her hair no longer covered her face. She also completed a vision board with which shared her future goals in life.

DESIGNING THE PROGRAM

Although judicial districts had a general sense of program design and implementation, each worked to ensure the program would meet the unique needs of their district, including responding to issues of poverty, providing services in a culturally-competent manner, and addressing physical and economic barriers to participation. Challenges pilot sites addressed as they developed their programs included:

- **Transportation:** The 1st judicial district (STEP Court) provides bus tickets to help students who are facing transportation issues. Similarly, in the 18th judicial district, CASAs, GALs, and even the Truancy Reduction Coordinator from APS volunteer to transport youth to and from court, as well as to therapeutic sessions, school and any other activities the youth may be involved in, if necessary.
- The 18th judicial district serves an ethnically- and culturally-diverse, low-income population. Students from APS account for 45% of all truancy fillings in Arapahoe County; however, many do not live near the Arapahoe County Justice Center and have limited public transportation options. To address this barrier, the ACE Court secured a location in central Aurora one Tuesday a month so youth and their parents/guardians could report to a more accessible location.
- **Language barriers:** Some of the youth and families served by TPSCs primarily speak a language other than English. To accommodate them, and ensure the process is inclusive, the districts provide interpreters who appear in-person during the hearings. Similarly, when check-ins are held off-site, interpreters appear via phone.
 - **Childcare:** The districts have made accommodations for childcare by, for example, allowing children in court hearings/sessions. The 18th judicial district noted, “we have one family who, by necessity, needs to bring a small infant [the daughter of an ACE Court participant] to court. Some members of the Work Team and even other ACE Court families...help that family when needed during court...and her case plan revolves around how she can juggle both the child and her school work. Her GAL and CASA have been amazing in finding creative ways to do this. As of this writing, she is one of their “rock stars” with her amazing turnaround and is on pace to graduate the program in early 2016.”
 - **Emergent issues:** In the 16th judicial district, participants and family members are given the opportunity to rate the school week/month at each court review. This allows them, as well as their team, to identify what, if any, resources are needed to address challenges that may have arisen after a case manager meeting or since the last court hearing.

DESIGNING CASE MANAGEMENT

Because the causes of truancy are varied, but often relate to individual, family, and community factors, case management is an important part of successful truancy programs. The involvement of a case manager, who provides a point of contact and an important resource for youth and their families, is one distinction between truancy PSCs and traditional means of addressing truancy. As the 16th judicial district notes, “[t]his program would not be seeing the success we are without an effective case manager. The causes of truancy are so varied by student that there must be someone who can work closely enough with the student and family to determine what those issues are and help adequately address them. The case manager also provide[s] an additional level of accountability we had been missing.”

Case Management Models



1st judicial district

In September 2015, STEP Court had a student graduate from the program with 90% improvement in attendance, successful completion in mental health treatment, over 4 months of sobriety, passing grades, and a job. At the start of the program, the student was not attending school at all and he was facing a third delinquency charge when he decided he needed to make a change or he was going to end up in detention. The student committed to the STEP Court program and successfully completed all Court requirements.

There is no single “best” model for case management of truant youth. Program participants are each unique, requiring unique approaches. However, there is a trend towards counseling through strengths-based strategies, such as positive behavioral intervention and supports (PBIS), motivational interviewing, solution-focused therapy (SFT), and cognitive-behavioral therapy (CBT). This is borne out in how the districts’ approach case management: although they noted that they do not use any one specific model, the models they employ include these forms of counseling. The 16th judicial district commented that “reinforcing desired behavior worked well, particularly when those behaviors were well-defined.”

Despite not relying on any one model, the 18th judicial district said their model reflects adult drug court models. That is, evidence-based treatment, phase progression, required sobriety and attendance for a significant period of time, and the use of best practices. As the program was implemented, however, the original requirements of the program were seen as too strict, “and nearly impossible for participants to succeed”, so the district changed their graduation and phase progression requirements accordingly in the hope that “participants will not feel too overwhelmed when they begin the program and feel like they have a reasonable chance of success.” Similarly, the 1st judicial district noted that the amount of case management varies during different phases of their program, a change that was made as the program was implemented. One important consideration, however, is ensuring youth clearly understand the program and their movement through the phases. The 16th judicial district shifted to a point system after their first year, in which students are awarded points that allow them to advance through program phases.

Collaboration

Communication and collaboration – the need for all involved parties to be apprised of the program and participant progress, thereby ensuring everyone is moving toward the same goal – are important aspects of effective case management. The 16th judicial district recognizes the importance of having schools on board and able to assist in providing support, but perhaps in a different manner than they had been. In order to facilitate communication, the 18th judicial district has asked team members to submit summaries of participant interaction each week. This ensures team members are kept up to date on all program participants, allowing for the creation of better “game plans” for participants when they appear in court.

In addition to internal teams, the sites work with a number of external systems and agencies, including community organizations and associations (e.g., the Girl Scouts, libraries, and community centers) and state-based systems such as the Department of Human Services. SB 94, a statewide grant program designed to provide alternatives to detention, was mentioned in particular. The program provides a range of detention alternatives through subcontracts with community providers and independent contractors, including, but not limited to:

- Case management,
- Community supervision,
- Multi-systemic therapy,
- Wraparound facilitation,
- Client-family assistance, and
- Mental health assessments and treatment.

The ACE Court Team is composed of the Magistrate, a part-time court coordinator, the court judicial assistant, the student engagement advocate from APS, an attorney from the school, a school liaison from the Juvenile Assessment Center (JAC), the CASA coordinator and volunteers, the school resource officer from the Aurora Police Department, the GAL attorney, and a representative from Aurora Mental Health.

~ 18th judicial district

DEVELOPING INCENTIVES AND SANCTIONS

The primary goal of TPSCs is to improve educational outcomes and graduation rates, not punish youth, so, as the 18th judicial district puts it “detention is no longer an option as a sanction and will not be considered.” The TPSCs move toward that goal by placing an emphasis on incentives and sanctions designed to encourage positive behavior. To formulate effective incentives and sanctions, pilot sites pulled from existing programs, models, and research, and solicited feedback from program participants, staff members, steering committees,

“All students have talked about the support they have received in our program from all team members which has helped them in deciding to make a change in their lives.”

~1st judicial district

work groups, and community partners. Responses are based on behavior modification models and decisions regarding incentives or sanctions are often made by the team as a whole. In the 1st judicial district, “the STEP Court Team determines if the response requires a punitive or therapeutic response to the behavior.”

Incentives

All three sites noted an emphasis on incentives, rather than sanctions, and noted that “participants seem to understand that hard work and accomplishing their goal(s) is also a great reward.” The most effective incentives were recognition in the form of applause in the court and praise from their treatment team, as well as tangible rewards, such as gift cards, the ability to play a game, or something specific tailored to a student’s interests (e.g. a visit to a music studio). The 18th judicial district has implemented a “fishbowl” system where students draw tokens from a fishbowl. “Each colored token represents a certain incentive, either a gift card (usually 5-10 dollars in value), a standing ovation from the team, or the chance to draw from a gift basket (made up of candy, small toys, DVDs, journals, books, etc.).”

Sanctions

Although the emphasis is on reinforcing positive behavior, not punishing negative behavior, the districts also impose a variety of sanctions, which range from essay writing, loss of electronics, early curfew, and required night reports, to losing points, restarting a phase, increased court appearances, and, as a last resort, in the 16th judicial district, detention. Each administered sanction is a team decision, and is tailored towards the individual participant. The sanctions that have the greatest behavioral impact are not those that relate to losing privileges (e.g., the loss of electronics), but rather those that are related to external perception and progression through the phases. For example, participants do not want to disappoint the judge when required to appear in court more often. Similarly, when points are subtracted for undesired behavior, participants exhibit interest and effort to regain the lost points.

January 2014 marked the beginning of the legalization of recreational marijuana use for people 21 and above in Colorado. Pilot sites were not significantly impacted by the new law, as participants of the Truancy PSCs are not yet 21 and are strictly prohibited from marijuana (and other substance) use. Instead, sites address substance use as part of case management and may turn to urine analysis if there is suspected drug use. In the 1st judicial district, the STEP Court began to address issues of marijuana by using SB215 money to help fund treatment, pro-social activities, and sobriety monitoring.

EVALUATING AND SUSTAINING

Although a full-blown evaluation of Colorado's TPSC pilot sites would be premature at this time, integrating evaluation as part of design and implementation rather than treating it as an afterthought can lead to more actionable evaluation results. With this in mind, the pilot sites collect and track information on the programs and their participants. While they have had to adapt along the way, and still face barriers to data collection, particularly with long-term data, the sites have taken the first steps toward developing an evaluation of program effectiveness that will hopefully allow them to sustain these programs.

Baseline and On-going Data Collection

Collecting data beyond truancy and academic performance information is a defining trait of TPSCs because it is one way to address contextual factors and engage youth in generating solutions that work for their circumstances by helping paint a more complete picture of the unique challenges faced by participants, as well as their individual strengths and resilience factors. In order to determine whether participants are making progress towards their goals, the pilot sites record baseline data and engage in ongoing data collection. Data collected includes:

- Truancy rates in the district for youth before admission and as they move through the program;
- Demographic and contact information;
- Behavioral incidents/discipline referrals;
- Academic performance (e.g. GPA);
- Treatment progress and engagement;
- Sanctions imposed;
- Out-of-school suspensions; and
- Family needs.

In addition, data is collected around a number of indicators of success for students participating in the program, including attendance, academic achievement, and behavioral issues in school. Data is also collected from various assessments (e.g. MAYSI-2, CRAFFT, NCTSN Trauma Screen, School Refusal Assessment Scale, and the Truancy/Attendance Assessment) youth undergo upon admission to the program.

One challenge for sites is how to track their data. TPSC pilot programs began by tracking their baseline data via excel spreadsheets. However, the pilots acknowledge the limitations of this data-tracking method, and some have purchased data sharing software due to the limits excel presents. Another issue is the lack of common definitions, for example, how “absence” is defined in traditional (brick and mortar) schools versus online schools.

Long-term Data Collection

It is too early in the process for the pilots to have long-term data about participant achievement beyond program graduation. However, preliminary data is promising, and the pilot sites are hopeful the early successes they have seen will persist after participants graduate from the program. Successful long-term data collection requires both:

- A continued relationship between judicial districts and schools, necessitating buy-in from schools who will need to share the data, and
- The resolution of confidentiality/privacy concerns that restrict the release of information regarding a student’s educational record without written permission.

Shared Metrics

While the three sites have come together to share their progress and lessons learned throughout the pilot phase, the sites have pointed to the challenge of a lack of shared metrics across the sites. At the same time, the sites acknowledge the fact that programs are organized differently across sites to fit participant needs, as well as differences between mandatory and voluntary programs, both of which make comparisons across sites difficult. The sites did acknowledge that the following information, if collected consistently across the districts and shared with the above caveats in mind, would be helpful:



16th judicial district

[A] defensive and apprehensive teenage female clearly communicated to the case manager she did not want to be involved with the program. She had been expelled from the school district and was referred to a behavioral school. The behavioral school began working with the M.A.P Program and this young female. Her attitude began to change and she started showing academic improvement. She eventually graduated from the program. On graduation day, this student approached the case manager and apologized for her behavior and attitude. In addition, she asked to take a photograph with the case manager. This once defensive and apprehensive student is now taking a college course for nursing.

- Baseline student attendance for 90 days before entering the program, during the first and second 90 calendar days while in the program, and after graduation from the program;
- The length of time participants spend in the program;
- The rate of successful program completion;
- Which sanctions/incentives work best;
- How districts communicate with team members,
- If any new truancy filings arise and whether higher involvement of community partners such as CASAs, GALs, and the Department of Human Services affects this; and
- How to best address students' behavioral issues.

"The data that is probably most relevant to tracking success/progress would be a comparative chart of number of absences a student has prior to entering a specialty court and the number of absences he/she has while in the program. That data could then be compared against a control group of students that are in a traditional truancy program. This would be a good indicator of what successes we see in the specialty court and what changes would need to be made."

~18th judicial district

Sustaining the Program

Program sustainability is, of course, part of what the pilot sites work towards. Jefferson County's STEP program has created a sustainability committee to explore possible funding sources. The committee also meets monthly to discuss cost reduction to other programs in the county, create a business plan, explore communication avenues to get information out to stakeholders and the general public, and compile data on program success. Above all, however, program success is the key indicator of sustainability. As they have progressed through program design, implementation, and adaptation, the pilot sites have learned a lot along the way about what it takes to run a TPSC.

The judicial districts view confidentiality as paramount and address it in a variety of ways. The 16th judicial district, for example, requires all members to sign an Oath of Confidentiality prior to participation on the team, and only necessary information required to make an informed decision is shared with team members. The 1st judicial district asks every student to sign a release of information to enable to courts and the Jefferson County Juvenile Assessment Center to communicate with all providers working with the student and their family. Members of the 18th judicial district's ACE Court Work Group cannot share any information outside of ACE court. External partners are either covered by the release of information signed by participants, or in the case of the 18th judicial district, information sharing is limited to criminal justice planners in Arapahoe County and all identifying information (name, race, gender, date of birth, case number) is scrubbed.

LESSONS LEARNED

In the first year of the pilot program, sites noted an increased focus on positive reinforcement of desired behaviors rather than a heavy use of sanctions, as well as an increased focus on case management with participants. For example, the 1st and 18th judicial district steering committees removed detention as a sanction for their TPSCs. The 16th judicial district, which admits all truant youth, decreased the use of detention from 15% to 7% (3 students), from the preceding year. Sites also identified challenges to be addressed either internally or, potentially, through statute.

WHAT IS WORKING?

Overall, the judicial sites identified a number of aspects of the TPSCs that work well, such as the use of clearly defined expectations, a focus on building relationships with youth, parents/guardians, schools, and community partners, and improved communication and feedback between all parties involved.

The sites found the establishment of clearly defined, achievable expectations and behaviors for everyone involved helped with participation and follow-through in the program while allowing for flexibility. This is particularly important with regard to how participants are able to advance through the program. All sites noted the need for flexibility with program timelines and expectations to fit the reality of the process. For example, the 1st judicial district changed the amount of case management provided to each student on different STEP's of the program, while the 16th judicial district implemented a points program to ensure clarity

"A crucial piece of the program that we did not have during previous years was a Case Manager to work closely with each student and family. This program would not be seeing the success we are without an effective case manager. The causes of truancy are so varied by student that there must be someone who can work closely enough with the student and family to determine what those issues are and help adequately address them. The case manager also provided an additional level of accountability we had been missing."

surrounding
participant progress.

Building relationships

with schools and community partners was also credited as an important part of TPSC success. The 16th judicial district stated, "collaboration is one crucial piece of the puzzle that has to occur. Everyone needs to be actively involved and moving toward the same goal." As previously discussed, to maintain the program sites had to garner buy-in and effectively communicate the benefits of the TPSC to school leadership and stakeholders. The relationships continue past the buy-in phase, in that many of these schools and community partners refer or provide additional services to youth as needed, forming a "warm hand off" between districts and partners. At the same time these relationships combine "connectedness" and rapport-building with accountability to help engage students in school.

Building relationships with youth and parents/guardians through case management and communication has been a critical part of making

Since the original handbook was based off a drug court model, the original requirements of ACE Court were seen as too strict and nearly impossible for the participants to succeed. While keeping the basic tenets of the original model (i.e. evidence based, incentives/sanctions/motivational interviewing), we tweaked the requirements to allow for greater success. The hope is that the participants will not be overwhelmed when they begin the program and feel like they have a reasonable chance at success.

~ 18th judicial district

TPSCs effective. Case management and communication engages parents and youth. For example, clear and easily-understandable participant handbooks provide program expectations to youth and parents. Incorporating case management and judicial review into the process helps the court and case managers assess what is happening in the lives of the students and their families in order to determine what issues are hindering progress. Personal relationship building with case managers and other participants also provides added accountability, modeling, and positive reinforcement.

Sites also identified improved communication and feedback between all parties involved as a crucial element for success. Continued communication allows all parties to be on the same page regarding the needs of participants, while a feedback loop allows for programmatic improvements. The 18th judicial district found that improved communication also provides for more buy-in from community collaborators, because they are given a voice and are shown their efforts are appreciated. They “have seen great success in these communication efforts and always feel energized when [they] leave these meetings.” Suggestions come in the form of site visits and face-to-face meetings with key collaborators. The sites also encourage participants and their families to advocate for themselves, particularly if they feel districts are creating barriers that may inhibit their success. Sites want to give students and parents/guardians the confidence to find tools to help them succeed not only while in a TPSC program, but after as well.

“The best indicator of our success is the communication among the Work Team. Since July, we have amped up our communication and each team member is expected to submit a brief synopsis of any interaction(s) with our participants every Friday. This keeps everyone up to date re: all participants and it allows us to create better “game plans” for the participants when they appear in court. The team is more engaged and informed, and this appears to be paying dividends as our participants are doing well.”

~18th judicial district

WHAT HAS BEEN CHALLENGING?

All TPSC sites identified structural challenges to be addressed as they move forward with this work, including developing common metrics and measuring outcomes, as well as defining meaningful incentives and reinforcements that tie in with the student’s action plan. Developing metrics and measuring outcomes has been a challenge for the sites because, for example, they have to address differences in school district definitions of truancy. This is especially challenging for online schools, where truancy can be difficult to define and is defined differently by different schools. Similarly, a number of schools define absence differently, making data comparisons difficult.

The sites found the need to tie reinforcements to the case plan in some way. For example, a provided reinforcement may be something to encourage a pro-social activity or family activity that may have not otherwise taken place. It will, however, have to be meaningful for the recipient to be of any benefit and should be tied to the goals the student needs to accomplish. Another related issue is moving away from punitive measures and toward incentives and creative accountability.

Other challenges the sites identified included:

- Working within the context of previous efforts that attempted to address attendance without consideration of root causes (e.g., mental health, lack of parental support, substance use, etc.);
- Competing with other school district priorities (e.g. student counts); and
- Recruiting youth into the program.

In addition, the sites suggested possible legislative changes to Titles 19 and 22 of the Colorado Revised Statutes (C.R.S.) such as:

- Including incentives for students to participate in a truancy court pilot, such as deferred adjudication;
- Providing for protective orders allowing students and families to safely make statements (such as in therapy) without fear of incrimination;
- Providing clear authority for CASAs to participate in truancy cases^{xi};
- Defining and allowing information sharing;
- Addressing educational neglect; and
- Funding services for students and families involved in truancy court.



We had one student whose attendance rate and GPA mirrored one another. Zero. This student had little if any motivation and incentive to attend school. Upon entry into ACE Court, this student improved for a while, but this improvement was temporary, despite all team efforts, especially those of this student's CASA. After some encouragement, this student informed the team that the traditional school model was not working. This student wanted to transition to an online school. This was met with some trepidation from the team, as other ideas intended to encourage the student had fallen flat, so why would this be any different? The team made a deal with this student: if the student could complete 10 days of evening reporting, the team would recommend a transfer to the online school. The student responded and he completed Evening Reporting, with positive marks. The student then enrolled in the online school, and is doing wonderful! There have been zero major attendance reports (as compared to when this student was in a traditional setting). The student is on track to phase up in early December and is on track to now graduate in the spring!

CONCLUSION

The three TPSCs' case studies presented guidance to judicial districts interested in the use or exploration of a TPSC by highlighting lessons learned and both similarities and differences of the three pilot sites. Key findings for sites considering to implement a TPSC are as follows: understanding the importance of modifying a program to fit a specific population and judicial district, allowing flexibility for program changes and modifications, and being open to sharing information and methods with other TPSCs. Sites have reflected and drawn on data collected thus far in the process to modify their programs to best serve the needs of their particular populations. The sites continue to collaborate with each other through constant communication and bi-monthly meetings, where they report to the LRHN Committee. A three-year funding cycle has allowed TPSC pilot sites time to plan and implement programs to meet their specific needs. Overall, the sites noted that the first year was mostly spent on planning and initial implementation, while the second year has involved implementing changes and improvements to their program based on what they learned in the first year. All sites are beginning to take a retrospective look at their data to measure outcomes. While sites require more time to clearly define outcomes, they have shared many success stories that illustrate the difference TPSCs are making in the lives of students and families and how they are helping to decrease truancy.

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^{vii} A separate case study highlighting the truancy prevention demonstration pilot site has also been prepared.

^{viii} Colo. Rev. Stat § 22-33-108 (1/18/16).

^{ix} Press release: "Three Colorado judicial districts to implement problem solving court model for truancy dockets", released April 1, 2014. https://www.courts.state.co.us/Media/Press_Docs/Truancy%20Grants%20PR%20FINAL.pdf

^x Ibid.

^{xi} This was addressed in SB 15-004 which now allows CASA volunteers to advocate for the best interests of a child in a truancy proceeding pursuant to the "School Attendance Law of 1963", Part 1 of Article 33 of Title 22, C.R.S.