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# A Model Response to Truancy Prevention: The Louisville Truancy Court Diversion Project

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**ABSTRACT**

The Jefferson County Truancy Diversion Project in Louisville, Ky., is a judicially-driven school and community initiative created to improve school attendance and to enhance family function and behavior. Initiated in 1997, this program brings the judge and community resources directly to the schools and students for a hands-on, no-efforts-spared intervention. Now a national model, this program has far-reaching implications in the prevention of juvenile delinquent behavior and in the establishment and preservation of safe and permanent homes for children. This article addresses the history and methodology for program implementation.

## INTRODUCTION

As Family or Juvenile Court Judges and other advocates for children, we know that many of the children within the families that we see have problems with school attendance. We know that truancy is a gateway to delinquent behavior and that it is indicative of family dysfunction on a larger scale. We know that elementary school-age children who do not attend school come from families in which domestic violence, substance abuse, mental illness, poverty, unemployment, and abuse and neglect are prevalent. Yet, as a nation, we do not seem to know the opportunity that we have to break these cycles of conduct by responding to the totality of a family's problems when young children become absent from school.

As I prepared to write this piece and attempted to do the required reading and research, I was struck by the absence of background information about truancy in this country. While the lack of reference material made my task no easier, the more serious problem, it seems to me, is that the problem of truancy has not received the attention that it should. From state to state, community to community, there is little uniformity in the manner of response to this issue. Moreover, little meaningful research has been done in the field. Few opportunities have been created to establish or replicate best practices or to provide education or training. In essence, there is no sense of urgency toward our resolving the problem of truancy.

Having said that, however, there are encouraging signs. The National Truancy Prevention Association was established in 2002 to promote meaningful discussions and research in the field, to speak as a multi-disciplinary voice of authority, and, most importantly, to promote a sense of urgency toward truancy as a problem that can be addressed through programs such as the Truancy Court Diversion Project in Louisville. As a leader in your community, I respectfully encourage your interest in this movement.

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## The Impact of Truancy

*"…education is perhaps the most important function of state and local government. It is required in the performance of our most basic public responsibilities. It is the very foundation of good citizenship…it is doubtful that any child may reasonably succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right, (which) must be made available to all on equal terms."*

Brown vs. Board of Education,
347 US 483, 493 (1954)

Quality education for all children in the United States should be a national priority. Educated children are more likely to grow into productive adults who contribute to their communities. Children who lack a quality education are statistically more likely to become juvenile offenders and eventually adult criminal offenders. Moreover, uneducated adults are statistically far more likely to receive welfare, be unemployed, and rely on others for support. Consider the following facts:

- Each year's class of dropouts will, over their lifetimes, cost the nation approximately $260 billion in lost earnings and forgone taxes.[1]
- The Department of Justice has concluded that one child who leaves high school to become an adult criminal offender or substance abuser may cost our nation as much as $2.3 billion over his lifetime.[2]
- In Rhode Island, 94% of juvenile offenders are or have been considered truant from school.[3]
- Seventy-five percent of the inmates in our nation's state prisons are illiterate.[4]

Besides academic failure, truancy can be symptomatic of family dysfunction, substance abuse, domestic violence, or child abuse and neglect that may be occurring within the child's home. When parents themselves are battling substance abuse, personal, financial, physical, or mental health problems, truancy represents a further downward spiral in the cycle of family crisis that becomes increasingly difficult to reverse.

## Challenges to Traditional Efforts in Addressing Truancy

### Formal Adjudication

While juvenile and family courts may have state, constitutional, or statutory jurisdiction over domestic violence and child protection proceedings, as well as formal complaints or petitions for truancy, courts have had minimal impact in effectively enforcing truancy laws. For instance, in 1993, 208 truancy complaints were filed in the Family Court in Louisville, Ky. In 1996, only 2.4% of the children who were the subjects of those complaints were still in school.[5] The practice of jailing parents who fail to get their children to school has seldom yielded positive long-term results. Ordering children to school has proven no more effective. In these circumstances, children often return to court within the month, having not attended school any more frequently than before the court order was imposed.[6]

### Police Involvement

Law enforcement agencies have experienced no better results. The once-common practice of police or truant officers picking up school-age children who were on the street during school hours without parental permission resulted in detentions and the creation of a criminal atmosphere. This method of school attendance enforcement often creates a backlash in the community against law enforcement and further alienates truant children. Moreover, experience indicates that once police pressure eases, truants return to the street. Said another way, enforcing the physical presence of children in school does not in itself change their inclination to be in school.

### Suspension and Remedial Programs

Public schools have dealt with truancy problems no more effectively than the courts or police. Remedial programs are often unsuccessful because children who do not attend school tend not to show up for remediation. Other deterrents are even less available to school administrators. Their ultimate power and punishment is suspension from school, which, in the case of truancy, is an ironic and unlikely remedy.

## Truancy—Up Close and Personal

*"The problems we face are complex, but our goals are simple. Every child deserves a quality education and we will make sure he or she gets it. This is a goal worthy of our best efforts, and worthy of our great nation."*[7]

Roderick Paige
U.S. Secretary of Education

Sisters Nicki and Sarah are your typical middle-schoolers and typical Truancy Court Diversion Project participants. These young women had been the subjects of prior dependency court proceedings and were ordered to be in the care of their maternal cousin. When the sisters were identified as being appropriate for the Truancy Program, they had each missed well in excess of 20 days of school.

When Nicki and Sarah came to the program, their lives were beginning to unravel at the seams. They had very little time before their physical and emotional safety would be at great risk. Although the issue of absenteeism was the "red flag" that caught the attention of the school and court truancy team, it was soon discovered that the sisters' absences stemmed from a chaotic and dangerous home environment.

Nicki and Sarah's mother was a bedridden invalid who had suffered a stroke while abusing cocaine. Their mother lived in the back room of the girls' residence, in unheated and unsanitary conditions. She often suffered from bedsores and was left unattended for hours, causing her to lie in her own waste. Sarah and Nicki stayed home regularly to feed and diaper her. The temporary custodian, their aunt, was spending the girls' Social Security checks to feed her own drug habit. The sisters, their mother, and their aunt were on the brink of eviction.

## Assessing the Cost

Nicki and Sarah attend school in the Jefferson County Public Schools (JCPS), located in Louisville, Ky. The JCPS is a unified school district with an enrollment of approximately 95,000 students.

According to the Jefferson County Public Schools, during the 1998-1999 school year, a total of 1,140,548 school days were missed resulting in more than $18 million in lost ADA (average daily attendance) revenue. Of those missed days, 640,000 absences were unexcused: 8,367 students missed 20-29 days; 3,169 missed 30-39 days; 1,450 missed 40-49 days; and *more than 1,200 students missed 50 or more days of school.* Nearly 2,000 students dropped out of school during that school year.

The cost of truancy is not just in the lost dollars. There is a human cost to our communities when our children miss school and drop out.

What is known about this human cost? Children who are truant or educationally neglected rarely complete school. They become members of the marginally employed, the welfare rolls, and our correctional institutions. They may become drug dependent or suffer from untreated mental illness. Yet, the "red flags" of impending disaster wave early and clearly when a child becomes at risk. Truancy can be a "gateway" to serious criminal offenses and is often a key indicator that the child may be severely neglected.

Most communities will acknowledge they have a truancy problem. Business owners will tell you the cost of students "visiting" their business establishments during school hours. Homeowners will report property damage and theft as a direct result of students skipping school.

Schools will advise of the internal costs: disrupted classes, lower standardized test scores, and an increase in disciplinary actions such as suspensions and detentions. The courts regularly acknowledge that truants require considerable judicial hours and clerical time with no measurable positive results of this judicial intervention.

Measuring the true cost of truancy, however, requires that the entire community comprehend the full extent of the problem. To do so, the courts, schools, social service agencies, law enforcement, local government, and business community must acquire certain baseline information to assess the extent and impact of the problem. Those working with children and families must be able to gather information and process data that answer the following questions:

1) How many children are in the school district or districts?

2) How and when are those students counted?

3) What is the district's ADA? What are the school district's attendance policies and goals?

4) What reporting system does the school district use to compile absences? Is discretion afforded by the school attendance clerk?

5) What is the financial cost to the school district if a child is absent?

6) What do the state statutes and regulations provide in regard to truancy; i.e. how many days of absence must occur prior to court intervention?

7) If students are not in school, where are they and what are they doing?

Once the significant impact of truancy is recognized by all community members, the schools, courts, department of corrections, and social service providers must form an alliance—a partnership—to create an effective model for truancy intervention and prevention.

## The Louisville Solution

Established in 1997, the Jefferson County Truancy Court Diversion Project (TCDP) arose out of the collective frustration of the Jefferson County Family Courts and the Jefferson County Public Schools. Hundreds of children were annually traipsing through courts charged with the serious status offense of truancy. Little lasting change was accomplished in this process even after months of court appearances, cajoling, and threats. A review of the more than 500 truancy cases that completed formal court processing showed no measurable increase in school attendance by these children. Numerous court hours and hundreds of dollars were being expended with no benefit to the child, the family, or the community. The typical punitive institutional response to a dysfunctional and neglected home environment rarely yielded positive outcomes.

In order to initiate significant and positive change, it was apparent that the intervention process had to occur well before the case reached court and possibly without any formal court process. It was also evident that all the stakeholders in the child's life had to be at the table at the same time and function as an organized team. Each team member needed to be committed to the goal of assisting the family to become more functional.

The team created by the TCDP consisted of a judge, the school/court liaison, a counselor or other involved school employee, a case manager (social worker), a treatment provider or providers, and any other court, social service, or school personnel who were invested in a particular child or family.

In order to identify students who would be appropriate for the project, the team generally looked to the school counselor or vice principal as they often had significant information about the student and his or her family.

Once a list of prospective truant students was drawn up (and there were often too many to choose from), the social worker and a school representative would make a home visit to the family. These families were advised that their child was eligible to be charged by formal court petition, but they were being given the opportunity to "volunteer" for an alternative program. Often hesitant, parents would suggest that there wasn't a problem or that it could be fixed. Just as often, especially for families with middle schoolers, the parents appeared anxious and relieved that there might be help with their disruptive adolescent. Through "compassionate compulsion," a group of approximately 15 middle-school students and their families were identified and recruited for the TCDP in 1997.

The TCDP team was then responsible for acquiring as much information as possible about each family. This process is possibly the most helpful aspect of the program. So often, a court knows little, if anything, about a child's academic and social needs, and a school knows little about a student's family issues.

As the team assessed each family, the following information was gathered and evaluated:

1) The child's history of attendance, looking also at older siblings' attendance records;

2) The child's grades, achievement level, standardized test scores, Individualized Education Plans (IEP), and all additional data in the school's "permanent file";

3) Information about family members and other adults living in the home, including the criminal and domestic violence history of all adults who have contact with the child. A separate child protective service history was gathered so the team could be aware if there was a history of underlying abuse and neglect issues;

4) A list of all services previously provided to the family, including anger management, substance abuse treatment, and mental health treatment.

Once the team reviewed the psychological, social, and academic history of a child, an initial needs assessment plan was implemented. It is significant that prior to the families' first appearance before the judge and team, the wheels were already in motion to begin meaningful intervention and treatment.

Traditionally, the courts have little, if any, of this background information, although it is well accepted that collaborative efforts of community agencies are imperative for the effective delivery of meaningful interventions and appropriate services. For example, in the case of Nicki and Sarah, the judge who previously ordered the sisters to the care of their cousin would have had no knowledge that something—or everything—had gone awry unless a new child abuse report had been made. The Child Protective Service worker had long since closed the case because, once the sisters were placed with a relative, they were assumed to no longer be at risk for abuse and neglect.

When the courts and child protective agencies do not receive notice of impending family disaster, the next "safety net" becomes the school. Often, however, truant students are only seen as an attendance or behavior problem, and the school's response is punitive. The key, then, to this or any successful truancy intervention program, is to treat the "whole" child and to develop the awareness that truancy is symptomatic of a larger problem.

And so the TCDP journey begins for the truant student and his family. The process is explained in depth to the adults responsible for the students that they too must attend the weekly court sessions. Adults and family members must also agree to abide by the recommendations of the team and follow any treatment suggestions both individually and as a family.

Superficially, the TCDP seems quite similar to the court system, but the important distinction is the intensity and speed of the intervention process. The judge holds the court hearing at the neighborhood school early in the morning before school starts. Frequently, coffee and doughnuts are available to family members. Generally, the TCDP program lasts for 10 to 12 weeks. During this time, the court sees a family once a week and services start within days. In conventional truancy proceedings, the court may see a family only once or twice during the entire period. In the TCDP program, the case manager or social worker responsible for the family oversees the implementation of services. Appointments are made and kept or the case manager "turns up the heat." No longer can a case be passed on to another social worker or blame placed on the recipient of services or service providers for non-compliance. It is expected that each member of the team will make all-out efforts to see that intervention and treatments are integrated and effective.

In the case of Nicki and Sarah, the family's need for services was urgent, multi-faceted, and extensive. First and foremost, their mother needed to be in a long-term care facility. The girls' custodian had failed to re-certify their medical cards and eviction was imminent. To make matters worse, the home they had been living in had been the target of a recent arson attempt. The temporary custodian had been absent from the home for more than a month, and an elderly aunt involved in an abusive relationship was "in charge." Such situations, while appearing extreme, are not out of the ordinary for children coming to the attention of the TCDP team. It is incomprehensible that children are expected to complete homework and projects, maintain their grades, and even get to school when their personal lives are so desperate. Yet, our schools are trying to educate many children in similar circumstances. More often than not, faculty members do not know or fully appreciate the child's situation, resulting in responses that may cause the child to stop attending school altogether, thereby placing him or her at greater risk.

Through the TCDP, all participants receive immediate intervention. Teachers are informed about students' life issues so that classroom responses and expectations are reasonable and take into account students' individual needs.

As a family's attendance stabilizes in the program, goals are set to improve the family structure. Goals could include providing assistance with obtaining new, safer housing or help with a parent's resume or job interview. Therapeutic services are provided at multiple sites, including school, home, and outside locations.

Girls in the program attend "Girls' Club," a group therapy session addressing issues of self esteem, personal hygiene, and other adolescent issues. No longer do the girls feel disenfranchised—they belong. Boys attend "Boy Group," which focuses on anger management and personal development skills. Individual academic help is

extended to all TCDP students. Goals of improved grades and attendance are addressed and met.

But school would not be school without some fun. The TCDP recognizes that truant students and their families rarely take part in extra-curricular activities such as field trips or open houses. Within the context of the 10-week program, the TCDP organizes events so participants can experience this side of school. For example, "Family Fun Night" includes food, a disc jockey, games, and prizes. The student and his or her family members are able to relate to the school in a positive new way and feel connected to the school community. Parents and students also attend a field trip as part of the program. This is a time for parents to go to a local park and just "hang" with their child—hiking, cooking out, and talking.

Soon, parents see a different side of their child and themselves. School and parenting becomes a positive and affirming experience, not oppressive and overwhelming. When the child and parents see the community being supportive as opposed to judgmental, many families are lifted out of their hopelessness. An aftercare program is carefully designed to provide the follow-up care necessary to maintain and continue the families' new-found skills.

As for Nicki and Sarah, their mother was placed in a nursing home and they were placed with another aunt. It quickly became apparent, however, that the aunt did not have the ability to raise the girls. Nicki and Sarah were moved to a foster home where they still reside today. When they made the transition to foster care, several members of the truancy team accompanied them, easing their anxiety.

Nicki and Sarah have flourished in their foster home. Their school attendance and attitudes improved markedly. They are now clean, fed, and safe, and have hope for tomorrow. As of this writing, Nicki and Sarah have successfully completed the current school year with absences of less than two days each.

There have been several hundred Nickis and Sarahs who have moved through the Louisville Truancy Court Diversion Program. Over the last six years of TCDP, I have seen improved attendance, grades, and family functioning in the clear majority of these cases. With the support of committed community partners, children and families are more likely to avoid the Dependency or Juvenile Court systems.

## Innovative Efforts in Addressing Truancy

### Court Leadership

The knowledge of the potentially life-long impacts of truancy has inspired some juvenile and family court judges who rightly believe that truancy is preventable. The Juvenile or Family Court is the institution society has charged with the duty of holding itself and its institutions accountable for the safety and well-being of children.[8] The ability of the court to convene, influence, and lead the community on behalf of its children and families is fundamental to meeting the challenge of developing an effective truancy prevention response. It is important that juvenile and family court judges assert community leadership[9] in this respect so that the appropriate prevention and early intervention services can be mobilized and brought to bear on the truancy problem.

### Family Court Jurisdiction

It cannot be overstated that truancy often arises from multi-faceted familial conditions that require a multi-faceted response. The identification and treatment of underlying causes of truancy through the courts can be greatly enhanced when the court with jurisdiction over the truancy matter can assert jurisdiction over dissolution, domestic violence, child protection, or substance abuse issues. Therefore, a Family Court or Juvenile Court Judge with jurisdiction over an array of family matters, coupled with the ability of the court to coordinate proceedings and integrate service delivery for families, is well positioned to respond to family service needs that are identified through a truancy prevention program.

Similar to the Louisville program, family courts in Charlotte, N.C., Kansas City, Mo., and St. Louis, Mo., have successfully implemented truancy court diversion programs, using their family courts as the means to provide a broad array of services to families. When it comes to the attention of these related diversion programs that a dissolution, domestic violence, child protection, or substance abuse case may be pending in the system, such matters can be coordinated with the child's truancy matter to help ensure that appropriate services are provided to family members in an integrated manner. Frequently, adjudication of these cases in a coordinated fashion helps the court and the school system identify reasons for the truancy and develop an appropriate service response so that the child can return to school.

**Court Presence at the School**

Cooperation between representatives of the court and the school system is central to resolving the causes of truant behavior.

The truancy proceedings should be taken out of the courthouse and into the community. In Louisville, the Family Court judge and a uniformed bailiff convene "Truancy Court" right in the school building every week. Regular contact among the court, the child, the parents, school officials, and service providers within the school itself reinforces these stakeholders' expectations for the child, parents or caregivers. Each entity is familiar with the resources in the community that can be brought to bear on the issue. In some instances, drafting of cooperative agreements, memoranda of understanding, or similar written instruments for execution may be appropriate to ensure a clear understanding of everyone's responsibilities and role in the process.

**Judicial Temperament**

Many juvenile and family courts are well suited to be involved in an effective truancy prevention program. Faith and a quiet persistence are traits required to work with children and their family members who have been taught little discipline, who can be evasive, who cannot answer questions clearly, who often fail to comply with simple instructions, and who cannot look an adult in the eye when talking. These are the families and children society often given up on; they are the kids teachers do not want in their classrooms.

A disciplinarian who is inclined to focus on failure is not the right person for this job. A combination of firmness and warmth, coupled with seriousness and an emphasis on success and strength, is essential.

**Program Resources**

A particular challenge to the operation of a truancy diversion program is that it involves no less than three public systems, each built on separate categorical funding streams that address different aspects of service to families. The courts rely primarily on state and local funding, supplemented by a very small amount of federal funding, for child support and child protection services programs. In the Louisville Truancy Court Diversion Project, Family Court judges volunteer many hours each week during the school semester to participate in the project recognizing that the investment of their time is a valuable long-term contribution that benefits individual children, their families, and the community.

Social services of different types are financed through a patchwork of federal, state, local, charitable, and fee-for-service dollars that vary from one agency to another. For instance, child protection is largely funded by federal foster-care dollars, but mental health services are largely funded by state and local tax dollars. The responsibility for funding public education rests primarily on the states, according to individual state constitutions, with some very complex mechanisms determining funding distribution to local school districts. Within these school-funding mechanisms, it is generally acknowledged that less than 10% of public school funding is available for student services, including attendance enforcement and student counseling.[10]

While public and private grant support may be sought and frequently obtained for development and implementation of a truancy diversion program, long-term, secure funding is often necessary to provide the continuity of comprehensive services for truants and their families. Therefore, faced with increasing demand and decreasing resources across a diverse group of participants in a truancy diversion program, organizers should consider engaging the community for support. The wide range of necessary family services is a natural match for the diversity of community resources which can be accessed through the program. Poverty, violence, substance abuse, illiteracy, homelessness, and unemployment create family problems that require a multifaceted, diverse response from community service providers. The truancy diversion program, being family-centered, can function as the central resource around which these service providers can coordinate and collaborate to achieve their goals. In certain instances, the blending of funding streams to maximize efficiencies may be the solution to providing needed services. In Louisville, the "Neighborhood Place" service consortium is an example of a diverse group of service providers pooling resources and coming together to answer the need for an array of family services.

## Conclusion

Too much time has passed during which we have not recognized truancy as a crisis in the community.

Institutions cannot work in isolation and hope to succeed at keeping troubled children in school. An all-out community effort must be made to combat this problem at the local, state, and national level. Only with cooperation between courts, agencies, schools, and communities can we hope to prevent children from failing in school and failing in life.

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## END NOTES

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