

School Truancy: A Case Study of A Successful Truancy Reduction Model In the Public Schools

BY LORENZO A. TRUJILLO*

I. Introduction

Unexcused school absenteeism, truancy, is not a new problem, but a historically present problem that has over the last decade received newfound attention as the lack of school attendance and its link with student delinquency has become more clearly identified. In 1993, “more than two-thirds of all school absences [nationwide] were non-illness-related” with absence rates reaching thirty percent each day in some communities.¹ In 2002, more than 70,000 students every day were out of school in Colorado alone.² These statistics have

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¹ Doug Rohrman, *Combating Truancy in Our Schools - A Community Effort*, NAT’L ASS’N OF SECONDARY SCH. PRINCIPALS BULL., Jan. 1993, at 40.

² Ramona Gonzales, Kinette Richards & Marilyn Harmacek, *Youth Out of School: Linking Absence to Delinquency*, THE COLO. FOUNDATION FOR FAMILIES AND CHILD., Sept. 2002, at 1, 2.

monumental social ramifications because truancy is often one of the first and best indicators of academic failure, suspension, expulsion, delinquency, and later adult crime.³

School attendance laws were first adopted by Massachusetts in 1852 as a way to curb child labor.⁴ By 1900, thirty-two states had compulsory school attendance laws, and by 1918 every state had some form of school attendance law.⁵ However, these laws were ineffective in that they were seldom enforced and relied on the “push out” method of school policy enforcement, rather than addressing the underlying issues of truancy and developing ways to keep students in school.

Truant youths are often absent from school for such a period of time that it is difficult if not impossible for them to catch up. “This leads to further disengagement from school, from teachers and ultimately can lead to serious anti-social behavior like juvenile delinquency.”⁶ The traditional method for disciplining student delinquents is to exclude them. This “push out” method sends a message to struggling students that they are not wanted, ultimately forcing a student’s situation from bad to worse.⁷ “Sending a student home for not coming to school provides little or no intervention to the underlying causes of the absences and is counterproductive to the educational process.”⁸ The “push-out” method was furthered in the 1980s, as state and federal drug enforcement policies increased, favoring the adoption of zero tolerance policies that

³See generally Janna Heilbrunn & Ken Seeley, *Saving Money Saving Youth: The Financial Impact of Keeping Kids in School*, THE COLO. FOUNDATION FOR FAMILIES AND CHILD., Oct. 2003, at 1.

⁴ Seymour Moskowitz, *Malignant Indifference: The Wages Of Contemporary Child Labor In The United States*, 57 OKLA. L. REV. 465, 516 (2004).

⁵ Adriana Lleras-Muney, *Were Compulsory Attendance and Child Labor Laws Effective? An Analysis from 1915 to 1939*, 45 J. L. & ECON. 401, 403 (2002).

⁶ Gonzales et al., *supra* note 2, at 2.

⁷ *Id.*

⁸ *Id.*

punished all acts of delinquency severely, no matter how minor the offense.⁹

The importance of school attendance to achievement, engagement, and educational success has been neglected in most education reform and prevention initiatives. School discipline, zero tolerance, and school safety concerns have combined to produce strategies that are counterproductive by pushing the problem out of the school and into the community.¹⁰

Today, school districts around the nation are tackling the truancy problem by working jointly with courts, law enforcement, social service agencies, and parents to identify students at the first signs of unexcused absenteeism and ensuring that all individuals are involved in prevention, planning, and implementation of a truancy plan. This article examines one such program in Colorado by providing an overview of truancy and juvenile crime, examining Colorado's School Attendance Law of 1963, and concluding with an examination of Adams County School District 14's successful truancy reduction model. The underlying philosophy of this model is that the American way of life is predicated upon an educated citizenry. Without an educated citizenry our American form of democratic government will struggle to survive. Our citizens must be capable of making informed decisions in voting and self-determination.

⁹ *Id.* at 15; see also Russ Skiba & Reece Peterson, *The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?*, PHI DELTA KAPPAN, 1999, at 1.

¹⁰ Gonzales et al., *supra* note 2, at 23.

II. Truancy and Juvenile Crime

A. *The Truancy Problem Defined*

Truancy has been identified as one of the ten major problems in United States schools.¹¹ The problem of truancy has reached epidemic proportions with absenteeism reaching as high as thirty percent in some communities,¹² and more than 70,000 students out of school in Colorado each day.¹³ While some absences are health-related, many more are related to truancy, suspensions, or expulsions, with twenty percent of all school suspensions in Colorado resulting from truant behavior.¹⁴ In New York City's public school system 150,000 school students, approximately fifteen percent, are absent on any given day.¹⁵ The Los Angeles Unified School District reports that approximately ten percent, or 62,000, of its students are truant each day.¹⁶ During the 1994-95 school years, 66,440 chronic absenteeism complaints were investigated in Detroit, Michigan.¹⁷ The end result is that numerous youths are not in school, and as such, students are not receiving the education they need to succeed in life.

Truancy, often referred to as a "gateway crime,"¹⁸ has been linked to delinquent activity in youth and significant, negative behavior in adulthood, including an increased

¹¹ Rohrman, *supra* note 1, at 40.

¹² *Id.*

¹³ Gonzales et al., *supra* note 2, at 2.

¹⁴ *Id.*

¹⁵ Eileen Garry, *Truancy: First Step to a Lifetime of Problems*, U.S. DEP'T OF JUST., OFF. OF JUST. PROGRAMS, OFF. OF JUV. JUST. & DELINQ. PREVENTION, 1997, at 1 (it is unknown what percent of these students have a legitimate excuse for their absenteeism).

¹⁶ Beth Shuster, *L.A. School Truancy Exacts a Growing Social Price*, L.A. TIMES, Jun. 28, 1995, at A12 (62,000 students are out of school each day with only half providing a written excuse).

¹⁷ Joan Richardson, *Searching for Answers to Student Absenteeism on the Trail of Truants Incorrect Addresses, Reluctant Responses Hamper the Quest*, DETROIT FREE PRESS, Feb. 7, 1996, § NWS, at 1A.

¹⁸ Steven Davies, *Truancy Program Targets Problems Before they Start*, KOCH CRIME INST., 1995, at 1.

propensity toward violence.¹⁹ The September 2001 Juvenile Justice Bulletin states:

[A]dults who were frequently truant as teenagers are much more likely than those who were not to have poor health and mental health, lower paying jobs, an increased chance of living in poverty, more reliance on welfare support, children who exhibit problem behaviors, and an increased likelihood of incarceration.²⁰

Truancy is also a strong predictor of juvenile problems, including delinquent activity, social isolation, gang involvement, educational failure, substance abuse, delinquency, teen pregnancy, and school dropout.²¹ In addition, high truancy rates have been linked to daytime burglary and vandalism.²² In Tacoma, Washington, police reported that one-third of all burglaries and one-fifth of all aggravated assaults, occurring between 8 a.m. and 1 p.m. on weekdays, were committed by juveniles.²³ In Van Nuys, California shoplifting arrests decreased by sixty percent after police conducted a three-week truancy sweep.²⁴ In St. Paul, Minnesota purse snatching fell almost fifty percent after police

¹⁹ Allison Bell, Lee Rosen & Dionne Dynlacht, *Truancy Intervention*, THE J. OF RES. AND DEV. IN EDUC. 203, 205 (1994). See generally Barbara Kelly, Rolf Loeber & Mary DeLamarte, *Developmental Pathways in Boys' Disruptive and Delinquent Behavior*, JUV. JUST. BULL., Dec. 1997, at 1.

²⁰ Myriam Baker, Jane Sigmon & M. Elaine Nugent, *Truancy Reduction: Keeping Students in School*, JUV. JUST. BULL., Sept. 2001, at 1; see also Bell et al., *supra* note 19, at 205-06; Sarah Ingersoll & Donni LeBoeuf, *Reaching Out to Youth Out of the Education Mainstream*, U.S. DEP'T OF JUST., OFF. OF JUST. PROGRAMS, OFF. OF JUV. JUST. & DELINQ. PREVENTION, Feb. 1997, at 1, 2; Rohrman, *supra* note 1, at 40-41. See generally JOY DRYFOOS, *ADOLESCENTS AT RISK: PREVALENCE AND PREVENTION* (Oxford Univ. Press 1990).

²¹ Baker et al., *supra* note 20, at 2; see also Bell et al., *supra* note 19, at 205; Garry, *supra* note 15, at 1; Rohrman, *supra* note 1, at 40-41. See generally Dryfoos, *supra* note 20.

²² Baker et al., *supra* note 20, at 2.

²³ *Id.*

²⁴ Garry, *supra* note 15, at 2.

began picking up truant youths and taking them to a new school attendance center.²⁵ In Minneapolis, daytime crime fell sixty-eight percent after police started citing truant youths.²⁶ In Colorado, the statistics are equally problematic:

- Over ninety percent of youth in detention for delinquent acts have a history of truancy.²⁷
- Seventy percent of suspended youth were chronically truant in the preceding six months.²⁸
- Nearly half of expelled students had been chronically truant in the previous year.²⁹
- Eighty percent of all dropouts were chronically truant in the previous year.³⁰

In light of these statistics, it is essential that states, school districts, and communities work together to combat the negative effects of truancy by implementing programs that address the problem and its causes.

B. Causes of Truancy

In order to understand the problem it is essential to understand the causes of truancy. The four primary causes are best grouped into four categories: (1) student demographics, (2) family characteristics, (3) student's personal and psychological factors, and (4) school climate.³¹

²⁵ *Id.*

²⁶ *Manual to Combat Truancy*, U.S. DEP'T OF EDUC. & U.S. DEP'T OF JUST., Jul. 1996, at 1.

²⁷ Gonzales et al., *supra* note 2, at 5.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ Heilbrunn & Seeley, *supra* note 3, at 4; *see also* Bell et al., *supra* note 19, at 204-05; Rachel Spaethe, *Survey of School Truancy Intervention and Prevention Strategies*, 9 KAN. J.L. & PUB. POL'Y 689, 691 (2000); Rohrman, *supra* note 1, at 41-43.

1. Student Demographics

While the literature is conflicting on whether truancy tends to be higher among males or whether the problem is equally divided between males and females, other student demographic factors are well established.³² Minority students are traditionally more likely to be chronically truant than Caucasian students.³³ While this note does not provide detailed explanations into the intricacies and contributing variables of these statistics, a 2002 Colorado Foundation for Families and Children (“CFFC”) survey of chronically truant youths in Colorado found that sixteen percent of the youths in the sample were Caucasian, thirty percent were Hispanic/Latino(a), and twenty-two percent were Black (*See figure 2.1*).³⁴ In addition to minority status, “urban youths, low income families, children living with only one parent, children from large families, and children whose parents do not have high school degrees” are at a greater risk of being chronically truant.³⁵

2. Family Characteristics

While student demographics can help identify students more likely to be truant, one of the most significant factors affecting truancy are parental views on education.³⁶ Parental involvement in school and student homework has been shown to result in better attendance rates.³⁷ In contrast, students whose parent(s) believe that it is acceptable for their children to miss school in order to meet family needs, such as caring for a younger sibling or working to support the family income,

³² Bell ET AL., *supra* note 19, at 203; E.g. Heilbrunn & Seeley, *supra* note 3, at 4; Gonzales ET AL., *supra* note 2, at 6.

³³ Heilbrunn & Seeley, *supra* note 3, at 4; *see also* Bell ET AL., *supra* note 19, at 204.

³⁴ Gonzales ET AL., *supra* note 2, at 6.

³⁵ Heilbrunn & Seeley, *supra* note 3, at 4.

³⁶ Spaethe, *supra* note 31, at 691; *see also* Bell et al., *supra* note 19, at 204; Patricia Jenkins, *School Delinquency and School Commitment*, SOC. OF EDUC., 1995, at 221, 223.

³⁷ Jenkins, *supra* note 36, at 225; *see also* Heilbrunn & Seeley, *supra* note 3, at 4.

have an obviously higher tendency of truancy.³⁸ Several studies have shown that “truants were more likely to come from single parent homes and have more siblings than non-truants.”³⁹ Also, over ninety percent of truant children have reported a moderate to high level of stress existing in the home.⁴⁰

3. *Personal and Psychological Factors*

Students’ personal and psychological traits have a significant influence on their daily decisions to attend school.⁴¹ Many truant students share several of the same personal and psychological problems. Truant students tend to have lower self-esteem, fewer social skills, and may lack friends.⁴² In addition, a student’s perceptions of school and how they feel in the classroom environment are significant determinants for children deciding whether to attend school.⁴³

4. *School Climate*

School climate, including attachment to teachers, the effect of specific truancy policies, and feelings of physical safety, has been shown to greatly affect a student’s desire to attend school.⁴⁴ The connection between truancy and school climate is drawn when looking at the most common reasons

³⁸ Spaethe, *supra* note 31, at 691; *see also* Bell et al., *supra* note 19, at 42.

³⁹ Amy Diebolt & Lisa Herlache, *The School Psychologist as a Consultant in Truancy Prevention*, ANN. MEETING OF THE NAT’L ASS’N OF SCH. PSYCHOL., March 21-23, 1991, at 1, 3, *microformed on* ERIC database, Fiche ED334487.

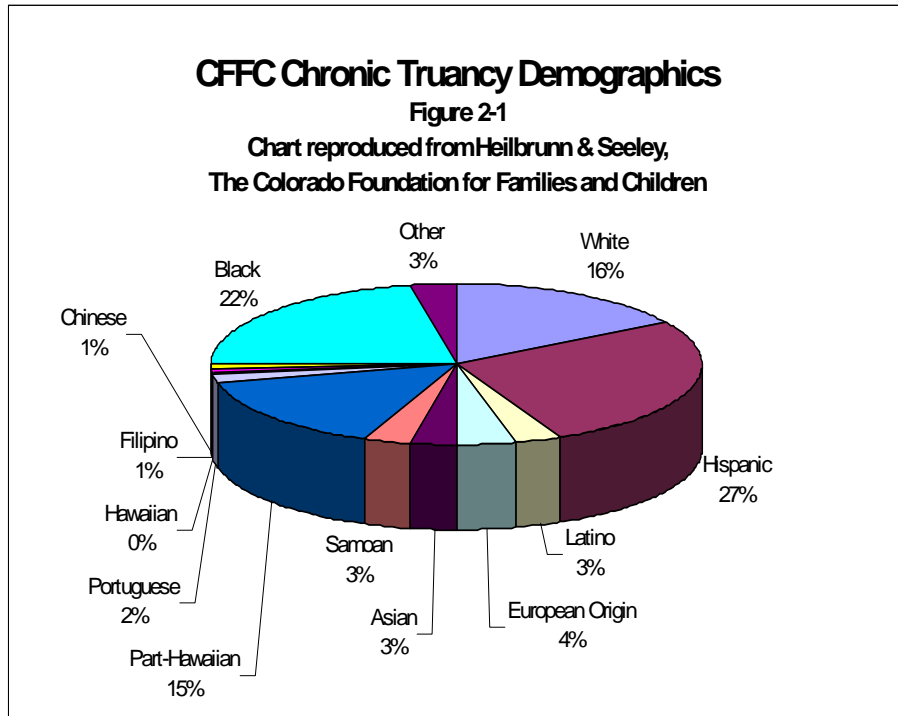
⁴⁰ Gonzales et al., *supra* note 2, at 6; *see also* Jane Corville-Smith, Bruce Ryan, Gerald Adams & Tom Dalicandro, *Distinguishing Absentee Students from Regular Attenders: The Combined Influence of Personal, Family, and School Factors*, J. OF YOUTH AND ADOLESCENCE 629, 631 (1998).

⁴¹ Heilbrunn & Seeley, *supra* note 3, at 4. *See generally* Neville King & Gail Bernstein, *School Refusal in Children and Adolescents: A Review of the Past Ten YEARS*, J. OF THE AM. ACAD. OF CHILD AND ADOLESCENT PSYCHIATRY 197 (2001).

⁴² Spaethe, *supra* note 31, at 691; *see also* Corville-Smith et al., *supra* note 40, at 631; Rohrman, *supra* note 1, at 41, Diebolt & Herlache, *supra* note 39, at 3.

⁴³ Heilbrunn & Seeley, *supra* note 3, at 4; *see also* Corville-Smith et. al., *supra* note 40, at 631-32.

⁴⁴ *Id.*



for truancy, as reported by truant youths: (1) getting behind in schoolwork is often cited as a primary reason for truancy, as a child is less likely to attend class where he/she has missed several lessons and does not follow what is going on in the classroom, (2) boredom with irrelevant curriculum, (3) a school environment where students feel that no adults care about them or where it appears teachers do not want to be there, (4) disrespect or the appearance of disrespect from staff, and (5) simply feeling “uncomfortable” at school.⁴⁵ A student’s feelings about school are known as “school attachment.”⁴⁶ “When a student feels an attachment to school through a web of relationships with other students, teachers or a caring adult, it can help overcome many of the causes of truancy.”⁴⁷ As such, truancy programs must encourage students to form good attendance habits by forming

⁴⁵ Gonzales et al., *supra* note 2, at 7.
⁴⁶ Heilbrunn & Seeley, *supra* note 3, at 4.
⁴⁷ *Id.*; Jenkins, *supra* note 36, at 222-23.

friendships between teachers and non-truant student attendees.⁴⁸ School discipline policies also have an effect on “school attachment.”⁴⁹

[I]n general, students have the best attendance records in authoritative schools - those that make high demands and provide high levels of support - and the worst records in lenient schools - those that make a few demands and provide little support.⁵⁰

Finally, feelings of safety and well-being directly affect a student’s decision to attend school. Bullying is an often-ignored cause of truancy.⁵¹ “Fear and anxieties about bullies can cause some children to avoid school, carry a weapon for protection, or even commit more violent activity.”⁵² A study of over 17,000 Colorado middle and high school students in the Pikes Peak region showed that fear of harm and victimization were risk factors that had a significant correlation with truancy.⁵³ In addition, the study showed that students with high self-esteem, positive school attitudes, pro-social activities, and positive attitudes towards police officers were less likely to be truant.⁵⁴

C. Cost of Truancy

Truancy affects the student, school, and community. The cost of truancy reduction programs is inconsequential compared to the societal cost of high school failure and juvenile delinquency. “School failure is so costly that there

⁴⁸ Spaethe, *supra* note 31, at 690; *see also* Rohrman, *supra* note 1, at 41.

⁴⁹ Heilbrunn & Seeley, *supra* note 3, at 4.

⁵⁰ *Id.*; *see generally* Lisa Pellerin, *Urban Youth and Schooling: The Effect of School Climate on Student Disengagement and Dropout*, (Apr. 2000) (Paper presented at the Ann. Meeting of the Am. Educ. Res. Ass’n 1).

⁵¹ Spaethe, *supra* note 31, at 691.

⁵² Randy Wiler, *Bullies: A Serious Problem for Kids*, LEAWOOD POLICE DEP’T, 1999, at 1, 2.

⁵³ Richard Dukes & Judith Stein, *Effects of Assets and Deficits on the Social Control of At-risk Behavior Among Youth: A Structural Equations Approach*, YOUTH AND SOC’Y, 2001, at 337, 349.

⁵⁴ *Id.*

need only be minor success with truancy reduction programs in order to achieve a positive payback.”⁵⁵ Truant students are far more likely not to graduate from high school and are thereby much more likely to become a burden on society, requiring taxpayer-supported welfare programs, such as income assistance, Medicaid, Food Stamps, and Women, Infants and Children.⁵⁶ High school dropouts are more than twice as likely to be in poverty, and two-and-a-half times more likely to be on welfare than a high school graduate.⁵⁷ Not only are truant youths less likely to graduate from school, but truancy has been established as a risk factor for substance abuse, delinquency, and teen pregnancy, resulting in increased tax dollars spent on additional police forces and social services.⁵⁸

Students with the highest truancy rates have the lowest academic achievement rates, and because truants are the youth most likely to drop out of school, they have high dropout rates as well. The consequences of dropping out of school are well documented. School dropouts have significantly fewer job prospects, make lower salaries, and are more often unemployed than youth who stay in school.⁵⁹

It is common sense that if a student is present in school, he/she will learn. If the student is absent from school, there is no opportunity to engage in academic learning, and the student will have low academic achievement rates.

⁵⁵ Heilbrunn & Seeley, *supra* note 3, at 16.

⁵⁶ *Id.* at 3.

⁵⁷ Baker et al., *supra* note 20, at 3 (“[A]ccording to a recent report from the Bureau of Labor Statistics (2001:2), ‘6.0 percent of works with a high school diploma were in poverty [in 1991], considerably lower than the proportion of those who had not completed high school (14.3 percent)’ ...”); *see also* U.S. DEP’T OF EDUC. & U.S. DEP’T JUST., *supra* note 26, at 1.

⁵⁸ Gonzales et al., *supra* note 2, at 3; *see also* Garry, *supra* note 15, at 1; Bell et al., *supra* note 19, at 205.

⁵⁹ Baker et al., *supra* note 20, at 2-3 (citations omitted).

In a more direct financial connection, school districts lose federal and state funds that are based on daily attendance figures.⁶⁰ Losses in funds can reach the hundreds of thousands in light of absenteeism being as high as thirty percent on any given day in some communities.⁶¹ The many correlative costs and impacts on school districts funds have been augmented since the implementation of the Colorado Student Assessment of Proficiency Tests (CSAP)⁶² and the rules and regulations associated with the federal No Child Left Behind Act.⁶³ These costs create an enormous financial burden on society. “One high school dropout can be expected to cost the public in excess of \$200,000 over the course of his or her life.”⁶⁴

III. Colorado’s School Attendance Law of 1963

The School Attendance Law of 1963, codified at C.R.S. § 22-33-104 (2004), requires that “every child who has attained the age of seven years and is under the age of sixteen years . . . shall attend public school . . .” The law further provides that it is the parents’ responsibility to “ensure” attendance of their school age child.⁶⁵

The general assembly hereby declares that two of the most important factors in ensuring a child’s educational development are parental involvement and parental responsibility. The general assembly further declares that it is the obligation of every parent to ensure that every child under such parent’s care and supervision receives adequate education and training.⁶⁶

⁶⁰ COLO. REV. STAT. § 22-11-104(2)(c) (2004).

⁶¹ Rohrman, *supra* note 1, at 40.

⁶² COLO. REV. STAT. § 22-7-409 (2004).

⁶³ No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425.

⁶⁴ Heilbrunn & Seeley, *supra* note 3, at 10.

⁶⁵ COLO. REV. STAT. § 22-33-104(5)(a) (2004).

⁶⁶ *Id.*; COLO. REV. STAT. § 22-33-102 (2004) (“[Parent]’ means the mother or father of a child or any other person having custody of a child.”).

Under the School Attendance Law, schools are also required to designate a District Attendance Officer (“DAO”) whose duty is to enforce compulsory school attendance.⁶⁷ The DAO is responsible for “counsel[ing] with students and parents and investigat[ing] the causes of nonattendance”⁶⁸ In Colorado, the legislature endorsed the importance of student attendance by identifying student attendance as a key factor in school accreditation.⁶⁹ Legislators, school personnel, and families all understand that if a child does not attend school, the child will not be exposed to adequate opportunities for learning and advancement.

IV. Truancy Reduction Program

A. Overview

From the mid-1990s, Colorado has undertaken significant efforts through legislation, school districts, and court efforts to address attendance in schools, realizing that “[m]aking school attendance a priority is sound fiscal and educational policy.”⁷⁰ One of the most successful programs in Colorado is Adams County School District 14’s model Truancy Reduction Program (“TRP”). In 1999, the community served by the Adams County School District 14 schools had a median income of \$20,000, a mobility rate of forty-one percent, with thirty-one percent of all students coming from Spanish-speaking households, and a forty-eight percent free and reduced lunch student population.⁷¹

TRP, started in 1999, provides students and families with a voluntary alternative to the court system for truant students. TRP was initiated after the successful passage of the 1996 referendum in Adams County School District 14 that

⁶⁷ COLO. REV. STAT. § 22-33-107(1) (2004).

⁶⁸ *Id.*

⁶⁹ COLO. REV. STAT. § 22-33-104(2)(c) (2004).

⁷⁰ Gonzales et al., *supra* note 2, at 23.

⁷¹ LORENZO TRUJILLO, A PRACTITIONER’S GUIDE FOR ATTENDANCE/TRUANCY PROCEDURES IN THE PUBLIC SCHOOLS IN COLORADO i, iv (2001).

provided funds for Keep Kids in School (“KKIS”) projects. The KKIS Committee, composed of citizens and school district staff, identified high rates of student truancy as a major concern that negatively affected student achievement, dropout rates, the future welfare of students, the success of the school, and society, as a whole.⁷² Through the TRP, Adams County has identified effective strategies for addressing the root causes of truancy, intervening with chronic youths, and preventing truant behavior from evolving into juvenile delinquency and eventual adulthood problems. For example, strategies include: mandated before-and-after school tutoring, Saturday school, detention before and after school, group and peer counseling, green slip completion,⁷³ daily counselor monitoring of student homework completion, drug and alcohol testing, parents attending school with their child, and other such interventions addressing student issues and student progress. Education researchers give significant emphasis to the importance of providing students with extensive interventions to make them successful and keep them engaged in school as a professional learning community.⁷⁴

The goal of the project was and is to provide a tiered series of interventions to address student and family needs by identifying the reasons for truancy problems and attempting to resolve them before resorting to formal court proceedings.⁷⁵ However, if a student fails to attend school after multiple interventions from school personnel, the school is left with no

⁷² Memorandum from Lorenzo Trujillo, to Dr. John Lange & Cindi Seidel, District Attendance Office Report for 2002-2003, at 1, 2 (Jun. 27, 2003) (on file with author).

⁷³ Students have teachers sign a green slip after every class and provide it to the counseling office at the end of the day showing class attendance. The counseling office sends the green slip to the parents for their signature of acknowledgment. This process provides a detailed record of a student’s activities and presence throughout the day.

⁷⁴ See generally RICHARD DUFOUR & ROBERT EAKER, PROFESSIONAL LEARNING COMMUNITIES AT WORK: BEST PRACTICES FOR ENHANCING STUDENT ACHIEVEMENT (Nat’l Educ. Service 1998); ROBERT EAKER, RICHARD DUFOUR, & REBECCA DUFOUR, GETTING STARTED: RECULTURING SCHOOLS TO BECOME PROFESSIONAL LEARNING COMMUNITIES (Nat’l Educ. Service 2002).

⁷⁵ Trujillo, *supra* note 71, at iv.

choice but to engage the judicial system to address the problems and to strongly encourage students and parents to understand the seriousness of student school attendance. Without being able to resort to the judicial system, schools lack the power to enforce consequences that are meaningful and impress otherwise unimpressionable students and their parents.

Without a doubt, it has been our repeated experience in prosecuting these cases that when one child or their parent is jailed or fined for truancy, the whole community becomes more vigilant about student attendance. It is not often that incarceration or fines must be imposed. By far, the majority of cases resolve themselves with students returning to school. The following data provide an insight into the significant results of a quality truancy reduction effort by a school district.

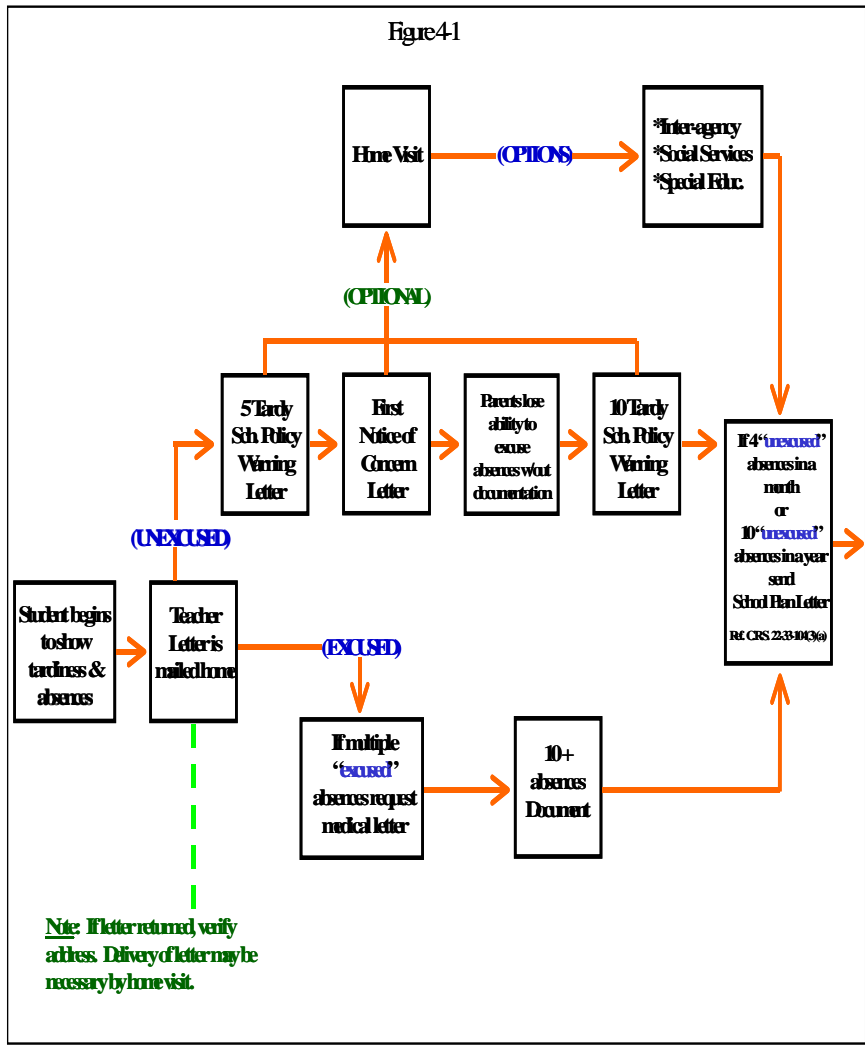
B. Implementation

In Adams County School District 14 (ACSD 14), habitual truancy is defined, consistent with Colorado law, as any child over the age of seven and under the age of sixteen who obtains “four unexcused absences from public school in any one month or ten unexcused absences from public school during any school year.”⁷⁶ The success of the TRP lies in its early identification and interventions to address the underlying issues resulting in truancy. At the first sign of truancy, a teacher letter is mailed to the student’s home. Simultaneously, at the local school level, an Attendance Liaison monitors student records to identify students who are habitually truant. Those students identified as habitually truant are placed on an Attendance Improvement Plan, prepared by the Attendance Liaisons, parents, and school staff and administration, and a letter of notice is sent to the student’s home. The Attendance Improvement Plan provides a record of interventions and responsibilities of the school and of the student and family. The plan is agreed to and signed in a conference involving the student, parents, and school personnel. It also contains a

⁷⁶ COLO. REV. STAT. § 22-33-107(3)(a) (2004).

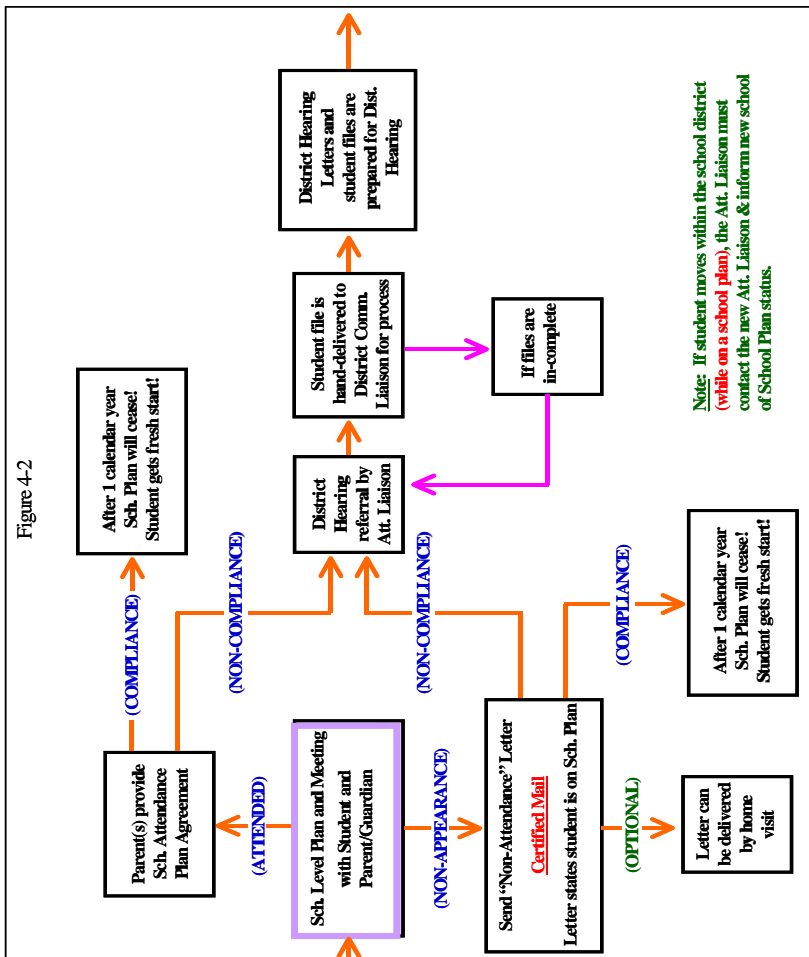
release of confidential information for parents to sign to allow school personnel to work with other agencies in the community in an effort to meet a student’s needs and to address potential issues with The Family Educational and Privacy Rights Act.⁷⁷

If the student returns to regular attendance of school, the matter is dismissed. However, if the student continues a pattern of non-attendance, the school-based Attendance



⁷⁷ 20 U.S.C. § 1232(g) (2004); 24 C.F.R. pt. 99 (2004).

Liaison reports and refers the matter to the District Attendance Office. The District Attendance Officer and the District Community Liaison review the student’s file for thorough documentation and accuracy. The Community Liaison then determines if the student should be referred to a District Level hearing. If not, the Community Liaison remands the matter back to the local school for further documentation, monitoring, and/or interventions. If the Community Liaison determines that the student and family should be scheduled for a District Level Hearing, the student’s documents are transferred to the Court Liaison for scheduling of a hearing in front of the District Hearing Officer or InterAgency. (See Figure 4-1 and 4-2).



The Court Liaison then reviews the student's file and sets the matter for an In-District Hearing before the District Attendance Officer and/or Inter Agency. The Court Liaison also prepares a bi-monthly hearing docket of In-District Hearings, works with InterAgency, notifies the schools of all developments, and prepares the hearing record. The Court Liaison works in collaboration with the Attendance Liaison and the District Hearing Officer to determine the intervention hearing, either InterAgency or In-District Hearing that is most appropriate under the circumstances for the child and his or her family.

C. Personnel

At first glance, the TRP would seem to require many personnel. However, in ACSD 14, this model is administered by one Court Liaison, who holds the position of District Attendance Officer, one Community Liaison, and a part-time legal secretary. There is a paraprofessional in each school who performs the duties of Attendance Liaison in conjunction with his or her duties as a secretarial and staff relief person. At the time this data was compiled, in-district legal counsel provided part-time counsel to the TRP. Currently, a contract attorney is employed as legal counsel for the TRP.

During the spring semester of 2005, student attorneys from the University of Colorado School of Law began assuming the role of legal counsel, for academic credit, to District Attendance Officers in schools in four of the Adams County school districts. Pursuant to Colorado law, a clinical professor from the Juvenile and Family Law Clinic oversees student attorney work. In this way, the public schools have been able to pursue truancy matters efficiently and effectively without the associated costs of legal counsel.⁷⁸ This program and how it operates is still in its pilot phase and is undergoing continuous development.

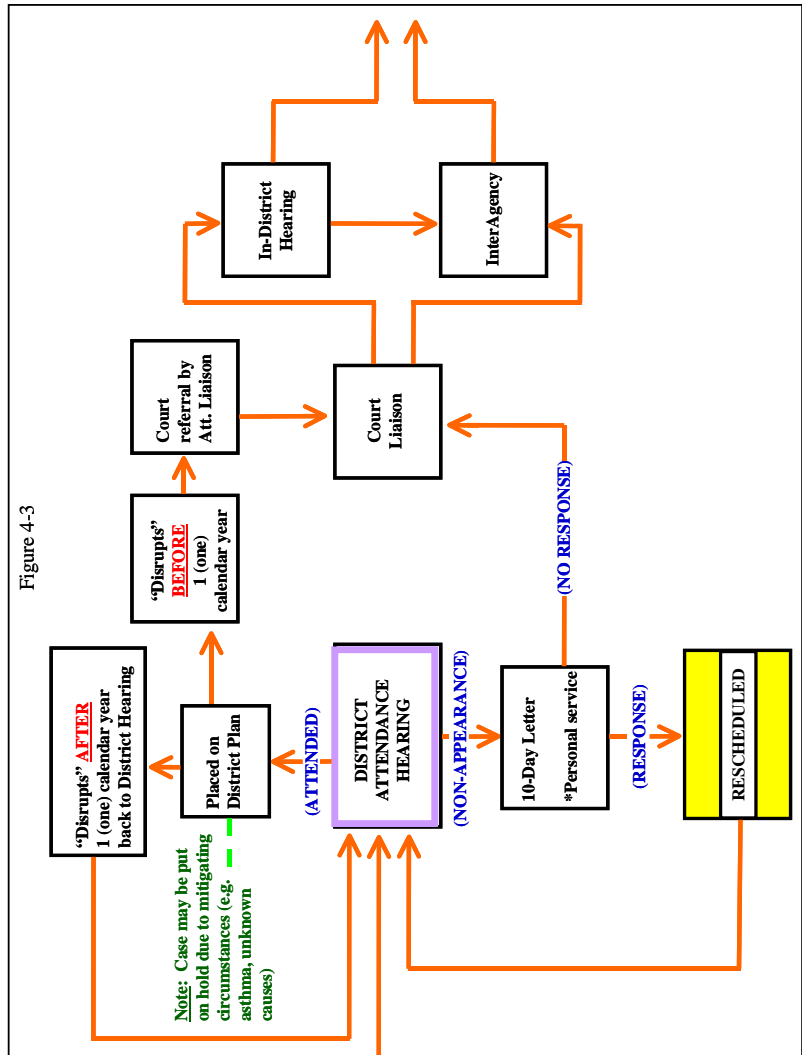
⁷⁸ COLO. R. CIV. P. 226; COLO. REV. STAT. § 12-5-116.2 (2004).

D. Inter-Agency and In-District Hearing

As noted above, a student and his or her family may be referred to an InterAgency Hearing or an In-District Hearing at the request of the family or through a referral by the Court Liaison. An In-District Hearing is convened when the matter at issue is primarily related to truancy without correlative issues of special needs, delinquency behaviors of a criminal nature, or mental health issues that are beyond the scope of the school district. When such issues do exist, an InterAgency Hearing is convened to allow intervention from various school related agencies, rather than through school or court interventions alone.

At an In-District Hearing, the student and family are fully advised of the consequences of truancy by an In-District Hearing Officer and jointly prepare an attendance contract, specifying interventions to avert further truancy. If the student continues to be truant, the student may be sent directly to the district court. Alternatively, a student may be sent to an InterAgency Hearing, if truancy continues and the student is identified, by the In-District Hearing Officer, as a special needs student, has delinquent behaviors of a criminal nature, or mental health issues that are beyond the scope of the school district.

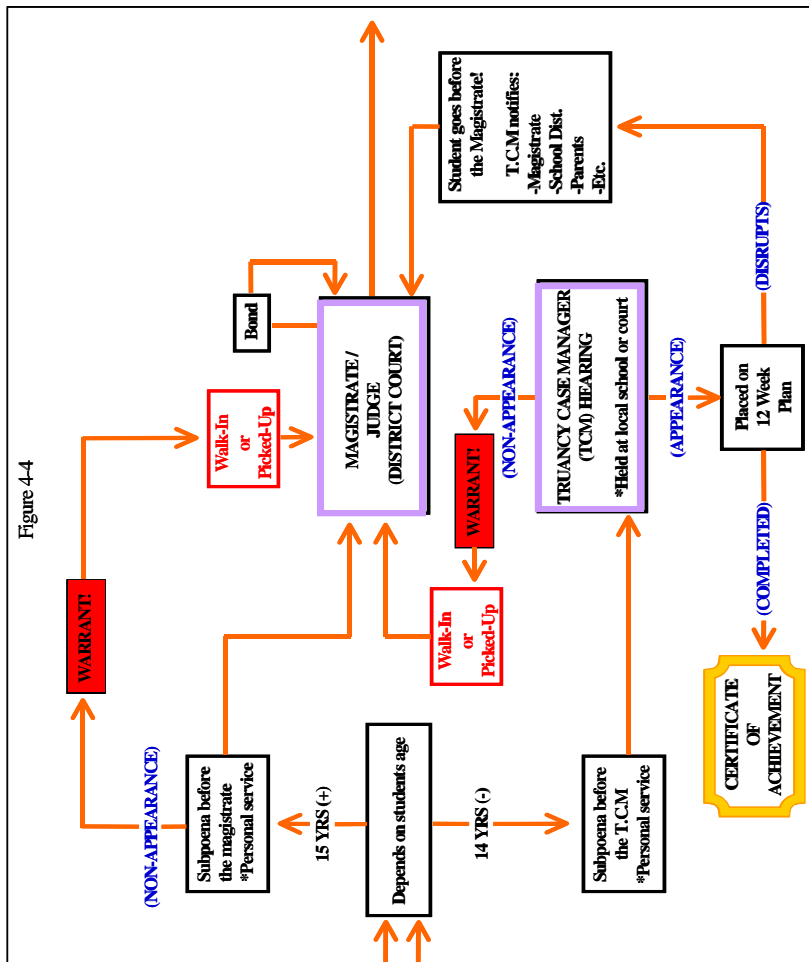
At an InterAgency Hearing the student, family, the Special Education Coordinator for the school district, and a panel of professionals from the school, social services, mental health, diversion, probation, School Resource Officer, and other school-related agencies, jointly prepare an attendance contract specifying interventions to avert further truancy and to address other correlative issues. Interventions may include individual and/or family counseling, advocacy for parents, resource identification for families, procuring insurance or medical services, day treatment, tutoring, Saturday classes, Social Services assistance, parenting classes, or drug and alcohol assessments and treatment. (*See Figure 4-3*).



E. Hearing Before a Magistrate or Judge

Students, fourteen years of age or younger, who continue a pattern of truancy after an InterAgency Hearing or after an In-District Hearing are referred to the Truancy Case Manager (TCM) to address issues and concerns and to avert further legal action. “The [Truancy] [C]ase [M]anager is a family advocate whose goal is to provide families the support

they need to get their children to school.”⁷⁹ If students are fifteen years of age or older, the case is direct-filed for prosecution in court proceedings. Students referred to the TCM are placed on a twelve-week plan. If the student complies with the plan, the matter is dismissed. The TCM provides a heightened daily monitoring of the student’s attendance with periodic conferences with parents and the student. The TCM also, as a result of a Colorado Department of Education grant, may provide needy students with school supplies, materials and even clothing, if necessary. If the student disrupts and does not comply with the twelve-week plan, the student is referred back to the District Attendance



⁷⁹ Heilbrunn & Seeley, *supra* note 3, at 6.

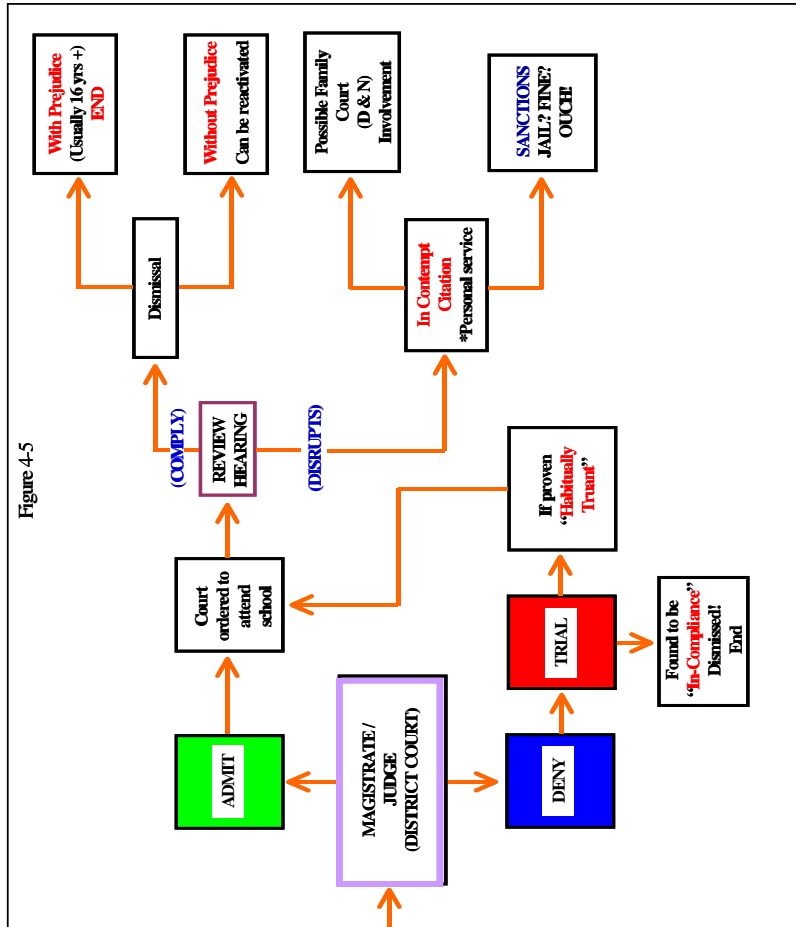
Officer/Attorney of the school district for prosecution in court. In preparation for court, the TCM prepares a report to the court detailing the TCM's case evaluation. A copy of this report is provided to the school district in anticipation of a direct filing in front of a magistrate or judge. (See *Figure 4-4*).

The District Attendance Officer/Attorney for the school district files the case with the district court and sets a date for the hearing and advisement of the students and family. The district court magistrate/judge hears the case. If the family and student deny the charges of habitual truancy, a trial is held. If the family and student are found not habitually truant and in compliance, the case is dismissed. If the court finds the student habitually truant, or the student and family admit the charges, the court orders the student to attend school.

A review hearing is then scheduled, at which time, if the student is complying with the Order to Compel School Attendance, the case is dismissed without prejudice or set for later review if there is reason to believe there is need for further monitoring of the student's progress and well-being. If the student does not comply with the Order to Compel School Attendance, the school district attorney may motion the court for a Contempt Citation. If the court grants the motion for contempt, a date for review and a hearing on the contempt citation is set to provide the student and family with an advisement. Notice must be given to the respondent a minimum of twenty days prior to the hearing.⁸⁰ At the hearing, the student and family may admit to contempt or the court will set a date for a Show Cause Hearing, at which time the school district must prove contempt beyond a reasonable doubt.

⁸⁰ COLO. R. CIV. P. 107(6)(c).

If contempt is admitted or proven, the court may impose sanctions, including a fine of up to twenty-five dollars per day



of absence, up to six months in jail, removal of the student’s driving privileges, community service, drug and alcohol testing and/or counseling, mental health evaluation, and any other sanction deemed appropriate by the court.⁸¹ (See Figure 4-5). These are serious consequences that may be imposed on the parents of students, as well as upon the students who are of an age to understand the implications of their behavior.

⁸¹ COLO. REV. STAT. § 22-33-108(8) (2004).

F. Cost

Truancy is a predictor of juvenile crime. In 2001, Adams County's cost of juvenile delinquency, including the cost of court operations, detention, residential treatment facilities, probation, and the money earmarked to provide alternatives to detention, totaled in excess of four and half million dollars.⁸² With an average cost per delinquent incident of \$3,853⁸³ and many individual youths offending multiple times, reducing truancy in even one child can be enough to make a truancy reduction program successful.

Adams County's TRP cost \$48,943 in 2001. (See *Figure 4-6*). However, during the 2000-2001 academic years, thirty-eight students successfully completed the TRP. If all thirty-eight students eventually graduate from high school, the TRP "will have generated a savings of almost \$8 million, even if no juvenile delinquency is averted" (See *Figure 4-6*).⁸⁴ These data are for the students who were participants in the TRP at the Truancy Case Manager level, and do not include the much higher number of students who were identified at the school levels. If the number of students who participated in the local school district's truancy project interventions were included, the number of successes would be much higher. (See *Figure 4-7*).

⁸² Heilbrunn & Seeley, *supra* note 3, at 11.

⁸³ *Id.*

⁸⁴ *Id.* at 15.

Truancy Reduction Program Savings Table	
Potential Government Savings Generated in Adams County in 2000-2001	
Figure 4-6	
Chart reproduced from Heilbrunn & Seeley, The Colorado Foundation for Families and Children	
Adams County	
Total Program Cost	\$48,943
Number of Youths served	90
Per capita cost	\$544
Number of youths who successfully completed the project	38
Percent who successfully completed the project	42%
Per capita savings associated with high school graduation	\$208,371
Total potential savings if all youths who complete the project graduate from high school*	\$7,869,155
Breakeven success rate**	1 of 383 truants
Breakeven point for return on investment***	1 graduate every 4.2 years
* Equals "number of youths who successfully completed project" multiplied by "per capita savings associated with high school graduation" minus "total program cost."	
** The rate at which program participants must eventually graduate from high school in order for government savings to offset the program cost.	
*** The number of project participants who must eventually graduate from high school in order to offset the cost of the TRP. Additional graduates represent net government savings.	

G. Results

The TRP has had dramatic results since its inception. Truancy rates have been radically reduced in Adams County School District 14. The successful project has gained notable recognition and has been replicated in other parts of the state. For example, in the first year of the ACSD 14 TRP (1999-2000), 225 students in ACSD 14 were identified as habitually truant, and only ten cases were prosecuted at the level of Contempt of Court. District revenues generated from truancy project filings that resulted in increased per pupil counts amounted to a value totaling \$286,000 for the 1999-2000

school year and \$368,500 for the 2000-2001 school year.⁸⁵ Although revenue to support implementation of the TRP is a concern, the education of our youth is more important. To this end, the majority of cases were resolved and students returned to their classes. Elementary student daily attendance rates soared to 95.9% in 1999-2000. In the most recent year that data is available, 320 students were identified as being habitually truant and only sixteen progressed to the level of contempt. Again, most of the students identified and treated in the TRP have returned to regular school attendance (*See Figure 4-7*).⁸⁶

Adams County School District 14 Attendance Report		
Figure 4-7		
Chart reproduced from Trujillo, <i>District Attendance Office Report for 2002-2003</i>		
School Year	Dist. Attendance Office Filings	Contempt Filings
2002-2003	320	16
2001-2002	284	15
2000-2001	216	16
1999-2000	225	10

V. Conclusion

Truancy is the sine qua non (underlying principal factor) of more grievous problems, which manifest themselves in behavior involving drugs, weapons, assaults, and habitually disruptive behavior. Left unattended, this problem will continue to have a severe impact on schools, courts, and communities. Adams County School District 14 has implemented a plan that has proved to be successful. However, the process is far from over.

School districts will greatly benefit from the involvement and support of practicing attorneys. Attorneys

⁸⁵ Trujillo, *supra* note 72, at 3.

⁸⁶ *See* Trujillo, *supra* note 71; *see also* Trujillo, *supra* note 72.

may: (1) serve as pro bono extern supervisors to law students working in the TRP; (2) provide pro bono services to the courts by accepting guardian ad litem appointments; or (3) accept a mentoring role through a TCM to provide appropriate interventions to students to help keep them in school.

The ACSD 14 TRP and other TRPs will continue to develop and evolve as the importance of school attendance gains more focus as a factor in school accreditation and students' academic and lifelong success. It is in the best interest of all citizens and our children to ensure that effective efforts, such as the ACSD 14 TRP, are developed to break the negative cycle of behavior that begins with truancy.

