

How DC's TRUANCY POLICY FAILS STUDENTS AND STEPS TO TURN IT AROUND



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Executive Summary

Schools in the District of Columbia should provide students with an excellent education that places them on the path to successful adulthood. In order to get there, schools must ensure that students attend consistently and are engaged in class. Unfortunately, many DC students are chronically absent from school, often due to a combination of excused and unexcused absences. Students with poor school attendance are more likely to drop out of high school,¹ and only 64% of DC's public school students graduated on time in 2013.² This report provides an introduction to school attendance policy in the District and recommendations for improving it.

Students miss school for many reasons, and a thoughtful approach is necessary to address the underlying causes of poor attendance. Unfortunately, the District's current efforts to increase school attendance are not guided by evidence and ultimately fail students. Current policies do not provide school-based or community-based interventions to all the students who need them. And even when students have received no additional supports to help them attend school, DC law requires that schools refer high-school-aged students for court prosecution when they reach 15 unexcused absences.

The resulting high volume of court referrals is a burden for schools and the courts, and judges lack the tools and resources needed to effectively address the root causes of truancy. The District should properly fund and implement school- and community-based programs to improve attendance instead of outsourcing truancy interventions to the judicial system. The District has taken some positive steps in this direction, such as encouraging schools to meet with students about the causes of their poor attendance prior to making a court referral³ and expanding the Show Up, Stand Out program to serve more students.⁴ However, the current system still leaves thousands of needy students without meaningful attendance-support services while placing them at risk of prosecution.

The District's current efforts to promote attendance rely on a framework in which specific interventions are triggered for individual students when they accumulate a certain number of unexcused absences.⁵ These interventions include holding a meeting with school staff to identify causes and solutions to the student's inconsistent attendance, sending a letter from the Metropolitan Police Department to the student's home, and ultimately referring students to either the Child and Family Services Agency (CFSA) or the DC Superior Court Family Division (Family Court), depending on the student's age.

Unfortunately, data reveal that schools lack the resources to carry out early interventions with the many students who need them. After reaching the unexcused absence threshold, some high school students have been referred to court for potential truancy prosecution despite the fact that their schools did not offer legally-required evaluation and services that could have prevented those unexcused absences in the first place.⁶

The number of students at risk of prosecution has been greatly increased by the Attendance Accountability Amendment Act, which lowered the threshold for court referral from 25 absences to 15 absences. After just one semester of the new law taking effect, there was a 92% increase in the number of new Family Court complaints based on the allegation that a child was a Person in Need of Supervision, a group that includes truancy cases.⁷ This increase could have been far larger given that the Family Court received over 1,000 truancy referral packages from schools, of which 75% were returned to schools for "failure to demonstrate efforts to intervene and abate the truancy."⁸ That statistic further underscores the fact that many students are being referred to court not as a last resort, but because schools lack the ability to offer effective attendance-promoting services.

Court referral should not be the primary response to poor attendance. The tools available to judges are ill-suited to address root causes of truancy such as academic difficulties, transportation, student health, neighborhood safety, and housing instability. In addition, the adversarial nature of the court system may contribute to conflict between parents and school administrators, decrease the student's connection to school staff, and make the student feel unfairly criminalized. There is no research finding that court-based programs are the most effective response to poor attendance,⁹ but there are many school- and community-based programs that have proven attendance-promoting effects.

Based on the above, we make the following recommendations for improving school attendance:

1. Improve the school climate and student engagement at high-truancy schools.

Students who are engaged in school are more likely to attend class, have strong academic performance, and use their out-of-school time in productive ways.¹⁰ Students are more likely to be engaged if they have clear and consistent classroom goals, strong academic and interpersonal support from their teachers, and interesting classwork.¹¹ Policy-makers should develop initiatives to provide such schools with opportunities to evaluate and improve their current school climate.¹²

2. Strengthen existing school-based early interventions.

The District should fully fund and implement the early school-based attendance interventions required by current law. Chief among these is the Student Support Team (SST) meeting. District of Columbia Public Schools (DCPS) is not holding SST meetings in the majority of required cases, and states that it cannot do so under the current staffing model.¹³ The District should provide funding for the staff time necessary to robustly intervene with students and families prior to CFSA or Family Court referral.

3. Implement evidence-based programs proven to reduce truancy.

There are many evidence-based programs that have been proven to reduce truancy. A central authority should oversee the implementation in a structured manner so that programs are implemented with fidelity, properly evaluated, improved from year to year, and replaced if they prove unsuccessful. Some well-regarded programs include Check and Connect¹⁴ and Positive Behavior Interventions and Supports.¹⁵

4. Expand mental health services to all schools.

Many students and families experiencing truancy have unaddressed mental health issues.¹⁶ In addition to school social workers and psychologists employed by the schools themselves, the Department of Behavioral Health's School Mental Health Program (SMHP) provides prevention, early intervention and clinical services to children of all ages in the District's schools.¹⁷ The District should provide the additional funds necessary to place SMHP in all schools by the 2016-17 school year.

In addition, DCPS now offers several evidence-based mental health programs.¹⁸ The District should ensure these programs are offered to students in charter schools as well as DCPS schools, and that all students who are eligible for these programs are able to access these services before they become chronically absent.

5. Revise the “80/20 rule” to allow schools to better distinguish between students who are chronically tardy and chronically absent.

The regulation that defines missing more than 20% of regular school hours as an absence¹⁹ is colloquially known as the “80/20 rule.”²⁰ This rule, combined with the new, lower threshold for chronic truancy, can cause a student who is late once each month of the school year to be classified as chronically truant. The 80/20 rule thus limits schools’ and other agencies’ ability to distinguish between students who are chronically absent and chronically tardy.

OSSE and the State Board of Education should work with principals, students, teachers, parents, and other stakeholders to craft a rule that works better in practice and ensures that intensive attendance interventions go to the students who most need them.

6. Require meaningful school- or community-based intervention before students can be referred to court for poor school attendance.

Prior to the passage of the Attendance Accountability Act, youth were referred to Family Court for truancy when they accumulated 25 unexcused absences. Under the new law, youth are now referred to court at 15 unexcused absences. This change has dramatically increased the amount of time school attendance counselors must spend filling out truancy paperwork, flooded the Family Court with truancy referrals, and entangled hundreds more youth in court supervision.

The court simply was not created to address the root causes of poor school attendance, and also lacks the capacity to process the thousands of youth who accumulate 15 absences each year.²¹ Increasing the Court’s responsibility for school attendance in this way would be ill-advised given the lack of evidence favoring court-based truancy interventions and the potential negative effects of court supervision.

On these grounds, we recommend two statutory changes: 1) that a school’s failure to provide school- and community-based interventions be made an affirmative defense to truancy petitions, and 2) that schools be prohibited from referring students to court absent such intervention. These changes would encourage schools to offer meaningful early intervention services and protect the rights of students referred to court for attendance matters.

Introduction

DC's schools aim to provide a great education that prepares students for college and a career. However, in order to receive that education, students must consistently attend school. District policy-makers have recently taken action intended to decrease truancy.²² However, this report shows that some elements of current practice increase the likelihood that students will be prosecuted for truancy but do not address the root causes of poor school attendance.

The first section of this report provides theoretical background on the reasons that some students fail to consistently attend school. Section two presents data on the characteristics of DC students with high truancy rates. Section three explains DC's current truancy response policies, and section four shows that the preventative elements of that response are under-funded. Section five uses Family Court data to show that recent legal changes have driven a dramatic increase in truancy referrals and prosecutions. Section six documents the lack of evidence that court prosecution is an effective way to get students to attend school, and section seven shows that a truly effective response will require greater investments in school- and community-based services. The report concludes with recommendations on how to improve DC's school attendance policy.

I. Common Barriers to School Attendance

Researchers typically group the factors that impact school attendance into four categories: student factors, family factors, school factors, and community factors.²³

1. Student factors include substance abuse issues, unmet mental and physical health needs, lack of positive peer relationships at school, boredom in class, learning disabilities, academic difficulties, and parenting or pregnancy.²⁴
2. Family factors include children staying home to care for siblings or sick adults, parental substance abuse, residential instability, weak parenting skills, and differing attitudes towards education.²⁵
3. School factors include school climate issues, improper class placement, inconsistent procedures for dealing with absenteeism, uninteresting curriculum, insufficient counseling and guidance staff, and overuse of suspensions and expulsions.²⁶
4. Community factors include inadequate provision of transportation, high incidence of criminal activity, and loss of neighborhood schools.²⁷

The Office of the State Superintendent for Education's truancy prevention guide provides a similar summary of common barriers to school attendance, albeit with separate categories for health-related and financial barriers to attendance (see Figure 1).

DCPS data from the first semester of the 2013-14 school year provide some indication of what barriers to attendance are most common in its schools.²⁸ Meetings between school staff and parents concerning an individual student's truancy identified the student's health as a barrier in 11% of cases, academics in 8% of cases, transportation in 6% of cases, the parent's health in 2% of cases, and school safety in 1% of cases. In 21% of cases, other barriers were identified, ranging from lack of clean clothing to lack of parental control.²⁹ In addition, local research has found that parental health and housing issues are more common barriers to attendance for younger students, while safety issues and childcare responsibilities are more common for older students.³⁰ Student health, academics, and transportation are issues for students at all grade levels.³¹ A survey of about 1,000 DC youth found that the top four most common self-reported reasons for skipping class were 1) boring classes, 2) being already late for class, 3) having not done necessary work to prepare for class, and 4) low-quality teachers.³²

These common barriers to attendance should guide policy-makers' anti-truancy efforts. Chosen solutions should effectively address the diverse and often overlapping mix of reasons for poor school attendance.

Figure 1:

Common Causes of Truancy, Identified in National Research³³

Health and Mental Health Barriers

- Child abuse and/or neglect
- Drug or alcohol use and/or abuse
- Childhood depression
- Asthma or other chronic illness
- Poor nutrition, dental, vision, hearing problems
- Neurological factors, such as dyslexia

Financial Barriers

- Lack of affordable transportation
- Insufficient food
- Proper clothing not available
- Homelessness
- Students needing to be employed to support the family

Community/Cultural Barriers

- Lack of safety in the home or school community
- Unawareness of community agencies that may provide
- needed support
- Bullying
- Language barriers

Personal Barriers

- Low academic grades
- Peer pressure or inability to maintain friendships
- Feelings of rejection and failure
- Embarrassment due to lack of "fashionable" clothing
- Low self-esteem
- To meet with friends
- Abuse by significant other

School-based Barriers

- Teacher conflict
- Inadequate transportation
- Fear of being bullied or cyber bullied
- Inappropriate programming: too challenging/ not challenging enough
- Weak or no monitoring of daily attendance
- Inconsistent attendance policies
- Lack of parent involvement in the school
- Lack of personalized attention to students
- Lack of teacher expectations for high student achievement
- School size: too small/too large
- Inflexibility toward meeting different learning styles
- Inconsistent procedures for dealing with chronic absenteeism

Family Barriers

- Insufficient parent support
- Child kept home for babysitting or caring for a sick parent
- Family history of dropping out
- Lack of adequate adult supervision
- Parent(s) addicted to drugs or alcohol
- Parent(s) who do not value education
- Lack of awareness of attendance laws
- High mobility

II. Absenteeism Is a Symptom of Broader School Disengagement

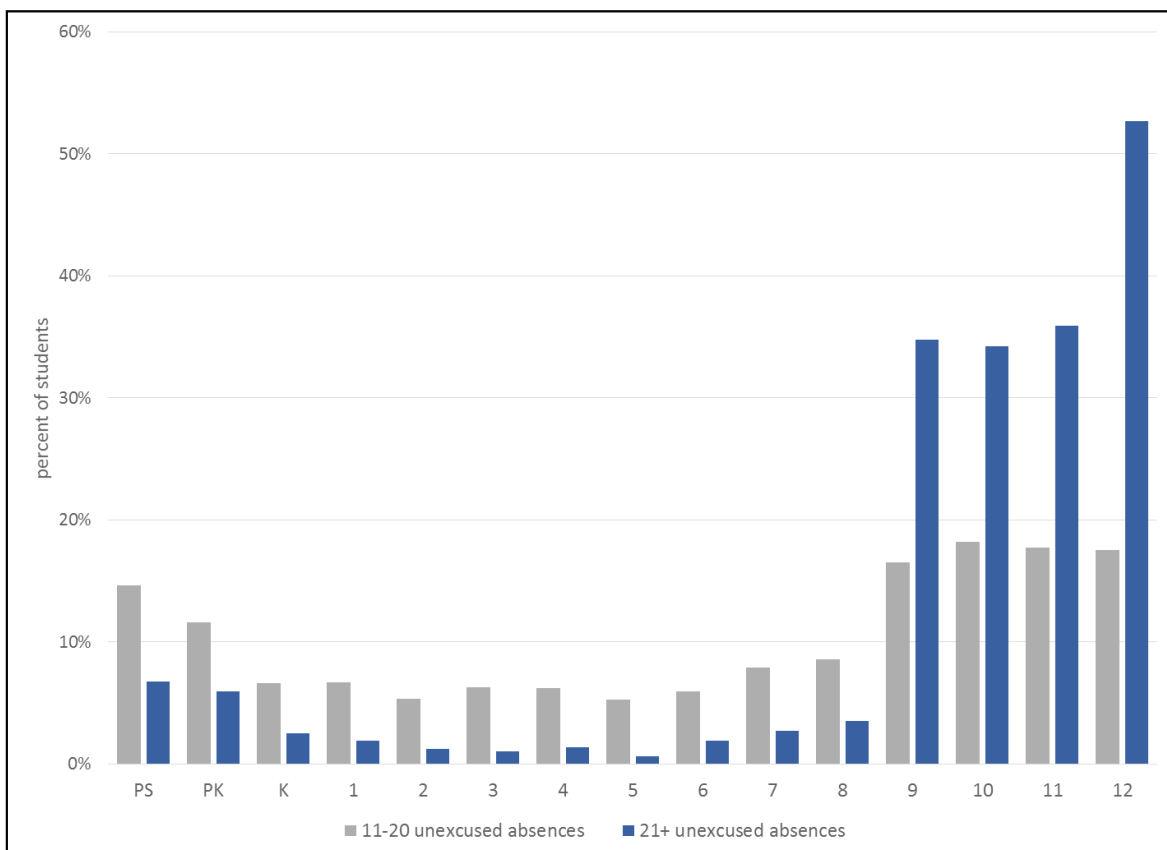
During the 2013-14 school year, 18% of DCPS students and 15% of PCSB students had 10 or more unexcused absences, and were thus classified as “chronically truant.”³⁴ However, there is significant variation among students of different ages. During SY13-14, about 8% of DCPS elementary students were chronically truant, and about 10% of middle school students were chronically truant.³⁵ While these rates are worrisome, the high school grades showed dramatically higher rates of unexcused absence, with 56% of high school students chronically truant.³⁶

It is also important to examine the number of days that these high school students are missing. As Figure 2 shows, while the percentage of high school students who missed between 11 and 20 school days is higher than that for middle school students, there is a dramatic increase in the percentage of students who missed more than 21 days.

For high school students who are disengaged from school, the causes often run deep, including years of academic failure; unidentified and unaddressed learning disabilities; family pressures to find paid employment; the assumption of care-giving roles for siblings, parents, or children; and school climates that make struggling students feel unwanted. The Urban Institute found that DCPS high school truancy rates are strongly predicted by the 8th-grade truancy rates of their incoming students and that there is little variation among DCPS schools in altering the expected truancy rates of their incoming students.³⁷ This led the Urban Institute researchers to suggest that lowering middle school absenteeism may be the most efficient means of reducing high school truancy.³⁸

The following sections will summarize the District’s current anti-truancy efforts and show that focusing on compliance and court referrals is an ineffective way to address the root causes of truancy.

Figure 2: Chronic Truancy Dramatically Escalates In High School³⁹



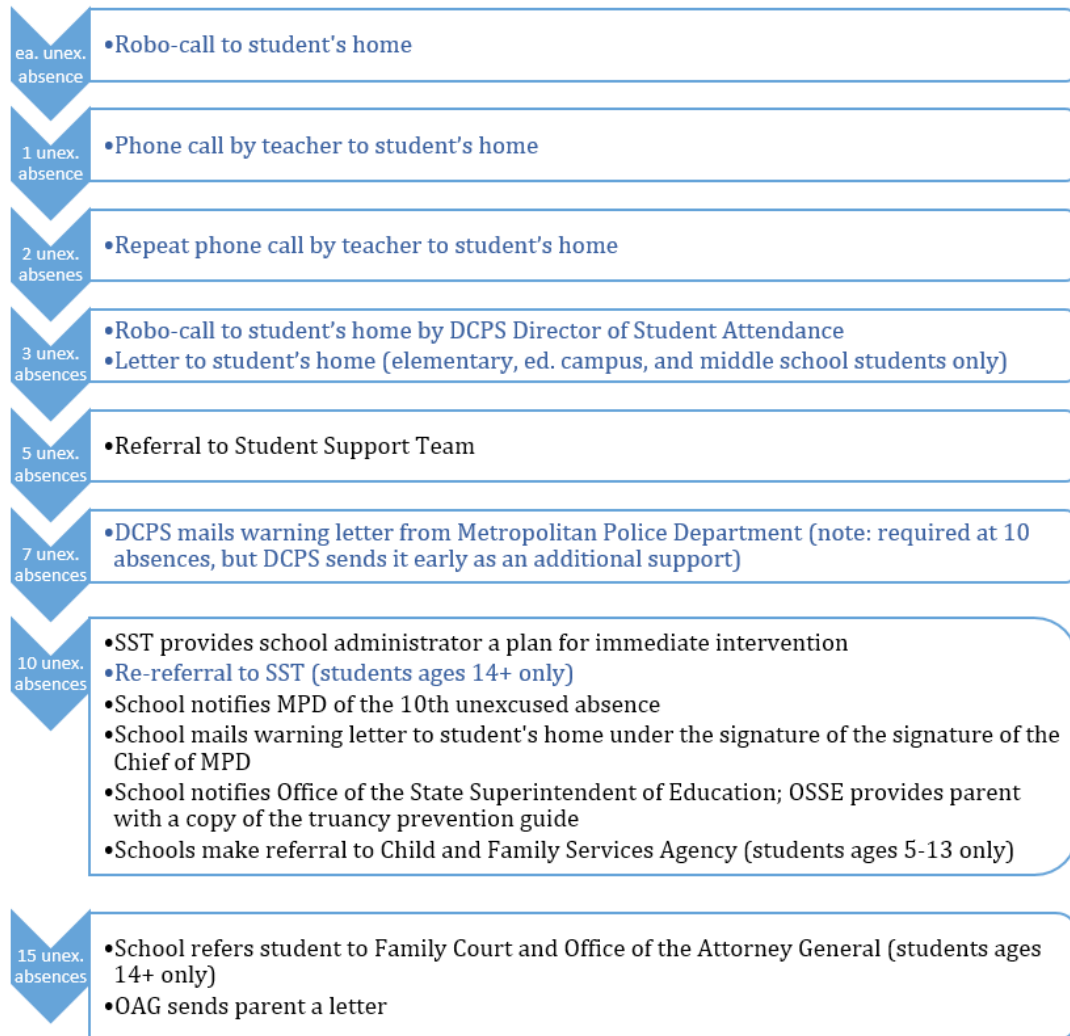
III. DC’s Current Approach to Truancy

The District currently has a number of interventions in place intended to get students with poor attendance back on track. Each intervention is triggered after a certain number of unexcused absences, and some responses differ depending on the age of the student. Schools, the Office of the Attorney General (OAG), the Metropolitan Police Department (MPD), the Office of the State Superintendent for Education (OSSE), the Child and Family Services Agency (CFSA), and the DC Superior Court Family Division (Family Court) are all responsible for carrying out some interventions.

These obligations for schools and agencies come from a number of different sources, including DC law, DC municipal regulations, and DCPS internal policy. The DC Code requires that schools notify government agencies when students reach certain numbers of unexcused absences.⁴⁰ Regulations require that DCPS and charter school operators consider procedures to refer students to Student Support Teams.⁴¹ DCPS policy establishes additional supports that it expects its schools to offer to students with unexcused absences.⁴² See Figure 3 below for a full list of truancy interventions and when they are triggered.

Figure 3: The District’s Current Truancy Intervention Protocol⁴³

Steps in black text are required by statute or regulation of all schools. Steps in blue text are “additional supports” that the DCPS Central Office expects its schools to offer.



IV. Schools Do Not Have the Resources They Need to Meaningfully Intervene

The current regulatory scheme calls for a great deal of intervention at the school level before students or parents are referred to CFSA or the Family Court. Unfortunately, data tell us that this is not happening in practice. Most importantly, regulations require that all schools consider a procedure to refer any student who accumulates five absences to an SST,⁴⁴ defined as “a team formed to support the individual student by developing and implementing action plans and strategies that are school-based or community-based, depending on the availability, to enhance the student’s success with services, incentives, intervention strategies, and consequences for dealing with absenteeism.”⁴⁵

Since the SST is supposed to meet and intervene with the student after five unexcused absences, in all cases students should receive some meaningful school-based or community-based intervention prior to a Family Court referral.⁴⁶ Indeed, DCPS and PCSB have said that they referred only 18% of eligible students to Family Court during SY13-14, “in part, due to a greater focus on the requirements for holding SST meetings prior to the submission of court referrals.”⁴⁷ This is an essential practice for schools to focus on, in order to ensure that students are not unnecessarily criminalized when their poor attendance could have been addressed with proactive early intervention.

However, this practice is not required by either school policy or District statute, creating an unacceptable risk that some students are still being referred to Family Court without having received an SST meeting. Indeed, during SY12-13, some schools made enforcement referrals even for students that never received such a meeting. For example:

- Anacostia High School referred 192 students to Family Court and OAG for chronic truancy, but held only 23 SST meetings;
- HD Woodson High School made 182 referrals with only 2 SST meetings; and
- Spingarn High School made 117 referrals despite holding no SST meetings.⁴⁸

More current data on SSTs and Family Court referrals by school have not been published, so it is not clear whether schools are still making referrals prior to supportive interventions. During SY14-15, DCPS had made 353 Family Court referrals by January 2015,⁴⁹ compared to 196 over the same time period during SY13-14.⁵⁰ It is possible that the rate of SST compliance has increased for these students as well, but current law does not require it, allowing students to be referred to court whether or not they received supportive services to increase their attendance.

DCPS data from SY13-14 showed that 8,105 students were legally required to have an SST meeting through January of 2014.⁵¹ Only 36% of these students had actually received an SST meeting and only 14% had meetings that identified barriers to attendance – the meetings’ stated purpose.⁵² Also, it should be noted that even among this 14%, the data do not tell us whether an attendance action plan was developed or successfully implemented. As a result, even the students who had SSTs in which barriers were identified may not have received any meaningful services or other interventions prior to being referred to CFSA or the Family Court. As DCPS wrote in its performance oversight responses, “[T]his burden is large and we are struggling to comply. . . . As we struggle with our capacity to keep pace with the volume of student absences, it is difficult to determine whether the attendance-related SSTs are having the intended impact of reducing truancy.”⁵³ During the 2014-15 school year through January 2015, DCPS had a compliance rate for holding SSTs of 38%.⁵⁴ The Public Charter School Board does not track compliance with SST referrals at five absences,⁵⁵ so it is not possible to assess the extent to which charter schools are holding SST meetings.

The low rate of compliance with SST meetings calls into question whether students are receiving meaningful school- or community-based intervention prior to court referral. Indeed, the fact that 75%

of Family Court referrals were rejected due to the school's "failure to demonstrate efforts to intervene and abate the truancy"⁵⁶ suggests that they are not.

V. Recent Legal Changes Have Driven a Dramatic Increase in Truancy Referrals and Prosecutions

The Attendance Accountability Amendment Act of 2013 significantly lowered the threshold for court referral of youth suffering from chronic absence. Through school year 2012-13, students who accumulated 25 unexcused absences were referred to court for potential prosecution.⁵⁷ The Attendance Accountability Act lowered the threshold for mandated referral to court to 15 unexcused absences starting in school year 2013-14.⁵⁸ During that school year 4,713 DC students aged 14 and older had more than 15 unexcused absences, and were thus eligible for court referral.⁵⁹ Though precise data on the number of students with 25 unexcused absences have not been published, DCPS and PCSB have said that "the number of students reaching the threshold for referral based on new truancy definitions increased significantly."⁶⁰ The effect of these legal changes was amplified by a regulation adopted in June 2013 that defines missing more than 20% of the regular instructional hours as an absence; previously the threshold was 40%.⁶¹ That is, if a student misses more than 20% of the school day, he or she is considered absent for the full day.⁶²

Family Court data reveal that the statutory changes made by the Attendance Accountability Amendment Act have in fact resulted in a dramatic increase in the number of youth referred to court. In calendar year 2012, the Family Court handled 222 new complaints based on an allegation that the youth was a person in need of supervision (PINS), of which truancy is a subset.⁶³ By contrast, the Court handled 427 PINS cases during calendar year 2013,⁶⁴ a 92% increase.

The increase could have been even larger. In 2013, the Family Court received over 1,000 truancy referral packages from schools, of which 75% were returned to schools for "failure to demonstrate efforts to intervene and abate the truancy."⁶⁵ If the Family Court had accepted all of the referrals from schools and the Office of the Attorney General sought to prosecute all of them, the increase in truancy cases would have been about three times greater than it was. Also, since the new referral threshold mandated by the Attendance Accountability Act was only in effect for one semester during calendar year 2013, these figures likely understate the true year-over-year increase driven by the new rule. Based on these trends, the Family Court is likely to have seen substantial increase in truancy cases for calendar year 2014 as well. Also, during SY13-14, schools only referred 21% of eligible students to Family Court,⁶⁶ further demonstrating the fact that the Attendance Accountability Amendment Act could have caused an even larger increase in court referrals and is likely to do so in the future.

The statistics above underscore the fact that the current PINS system is far smaller than the number of youth with school attendance issues. A similar analysis led the Urban Institute to conclude that "it is simply not feasible for the primary response [to the District's truancy problem] to be based in the Family Court."⁶⁷

The recent emphasis on court referrals has also dramatically increased the administrative burden on school staff responsible for making referrals. DCPS central office staff have acknowledged that "for the past two years we have focused much of our efforts on ensuring increased compliance with the required referrals to CFSA and [the Family Court Social Services Division]" and specifically noted that schools are struggling with high school referrals.⁶⁸ PCSB staff similarly described the shift from requiring referrals at 25 days to requiring them at 15 days as a "pressure point" on charter high schools.⁶⁹

In short, the Attendance Accountability Amendment Act dramatically increased the amount of time that attendance counselors spend on referral paperwork and the number of students being referred to court for poor school attendance.

VI. The District Should Prioritize School- and Community-Based Supports Over the Threat of Court Sanctions

There are no studies that find court-based responses are the most effective way to respond to truancy. In 1995, Washington State passed the “Becca Bill,” which required that students be petitioned in truancy court when they reach a certain number of specified absences.⁷⁰ The Washington State Institute for Public Policy (WSIPP), a state-funded nonpartisan research agency, found that students petitioned for truancy, compared to their non-petitioned peers, had worse attendance in the following year, had higher dropout rates, and committed more crimes.⁷¹

Rigorous quantitative research on the effects of court-based truancy interventions is rare. A 2009 WSIPP meta-analysis identified just one evaluation of a court-based truancy intervention that utilized a methodology sufficiently rigorous to quantify the intervention’s effects.⁷² A 2012 meta-analysis conducted by the Campbell Collaboration, an international research group specializing in systematic reviews, found only three evaluations of court-based truancy interventions that utilized random assignment or quasi-experimental designs.⁷³ The Campbell team found insufficient evidence to conclude whether court-, community-, or school-based truancy interventions were most effective.⁷⁴

Though there is little research on the impact of court-based truancy intervention, there is a robust literature on interventions with youth who have committed low-level delinquency offenses. That research consistently finds that community-based programming is more effective at preventing recidivism than formal court intervention.⁷⁵ As the Vera Institute of Justice advises, “If community-based approaches are more effective in delinquency cases, it stands to reason that they are also a better option than court in cases involving young people who are acting out but haven’t committed a crime.”⁷⁶

Defenders of the District’s new, lower court referral threshold might point to the fact that school absence has decreased since the law went into effect. From SY12-13 to SY13-14, DCPS in-seat attendance increased 2% and chronic truancy decreased 33%.⁷⁷ However, these decreases are insufficient to prove that court referral is working. The District implemented many changes simultaneously: DCPS added additional supports and increased emphasis on SST meetings;⁷⁸ the Justice Grants Administration somewhat expanded the availability of community-based services⁷⁹ and launched a pro-attendance public awareness campaign;⁸⁰ and school systems increased their use of attendance data to evaluate schools and principals.⁸¹

All of these changes took effect during the same school year, making it very difficult to parse out how much of the decrease in chronic truancy might be due to any individual program. Also, it is important to keep in mind that during the 2013-14 school year, only 967 students were actually referred to the Family Court⁸² and – given that approximately 75% of referrals were rejected⁸³ – only about 250 of those referrals were accepted, with probably even fewer receiving court-ordered intervention. Coupled with the fact that there is no publicly available information either tracking the attendance of students before and after they were referred to court or comparing the attendance of students referred to court to that of similarly-situated students who were not referred, there is insufficient evidence to ascribe recent attendance increases to the lower court referral threshold that took effect at the start of the 2013-14 school year.

In addition to the lack of evidence supporting court-based responses, there are many reasons generally to prioritize school-based interventions. First, courts are often overburdened, slow to hear cases, and expensive to operate.⁸⁴ Second, the primary tool available to judges hearing truancy cases is a court order to attend school, backed up with the threat of detention.⁸⁵ Note that this approach does nothing to address the root causes of truancy such as academic difficulties, transportation, student health, neighborhood safety, and housing instability. Third, placing a truant student in a secure facility with youth who have committed more serious delinquent acts is likely to further disrupt the student's connection with school and only contribute to future misbehavior.⁸⁶ Indeed, there is some evidence that even court intervention resulting in community placement with no supervision increases the likelihood of future offending.⁸⁷

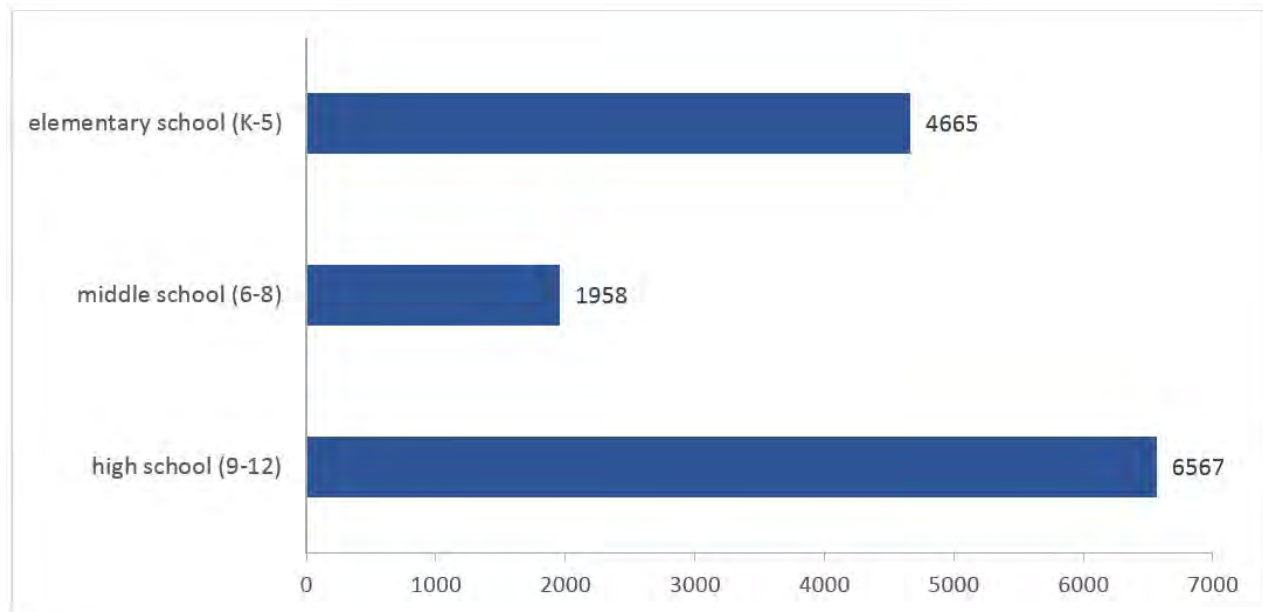
The National Center for School Engagement evaluated seven federally-funded truancy prevention programs and found that interventions could prompt short-term return to school, but that “[students] become truant again or drop out-of-school unless specific efforts are made to reengage them in school and support their academic achievement.”⁸⁸ That is, anti-truancy interventions such as the threat of court sanctions may temporarily increase attendance, but they are insufficient unless paired with a positive school climate, meaningful relationships with school staff and peers, proactive efforts to ensure that school is meeting the student's individual needs, and high-quality instruction. Investing in the programs necessary to promote genuine school engagement is the only long-term solution to poor school attendance.

Findings similar to the above have prompted states including Connecticut, Florida, Massachusetts, New York, Louisiana, and Washington to adopt models that keep more truant youth out of court and instead provide them with a quick response, an intervention plan tailored to the youth's individual needs, and accessible high-quality services.⁸⁹

VII. Effective Truancy Prevention Requires a Larger Investment in School- and Community-Based Supports

The District has begun to recognize the magnitude of the city's school engagement crisis and has instituted various programs in an attempt address it. In 2011, Mayor Gray formed the Truancy Taskforce to "leverage and coordinate truancy reduction programs and services across the District."⁹⁰ The group has made progress in establishing baseline data for truancy rates, streamlining the data collection process, and analyzing those numbers by ward and grade level. For example, Figure 4 shows the number of chronically truant students by school type, based on Taskforce data. These thousands of students are at risk for CFSA or Family Court referral and should receive school- and community-based supports.

Figure 4: Most Chronically Truant Students Are in High School⁹¹



The Taskforce has piloted some programs that provide services to children and families struggling with the underlying issues that lead to absenteeism. Unfortunately, there is not yet a citywide strategy to evaluate these pilots and scale up the ones that are working so that the thousands of children and families who need services and support may access them. This leaves the District with a variety of patchwork programs that are not coordinated to serve all students in the District or adequately evaluated. Further, due to the few resources allocated to these programs by the District, the number of students served by these programs has been a fraction of the number of students struggling with attendance issues.

Current programs or initiatives operating under the coordination of the Truancy Taskforce include the following:

- **Alternative to the Court Experience (ACE) Diversion Program:** ACE is an interagency initiative run by PASS with DBH in collaboration with community-based behavioral health service providers. It launched in the summer 2014 and offers a range of diversion services, including behavioral health treatment, as alternatives to prosecution for youth who are facing truancy or delinquency charges.⁹² Between June and November 2014, the program received approximately 140 truancy diversions.⁹³

- **Parent and Adolescent Support Services (PASS) Program:** The Mayor allocated \$1 million to the Deputy Mayor for Health and Human Services in the FY14 budget for truancy reduction and it was used to expand the PASS program. The program is run by the Department of Human Services. The additional funds are being used to serve students who are first-time or repeat 9th graders at Anacostia and Dunbar Senior High Schools, and middle school students at Maya Angelou and Friendship Public Charter School.⁹⁴ As of November 2014, PASS reported capacity to handle 300 cases per year, though some cases are based on allegations of running away, curfew violations, or extreme disobedience rather than truancy.⁹⁵ In FY14, PASS closed 67% of its cases successfully.⁹⁶
- **Show Up, Stand Out:** The Justice Grants Administration's community-based truancy reduction demonstration project has served over 2,500 students in 45 elementary and middle schools⁹⁷ and is projected to serve over 5,000 students in SY14-15.⁹⁸ The program connects families of elementary-school students with frequent school absences to community-based services that promote attendance⁹⁹ and provides in-school activities for middle school students to increase their engagement with school.¹⁰⁰ An evaluation of the program's first year found that 73% of the students who came in contact with the program in SY12-13 increased their attendance from SY11-12. Of the 99 students who received comprehensive services through the program, 79% increased their attendance from the year before they were referred to the program, with the attendance increases ranging from 1% to 69%.¹⁰¹
- **Summer Youth Employment Program (SYEP):** The Taskforce partnered with the Department of Employment Services to implement an attendance policy for SYEP. During summer 2013, for the first time in SYEP's history, school attendance was tied to a student's eligibility for the program.¹⁰²
- **Transportation Subsidies:** The Department of Transportation has expanded its Student Transit Subsidy Program to include free bus services for DC students¹⁰³ because data showed that lack of access to free transportation was a barrier for many students attending school. However, the program does not provide free travel on Metrorail,¹⁰⁴ a limitation that continues to be identified as an attendance barrier in SST meetings.¹⁰⁵
- **Truancy Intervention and Prevention Mediation Pilot Program:** DCPS has entered into a memorandum of understanding with ACCESS Youth to pilot truancy intervention after five absences with students at H.D. Woodson and Ballou High School. An ACCESS Youth attendance counselor holds a mediation session with the student and his or her parents to identify the root causes of poor attendance and develop an attendance plan. This is followed by weekly check-ins and student participation in activities designed to promote attendance and pro-social behaviors.¹⁰⁶ During the 2014-15 school year, the pilot is projected to 120 students.¹⁰⁷

The Taskforce also oversaw the implementation of the Truancy Court Diversion Program and the High School Case Management Program (Truancy Case Management Partnership Initiative). The Truancy Court Diversion Program, which began in FY12 and was managed by the Criminal Justice Coordinating Council, served a total of 65 students.¹⁰⁸ The High School Case Management Program, a partnership during FY12-13 between seven DCPS high schools that had high chronic truancy rates, served 81 students in its final year of operation.¹⁰⁹ Both of these programs ceased after one or two years.¹¹⁰

Most of the programs above were designed to meet some of the root causes of poor school attendance. However, these early intervention programs have only been made available to a small fraction of the students at risk of chronic absence. In SY13-14, 10,265 students were eligible for a referral to either CFSa or Family Court,¹¹¹ but far fewer received either SST-based services or a referral to one of the above programs. For comparison, Show Up, Stand Out, the largest program by far, served only 3,195 students during FY14.¹¹²

Without a comprehensive strategy to evaluate existing programs and make them available to the thousands of students who need them, the root causes of poor school attendance will continue to go unaddressed, and the number of students chronically absent from class will remain stubbornly high.

VIII. Recommendations for Improving Student Engagement and School Attendance

Decreasing truancy requires addressing the root causes of school absence. Policy-makers' goal should be to improve school climate at high-truancy schools and strengthen early interventions that take effect before children become disengaged and chronically absent. At the earliest signs of attendance problems, someone must identify the reasons that the student is not attending school and respond with targeted supports and services. The people best positioned to identify the problem and connect students and families to service are school-based staff. School is the place where we want the student to feel connected. While the school should be the center of any attendance-related work, there must be better coordination among school social workers, administrators, teachers and parents as well as non-school staff including mental health professional and other social service providers.

1: Improve school climate and student engagement at high-truancy schools.

Students who are engaged in school are more likely to attend class, have strong academic performance, and use their out-of-school time in productive ways.¹¹³ Students are more likely to be engaged if they have clear and consistent classroom goals, strong academic and interpersonal support from their teachers, and interesting classwork.¹¹⁴ District schools should create whole school environments that are welcoming places where student absences and discipline are handled in an appropriate manner. A positive school climate serves as a universal intervention (i.e., an intervention that all students receive) regardless of whether they have attendance issues. Schools should also take steps to reduce their rates of exclusionary discipline by using alternatives that keep students connected to school.¹¹⁵

Schools with high rates of absence may need additional funding or technical assistance to improve their school climate and student engagement. Policy-makers should develop initiatives to provide such schools with opportunities to evaluate their current school climate and to develop and implement an action plan for its improvement.¹¹⁶ The recommended changes might include a comprehensive strategy like Positive Behavioral Interventions and Supports¹¹⁷ or restorative justice.¹¹⁸ They also might include more targeted approaches like academic assistance for struggling students, home visiting to engage families, or allowing pupils an active role in classroom goal-setting to improve student engagement.¹¹⁹

2: Strengthen existing school-based early interventions.

The District should fully fund and meaningfully implement the early school-based attendance interventions required by current law. Chief among these is the SST meeting. DCPS schools are not holding SST meetings in the majority of required cases, and the central office states that it cannot achieve compliance under the current staffing model.¹²⁰ PCSB does not collect data on whether its schools are conducting SST meetings or other interventions prior to inter-governmental referrals.¹²¹ However, the schools found during SY13-14 that "the number of students requiring CFSA referrals decreased due to the intensive focus on SST supports."¹²² This suggests that improving existing supports would decrease the need for referrals to CFSA or the courts.

The District should provide funding for the staff time necessary to robustly intervene with

students and families prior to CFSA or Family Court referral. The recommendations below would help ensure more consistent school implementation to existing interventions.

- Require each DCPS or PCSB school to provide a yearly narrative report to OSSE summarizing their approach to chronic absenteeism. The report should include information on any attendance procedures or programs that the school has in place. These reports should be made available online and updated at least once each year.
- Provide additional funding for schools to hire the staff necessary to hold meaningful SST meetings.

3: Implement evidence-based programs proven to reduce truancy.

There are many evidence-based programs that have been proven to reduce truancy. A menu of programs should be available from which schools could select the most appropriate option for their specific community. A central authority – such as OSSE, DME, or the Truancy Taskforce – should oversee the implementation in a structured manner so that programs are implemented with fidelity, properly evaluated, improved from year to year and replaced if they prove unsuccessful. Some well-regarded programs include:

- Check and Connect;¹²³
- Positive Behavior Interventions and Supports;¹²⁴
- Big Brothers, Big Sisters;¹²⁵ and
- Career Academies.¹²⁶

In addition to the above programs, which all have a strong evidence base and long track record, there are a multitude of interventions backed by established theory and some quantitative evidence.¹²⁷ If a school wants to pursue such a program, it should partner with a university or evaluation firm to conduct an analysis of the program's effects. Such an approach ensures that the District is either implementing evidence-based programs or testing new programs to determine whether they are effective enough to justify continuation.

The Justice Grants Administration's Show Up, Stand Out program is a promising home-grown initiative that has theoretical support and some quantitative evidence suggesting that it has a positive impact on student attendance.¹²⁸ We encourage the District to continue its efforts to scale up the program and evaluate its effects. Limitations of the program's initial evaluation include the lack of an appropriate comparison group and the fact that the evaluation does not report the program's average effects. Future study should quantify the program's average effects and include a cost-benefit analysis.

There is an especially large gap in pro-attendance programming for high school students. As mentioned in section two, the Urban Institute found evidence that intervening with middle school students to increase their attendance might be the most efficient way to lower high school truancy rates.¹²⁹ This supports the District's focus on programming for elementary and middle school students like Show Up, Stand Out. However, it does not support the District's decision to increase court referrals for older students. Given the lack of evidence in favor of court referral, and concerns that court referral unduly criminalizes youth, such referrals should not be made prior to the provision of supportive services designed to address the root causes of truancy.

In short, if the District is to maintain its policy of referring high school students to the juvenile justice system for poor school attendance, it is essential as a matter of fairness and efficient policy that those same high school students be given early non-punitive interventions. This will require additional funding to scale an existing program like the ACCESS Youth Truancy

Intervention and Prevention Mediation Pilot Program or to hire more attendance counselors to conduct SST meetings in high schools.

4: **Expand mental health services to all schools.**

While most mental health interventions do not have a primary goal of reducing absenteeism, it is a secondary goal of many interventions. One of the underlying needs of many students and families experiencing truancy is unaddressed mental health issues.¹³⁰ Additionally, improving services for children with mental health needs generally improves their classroom behavior, which decreases the likelihood that they will be given out-of-school suspensions.

In addition to school social workers and psychologists employed by the schools themselves, the Department of Behavioral Health's School Mental Health Program (SMHP) provides prevention, early intervention and clinical services to children of all ages in the District's schools.¹³¹ Currently, in the 2014-2015 school year, the program operates in 61 schools.¹³² Funding through the FY2015 budget is only sufficient to locate the program in 77 schools which is 36% of all schools.¹³³ The South Capitol Street Memorial Amendment Act of 2012 set a goal of having mental health programs available to 75% of DC students by school year 2015-2016 and all students by 2016-2017.¹³⁴ The District should provide the additional funds necessary to meet this goal.

In addition, DCPS now offers several evidence-based mental health programs.¹³⁵ Pilots of these programs found very encouraging results in terms of reduced symptomology and improved behavior.

- **Mental Health Consultation:** a voluntary program now available in all schools that allows teachers to have weekly meetings with social workers to strategize about children demonstrating challenging behaviors.¹³⁶ A 2012 pilot of the program in 18 elementary schools demonstrated that 90% of students who participated in the program improved their behavior.¹³⁷
- **Cognitive Behavioral Intervention for Trauma in Schools (CBITS):** a ten-session group intervention aimed at providing trauma-based therapy to students with Post-Traumatic Stress Disorder. It is now available at all DC middle schools, two alternative schools and six education centers.¹³⁸ A 2012 pilot in three middle schools found that students who participated in CBITS had improved attendance, behavior and functioning and a decrease in their post-traumatic stress symptoms.¹³⁹
- **Structured Psychotherapy for Adolescents Responding to Chronic Stress (SPARCS):** social workers provide group therapy for students in the midst of difficult situations who are experiencing complex trauma. The program, also used by DYRS, teaches children how to cope effectively and deal with adversity. The program is now available in all DC public high schools, nine middle schools, five education campuses and four alternative schools settings.¹⁴⁰ A 2012 pilot in six high schools found that SPARCS improved attendance, behavior and functioning and decreased post-traumatic stress symptoms for participants.¹⁴¹

The District should ensure these programs are offered to students in our charter schools as well as DCPS. DCPS schools that are already offering these services should ensure that all students who are eligible for these programs are able to access these services before they become chronically absent.

5: Revise the “80/20 rule” to allow schools to better distinguish between students who are chronically tardy and chronically absent.

The regulation that defines missing more than 20% of regular school hours as an absence¹⁴² is colloquially known as the “80/20 rule.”¹⁴³ At schools using block scheduling, a single class period can make up more than 20% of the school day, so students who are even one minute late to first period must be marked absent for the whole school day.¹⁴⁴ This rule, combined with the new, lower threshold for chronic truancy, can cause a student who is late once each month of the school year to be classified as chronically truant. The 80/20 rule thus limits schools’ and other agencies’ ability to distinguish between students with serious chronic absence problems and less serious chronic tardiness.

For comparison, in both Montgomery County¹⁴⁵ and Arlington County¹⁴⁶ public schools, three late arrivals constitute a single absence in the high school grades. Baltimore City Public Schools’ policy is to count students as present for the full day if they attend more than four hours and for a half day if they attend between two and four hours.¹⁴⁷

OSSE and the State Board of Education should work with principals, students, teachers, parents, and other stakeholders to craft a rule that works better in practice and ensures that intensive attendance interventions go to the students who most need them.

6: Require meaningful school- or community-based intervention before students can be referred to court for poor school attendance.

Prior to the passage of the Attendance Accountability Act, youth were referred to Family Court for truancy when they accumulated 25 unexcused absences. Under the new law, youth are now referred to court at 15 unexcused absences. This change has dramatically increased the amount of time school attendance counselors must spend filling out truancy paperwork, flooded the Family Court with truancy referrals, and entangled hundreds more youth in court supervision.

The court is fundamentally ill-suited to address the root causes of poor school attendance, and also lacks the capacity to process the thousands of youth who accumulate 15 absences each year. At present, truancy cases are a small slice of what the Family Court does. If every youth who accumulated 15 unexcused absences was petitioned, truancy cases would become the primary work of the Family Court.¹⁴⁸ Such a change would require an expansion or dramatic restructuring of Family Court personnel. Increasing the Court’s responsibility for school attendance in this way would be ill-advised given the lack of evidence favoring court-based truancy interventions and the potential negative effects of court supervision.

On these grounds, we recommend two statutory changes: 1) that a school’s failure to provide school- and community-based interventions be made an affirmative defense to truancy petitions, and 2) that schools be prohibited from referring students to court absent such intervention. That is, a student should not be subject to court sanctions for chronic school absence if his or her school failed to identify the root causes of those absences and provide meaningful services to abate them. In particular, if a school did not hold an SST meeting and implement the SST’s action plan to improve the student’s attendance, the courts should not punish that student for exceeding the absence threshold.

These changes would both encourage schools to offer meaningful early intervention services and protect the rights of students referred to court for attendance matters.

Conclusion

The District's current anti-truancy efforts require court referrals for many students, but do not provide all of those students with the early intervention services that address the root causes of poor school attendance. The District is expending valuable resources on compliance and court referrals that should be used to give schools the support they need to create welcoming and engaging school communities and to expand community-based services. The court system has neither the necessary size nor the appropriate tools to get DC students to attend school. Instead, the District should empower schools and community-based organizations to address the underlying causes of school absence and offer individually crafted solutions to get students back into the classroom.

The District has made some promising efforts to provide school- and community-based supports that address the root causes of truancy, such as the Show Up, Stand Out program. These programs, however, do not come close to serving all the students with poor school attendance. The District should strengthen its efforts to scale up good programs and services as required to meet the District's school engagement crisis. Putting in place quality programs and making them available to the many students who need them will be a significant undertaking. But it is a necessary one if the District is truly committed to ensuring that students are in the classroom, receiving an excellent education and preparing for successful adulthood.

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DC Lawyers for Youth (DCLY) is a non-profit action tank that seeks to improve the DC juvenile justice system by advocating for reforms that promote positive youth development, effective legal representation, and supportive relationships between the community and DC's youth.

Children's Law Center (CLC) fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to be the voice for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 8 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

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