



616 H Street, NW · Suite 300
Washington, DC 20001
T 202.467.4900 · F 202.467.4949
www.childrenslawcenter.org

**Testimony before the District of Columbia Council
Committee of the Whole & Committee on Education
February 12, 2013**

Hearing on *Attendance Accountability Amendment Act of 2013*

**Judith Sandalow
Executive Director
Children's Law Center**

Good morning, Chairman Mendelson and Councilmember Catania and members of the Committee. I am Judith Sandalow, Executive Director of Children's Law Center (CLC),¹ the largest non-profit legal services organization in the District of Columbia and the only such organization devoted to a full spectrum of children's legal services. Every year, CLC serves more than 2,000 low-income children and families, and through this work we interact with many children struggling to attend school regularly.

First, I have to thank you, Chairman Mendelson, for reinstating the Committee on Education. For many years we have been advocating for a return of this committee so that the needs of the District's students can be better addressed by the Council. And I am pleased that you, Councilmember Catania, are chairing this Committee. I know you will bring your drive and keen oversight skills to this position. You have already demonstrated your deep commitment to these issues through the South Capitol Street legislation. Several reports and plans required under that legislation are due to the Council in the upcoming months, including details from the schools about their truancy interventions. It will be extremely helpful to have such detailed information about the underlying causes of truancy, the recommended interventions and if they were implemented.

I am pleased to have this opportunity to testify on the *Attendance Accountability Amendment Act of 2013*. Truancy is huge problem for the District and I am glad the issue is finally being addressed with such seriousness by so many in our government. Chairman Mendelson your decision to place truancy in both the Committee of the Whole and the Committee on Education makes it clear that this will be a focus for the council.

The District has taken some steps to address truancy, primarily through the work of the Truancy Taskforce. In the past year the Taskforce has done some good work bringing together the leaders of many agencies and organizations to work on solutions to truancy. The Taskforce has uncovered some simpler reasons children are not getting to school such as lack of money for

uniforms and transportation – for which the District ought to come up with quick solutions – and other problems which are more complex and thus will take longer to solve. The Taskforce has also overseen two specific programs to combat truancy. The Truancy Court Diversion Program (often referred to as the “Byer Model”) is now in six middle schools. And the Case Management Partnership Intervention is now in seven high schools (50% of the students who are truant attend these high schools).² Last year, the first year these programs were in place, the results were mixed.³ While there is room for improvement in the implementation and scope of these programs, we urge continued use of these and other programs that are similarly based on successful models and focus on the underlying causes of a student’s absences and on connecting the student and family to appropriate resources, while also holding the child and parent accountable.⁴

Ensuring that all children are attending school every day is extremely important as a foundation for their future success. Appropriately in this legislation schools remain the first place truancy issues are tackled. Children are truant for a wide variety of reasons and understanding the complex and varied factors that lead to truancy is critically important to crafting appropriate intervention strategies. The District needs to do more to intervene early before children become chronically absent and drop out of school. The student, parents, teachers and other staff who work with the child on a regular basis should be the heart of any truancy reduction effort, and current regulations require all schools to have a robust intervention system.⁵

Another critical problem which contributes to truancy is the over-reliance on school exclusions – suspensions and expulsions – by District of Columbia Public Schools (DCPS) and the charter schools. As you recently said in an e-letter, Councilmember Catania, “[i]f our students are not in the classroom, they will not learn.”⁶ You are right and I applaud you and your colleagues for recognizing the other side of the truancy coin and including in the legislation a call for a report with

recommendation on how to eliminate out of school expulsions. We urge you to expand this section including by adding suspensions to the required report.

I do have several other suggestions for changes to the bill that I believe will make it more effective in accomplishing the goals. I recognize your concern that if the school's efforts to re-engage the student are not working, you would like another agency to make sure children and families aren't falling through the cracks. However, for older children the Child and Family Service Agency (CFSA) is not the best agency to serve that function. Research shows that the positive effects of reporting educational neglect fades as children grow older.⁷ That finding makes intuitive sense – when a first grader misses a significant number of days of school, something is likely going on with her family. But when a 13-17 year old misses school, it often has to do with issues beyond the parents' control – a teenager's struggle to learn or feel engaged in school, or a mental health issue, dating violence or neighborhood safety. Of course, these are all serious issues that need to be addressed, but CFSA – an agency designed to deal with abuse and neglect by parents – is not well-positioned to address them. Further, as a practical matter, CFSA does not have the capacity to respond to the increased referrals. CFSA is already having difficulty responding to the educational neglect referrals for children under 13 years old. The agency is under Court order in *LaShawn* that limits how many cases an investigating social worker can carry.⁸ Requiring CFSA to handle investigations for children 13 to 17 would be very expensive.

Rather than refer the older youth to CFSA, we suggest either utilizing existing services or creating a unit within the Department of Human Services or the Office of the State Superintendent of Education that would investigate the obstacles that are preventing youth from attending school, why the school-based teams are unable to resolve them, and put in place appropriate community-based supports. The staff in these units would be educational specialists, rather than abuse and neglect specialists, and would be trained on how to re-connected teenagers to school and how to

break down the many barriers that make this a challenging process. Having specialists who would focus on educational engagement would be a more efficient and effective way to provide a check on the schools.

In addition, I suggest modification to the mandatory prosecution provision of the bill. Court may be a useful tool when a parent knows his or her child is not attending school and is uninterested or unwilling to help solve the problem. The legislation as drafted does not provide either an affirmative defense or an exception to prosecution when a family is engaged and making efforts and progress, but has not been able to address all the barriers at the 20 day mark. Many times, a parent and/or student is working with the school or service provider but the underlying reasons for the student's absences can't be addressed in just a few days. For example, if a student support team or other provider has determined the student needs mental health services and linked that family with an appropriate clinician, the child's behavior usually does not change overnight. It can take weeks for even the best clinician get a severely depressed teenager to a place where he or she is able to attend school regularly again. Therefore we suggest modifying the legislation to make sure court sanction is used when appropriate and effective.

Lastly, to be effective the resources necessary must be invested in this effort. First, I urge you to ensure full funding and staffing in the schools to comply with the truancy interventions required by current law. Second, for this legislation to be effective, we will need to expand evidence based programs that reduce truancy and increase staffing and resources for the agency charged with stepping in when school interventions fail. Finally, we will need to fund an array of services to help families address challenges that keep children out of school; for example mental health and substance abuse issues, lack of transportation, childcare and stable housing. We must commit the funds necessary to meet these critical needs or our truancy reduction efforts will not succeed.

In conclusion, thank you for bringing a sense of urgency to this issue and working to ensure our children are in school, prepared to learn and succeed. I look forward to working with and your staff as this legislation moves forward. Thank you for the opportunity to testify today. I look forward to your questions.

¹ Children’s Law Center works to give every child in the District of Columbia a solid foundation of family, health and education. We are the largest provider of free legal services in the District and the only to focus on children. Our 80-person staff partners with local pro bono attorneys to serve more than 2,000 at-risk children each year. We use this expertise to advocate for changes in the District’s laws, policies and programs. Learn more at www.childrenslawcenter.org.

² D.C. Truancy Taskforce Steering Committee, *D.C. Truancy Taskforce Report and Strategic Plan, 16* (February 6, 2013).

³ The Urban Institute’s evaluation of the Truancy Court Diversion program found that the program “seems to hold promise for positively intervening in the lives of students at risk for chronic truancy and their parents, and possibly improving their school attendance and academic performance. However, the pilot suggests that program implementation could be considerably improved, and that structural changes would be necessary for the [program] to have the potential to affect the truancy of a substantial number of students” Megan Cahill, Akiva Liberman, *Evaluation of the Truancy Court Diversion Program in the District of Columbia, 2011-2012, District of Columbia Crime Policy Institute, Urban Institute ii* (September 2012). The Urban Institute’s evaluation of the Truancy Case Management Partnership Intervention program found the program was not reducing truancy on a scale that would “warrant expanding the program in its present form,” but that the program seems a “worthwhile platform for additional program experimentation to reduce chronic truancy.” Akiva Liberman et al. *Interim Evaluation of the Pilot Program of the Truancy Case Management Partnership Intervention in the District of Columbia, District of Columbia Crime Policy Institute, Urban Institute ii* (July 2012).

⁴ American Bar Association, Standing Committee on Substance Abuse, Truancy, Literacy and the Courts, *A User’s Manual for Setting up a Truancy Intervention Program* (2001). In addition to the Byer model, several evidence-based mental health interventions are also shown to reduce behaviors which lead to truancy, for example Functional Family Therapy, Multi-Systemic Therapy and Parent Child Interaction Therapy. For information on Functional Family Therapy <http://www.ffinc.com>. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Justice Bulletin: Functional Family Therapy*, (December 2000). *See also* Mary Terzian and Kassim Mbwana, *What Works for Parent Involvement Programs for Adolescents: Lessons from Experimental Evaluations of Social Interventions*, *Child Trends* (December 2009). For information on Multi-Systemic Therapy <http://www.mstservices.com/>

⁵ 5 D.C.M.R A-2100 et seq.

⁶ News from DC Councilmember David A. Catania, Email (February 5, 2012).

⁷ Anita Larson, Tim Zeul, et al., *Are Attendance Gains Sustained? A Follow-up on the Educational and Child Welfare Outcomes of Students with Child Welfare Involvement for Educational Neglect*, *Children & Schools*, V.33, N. 1 15 (2011).

⁸ Each worker conducting investigations of reports of abuse or neglect may not exceed 12 investigations at any one time. IEP citation I.D.25.a. *LaShawn A. v. Gray*.