
SENATE JOINT RESOLUTION NO. 5
INTRODUCED BY T. SCHMIDT

Youth Court Section 41-5-103, MCA, Definitions:

(21) HABITUAL TRUANT is defined as "Recorded absences of 10 days or more of unexcused absences in a semester or absences without written approval of a parent or a guardian.

Under this definition, children may miss up to **20** complete days of school during a school year (**about one month of school**) before the State of Montana requires that communities become involved in the education of their children. Besides those 20 days of unexcused absence, children may

- Miss full/partial days excused by parents
- Miss partial days unexcused, i.e. can come for one period and leave or come late missing all periods but their last one.

For example, NMS in Great Falls, Montana, has a seventh grader who has been present for 56 days of school, missed 26 days of school, and been late for 13 of the 56 days present. That means that this young lady has fully attended only 34% of the school days possible so far this year. Needless to say, she is failing her school subjects. Yet, according to present state standards, this blatant failure to attend school is acceptable.

No one would argue that attending school for 34% of the time allotted for school could possibly ensure that this young lady or those like her are a quality education. All of the hard work of this session's legislators in identifying and funding quality education will go to waste if students are not required to attend school for more than 34% of the time.

SENATE JUDICIARY
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Children with such attendance records are at risk. According to S. E. Wells (1990) in At-risk Youth: Identification, Programs, and Recommendations, poor attendance is one of the best predictors of whether students will drop out of school before graduation. In 1998, approximately 31% of students in the Western portion of the United States dropped out of school before graduation. High school dropouts were about 3 times as likely to slip into poverty when compared to those who finished high school. In 1990, 82% of America's adult prison population reported that they were high school dropouts.

Communities are at risk when children do not attend school. In 1991 and again in 1993, in Dade County, Florida, grand juries found that excessive truancy was one of the three traits its most serious juvenile offenders had in common. High rates of truancy are linked to high daytime burglary and vandalism rates. In San Diego, 44% of violent juvenile crime occurred between 8:30 a.m. and 1:30 p.m. Children with high truancy rates have low achievement rates, and low achievement rates are closely linked to substance abuse, delinquency, and early sexual intercourse according to the Colorado Foundation for Families and Children. Communities pay when children are not in school.

Even when a Montana child actually does miss 10 complete days out of 90 (not counting the partial absences and excused absences) and is referred to Youth Court following Youth Court statute, community agencies like Social Services, Youth Court, and the County Attorneys are often unable to deal with those children because, representatives of the agencies contend, they lack the funding and staff to deal with status offenders. **So, community prevention/intervention actions do not occur.**

And yet, research shows that it is just such community action that is required to ensure a quality education for all students. In Increasing Student Attendance: Strategies from Research and Practice, published in June of 2004, the Northwest Regional Educational Laboratory states, "It is well known that a most important key to children's academic success is having them attend school on a regular basis. To emphasize this, the federal government has made attendance an 'additional indicator' for elementary and secondary schools to meet Adequate Yearly Progress of No Child Left Behind." Montana uses attendance as such an indicator although it has not yet decided its target attendance rate. Among other recommendations, Northwest Regional Educational Laboratories suggests that schools "collaborate with local law enforcement, community organizations, mentoring programs, and social services" to reduce truancy rates.

OJJDP (Office of Juvenile Justice and Delinquency Prevention, "Legisbrief," June/July 2003) funded an evaluation of seven national truancy reduction programs across the country and then identified several elements of effective truancy reduction programs:

- Parental involvement;
- continuum of services, including truancy courts, tutoring and academic supports, in-school suspension programs, consequences, and supports;
- Collaboration of law enforcement, mental health, mentoring, and social services;
- School administrative support and commitment to keeping youths in the educational mainstream; and
- continuum of services, including truancy courts, tutoring and academic supports, in-school suspension programs, consequences, and supports;
- Collaboration of law enforcement, mental health, mentoring, and social services;
- School administrative support and commitment to keeping youths in the educational mainstream; and
- On-going evaluation.

A review of truancy legislation around the western United States indicates that most states have truancy statutes that reinforce the OJJDP recommendations. Here are some examples.

- **California** defines truancy as any unexcused absence for all or part of a day. The community becomes involved after three such truanies. Families receive help from community agencies with support from the legal system. Children must attend continuation education classes; teens can lose their drivers' licenses; parents can face fines and court-ordered counseling.
- **Colorado** requires attendance unless an acceptable excuse is offer. Courts may compel compliance with a fine up to \$25 per day or confine the parent in county jail until compliance is achieved.
- **Washington** enforces a \$25-a-day fine for each unexcused absence and/or an attendance officer may, through the school district's attorney, petition juvenile court to assume jurisdiction. • **Oregon** passed an ordinance that prohibits children between the ages of 7 and 18 from being in public places during school hours and allows police officers to give warnings, return students to school, or cite the students for violation of the ordinance.

Given the present political climate in our nation with the mandates of No Child Left Behind and in our state with the Supreme Court mandating a definition of quality equal education for all of our children, our statutes need to enforce a standard of school attendance better than allowing our children 20 days of unexcused. Our statutes need to mandate truancy prevention/intervention community-based programs that mirror best practices described in research and used by states around the nation. Certainly, our state can do better ... for its children, its communities, and itself ... with regard to truancy legislation.

The interim study on the issue of requested by Senator Schmidt is an excellent way to begin the process of guaranteeing a quality education for all of Montana's children. Please vote to approve and fund that study.

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