SENATE EDUCATION
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Truancy Information

Prepared for

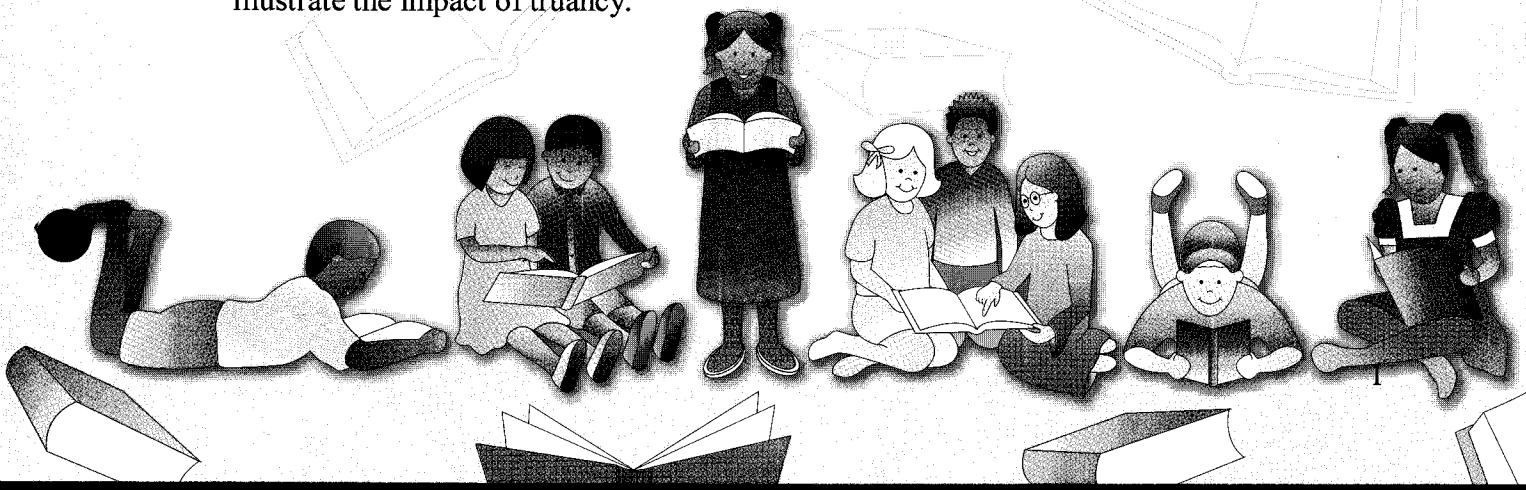
The Senate Education Committee

Senator Don Ryan, Chairman
January 24, 2007

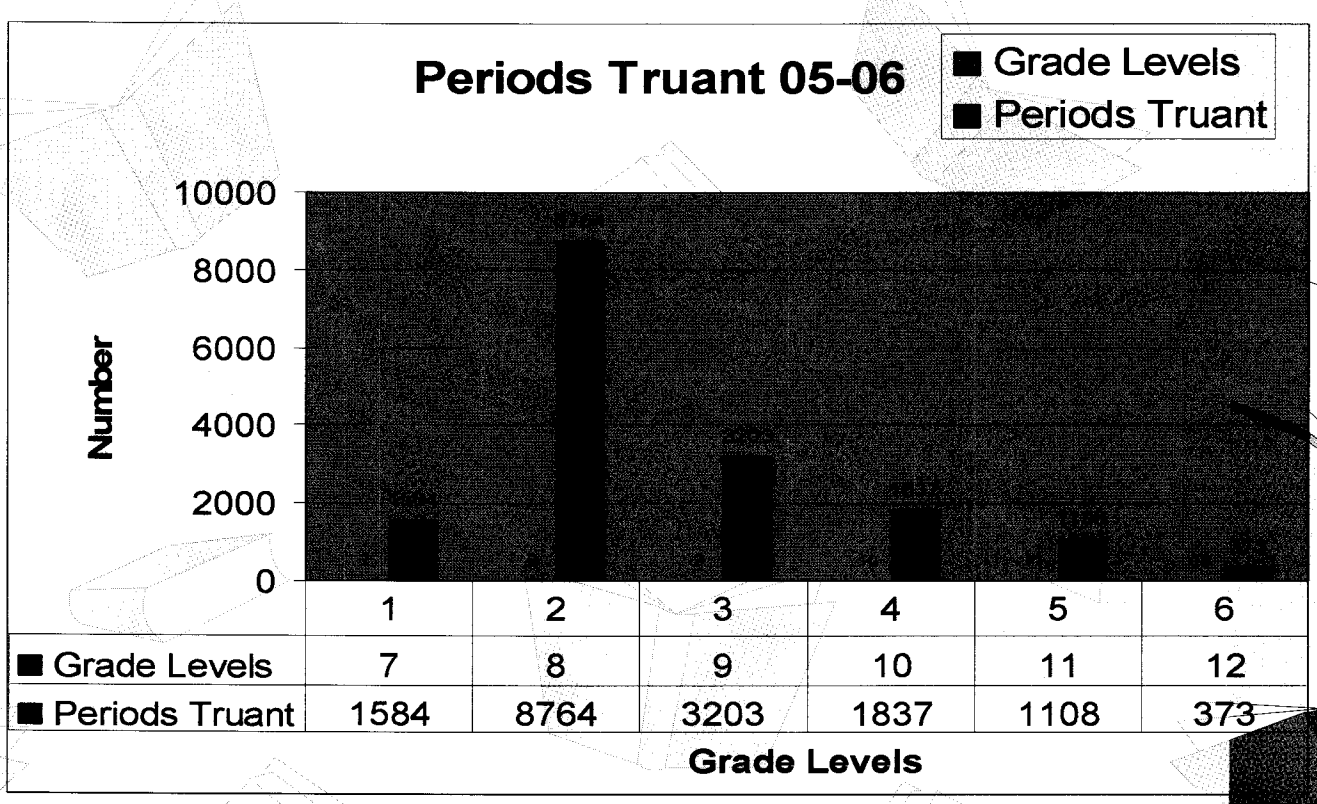
Thanks to **Natalie Barnes, Bureau of Crime Control**, Helena, Montana, for organizing the statewide coalition of interested parties from different agencies and institutions in Montana who have met – in person and in conference calls – to discuss the topic of truancy, a topic of concern to all of them.

Ms. Barnes organized a **Truancy Summit** in conjunction with the annual **MBI (Montana Behavioral Initiative)** which is held each June in Bozeman, Montana. Presenters Ken Seeley and Heather MacGillvary from the **National Center for School Engagement**, an initiative of the **Colorado Foundation for Families and Children**, led a group of over fifty interested parties from around the state of Montana in an investigation of the problem of truancy in Montana.

There is a lack of actual truancy statistics for the state of Montana at this time. One of the proposals from the MBI Truancy Summit is that Montana establish a means of collecting truancy data for the state in order to track the effect of the change in the truancy statutes on truancy rates and to pinpoint effective truancy practices and policies in individual school districts in order to be able to offer help to districts who request such help. Following is data presented by NCSE and Great Falls Public Schools data that illustrate the impact of truancy.

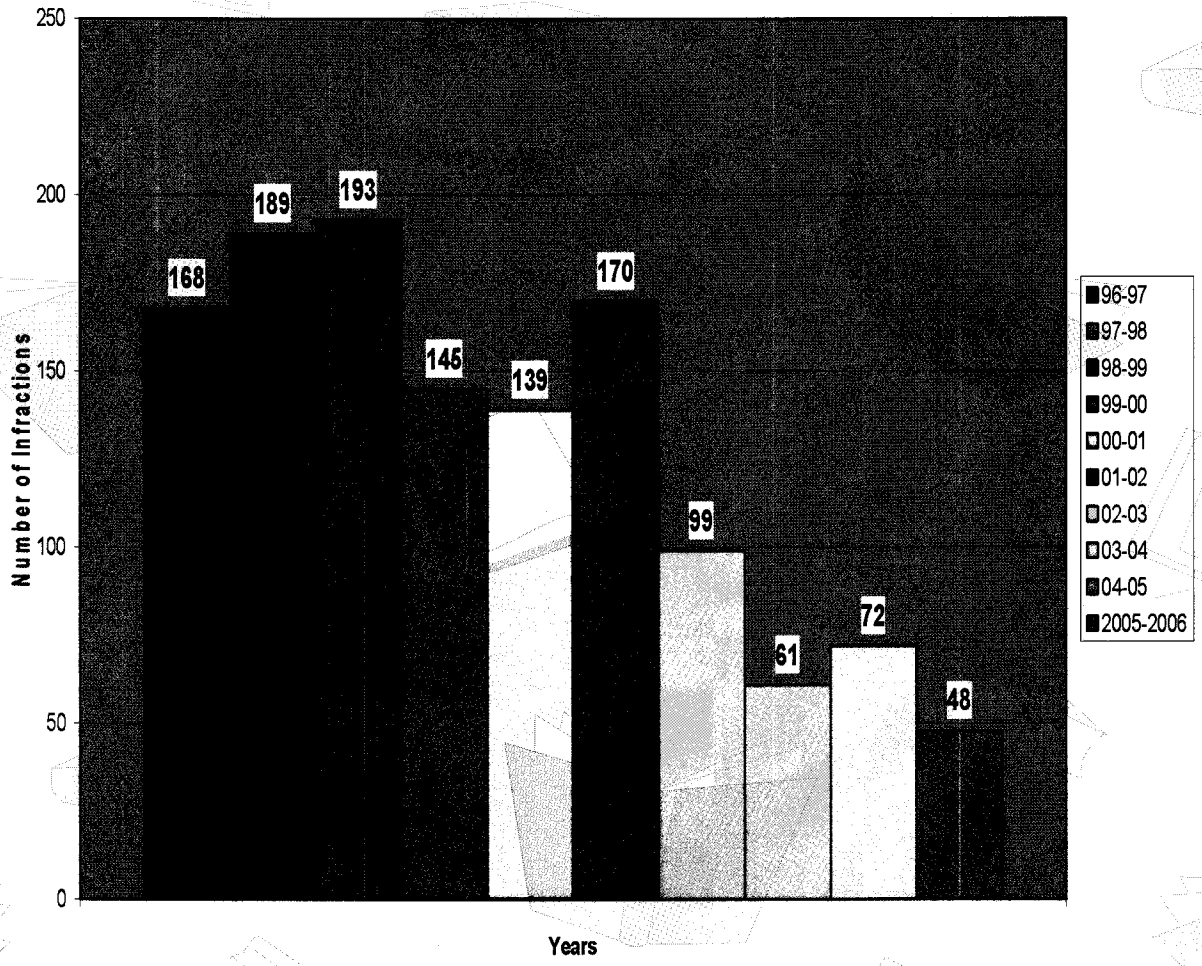


GFPS STATISTICS on TRUANCY

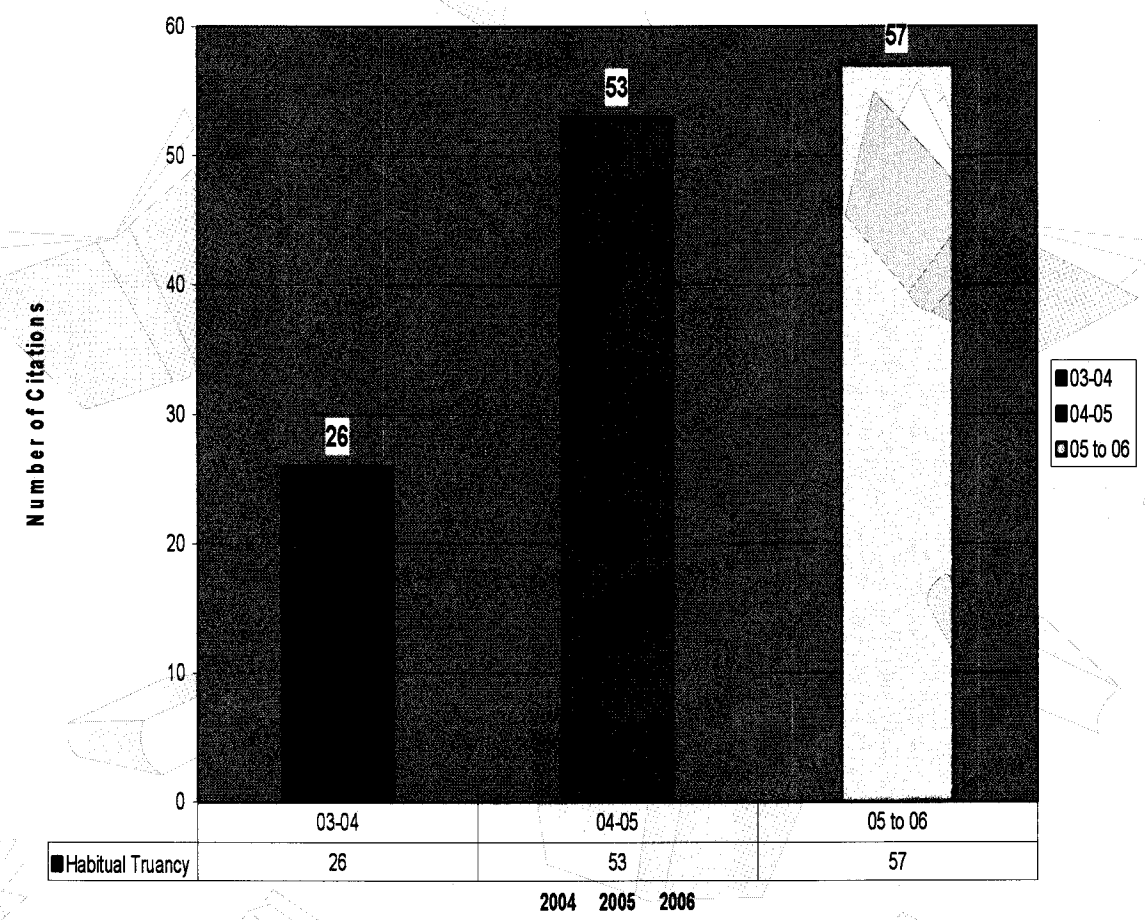


	1	2	3	4	5	6
Grade Levels	7	8	9	10	11	12
Periods Truant	1584	8764	3203	1837	1108	373

Truancy PAR's at NMS 1996-2005



Habitual Truancy Citations 04, 05, & 06
GFPS



NCSE DATA on TRUANCY Gathered for the State of COLORADO

- **In 2004-2005, crimes committed by youth 10-17 occurred**

1,634 times during school hours (M-F 7:30AM-3:00PM)
as compared to
968 times during out of school hours (M-F 3:00PM-10:30PM)

- **Effect of truancy on later delinquency (onset of serious assault crimes)**

Class Skipper	4.12 times as likely as never truant
Minor Truant (1-3 days)	4.03
Moderate Truant (4-9)	6.84
Chronic Truant (>9 days)	12.15

- **Predicted probability of onset of marijuana use at age 14 by truancy**

Non-truant	0-.05%
Class Skipper	10-15%
Minor Truant	15-20%
Moderate Truant	25-30%
Chronic Truant	30-35%

Other Colorado data from NCSE:

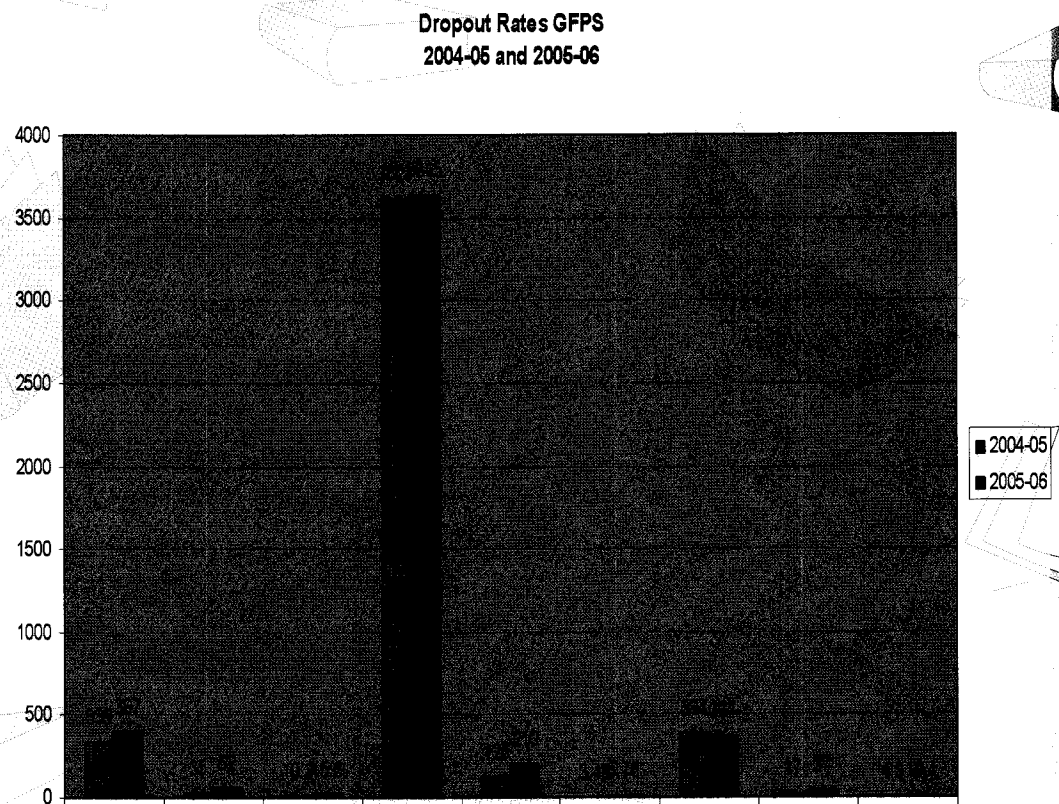
60% of students who left DPS for juvenile incarceration or detention were chronically truant

Approximately 20% of students who left to be home schooled were chronically truant

Approximately 13% of students whose exit code was "mutual consent (under the age of 16)," "runaway or other causes," or "no trace of enrollment in another school" were chronically truant

Approximately 50% of students whose exit code was "dropout" were chronically truant

GFPS DROPOUT DATA



	NA Enrollment	NA Dropout	NA Dropout %	Total Enrollemt	Total Dropout	Total Dropout %	SE Enrollment	SE Dropout	SE Dropout %
2004-05	339	35	10.3	3623	125	3.45	394	17	4.3
2005-06	397	62	15.6	3645	210	5.76	367	37	10.1

NCSE CONCLUSIONS on the EFFECTS of TRUANCY

- **School disruptions**
- **Lower school test scores**
- **Loss of operating income to schools**
- **Juvenile courts are flooded**
- **Daytime crime escalates**
- **Truancy is correlated to later criminal behavior**

Truancy reduction saves public funds: estimated per capita savings in public spending and income taxes for each truant student who completes high school:

Adams County, CO	**$208, 371**
Denver, CO	**$215, 649**
Pueblo, CO	**$209,550**

The above data and conclusions indicate that there is a truancy problem with serious consequences for the communities and states in which the truants live. The legislation presented in LCO145 is designed on the best practices recommended by NCSE and OJJDP.

Currently, Youth Court Section 41-5-103, MCA, contains the following definition of a habitual truant:

(21) <u>HABITUAL TRUANT</u> 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 receiving 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.

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 it 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**
- **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 truancies. 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.

<u>Certainly, our state can do better … for its children, its communities, and itself.</u>

Briefly, LCO145 contains the following best practice changes in current truancy legislation that are based on the best practice recommendations of NCSE, Northwest Regional Labs, and OJJDP.

- **A child may be considered a "habitual truancy" when he/she has missed 4 (10) or more days of unexcused absences in a semester. Partial truancies of thirty minutes or more that equal 4 or more days of unexcused absences in a semester may result in the label of "habitual truant."**

- **A child who is determined will be referred to a Youth Court Probation officer by the school district's truancy officer for a possible consent adjustment and for the possible confiscation of the child's driver license.**

- **A child who fails to abide by the consent adjustment shall be adjudicated as provided in the Youth Court Act.**

- **If a child is found to be truant, an attendance officer – working with school administration – can file a complaint against the legal guardian of that child. If convicted of not following school attendance laws, such guardians may be fined**

    - **$50.00 for the first offense;**

    - **$150.00 or five days in county jail for a second offense; and**

    - **$300.00 and 10 days in jail for the third offense.**

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After an enjoyable evening of reviewing the Constitution transcripts and as a member of the Education Committee of the Constitutional Convention; I strongly urge maintaining the language in the constitution, which was hammered out after months of study and weeks of arduous debate and compromises. The majority of delegates particularly supported both a strong and separate Board of Regents as well as a Board of Education.

This structure has served the State and the University well the last 35 years through dramatic changes in education and technology. The University, under the guidance of a strong concerned citizen board appointed by the Governor and confirmed by the Senate and through the appropriation authority of the Legislature, has grown and prospered and will continue to do so as it serves Montana's citizenry.

Thank you.

public educational institution. Attendance shall not be required at any religious service. No sectarian tenets shall be advocated in any public educational institution of the state. No person shall be refused admission to any public educational institution on account of sex, race, creed, religion, political beliefs, or national origin.

Supervision + Control

Section 8. School district trustees. The supervision and control of schools in each school district shall be vested in a board of trustees to be elected as provided by law.

Section 9. Boards of education. (1) There is a state board of education composed of the board of regents of higher education and the board of public education. It is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems. It shall submit unified budget requests. A tie vote at any meeting may be broken by the governor, who is an ex officio member of each component board.

FULL POWER

(2) (a) The government and control of the Montana university system is vested in a board of regents of higher education which shall have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law.

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms, as provided by law. The governor and superintendent of public instruction are ex officio non-voting members of the board.

(c) The board shall appoint a commissioner of higher education and prescribe his term and duties.

(d) The funds and appropriations under the control of the board of regents are subject to the same audit provisions as are all other state funds.

BoPE gen. supervision

(3) (a) There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law.

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms as provided by law. The governor, commissioner of higher education and state superintendent of public instruction shall be ex officio non-voting members of the board.

Section 10. State university funds. The funds of the Montana university system and of all other state institutions of learning, from whatever source accruing, shall forever remain inviolate and sacred to the purpose for which they were dedicated. The various funds shall be respectively invested under such regulations as may be provided by law, and shall be guaranteed by the state against loss or diversion. The interest from such invested funds, together with the rent from leased lands or properties, shall be devoted to the maintenance and perpetuation of the respective institutions.

Section 11. Public land trust, disposition. (1) All lands of the state that have been or may be granted by congress, or acquired by gift or grant or devise from any person or corporation, shall be public lands of the state. They shall be held in trust for the people, to be disposed of as hereafter provided, for the respective purposes for which they have been or may be granted, donated or devised.

(2) No such land or any estate or interest therein shall ever be disposed of except in pursuance of general laws providing for such disposition, or until the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, has been paid or safely secured to the state.

(3) No land which the state holds by grant from the United States which prescribes the manner of disposal and minimum price shall be disposed of except in the manner and for at least the price prescribed without the consent of the United States.

(4) All public land shall be classified by the board of land commissioners in a manner provided by law. Any public land may be exchanged for other land, public or private, which is equal in value and, as closely as possible, equal in area.

ARTICLE XI

LOCAL GOVERNMENT

Section 1. Definition. The term "local government units" includes, but is not limited to, counties and incorporated cities and towns. Other local government units may be established by law.

Section 2. Counties. The counties of the state are those that exist on the date of ratification of this constitution. No county boundary may be changed or county seat transferred until approved by a majority of those voting on the question in each county affected.