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TRUANCY AND SCHOOL DISCIPLINE

An Overview of the Literature and Statistics



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AOC Briefing

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INTRODUCTION

This document is intended as a resource for California courts working with their justice partners and other stakeholders to develop collaborative solutions to truancy and school discipline issues in their communities. It begins with an overview of key statistics and research on truancy and school discipline, particularly as they intersect with the juvenile justice and child welfare systems, and moves on to identify principles and strategies for addressing the problems. Its focus is on interventions in which the court plays some role, whether direct or indirect, as opposed to approaches that may be primarily or exclusively school-based or community-based. It is not meant to be exhaustive, but to provide some key examples of the major types of initiatives in which courts have been involved.

What are the nature and extent of truancy, suspensions, and expulsions in California?

During the 2010-11 school year, 30 percent of all California public school students—more than 1.8 million—were truant. There was a great deal of county-to-county variation in truancy rates, from a low of 10 percent in Glenn County to a high of 46 percent in Tuolumne County. More than one-third of counties (21 of 58) had truancy rates higher than the statewide rate. (California Department of Education; see Figure 1.)

Because students can be suspended more than once during the school year, the suspension rate represents the number of suspensions—not the number of students suspended—divided by student enrollment. Statewide, there were more than 700,000 suspensions during the 2010-11 school year, for a suspension rate of 11 percent. Suspension rates also varied widely from county to county, with suspensions ranging from 5 percent in San Francisco County to 39 percent in Mendocino County. Nearly three-quarters of counties (42 of 58) had suspension rates higher than the statewide rate. Nearly one-half (46 percent) of suspensions were for violence- or drug-related offenses. The proportion of violence- and drug-related suspensions ranged from 23 percent in Glenn County to 66 percent in San Benito County. (California Department of Education; see Figure 2.)

During the 2010-11 school year, more than 18,000 California students were expelled, representing an expulsion rate of 0.30 percent. Expulsion rates ranged from 0.02 percent in Lassen County to 1.56 percent in Yuba County. More than half of counties (33 of 58) had expulsion rates higher than the statewide rate. Violence- and drug-related expulsions represented 85 percent of all expulsions, with a low of 53 percent in Colusa County and a high of 100 percent in Lassen, Modoc, San Benito, Siskiyou, and Trinity Counties. (California Department of Education; see Figure 3.)

How do zero tolerance policies relate to school discipline?

Zero tolerance has been characterized as “a philosophy or policy that mandates the application of predetermined consequences, most often severe and punitive in nature, that are intended to be applied regardless of the seriousness of behavior, mitigating circumstances, or situational context.” It assumes that removing disruptive students will deter other students from similar misbehavior and improve the school climate. (Skiba et al.) Zero tolerance policies, and the increased campus police presence that accompanied

them, resulted in a nationwide increase in suspensions, which nearly doubled nationwide between 1974 and 2001, as well as increases in arrests and referrals to juvenile court, many for offenses that were once handled by school administrators (Teske and Huff).

How are different student populations affected by truancy and school discipline?

During the 2009-10 school year, 7 percent of all California students were suspended, compared to 18 percent of African American students and 11 percent of American Indian students (Losen et al.). Studies have shown that even after taking poverty into account, racial disparities in suspensions and expulsions continue to exist (Skiba et al.).

A groundbreaking Texas study found that while the percentage of students subject to mandatory removal from school was comparable among races/ethnic groups, there is considerable disparity among groups in the proportion of students actually removed. The racial/ethnic disparities were found among students subject to discretionary actions (Council of State Governments Justice Center and Public Policy Research Institute). Similarly, a study cited by the American Psychological Association Zero Tolerance Task Force showed that White students were more likely to be referred to the office for more easily documented offenses such as smoking, vandalism, leaving without permission, and obscene language; African American students, on the other hand, were more likely to be referred to the office for behaviors requiring more subjective judgment, like disrespect, excessive noise, threat, and loitering. Higher referral rates for African American students almost entirely accounted for disparities in out-of-school suspension rates. (Skiba et al.) Additionally, the Texas study showed that African American and Hispanic students were more likely to receive out-of-school suspension for their first violation, while White students were more likely to receive in-school suspension (Council of State Governments Justice Center and Public Policy Research Institute).

Boys have a much higher risk of suspension than girls. Students with disabilities are twice as likely to be suspended as their non-disabled peers, particularly those with emotional disturbance. (Council of State Governments Justice Center and Public Policy Research Institute, Losen et al., Skiba et al.)

Data on school discipline among foster youth are not available on a statewide basis in California, but other studies have shown that children placed in foster care have more school suspensions than comparison groups.¹ In the Los Angeles Unified School District, children in foster care were three time more likely to be suspended or expelled than other children in the same schools (Leone and Weinberg). In a San Mateo County study, one in four dependent youth were suspended, compared to one in ten non-dependent youth; one in ten dependent youth were expelled, compared to one in one hundred non-dependent youth (Castrechini). A study conducted in the Midwest showed that 67 percent of foster youth had been suspended at least once and 17 percent had been expelled, compared to national general population rates of 28 percent and 5 percent, respectively (Courtney et al.).

¹ It should be noted that the studies related to foster youth cited in this paper do not specify whether they include probation-supervised foster youth.

Figure 1. County Truancy Rates, 2010-11
 Source: California Department of Education

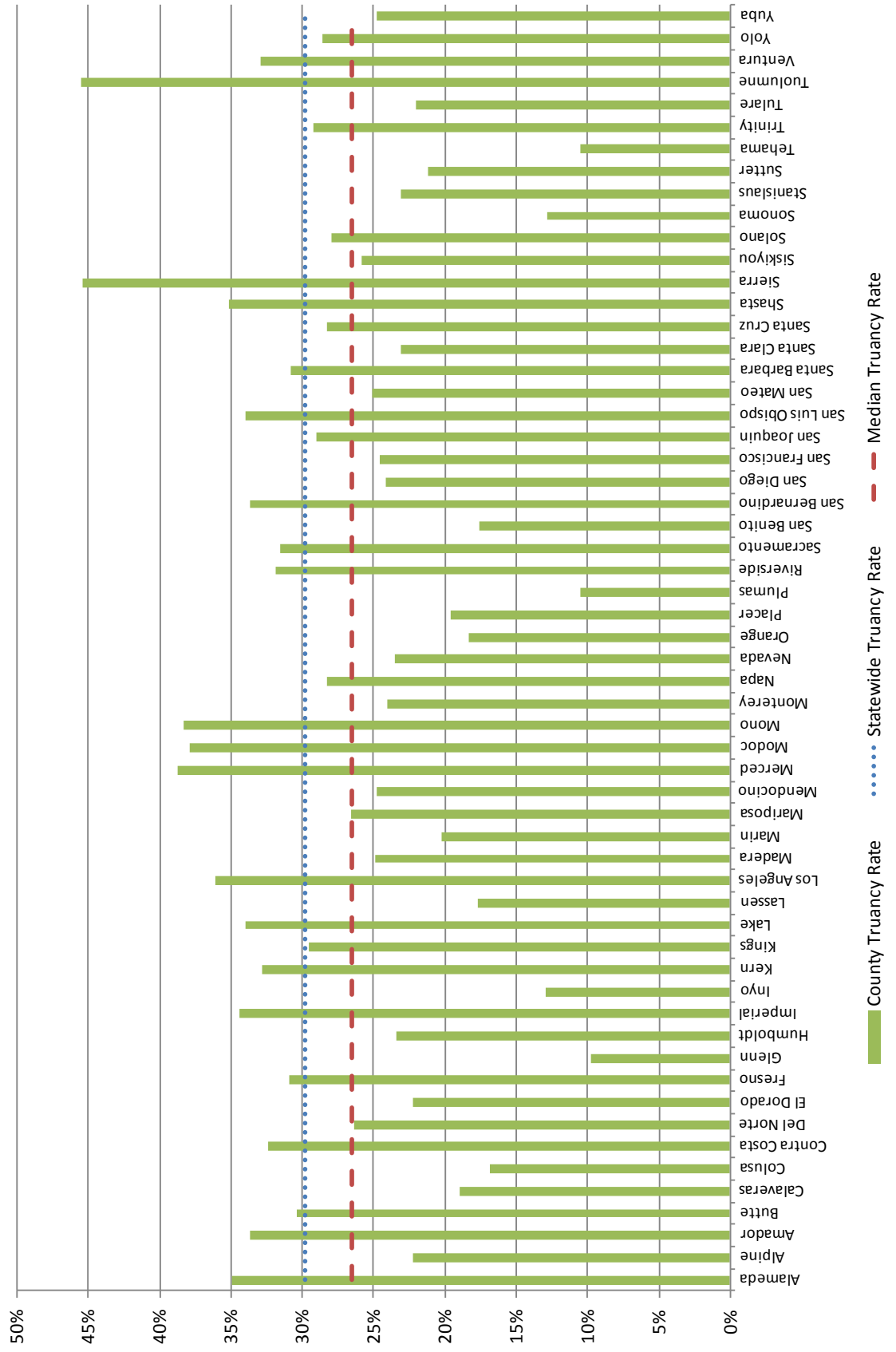


Figure 2. County Suspension Rates
 Source: California Department of Education

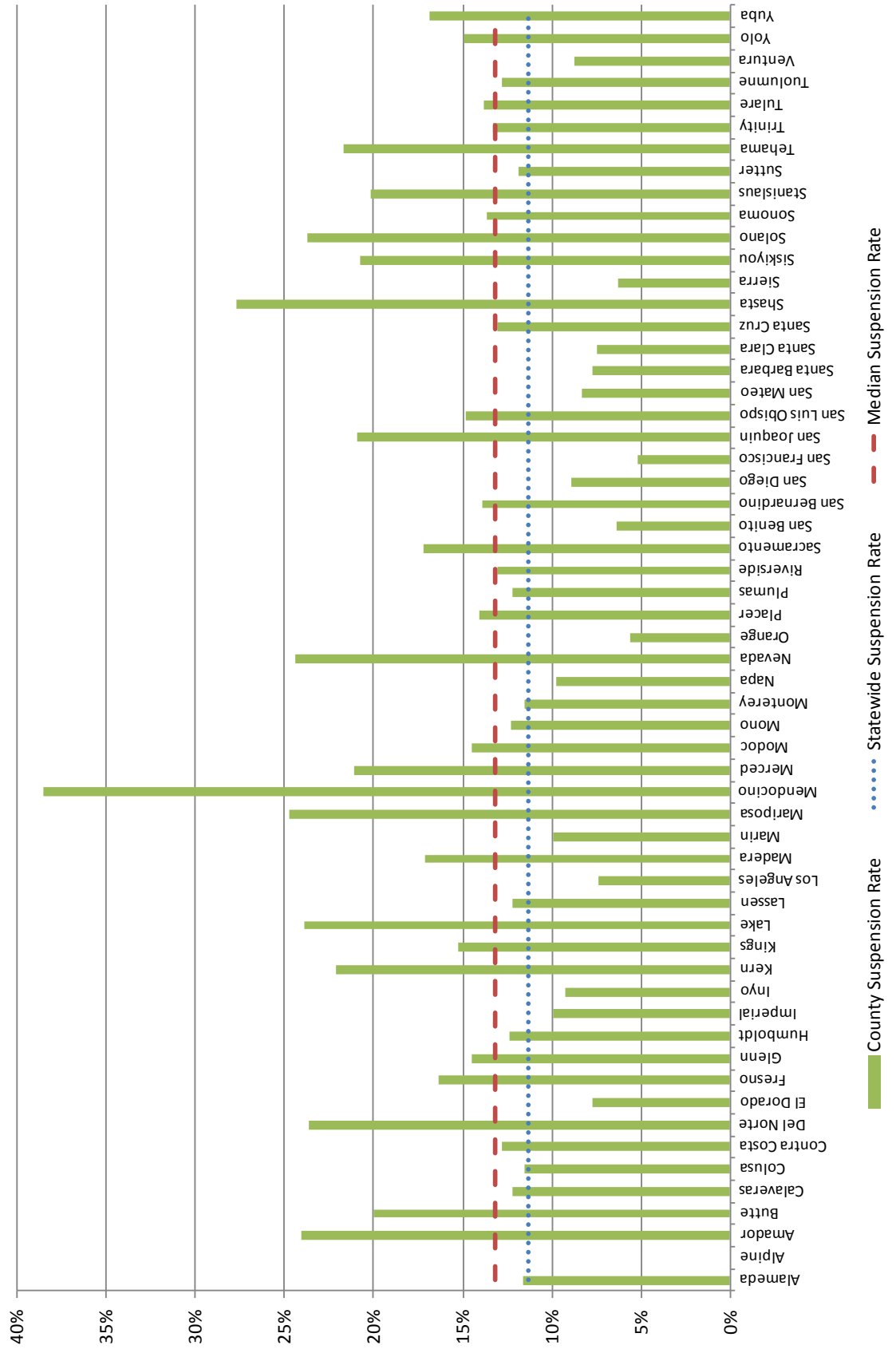
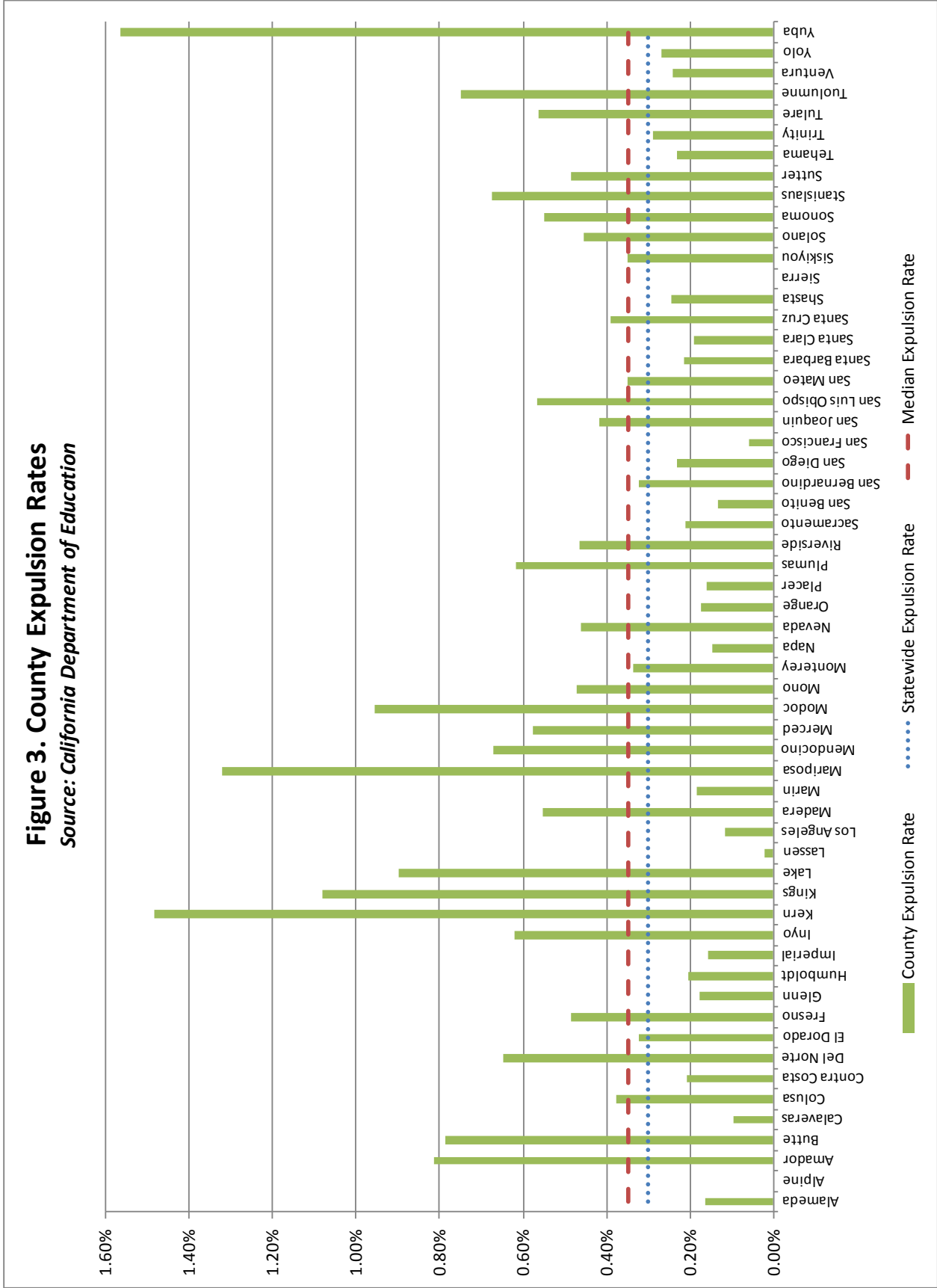


Figure 3. County Expulsion Rates
 Source: California Department of Education



Some suspensions of foster youth may be attributable to a failure to identify learning disabilities or emotional disturbances; they end up being suspended or expelled for behaviors that might qualify them for special education services (Crumpton et al., Leone and Weinberg). Attachment to school and peers is among the factors that contribute to school success and reduce the likelihood of disciplinary involvement. The greater mobility of foster youth may make it more difficult for them to form such attachments (Gallegos and Roller White).

There is also some evidence that youth in the child welfare system are more likely to have attendance problems. In a San Mateo County study, the average absence rate for dependent youth was twice that of non-dependent youth. Absence rates were even higher among youth in group homes or receiving homes, relative to other types of placements (Castrechini). An issue closely related to truancy, though which is not as well-documented, is chronic absenteeism—missing school for any reason, including excused absences. This is a phenomenon that appears to disproportionately impact children in the dependency system. A study in one California school district showed that 18 percent of students in the child welfare system were chronically absent, as opposed to 8 percent of students who were not in the system (Sanchez). A New York study revealed that districts with high levels of child welfare system involvement were also those with the highest levels of chronic absenteeism (Nauer et al.).

Chronic absenteeism is associated with the same types of negative outcomes as truancy, including poor academic performance and an increased likelihood of dropping out. Absenteeism is strongly related to mobility, and many foster youth experience multiple placement changes. Often foster care case plans are not coordinated to ensure that children can remain in the same school.² (Chang and Romero, Nauer et al., Sanchez) In the San Mateo County study, 17 percent of dependent youth had transferred schools, compared to only 2 percent of non-dependent youth, with much higher transfer rates among youth in group homes or foster homes (Castrechini). In the Midwest Study, more than one-third of youth had experienced five or more school changes due to their foster care situation, and 18 percent missed at least one month of school due to a foster care change (Courtney et al.).

What are the problems associated with truancy and school discipline?

Truancy and school discipline are associated with a host of negative consequences for students, schools, and the community. Academic achievement suffers when students are suspended or expelled, in large part because they are deprived of the opportunity to learn. (Skiba et al., Sumner et al.) The Texas study showed that students who were suspended or expelled were much more likely to be held back a grade or to drop out of school (Council of State Governments Justice Center and Public Policy Research Institute). A Maryland study found a strong relationship between habitual truancy rates and dropout rates. In fact, in the national literature, truancy—especially in middle school—is considered one of the strongest predictors of dropouts. (Crumpton et al.)

² California Assembly Bill 490 (2003) seeks to promote school stability for foster youth by requiring the placing agency to consider a placement's proximity to the school of origin and to include specific information about steps taken to ensure educational stability in the case plan. It also requires notice to the court, the child's attorney, and the educational representative or surrogate parent to receive notice of a proposed placement change.

Truancy and school discipline are associated with negative outcomes in terms of students' health and well-being. Chronically truant children are more likely to participate in risky behaviors like drug and alcohol use and to experience early pregnancy and a higher incidence of depression and suicidal ideation. On a community level, a Maryland study showed a strong correlation between rates of habitual truancy and teen birth rates. (Cornelius and Bankins, Crumpton et al.)

School discipline has also been found to increase the likelihood of involvement in the juvenile justice system. The Texas study found that almost one-quarter of students involved in the school disciplinary system had contact with the juvenile justice system, compared to two percent of those with no disciplinary issues. This gap grew as the level of involvement in the disciplinary system increased. Because other characteristics could influence a youth's likelihood of becoming involved in the juvenile justice system, the Texas study also controlled for other factors and found that students who had been suspended or expelled were almost three times more likely to come into contact in the juvenile justice system than those who had not. (Council of State Governments Justice Center and Public Policy Research Institute)

Alienation from, or lack of engagement in, school is a major factor contributing to delinquency. If students view teachers and administrators as harsh disciplinarians, they may be "less likely to develop supportive and trusting relationships with adults in their school and feel connected to their school," suggesting that suspensions and expulsions can result in further disengagement from school. As alienation increases, so does the likelihood of associating with anti-social peers, which brings an increased risk of involvement in criminal activity. (Skiba et al.)

Truancy and school discipline issues also have a downstream impact on systems and the community as a whole. Schools with low attendance rates receive reduced funding. Truants require extra attention in the form of counseling, handling disciplinary referrals, and monitoring, all of which are associated with increased costs. Taxpayer dollars are required for law enforcement to locate and process truants. With the increased likelihood of school dropout associated with truancy and school discipline issues, there is also the increased likelihood of unemployment or underemployment, which means greater reliance on public assistance programs. For those who are able to find employment, it may cost local business more to train high school dropouts than those who complete high school. The National Center for School Engagement estimated that each dropout, over a lifetime, costs society \$200,000 in criminal justice system, social services, and other public costs. (Cornelius and Bankins, Crumpton et al.)

Finally, there is no convincing evidence that school discipline is achieving the outcomes that it was intended or thought to achieve. The Texas study showed that among schools with similar student populations, those that had higher suspensions and expulsion rates did no better on key school performance measures than those with lower suspension and expulsions rates. (Council of State Governments Justice Center and Public Policy Research Institute) Other studies showed a negative relationship between suspensions and positive school climate. These findings run contrary to the hypothesis that removing problematic students from school creates an environment that enables the overall school to produce better academic outcomes. (Skiba et al.) Research also does not support the conclusion that the decline in rates of crime against students can be attributed to zero tolerance or other policies emphasizing suspension and expulsion (Council of State

Governments Justice Center and Public Policy Research Institute). Furthermore, American Psychological Association Zero Tolerance Task Force notes that the evidence points to “the extensive use of suspension and expulsion and increased reliance on the juvenile justice system” not being cost-effective (American Psychological Association).

What are the principles of effective intervention for truancy and school discipline issues?

Although programs to address truancy and school discipline have not been sufficiently evaluated, research in this and related areas suggest that effective intervention is grounded in the recognition that students and their families are likely to be experiencing problems that contribute to truancy or behavior issues, which then lead to suspension or expulsion. Truant children and children with school behavior problems tend to come from poor minority families that may be experiencing unemployment, hunger, housing issues, transportation issues, family dissolution or dysfunction, domestic violence, or community safety issues. Children may also have learning disabilities or other issues that impact their ability to attend school. (Crumpton et al., Skiba et al.) As such, truancy and school behavior interventions should involve addressing child and family issues holistically (National Center for School Engagement). Interventions should be supportive and involve the least punitive responses available, while at the same time reinforcing student and parent accountability (Cornelius and Bankins, Crumpton et al.). They should also focus on re-engaging the student in school, including attention to both attendance and academic problems (Crumpton et al., Skiba et al.).

Effective intervention is also based on a shared understanding that no one system or agency can handle these problems alone and that truancy and school discipline are community problems, so collaboration is critical—among schools, law enforcement, courts, social services, and other community agencies (Cornelius and Bankins, Crumpton et al.). Agencies and systems should work together to develop a continuum of responses to school discipline issues that involve the use of incentives and sanctions and progressive responses as problems escalate (Crumpton et al.). Courts, and judges in particular, have been identified as a major role player in encouraging and supporting collaboration (Coalition for Juvenile Justice, Teske and Huff, Teske et al.).

Collaboration is especially important for children involved in the juvenile dependency and juvenile delinquency systems. As Leone and Weinberg point out, “Just as child welfare and juvenile corrections agencies do not have education as a primary mission, most schools and school systems are not designed to serve children who are highly mobile and enter and exit education programs mid-semester and mid-year. The lack of fit between agencies’ primary purposes and the education needs of children in their care places those children at a significant disadvantage.” (Leone and Weinberg)

Elements contributing to the success of interventions related to truancy and school discipline include close monitoring of school attendance and behavior records; comprehensive assessment of student and family needs and connecting families with service to address those needs; tutoring; and mentoring for students and families (Cornelius and Bankins).

What types of interventions have courts and their justice partners implemented? What kinds of outcomes have they achieved?

The level of court involvement in truancy and school discipline issues ranges from the court—particularly judges—as convener of key stakeholders, to the court as a participant in a non-court-based program, to the court as a leader and primary participant in a court-based program. The common thread across all these levels is to identify and help to meet the needs of the family as a whole, rather than just the student (National Center for School Engagement).

Court as convener/multi-system collaboration

Judges can play an important role in bringing together stakeholders to identify the ways in which different systems can work together to set goals and identify strategies for achieving them. For example, in Georgia, one county's multi-system collaboration involved designating certain offenses as no longer eligible for referral to juvenile court unless a two-tiered process, consisting of a warning to the student and parent on the first offense and referral to a conflict skills workshop on the second offense, had been exhausted. Implementation of this protocol resulted in reductions in referrals to court (73 percent between 2003 and 2011), the number of students detained on school offenses, the number of youth of color referred to the court for school offenses, and the incidence of serious weapons on campus.

The same county also established a multidisciplinary panel to serve as a single point of entry for referrals of children and families at risk for having a juvenile court petition filed. This panel worked to develop alternatives to out-of-school suspension—including functional family therapy, multi-systemic therapy, wraparound services, and peer court—as well as to connect the school system with other community agencies. The establishment of the panel is associated with a decrease in out-of-school suspensions and an increase in graduation rates (24 percent between 2003 and 2011). (Coalition for Juvenile Justice, Teske and Huff, Teske et al.)

Similarly, in Colorado, a judge initiated a committee consisting of guardians ad litem, public school leaders, and mayor's office staff to identify alternatives to detention. Under the judge's leadership, a policy was established prohibiting detention for truant or chronically absent students, instead assigning a Department of Human Services liaison to the child and family to assess their need for services. (Coalition for Juvenile Justice)

In Nebraska, a program run in conjunction with the local Court-Appointed Special Advocates (CASA) involves assessing the needs of families of truant children who are first time juvenile offenders and pairing them with a volunteer mentor or attorney, who attends the court hearing. The program was established by a judge who is on the board of the local CASA. (National Center for School Engagement.)

In Georgia, the Student Truancy Attendance Monthly Protocol Senate—consisting of a wide range of stakeholders including the courts, school administration, nurses, and community groups—meets to review attendance data and become informed about best practices to address school attendance issues. (Chang and Romero)

Restorative justice

Restorative justice is a promising approach for addressing school behavior and discipline issues. Restorative justice programs are generally based in the school or probation, but courts may participate or play a role in encouraging their establishment. Such programs focus on the youth's personal growth and ability to learn from his or her mistakes, rather than using punitive measures such as suspension. Keeping the student in the learning environment and reducing the likelihood of future misbehavior are key goals of restorative justice programs. (American Psychological Association, Sumner et al.) Restorative justice may be particularly beneficial for foster children, who are often unable to participate in school activities and may therefore lack a feeling of connectedness to and positive relationships within the school. Restorative justice can help to make foster youth feel a part of the school community and enable them to better appreciate the rules of the community. (Gallegos and Roller White) The implementation of a restorative justice program in an Oakland middle school was associated with an 87 percent drop in the suspension rate and a complete elimination of expulsions (Sumner et al).

Youth court/teen court/peer court

Youth court (also known as teen court or peer court) provides a model well-suited to addressing truancy cases. It connects youth and parents to community services to help them address issues that may be contributing to the truant behavior. It offers graduated sanctions and a more timely response than the regular juvenile court process may be able to provide; in turn, the more timely response may increase the chance of stopping the truant behavior before it escalates. (Gonzales and Mullins) A study of a teen court program in Missouri found a truancy recidivism rate of 9 percent for program participants, as opposed to 28 percent for the comparison group (Meyer). Youth court for truants may also help to reduce daytime crime by keeping youth in schools and off the street. Program components include educating parents and other family members on truancy laws and school policies and encouraging youth engagement in school and community through the use of disposition options such as tutoring, community service, and extracurricular activities, rather than just punishment. (Gonzales and Mullins)

Diversion programs

Nebraska has a program that involves monitoring school attendance of students who are assigned to diversion because they have committed a criminal act, not because they have missed school. The philosophy is to address truancy as soon as it happens to prevent truancy and associated problems from escalating.

Indianapolis has a diversion program in which a petition is filed with the court after a fifth unexcused absence. An initial hearing is held at the school. Only students who have no probation involvement and are not runaways are offered the opportunity to participate. The student and parent must sign a 90-day contract with a magistrate, probation officer, and social worker related to school performance and behavior, and school attendance is monitored monthly. The petition is dismissed upon successful completion of the program.

Another form of diversion is a school attendance mediation program. One county uses this program for students who are not successful in youth court. Each judge adopts a school in the county and holds hearings

on campus, during which a warning is issued and truancy laws are explained. A multidisciplinary team (e.g., the school, police, probation, a counselor, and the student and parent) develops a contract which, if violated, results in the formal filing of a status offense. (National Center for School Engagement)

In Ohio, a judge helped to establish a Truancy Mediation Program, which was designed to uncover the root causes of the child's absence from school and link the family to community services. The program is run in partnership with a community mediation center, which has intake officers who conduct an investigation upon receipt of a referral from a guidance counselor or principal, before a formal complaint is filed. After the investigation, a trained mediator is assigned to conduct one or more sessions with the family, school officials, and any relevant court officials. The average number of absences among children participating in the program dropped by 51 percent. (Coalition for Juvenile Justice)

Truancy court

Truancy courts are similar to the school attendance mediation program in that they may not take place in the courthouse—in many cases a judge holds hearings in the school building—and they generally do not involve the formal filing of a petition with the juvenile court. Truancy court programs typically involve children who are at risk for entering the juvenile justice system. The philosophy is to work with schools, community agencies, and families to provide incentives and rewards for improving attendance and grades. Most programs seek to avoid sanctions or punishment for truant behavior.

Truancy courts have not been sufficiently evaluated, but some programs track statistics such as truancy and delinquency rates and have observed reductions in both (e.g., truancy rate dropped from 36 percent to 17 percent; 7 percent of program participants were referred for criminal offenses, versus 16 percent of the comparison group). One program also tracked academic performance, but the truancy court program did not appear to have an effect in that arena. Other benefits of the programs include improved family engagement with schools and with their children, improved student-teacher relations, and getting students services without having to be formally involved in the juvenile justice system. (National Center for School Engagement)

A truancy court was established in Kentucky out of growing frustration that truants were being charged with status offenses, but their court involvement did not result in improved school attendance. The partners established a team consisting of a judge, school/court liaison, counselor or other school employee, case manager, treatment providers, and any other relevant court, school, or agency personnel. The school is responsible for identifying candidates for the program (children eligible to be charged by formal court petition), then the social worker and a school representative make a home visit and advise the family of the opportunity to participate in the program. The team performs an extensive assessment of the family, which is deemed extremely helpful as the courts know little about the child's academic and social needs and the schools know little about the child's family issues. The assessment forms the basis for a treatment plan, which the family must agree to follow. Students and their families are required to participate in weekly informal court sessions at the school for a period of 10 to 12 weeks. (Byer and Kuhn)

Specialty court-based programs

One of the most extensively studied court-based programs is Maryland's Truancy Reduction Pilot Program (TRPP). TRPP is meant to provide an option to schools when they have exhausted all other options among their internal responses to school attendance problems. A special docket of truancy cases is heard by the same master or judge each month. The process involves a family assessment, court orders for services to address problems identified during the assessment that may be contributing to truancy (e.g., substance abuse evaluation, individual or family counseling, and tutoring), and monitoring the child's progress for several months. During the monitoring period, the child is seen by judicial masters on a regular basis (up to twice a month) to review school attendance and/or behavior and encourage compliance with court orders. Incentives for compliance included gift certificates and verbal praise during review hearings, while sanctions included withholding incentives, community service, and curfews.

TRPP resulted in improved collaboration among courts, schools, and service providers. Of particular note was the schools' strong support for TRPP being a court-based program. They felt that "the court's authority and influence communicates a sense of urgency to students and their families that could not be duplicated within school systems." TRPP also had the collateral benefit of improving the school system's own internal processes for dealing with truancy, as some court referrals were being sent back to the schools.

Students who completed the program had improved attendance compared to those who did not, but the authors warn that it may be due to motivational differences rather than an effect of the program. In three of the four pilot counties, students who successfully completed TRPP showed improved GPAs relative to those who did not complete the program. Program completers also had fewer new felony and misdemeanor adjudications relative to non-completers (also in three of the four pilot counties). (Cornelius and Bankins, Crumpton et al.)

Child welfare and the courts

Short of implementing a specialty court, there are issues that courts can take into consideration when reviewing child welfare case plans and making orders that can help to prevent truancy and school discipline among foster youth. For example, early intervention and preschool programs have been found especially effective for children from poor minority backgrounds who are at risk for school failure. Many child welfare agencies do not require children in foster care to attend preschool. (Leone and Weinberg)

Placement stability is associated with better educational outcomes, as well as an increased likelihood of returning to school after dropping out. Placement stability can be enhanced by careful screening and matching of foster families so the youth feels safe and supported, as well as by ongoing assistance and training for foster parents, especially in terms of monitoring and encouraging educational progress. When placement or school stability cannot be achieved, proxies for a stable school environment that help to maintain school engagement, such as after-schools program, can be used. (Cornelius and Bankins, Gallegos and Roller White)

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