

REVIEW AND ANALYSIS OF COLORADO TRUANCY  
CASE PROCESSING

Institute for Court Management  
Court Executive Development Program  
Phase III Project  
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**I. ABSTRACT**

Dramatic events (i.e., the threat of legislative reform removing truancy case jurisdiction from the judicial branch, delinquency detention bed caps, truancy filing fluctuations, the increasing complexity of societal and familial truancy case-related issues, and the implementation of several judicial branch truancy pilot projects) precipitated a review of truancy case processing in Colorado. Originally, it was anticipated that the review would primarily entail a process evaluation and outcome evaluation of the three pilot truancy mediation programs in the Second (Denver), Fourth (Colorado Springs), and Eighteenth Judicial (Centennial) Districts.

Delay in the planning and implementation of the pilot truancy mediation programs in these jurisdictions, caused primarily by the lack of administrative, personnel, and time resources, prevented the pilot truancy mediation programs from becoming operational in the time necessary to complete Phase III of the Court Executive Development Program (CEDP) of the National Center for State Courts' Institute for Court Management. Responding to this change in events, an alternative review was developed for the purpose of this paper. The goal of this alternative focus is to provide the Colorado Administrative Office of the Court with information and observations regarding truancy case processing in Colorado in anticipation of the implementation and operation of the three truancy mediation programs. This analysis includes the results of the literature review, research activities, and recommendations for the evaluation of the pilot truancy mediation projects.

In order to complete the review of truancy case processing in Colorado, the National Center for State Courts' consultant conducted site visits (including interviews

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and court observation), distributed a statewide Truancy Case Processing Questionnaire, and reviewed relevant literature, documents, and informational materials, which included juvenile case type filing statistics, descriptive materials, written policies, procedures and protocols, sample forms, and juvenile court filing statistics and caseload information. Interviews of juvenile justice professionals focused on current issues facing the jurisdiction with respect to truancy operations and effectiveness and the planned truancy mediation program. Court observation involved the examination of truancy court hearings, at various stages, age, and court milestones. The Truancy Case Processing Questionnaire captured local judicial district court information, court/community interaction, and innovative truancy case processing practices. The National Center for State Courts consultant then analyzed the information and the various issues associated with Colorado truancy case processing in anticipation of the implementation of the three truancy pilot mediation programs.

Currently the truancy mediation pilot projects in the Second District (Denver), the Fourth District (Colorado Springs), and the Eighteenth District (Centennial) are in the development and planning stages. This is the opportune time to develop the evaluation components for these pilot truancy mediation projects. Planning for the evaluation should begin while the program is being planned. The statement of the program's purpose, goals, and objectives are essential for evaluation planning.

As a result of the research and technical assistance activities to date, the National Center for State Courts consultant prepared an evaluation plan as a guideline to assist with the development of an evaluation design for each of the three truancy mediation programs. The evaluation of the pilot truancy mediation programs should include a

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process, a monitoring, and an outcome (impact) evaluation. The next phase of this Colorado Truancy Project should focus on the process evaluation of the three truancy mediation programs. Additionally, the development of a plan for continued monitoring and a future outcome evaluation should be discussed. With additional passage of time, the truancy mediation programs will be ready for an outcomes evaluation to measure the impact of the program. It is hypothesized that each of these programs will show successful results in reducing truancy and reducing the number of truancy petitions filed with the court.

## **II. INTRODUCTION**

Dramatic events precipitated a review of truancy case processing in Colorado. These events include the threat of legislative reform removing truancy case jurisdiction from the judicial branch, delinquency detention bed caps,<sup>1</sup> truancy filing fluctuations, the increasing complexity of societal and familial truancy case-related issues, and the implementation of several judicial branch pilot truancy mediation projects. The Colorado State Court Administrator's Office sought the assistance and guidance of the National Center for State Courts in the wake of the convergence of events surrounding truancy cases.

The Colorado State Court Administrator's Office requested that the National Center for State Courts review truancy case processing in Colorado, assist with an evaluation of three pilot mediation projects, and help the courts improve truancy case processing. Each year the National Center for State Courts allocates a percentage of its operating budget as technical assistance funds in order to provide "gratis" project, consulting, and research services to state courts and state-court systems. The National Center for State Courts donated consulting services, via technical assistance funds for Dawn Marie Rubio, Esquire, Senior Court Management Consultant, to assist the Colorado Administrative Office of the Courts with this review. Ms. Rubio is a principal staff member in project improvement and evaluation of court organization, process, and operations; with special attention to those involving family law, juvenile law, domestic violence, drug court, problem-solving courts, juvenile and family court programs. Therefore, she was uniquely suited for this review.

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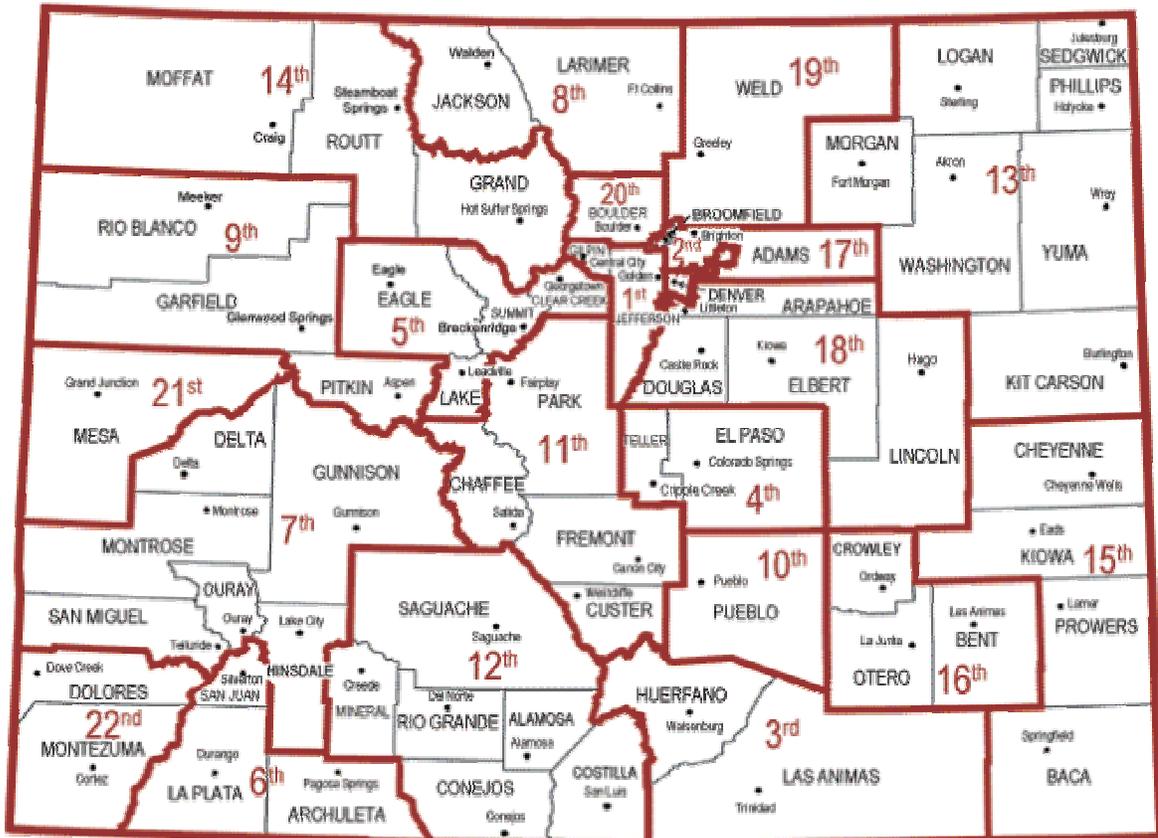
<sup>1</sup> See Senate Bill 91-94, Delinquency Detention Caps.

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Originally, it was anticipated that the review would primarily entail a process evaluation and outcome evaluation of the three pilot truancy mediation programs in the Second (Denver), Fourth (Colorado Springs), and Eighteenth Judicial (Centennial) Districts (see Figure 1). Delay in the planning and implementation of the pilot truancy mediation programs in these jurisdictions, caused primarily by the lack of administrative, personnel, and time resources, prevented the pilot truancy mediation programs from becoming operational in the time necessary to complete Phase III of the Court Executive Development Program (CEDP) of the National Center for State Courts' Institute for Court Management. While this Colorado Truancy Project will not be completed with this report, the final project product will not coincide with the March 5, 2004 CEDP deadline.

Responding to this change in events, an alternative review was developed for the purpose of this paper. The goal of this alternative focus is to provide the Colorado Administrative Office of the Court with information and observations regarding truancy case processing in Colorado in anticipation of the implementation and operation of the three truancy mediation programs in the Second (Denver), Fourth (Colorado Springs), and Eighteenth Judicial (Centennial) Districts. This report documents the results of the literature review, research activities, and recommendations for the evaluation of the pilot truancy mediation projects. This includes the development of an evaluation plan that includes process, monitoring, and outcome evaluation components, which was informed by the initial technical assistance activities.

Figure 1. Judicial Districts of Colorado



### **III. LITERATURE REVIEW**

In order to provide a context for the review of Colorado truancy case processing, the National Center for State Courts' consultant performed a literature review and national information search regarding truancy and truancy-related issues. Specific attention was paid to national-level information regarding underlying causes of truancy, trends in truancy court demographics and filings, Colorado statutes, including the Colorado School Attendance Law of 1963 (C.R.S. 22-33-107 (2002)), and alternative dispute resolution-based truancy case intervention models.

#### **A. General Truancy Information**

Truancy involves the violation of compulsory school attendance laws and falls into a category of conduct known as status offenses.<sup>2</sup> Status offenses are defined as acts that are illegal because the person committing the act is of juvenile status. Generally, it includes the four major offense categories of truancy, incorrigibility, underage liquor law violations, and runaways. Other offenses that may be included, however, are curfew and tobacco violations.

Habitual truancy involves a significant violation of the compulsory school attendance laws, which includes intentional and unexcused full-day absences, tardies, and skipping class. There are a multitude of reasons why habitually truant students do not attend school. These reasons essentially fall into four categories: family factors, school factors, economic factors, and student variables.<sup>3</sup>

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<sup>2</sup> Puzzanchera, Charles, Anne L. Stahl, Terrance A. Finnegan, Nancy Tierney, and Howard N. Snyder. 2003. *Juvenile Court Statistics 1999*. Pittsburg, PA: National Center for Juvenile Justice.

<sup>3</sup> Baker, Myriam, Jane Nady Sigmon, and M. Elaine Nugent. September 2001, *Truancy reduction: Keeping students in school*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

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- Family—Lack of guidance or parental supervision, domestic violence, poverty, drug or alcohol abuse, lack of awareness of school attendance laws, and differing views about education.
- School—School environment issues (school size, attitudes of teachers, students, and administrators), an inability to engage the diverse cultural and learning styles of students, inconsistent attendance policies, and lack of meaningful consequences.
- Economics—Employed students, single-parent homes, high mobility rates, lack of affordable child care and transportation, and multiple-job parents.
- Student—Drug and alcohol abuse, lack of understanding of school attendance laws, lack of social capability, mental and physical health problems.

Truancy has a profound affect on the welfare of the child, the family, and society.

For a habitually truant student, nonattendance often results in falling behind and dropping out. A lack of education limits options for employment and opportunities for the drop out and a habitually truant child will be ill prepared for skilled work. Additionally, truancy is often a precursor of more serious negative behaviors and activities including delinquent behavior, increased drug and alcohol use, increased involvement in violence and gang activity, and an increased likelihood for involvement in adult crime.<sup>4</sup>

The impact of truancy on society cannot be overstated. Financially, truancy results in losses that can be measured by a less educated workforce, losses to business from truant youths who shoplift or hangout, higher daytime crime rates, costs to social services for families with truant children, and losses of state and federal education funding for individual schools (because much of this funding is based upon the number of students in each school and actual attendance).<sup>5</sup> The lack of an educated workforce results in a less educated and productive society and greater reliance on public subsidies.

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<sup>4</sup> Ellen M. Garry, October 1996, *Truancy: First step to a lifetime of problems*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

<sup>5</sup> Baker, Myriam, Jane Nady Sigmon, and M. Elaine Nugent. September 2001, *Truancy reduction: Keeping students in school*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

According to a report issued by the Colorado Foundation for Families and Children, on average, one high school drop out can be expected to cost society in excess of \$200,000 in social programs.<sup>6</sup>

What are the demographic characteristics of the truancy population nationwide? The most recent juvenile court statistics publication of the Office of Juvenile Justice and Delinquency Prevention discussed a sample-based profile of court-petitioned truancy cases disposed of between 1990 and 1999.<sup>7</sup> The following demographic trends are noted:<sup>8</sup>

- The volume of petitioned truancy cases peaked at age 15.
  - o 30 percent of petitions involve children age 15
  - o 23 percent-at age 14
  - o 16 percent at age 16
  - o 14 percent at age 13
- The male and female proportions of court-petitioned truancy cases were similar to their representation in the general population
  - o 46 percent for females
  - o 54 percent for males
- Caucasian juveniles accounted for the majority of court-petitioned truancy cases
  - o 71 percent Caucasian
  - o 25 percent African American
  - o 4 percent “other.”

What is the flow of truancy cases as they move through the juvenile court process? According to the Office of Juvenile Justice and Delinquency Prevention, approximately 60 percent of court-petitioned truancy cases result in adjudication.<sup>9</sup> That

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<sup>6</sup> Joanna Zorn Heibrunn, September 2002, “The Costs and Benefits of Three Intensive Interventions with Colorado Truants.” Colorado Foundation for Families and Children, Denver, Colorado.

<sup>7</sup> Ibid.

<sup>8</sup> The authors of this document are strong to caution that, due to variations in data collection and storage issues, the data cannot support national estimates of truancy trends and the volume of truancy cases.

<sup>9</sup> Puzzanchera, Charles, Anne L. Stahl, Terrance A. Finnegan, Nancy Tierney, and Howard N. Snyder.2003. *Juvenile Court Statistics 1999*. Pittsburgh, PA: National Center for Juvenile Justice.

is for every 1,000 cases filed, 606 are adjudicated by the court. The remaining 394 are dismissed or receive informal sanctions. The same report of the Office of Juvenile Justice and Delinquency Prevention also highlights truancy cases by the key case processing milestones of detention, adjudication, and disposition.<sup>10</sup>

- Detention
  - o Only 2 percent of court-petitioned truancy cases resulted in detention between referral and disposition.
  - o Youth age 15 or younger accounted for 74 percent of truancy cases involving detention
  - o 54 percent of truancy cases involving detention concerned males
  - o Caucasians made up 71 percent of truancy cases involving detention
- Adjudication
  - o Court-petitioned truancy cases involving children aged 15 years or younger were more likely than those involving children age 16 or older to be adjudicated;- 61 percent compared to 58 percent
  - o Males and females were adjudicated at almost the same rate: 60 percent males and 61 percent females
  - o Caucasian and African-Americans children were adjudicated at approximately the same rate; 60 percent Caucasian and 63 percent African-American.
- Disposition
  - o Probation is the most common disposition alternative for truancy cases regardless of age, gender, or ethnicity.

#### B. Truancy Mediation

Across the nation a variety of community programs have been implemented to reduce truancy. The National School Safety Center has identified five primary elements for comprehensive community and education strategies to deal with truancy. These include:<sup>11</sup>

- Involve parents in all truancy prevention activities
- Ensure students face firm sanctions for all truancy

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<sup>10</sup> Ibid.

<sup>11</sup> The National School Safety Center, <http://www.nssc1.org/>.

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- Create meaningful incentives for parental responsibility
- Establish ongoing truancy prevention programs in school
- Address the unique needs of each child and consider developing initiatives to combat the root cause of truancy

Recently, mediation and alternative dispute resolution techniques have been utilized to tackle truancy and the underlying causes of truancy. The National Center for State Courts' website identifies 20 states with truancy mediation programs.<sup>12</sup> Mediation and alternative dispute programs are operated by the courts, teen courts, mediation centers, or prosecutors' offices. These programs emphasize multi-agency partnerships between those agencies that address juvenile justice issues in a variety of contexts. These include schools, human services agencies, social services agencies, probation, state attorneys general, juvenile courts, and teen courts.<sup>13</sup>

In Ohio, the Truancy Prevention through Mediation Program invites parents to attend mediation after parental notification is not successful in improving the child's school attendance.<sup>14</sup> Mediation is provided prior to the filing of a court petition. If the mediation is unsuccessful or the child incurs additional absences, the case is then referred to the juvenile court. Results from the Truancy Prevention through Mediation Program show significant improvement for attendance for participants at the elementary and middle school levels, a reduction in the number of truant children, and a high-level of process satisfaction among participants. The School Attendance Mediation Initiative in Hillsborough County, Florida is also observing that mediation is effective in addressing

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<sup>12</sup>The National Center for State Courts, Knowledge & Information Services. Truancy Mediation State Links, last updated August 2002, [www.ncsconline.org](http://www.ncsconline.org). These states include Arizona, California, Connecticut, Florida, Georgia, Hawaii, Minnesota, Nevada, New Hampshire, New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Utah, Vermont, Virginia, and Washington.

<sup>13</sup> Ibid.

<sup>14</sup> The Ohio Commission on Dispute Resolution and Conflict Management. "Truancy Mediation Executive Summary for School Year 2001-2002." [http://www.state.oh.us/cdr/cc/truancy\\_2001.htm](http://www.state.oh.us/cdr/cc/truancy_2001.htm).

the issue of truancy.<sup>15</sup> The focus of the mediation is not on laying blame but instead on the needs of the child. Through the mediation process, information is shared between parents and teachers in order to understand the nature of the school attendance problem and what services are available to solve the problem. Mediation has been successful in reducing the need for court intervention.

C. Colorado Truancy Statutes and Caseflow

The School Attendance Law of 1963 dictates the enforcement of compulsory school attendance.<sup>16</sup> This law defines a habitually truant child as

a child who has attained the age of seven years and is under the age of sixteen years having four unexcused absences from public school in any one month or ten unexcused absences from public school during any school year. Absences due to suspension or expulsion of a child shall be considered excused absences for purposes of this subsection.

No further definition of “absences” is provided. However, the School Attendance Law of 1963 (C.R.S. 22-33-107) does allow for local school board discretion and further directs that the board of education of each school district shall:

adopt and implement policies and procedures concerning children who are habitually truant. The policies and procedures shall include provisions for the development of a plan. The plan shall be developed with the goal of assisting the child to remain in school and, when practicable, with the full participation of the child's parent, guardian, or legal custodian. Appropriate school personnel shall make all reasonable efforts to meet with the parent, guardian, or legal custodian of the child to review and evaluate the reasons for the child's truancy.

In Colorado, habitually truant students are identified through multiple sources and include classroom teacher referrals, school attendance officer identification, and school

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<sup>15</sup> The Legal Pad: A Publication of the Thirteenth Judicial Circuit, Winter 2001.

<sup>16</sup> C.R.S. 22-33-107 (2002).

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social workers. Each school district develops a set of criteria for the identification and intervention of truant students. Generally, a series of truancy reduction services are offered by the school district as the first attempts to eliminate or reduce the truancy behaviors. These options vary by location (judicial district, school district, and community) from notice of non-attendance letters, parental phone notification, school social worker sessions, student attendance review boards, and truancy reduction services. As depicted in Figure 2, if these services are unsuccessful, the school district will file a truancy petition with the court.

Truancy actions operate under the processes dictated in Title 19, Children's Code, of the Colorado Revised Statutes.<sup>17</sup> Once a petition is filed, the initial hearing is an advisement of the action. At the advisement hearing, the parent and the child appear to either admit (consent) or deny the allegations contained in the truancy petition. If the parties admit to the allegations, the court will generally proceed immediately to the disposition of the truancy case. If the parties do not admit the allegations or deny the allegations, the case will move to a trial. The burden of proof is a preponderance of the evidence standard.<sup>18</sup>

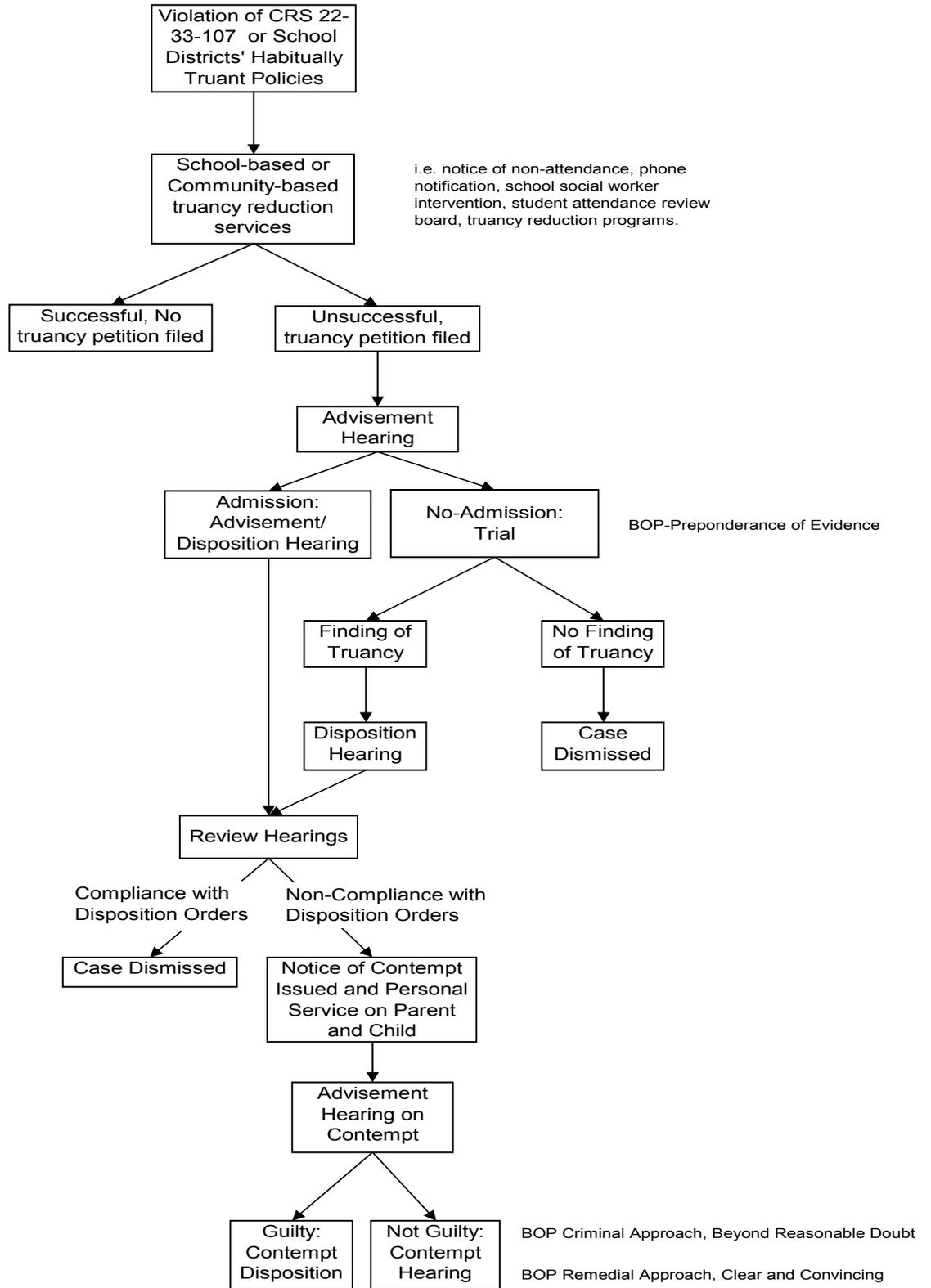
Upon an adjudication of truancy, the court will issue its order of disposition. Disposition orders generally contain standard school attendance requirements (i.e., attend school, no unexcused absences, after school sessions, sign in sheets) and may contain requirements for participation in rehabilitative services (i.e., assessment and treatment services). Subsequent reviews will be set wherein the court will review compliance with its orders, school attendance, and case progress.

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<sup>17</sup> C.R.S. Title 19, Colorado Children's Code, (2002).

<sup>18</sup> In most Colorado judicial districts, the exercise of the right to trial is rare.

Figure 2. Colorado Truancy Caseflow Diagram



BOP=Burden of Proof

Compliance with the court orders, case progress, and improved school attendance will ultimately result in a dismissal of the truancy action.<sup>19</sup> If there is non-compliance with the court's orders, however, the case may advance to a contempt proceeding, as seen in Figure 2, beginning with notice, personal service, and an advisement on the contempt. If the contempt proceeds to trial, the burden of proof will depend on the relief requested. Criminal relief requires a beyond a reasonable doubt standard while the clear and convincing standard is required for remedial relief.<sup>20</sup>

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<sup>19</sup> A case may also be dismissed if the child reaches age 16 during the pending truancy action.

<sup>20</sup> There is a philosophical dichotomy in the application of detention as a sanction for truant children. While detention is not an appropriate sanction for school non-attendance, the criminal relief of detention is an option available to the court for non-compliance with the court's orders or other contempt issues. Remedial relief may include additional services or other non-detention sanctions, which address the underlying causes of the truant behavior and/or non-compliance with the court's orders.

#### **IV. METHODOLOGY**

In November 2003, the Colorado State Court Administrator's Office approved the revised National Center for State Courts' work plan, which contained the alternative focus, methodology, and products discussed in Section II. Timelines discussed in the work plan were shifted and data collection occurred over a three-month period during December 2003, January 2004, and February 2004. There was some delay in the completion of interviews and court observation due, in part, to a suspension of truancy calendars during the Christmas and New Year holidays and the availability of truancy personnel during that same time period. The deadline for questionnaires was December 29, 2003; however, questionnaires were submitted as late as mid-February 2004.

In order to complete the review of truancy case processing in Colorado, the National Center for State Courts consultant conducted site visits in December 2003 and January 2004. The sites included the Second District (Denver), the Fourth District (Colorado Springs), and the Eighteenth District (Centennial). These sites were selected because each district handles a significant number of truancy cases, when compared to other Colorado judicial districts. Additionally, truancy mediation projects in these districts were approved for funding and are currently in the planning stages.

During the site visits, the National Center for State Courts consultant interviewed the juvenile justice professionals participating in the truancy court process. (See Appendix A for a list of interview questions.) These professionals included court magistrates (judicial officers), court-appointed attorneys for parents and children, court-appointed guardians ad litem for children, the prosecuting school board attorney, school social workers and attendance officers, family court facilitators, family court mediators,

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and other stakeholders in order to document the current practices and the overall operations of the truancy court. The purpose of these interviews was to solicit information regarding current issues facing the jurisdiction with respect to truancy operations and effectiveness and the planned truancy mediation program. Comments and responses from these interviews were then synthesized by issues and themes.

Additionally during the site visit, the National Center for State Courts consultant performed court observation of several truancy court cases, at various stages, age, and court milestones in each of the three jurisdictions.

To obtain statewide information and input, the National Center for State Courts consultant distributed questionnaires for completion by each of Colorado's 22 judicial districts. The Truancy Case Processing Questionnaire (Appendix B) captures information regarding truancy cases at the local district and/or county level. The requested information is divided into three parts: (1) court information, which includes court philosophy, filings, demographics, number of judicial officers handling truancy cases, calendars, and court sanctions/rewards; (2) court/community interaction, which identifies community stakeholders and local issues affecting truancy filings; and (3) innovative truancy case processing practices, which identifies unique or promising practices in the district, performance measures as indicators of success, data elements, and data sources. The third category is of special interest inasmuch as local innovative practices may have statewide applicability. Because of the nature of the questions and responses, questionnaire data were not coded or transferred into a database for a determination of central tendencies (i.e., mean, median, and mode). Questionnaire

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responses are instead presented in a table format in Appendix C-E and discussed by theme herein.

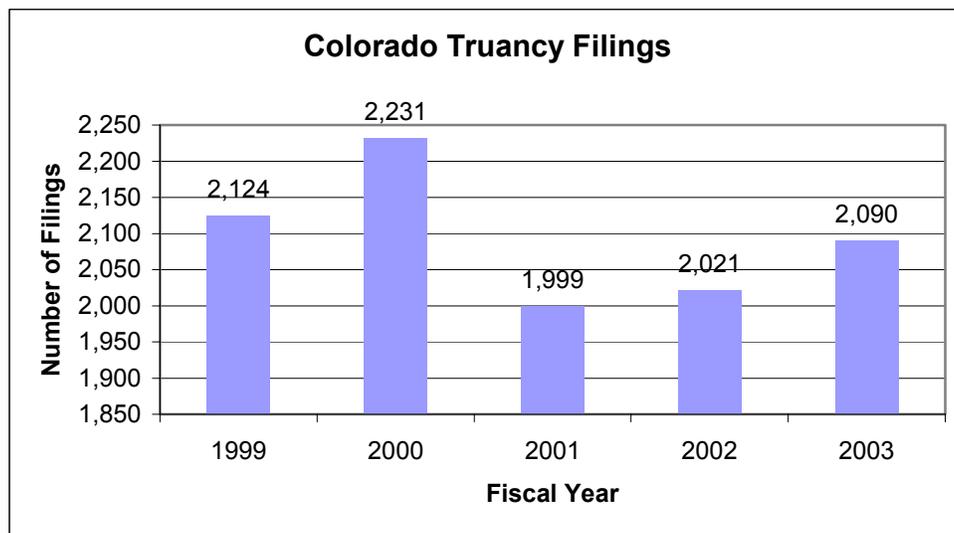
Finally, the National Center for State Courts consultant performed a review of relevant literature and reviewed the numerous documents and informational materials provided by the Colorado State Court Administrator's Office and the local juvenile justice professionals in each of the site visit locations. These included juvenile case type filing statistics, descriptive materials, written policies, procedures, and protocols, sample forms, and juvenile court filing statistics and caseload information (with special attention to truancy case filings) maintained by the Colorado State Court Administrator' Office. The National Center for State Courts consultant then analyzed the information and the various issues associated with Colorado truancy case processing in anticipation of the implementation of the three truancy pilot mediation programs.

## V. FINDINGS

### A. Truancy Filings<sup>21</sup>

Truancy case filing numbers statewide and for the three featured districts are presented in Charts 1-6. Chart 1 highlights the number of statewide truancy filings for the most recent five fiscal years.<sup>22</sup> Filings reached their highest point in FY 2000 of 2,231 to its lowest point of 1,999 in FY 2001, representing a 10 percent decrease. Filings have bordered in the range of 2,000 for each of the fiscal years for 2002 and 2003. The decrease in filings may be attributed, in part, to the efforts of the Colorado Truancy Task Force and the Truancy Reduction Program.<sup>23</sup>

**Chart 1. Colorado Truancy Filings FY 1999-FY 2003**



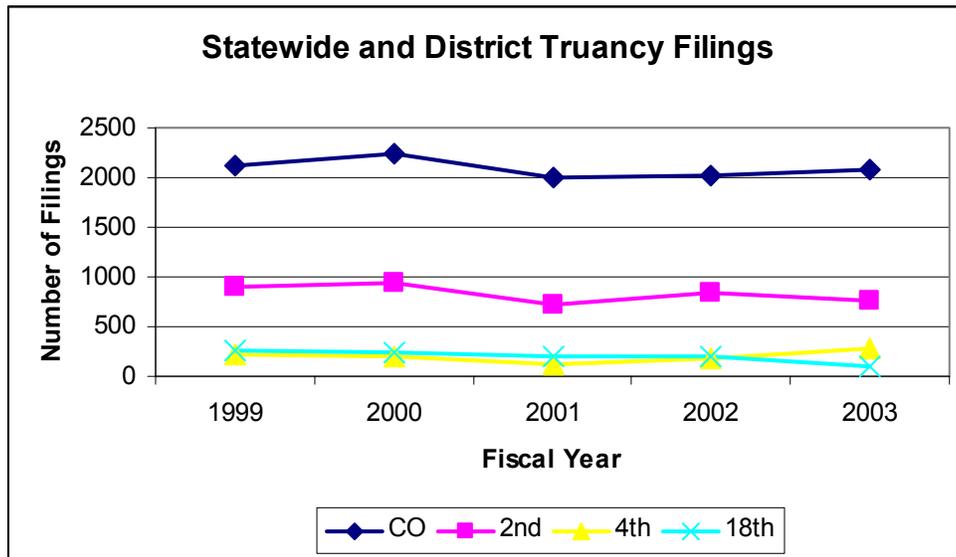
<sup>21</sup> The Colorado State Court Administrator's Office provided the truancy filing information, Juvenile Filings by Type of Case, FY 1999-FY 2003.

<sup>22</sup> The Colorado fiscal year begins July 1 and concludes on June 30, annually.

<sup>23</sup> The Truancy Task Force met during the 2001 Judicial Conference. This working group discussed the impact of truancy filings on the court docket. The Task Force believed that the judicial branch should be just one mechanism in a continuum of truancy interventions and should intervene with the most extreme cases. This approach was operationalized in several districts (i.e., reduced docket time, paper review, etc.) thus necessitating a change in school district truancy filing processes (i.e., reduced filings, increased pre filing intervention approaches, development of filing criteria). This operational shift may account for the reduction in statewide truancy filings.

Chart 2 is a graphic representation of the truancy filing trends for the state compared to the three districts. Generally, trends in truancy filings in each of the three districts appear to follow the statewide trends. A notable exception to the similarity in filing trends occurs between fiscal years 2002 and 2003. During that time period, statewide filings increased from 2,021 to 2,090, representing a slight increase of 3 percent. In the Second and Eighteenth Judicial Districts, however, there was a decrease in filings. Truancy filings dropped from 850 to 762, representing a 10 percent decrease, during the same time period in the Second (Denver) Judicial District. In the Eighteenth (Centennial) Judicial District, truancy filings dropped by 55 percent during the same time period, from 202 to 92 truancy filings.

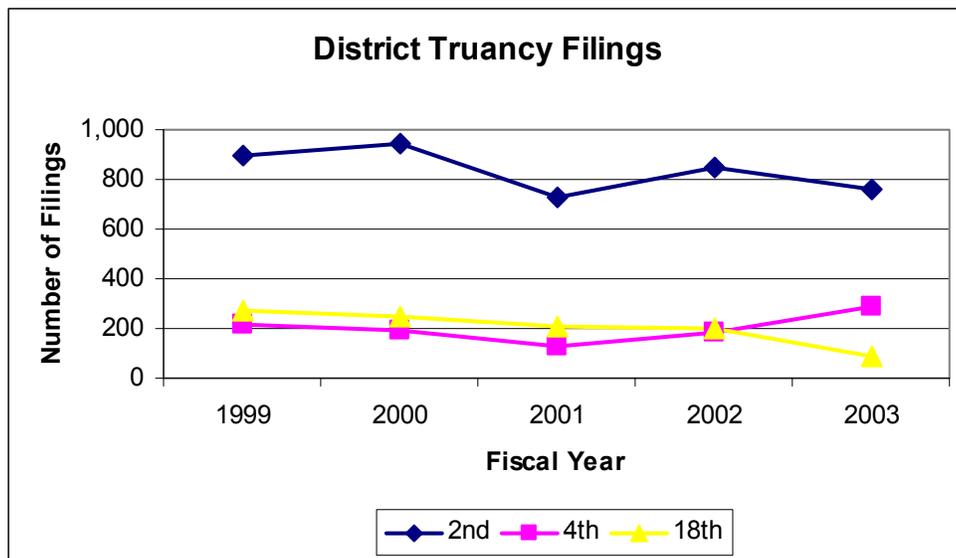
**Chart 2. Statewide and District Truancy Filings FY 1999 -FY 2003**



As Chart 3 displays, the Second Judicial District has the highest number of truancy filings of the three featured jurisdictions. In fact, the Second Judicial District has the highest number of truancy filings for the entire state of Colorado during the same five-year period. This is likely due to a combination of factors. For example, the City

and County of Denver is the most urban location in Colorado and the Denver Public Schools system is the second largest school district in Colorado.<sup>24</sup> The demographic makeup of its student population is largely urban and minority. A host of issues such as illegal drugs, gang violence, family dynamics, cultural and religious dynamics, socio-economic factors, mental health problems, and teen pregnancy exacerbate the truancy problems, and thus increase truancy filings.

**Chart 3. District Truancy Filings FY 1999 -FY 2003**

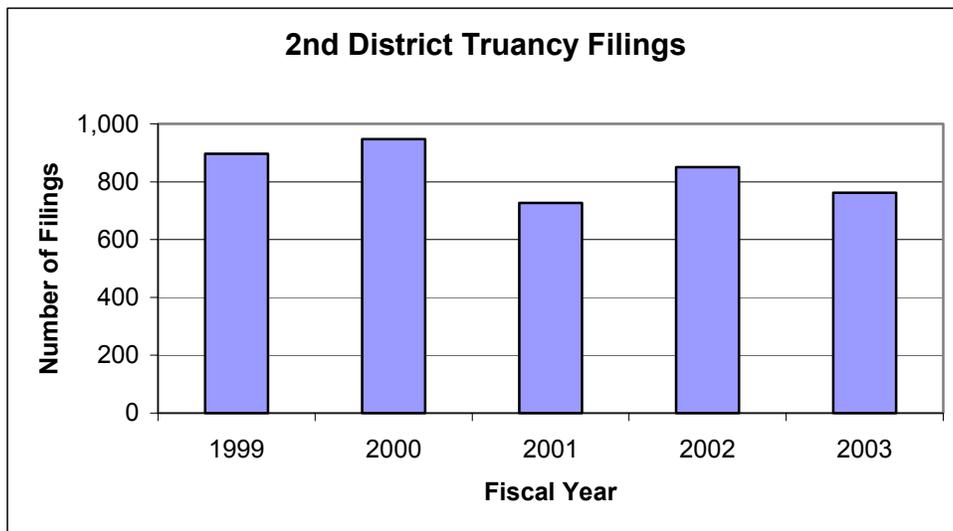


Charts 4, 5, and 6 indicate the individual truancy filing numbers for the Second, Fourth, and Eighteenth judicial districts, respectively. As Chart 4 displays, truancy filings reached their highest of 947 in FY 2000 and their lowest of 727 in FY 2001 in the Second Judicial District, a decrease of 23 percent. Truancy filings in the Fourth Judicial District reached a high of 285 in FY 2003 and a low of 125 in FY 2001 as depicted in Chart 5. This represents a 128 percent increase in filings between FY 2001 and FY 2003.

<sup>24</sup> The Jefferson County School District is the largest school district in Colorado.

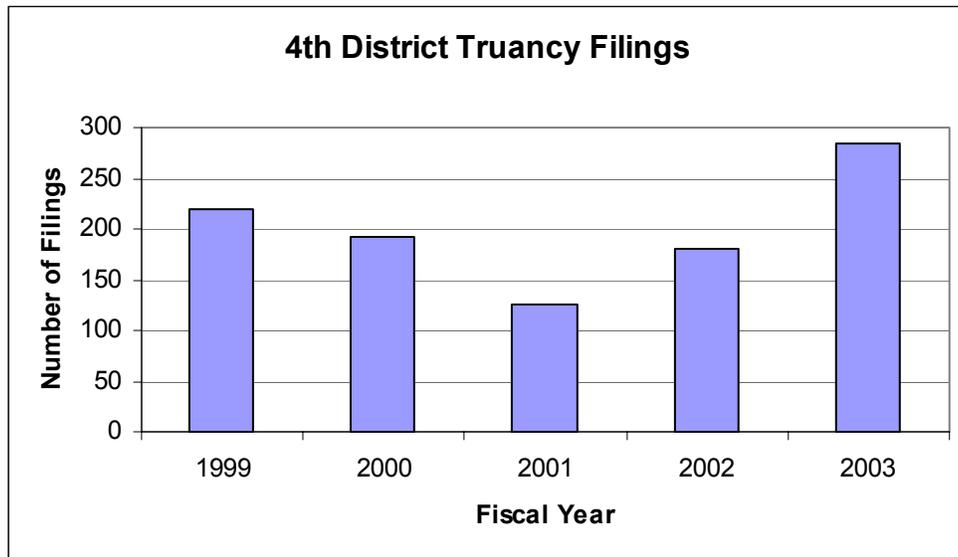
Finally, Chart 6 depicts that truancy filings reached a peak of 270 in FY 1999 and a drop of 65 percent by FY 2003 with a low of 92 truancy filings in the Eighteenth Judicial District.<sup>25</sup> It appears that, while the number of truancy filings in Colorado is relatively consistent for the past five fiscal years, there have been greater percentage fluctuations in truancy filings within the three judicial districts for the same five year period. Between each district, fluctuations in truancy filings (i.e., filing decreases in the Second District and the Eighteenth District, and filing increases in the Fourth) appear to have “off-set” each other so that the overall impact on statewide filings is not apparent.

**Chart 4. Second District Truancy Filings FY 1999 – FY 2003**

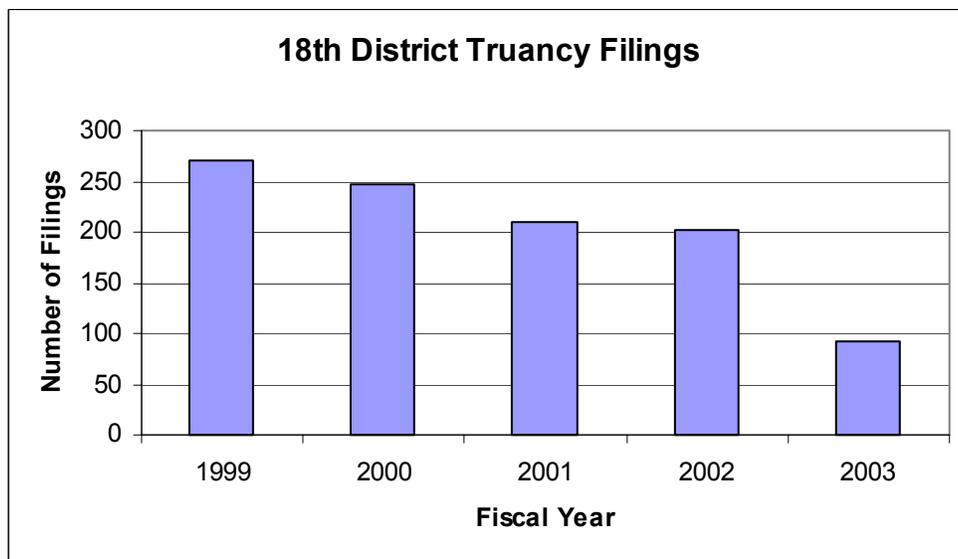


<sup>25</sup> This dramatic decrease is due in large part to the local truancy reduction program. In this district, court time was reduced from two full days each week to one-half day each week.

**Chart 5. Fourth District Truancy Filings FY 1999 – FY 2003**



**Chart 6. Eighteenth District Truancy Filings FY 1999 – FY 2003**



B. Second Judicial District

The Second Judicial (Denver) District consistently had the highest number of truancy filings between the three featured judicial districts, as well as the entire state, for the past five years. (See Section V.A., *Findings-Truancy Filings*, of this Report.) A multitude of factors (i.e., homelessness, poverty, domestic violence, substance abuse and mental illness) in this mostly urban district affects the number of filings and the makeup of the truancy population. Recent events such as the decrease in juvenile court magistrates (from four to two) has taxed already strained court resources and limited the available docket time that can be strictly devoted to truancy cases.

1. Truancy Perspectives

Truancy is often a threshold issue for delinquency and dependency and neglect cases. Truancy matters are often the “lynch pin” or the “gateway” to the entire family situation. Without the intervention of the court, familial crises affecting school attendance may go undiagnosed and untreated. In this district, it is perceived that educational neglect is not a priority for the Denver Department of Human Services. This is evidenced by the lack of such allegations in the dependency and neglect petitions filed by the Department. Often, it is only the filing of the truancy petition that is a precursor to the involvement of the social services agency.

When asked whether truancy cases should be removed from the judicial branch, all of those interviewed responded “no.” The overwhelming sentiment is that removing truancy from the judicial branch (and likely creating an administrative process) would make truancy matters ineffectual due to the lack of enforcement. Additionally, removing truancy cases from the judicial branch sends the message that truancy cases and, thus,

education are not important. Another concern is post-truancy determination activities such as the access to rehabilitative services. Truancy matters involve more than a determination of truancy. They also include a prescriptive plan for addressing the underlying causes of truancy. The court has the capacity to make orders directing individuals to attend and agencies to supply medical, educational, psychological, or counseling services, which are matched to the needs of the individual truant child and/or family.

## 2. Local School District Policies and Procedures

While truancy cases are triggered when a child misses four or more unverified absences in a month and ten or more in a school year, the statute does not define the term “absences.” Each school district has the discretion to adopt a local policy on truancy and Denver Public Schools has adopted a policy of 30 unexcused absences. Not all cases are filed, however, even if they meet the threshold criteria for a truancy petition. First, the Denver Public School reviews to determine the age of the “habitually truant” child. Generally, truancy petitions are not filed on children 16 years of age or older. This is essentially due to a lack of effective enforcement options. Second, each “habitually truant” child is reviewed to identify the most critical cases and the trends and problems affecting the child’s school attendance and ability to receive an education requiring court intervention. Third, each case is reviewed to determine whether there is a need for special education services.

Denver Public Schools exercises discretion in determining which cases are brought to the attention of the court and which cases Denver Public Schools will address internally through school-based truancy reduction mechanisms. Cases that will likely be

brought to the court are those in which: there is a history of truancy in the family; there are allegations of abuse and neglect requiring the intervention of the court and the Denver Department of Human Services; and the family is in need of economic, medical, and social services to improve the quality of life so that the child may return to school.

Denver Public Schools provides a continuum of comprehensive multi-services, which focus on reducing truancy. These school-based truancy reduction mechanisms are in place<sup>26</sup> and are utilized prior to the filing of a truancy petition with the court. These include: notification of non-attendance letters, discretionary non-attendance letters, automatic phone dialing notification systems, catch-up classrooms,<sup>27</sup> school attendance review boards, individual face-to-face services with the school social worker, referral to the alternative resource team, and special education needs assessments. If these school-based truancy reduction mechanisms are not successful in reducing the truancy problem, Denver Public Schools will then file a truancy petition with the court.

### 3. Court Observation

Truancy matters are heard on Fridays during the school year. The truancy calendar generally begins in October and ends in June, to coincide with the school year. Truancy dockets, generally, are in the range of 45-50 truancy hearings. Some days, however, the number of set hearings is as high as 80. The magistrate sets the calendar and issues the next appearance dates in open court. No court clerks or administrative personnel attend the hearings.

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<sup>26</sup> For example, truancy reduction services are located in 16 of 20 middle schools.

<sup>27</sup> As the name suggests, catch-up classrooms assist children with catching up with missed school work in order to be at the same level as their classmates. Oftentimes, truant children are resistant to returning to school because they have fallen behind with their assignments, school work and grade level.

*Review and Analysis of Colorado Truancy Case Processing*

On January 9, 2004, the National Center for State Courts consultant observed a “typical” truancy docket. The truancy session commenced at 8 a.m. and concluded at 5 p.m.; without breaks for lunch or other recesses. Cases were block set at 8 a.m. (25 hearings), 10 a.m. (13 hearings), and 11 a.m. (5 hearings). Interspersed between the truancy hearings, the magistrate also attended to other emergency dependency and neglect matters. The types of truancy hearings on the docket included advisements, show cause hearings, contempt, and periodic reviews. In total, 43 truancy cases were set for hearing and 35 took place. Of the 35 truancy hearings, 19 cases (54 percent) involved girls and 16 cases (46 percent) involved boys. At least 50 percent of the cases involved middle school children.

Those professionals in attendance included the magistrate, representatives from the Denver Public Schools (including attorney, school social workers), court-appointed attorneys and guardians ad litem for children, representatives from Denver Department of Human Services (including the truancy court liaison, agency social workers, city attorney), service agencies (i.e., Community Assessment Center, DRP, drug and alcohol, mental health counseling) and law enforcement (i.e., Denver County Sheriff’s Office). These truancy professionals, while representing a variety of perspectives, worked together to ensure that the children’s needs were addressed while balancing the need to attend school.

Truant children appeared (unless excused) for the truancy hearing accompanied by a parent(s) or guardian. One child was found in direct contempt and placed immediately in detention for inappropriate court behavior. The nature of the discussion during the court hearings clearly indicated a host of issues far beyond those of “simple”

truancy matters (i.e., non attendance). These included teen pregnancy, drug and alcohol use and addiction, domestic violence, delinquent behavior, parental abuse and neglect, mental health, suicide, runaway, sexual assault, beyond the control of the parent, medical issues, lice and scabies, Indian child welfare, violent behaviors, and weapons.

Generally, the findings and orders of the court were developed based upon the facts of the case, which included standard school attendance provisions (i.e., school attendance, no unexcused absences or tardies, after-school sessions, study skills, homework checks, and daily signing in) and addressed the specific case issues and needs of the child. Specialized orders or services included: no contact orders, electronic monitoring, drug and alcohol assessment, prevention, treatment, random screening, alternative school options, anger management, parenting classes, relationship counseling, mental health counseling, psychological assessments, in home services (via the Denver Department of Human Services), child care, family counseling, and orders directing the Denver Department of Human Services to investigate and report back to the court.

#### 4. The Successful Truancy Case

For the Second Judicial District, a successful truancy case involves a two prong definition (1) the resolution of the underlying issues that affect school attendance and (2) the child's improved attendance, grades, and participation in school. Much of the success of truancy cases in this district is attributed to the collaboration of the truancy professionals. These hard-working professionals work very well together on behalf of the child and the family. These professionals understand the school system and the services available to address the underlying causes of truancy.

What about the barriers to a successful truancy case in this district? The lack of available court time and court resources was not identified as the greatest impediment to a successful truancy case. Instead, the combination of the lack of available treatment and rehabilitative services, community resources, and poverty were cited as the key barriers. Secondly, it was mentioned that there is a lack of effective enforcement of the court's orders, especially with respect to juvenile detention alternative and third party compliance.

5. Innovative Truancy Practices

In addition to the implementation of the truancy mediation program, the district will soon be taking truancy hearings out into the community. As part of a trial program, truancy hearings will be heard at Kepner Middle School once per month, beginning in late February 2004. Cases from Kepner Middle School and its feeder elementary schools will be heard in this forum.

C. Fourth Judicial District

The Fourth Judicial District is the forum for the truancy petitions of ten school districts. Eighty-five percent of the truancy petitions come from the Colorado Springs, Harrison, and Falcon Public Schools. The Fourth Judicial District experienced a 57 percent increase in truancy filings between FY 2002 and FY 2003. (See Section V.A.) It is anticipated that truancy filings for FY 2004 will exceed FY 2003 filings (285 truancy filings) by 10 percent.

Locally, the Department of Human Services is backing away from truancy cases due to budgetary restrictions. The Department is involved, however, when there are issues of taking a child into custody and placing the child in the detention center. Recent

events including the economic climate and Senate Bill 91-94, limiting the number of juveniles sentenced to detention, has required the court to revisit the issue of detention as a sanction if the detention center is at or near capacity. There is some concern that this detention capping will diminish the impact of incarceration as a consequence for non-compliance with the court's orders in a truancy matter.

1. Truancy Perspectives

Truancy is a symptom of a larger problem. Oftentimes truancy matters are really disguised dependency and neglect cases. These are children who will often fall through the cracks of the system if the truancy process was not in place. They are often under the radar of social services involvement because they are not regularly monitored by the school environment.

This district has embraced a treatment-based approach utilizing school and community-based intervention services. Optimally, all truancy cases should be triaged based on issues and critical needs. Appropriate services should then be available to address the familial problems that are the underlying causes of the truancy. However, once brought into the court system, there is a focus of strict compliance with the law and a system of graduated sanctions for non-compliance with the orders of the court requiring school attendance and participation in rehabilitative services.

No one interviewed in this district believes truancy cases should be removed from the judicial branch. However, there is a realistic concern for unfunded or reduced funding mandates and restrictions on sanction alternatives, such as Senate Bill 91-94. The filing of a truancy petition with the court should be just one in a litany of options to address truancy matters. In fact, court action should be one of, if not the final alternative.

2. Local School Districts Policies and Procedures

While federal dollars are tied into the legal obligation to pursue habitual truants, there is also a moral obligation to address the truancy and its underlying causes. Each school district brings its truancy cases to the attention of its legal counsel. A single, small private firm represents the ten school districts that come to the Fourth Judicial District for court intervention in truancy cases.

Prior to the filings of a truancy case there is a series of pre-filing services that must be offered and completed. Generally, this involves a progression of services from a notice of non-compliance to actual truancy intervention services. Additionally, all habitually truant children must be referred to the Youth Assessment Center.

Unfortunately, this is a non-binding referral and the school district cannot compel the parent or the child to attend the Youth Assessment Center. It is estimated that 75 percent of those children considered to be habitually truant have a successful resolution with these pre-filing services.

3. Court Observation

A single magistrate presides over all truancy matters in this jurisdiction. Truancy matters are routinely heard on Monday and Wednesday mornings during the school year. Mondays are reserved for advisement hearings. Other matters such as reviews, contempt hearings, and motion to revoke suspended sentence are held on Wednesdays. The truancy calendar generally begins in October and ends in June, to coincide with the school year, and the bulk of truancy petitions are filed in January. The court devotes a significant amount of time to truancy matters and they currently comprise the single biggest block for the magistrate. Generally, the number of hearings set on a single

truancy docket is 20. The magistrate sets the calendar and issues the next appearance dates in open court. A court clerk assists the magistrate while on the bench.

On January 28, 2004, the National Center for State Courts consultant observed a “lighter than usual” truancy docket. The truancy session commenced at 9 a.m. and concluded at 11 a.m.; without breaks or other recesses. Nine cases were block set at 9 a.m. The types of truancy hearings on the docket included reviews, contempt advisements, show cause hearings, contempt, and periodic reviews. In total, nine truancy cases were set for hearing and eight took place. Of the eight truancy hearings, four cases (50 percent) involved girls and four cases (50 percent) involved boys. Five of the eight cases (63 percent) involved high school children and the remaining three cases (37 percent) involved middle school children.

Truancy professionals in attendance included the magistrate, representatives from the school districts (including attorney, school social workers), court-appointed attorneys and guardians ad litem for children, representatives from the El Paso and Teller County Departments of Human Services (including agency social workers), and service agencies (i.e., Youth Assessment Center, drug and alcohol, mental health counseling).

Truant children appeared for the truancy hearing accompanied by a parent(s) or guardian. One child was sentenced to detention (Spruce Creek) due to continued truancy since the last court hearing. As in the Second Judicial District, the court was presented with a wide variety of familial and personal issues beyond those of “simple” truancy matters (i.e., non attendance). These included drug and alcohol use and addiction, gang violence, domestic violence, sexual behavior, mental health issues, runaway, and beyond the control of the parent. The findings and orders of the court included standard school

attendance provisions (i.e., school attendance, no unexcused absences or tardies, enrollment in the student improvement center) and specialized orders to address the specific case issues and needs of the child. Specialized orders or services included: detention (Spruce Creek), curfews, drug and alcohol assessment, prevention, in-patient and out-patient treatment, random screening, alternative school options (i.e., Tessler and Bijou schools), and in-home family preservation services (via the El Paso Department of Human Services).

4. The Successful Truancy Case

Successful truancy cases include the following characteristics: (1) the child is attending school and doing well; (2) the child exhibits a positive attitude and behavior; and (3) parents are empowered to take control of their children and become effective parents. From the court's operational perspective, success also includes: a reduction in court time; a reduction in the number of hearings and "case life" for each truancy case; and finally, not having to impose detention as a sanction.

5. Innovative Truancy Practices

This district has the resources of the Youth Assessment Center to fill the void and address the underlying needs of habitually truant children and families. Essentially, the Youth Assessment Center is a human services agency. The primary focus of the Youth Assessment Center is school disruptors, chronic truants, and runaway children. It does not service children who are involved in the delinquency system. Among its many services, the Youth Assessment Center provides drug and alcohol assessments and is a referral source for other community-based services.

D. Eighteenth Judicial District

In the summer of 2002, the Eighteenth Judicial District implemented a truancy reduction scheme to reduce the number of truancy cases brought before the court. This included the reduction in available court time from one and one-half days per week to one-half day per week, a move towards paper reviews as opposed to appearance reviews, and the development of an “Acceptance for Filing” sheet. This sheet clearly states the criteria for the filing of a truancy petition and the pre-filing efforts that must be made by the school district in advance of the filing of a truancy petition. Economic and cultural factors precipitated this effort: (1) the court needed to reduce the amount of bench time for truancy cases, (2) the court needed to reduce the court staff workload related to truancy case, (3) the Office of the Child Representative needed to reduce the number of guardians ad litem appointed to represent truant children, and (4) the need to create a shift in the culture of truancy filings, which essentially means that the court should handle only the most extreme truancy cases. Truancy filings reached a peak of 270 in FY 1999 and dropped to a low of 92 by FY 2003. One magistrate presides over the truancy cases. The greatest factor for the drop in truancy filings is likely related to the reduction in available court docket time devoted to truancy cases.

1. Truancy Perspectives

Truancy is often a precursor to delinquency and is the “tip of the iceberg” with respect to other family problems. Optimally, each community would develop a comprehensive truancy diversion program that included intervention services for the parent and child, as well as alternative dispute resolution options such as mediation. The court should be just one mechanism to handle truancy cases. The court should really

intervene with the most extreme cases. No one interviewed in this district believed that truancy cases should be removed from the judicial branch. The court is a necessary and effective option for services and human services agency intervention and for enforcement of attendance and the imposition of sanctions. On the other hand, the court should be the final point in a continuum of truancy reduction efforts that begin with school-based and community-based services.

## 2. Local School District Policies and Procedures

The school districts located within the Eighteenth Judicial District include Arapahoe, Littleton, Cherry Creek, Englewood, Aurora, and Sheridan. The philosophy of these school districts is that the filing of a truancy petition should be a last resort. While the school districts would much rather work with the child and families, the enforcement powers of the court are appreciated. Additionally in some cases the intervention of the Department of Human Services is necessary.

These school districts are represented by Cooperative Legal Services—a division of the Littleton Public Schools. The truancy reduction scheme in this district requires that each school and school district take several steps before referral for the filing of a truancy petition:

- Person-to-person phone contact—The school attendance officer (i.e., principal or vice principal) must contact the parent by phone to alert the parent of the attendance problems.
- Face-to-face contact with parent and child—The parent and child will meet with the school attendance officer to review the attendance record, discuss the consequences, and may enter into an attendance contract.
- Attendance Contract—The parent, child, and the school will enter into a contract to correct the problem of non-attendance and may include service referrals.
- Interagency or Juvenile Assessment Center Referrals—This may include the school attendance review board or referral to the Juvenile Assessment Center

if the school district does not have a review board. These are non-binding referrals and often parents and children refuse to participate.

While the decision to file a truancy petition is the discretion of the school district, referrals to Cooperative Legal Services for truancy petitions are reviewed for compliance with the above-referenced steps, the number of hours of absences, whether the child is a delinquent child, and whether the child is 15 years of age or older. In the case of a delinquent child or one age 15 or older, truancy petitions will generally not be filed.

### 3. Court Observation

Truancy matters are heard on Thursday mornings during the school year. The truancy calendar generally begins in September, ends in May, and breaks with holidays, to coincide with the school year. There is one review day in mid-July. The average truancy docket contains 22 appearance hearings and 16 paper reviews. A court clerk assists the magistrate during the truancy docket.

On December 11, 2003, the National Center for State Courts consultant observed a “typical” truancy docket. The truancy session started at 7:45 p.m. with pre-advisement hearing meetings with the school district attorney. The magistrate took the bench at 8:00a.m. and issued a general colloquy to each of the cases set for advisement. After the advisement hearings, other truancy matters such as appearance reviews, paper reviews,<sup>28</sup> citation hearings, and a hearing on sentencing were heard. Three cases were set per block at 8:30 a.m., 9:00 a.m., 9:30 a.m., 10:00 a.m., 10:30 a.m., 11:00 a.m. and 11:30 a.m.

Professionals in attendance included the magistrate, school representatives (including attorney, school social workers), court-appointed attorneys and guardians ad

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<sup>28</sup> Paper reviews (versus attendance reviews) are an active court case management mechanism whereby the court reviews the case via the submission of reports. Paper reviews are generally used when progress of the case is good and as a reward for improvement in attendance and behavior.

litem for children, representatives from Department of Human Services (including agency social workers, agency attorney), and service agencies. Truant children appeared (unless excused) for the truancy hearing accompanied by a parent(s) or guardian.

Generally, the findings and orders of the court included standard school attendance provisions (i.e., school attendance, no unexcused absences or tardies, daily tracking of attendance through an “orange” card),<sup>29</sup> inappropriate behavior restrictions (i.e., no nicotine, drugs or alcohol, curfew), and restrictions of privileges (i.e., driving, outside the home employment, obtaining a driver’ license).

#### 4. The Successful Truancy Case

For the Eighteenth Judicial District, there is no single definition of success. A successful truancy case is very child specific. In some instances, success may be defined by the mere fact that a child is attending school although performance may not be great. For other children, success is defined as a child attending school and performing optimally.

What about the barriers to a successful truancy case in this district? The lack of available resources (specifically funding for parents’ legal counsel) to balance the standing of the parents in a truancy action is a significant barrier to the resolution of a truancy case. Once a truancy petition is filed, the situation becomes acrimonious and parents generally feel disadvantaged due to a lack of effective legal resources.

Additionally, the lack of dollars, translating into community resources, court resources, social services resources, and school resources, prevents the truancy system from working in the best possible way. This is especially true of the Department of Human

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<sup>29</sup> An orange card is an attendance-tracking devise. The student attends the class session and the teacher signs the orange-colored card to confirm daily and hourly attendance.

Services, which is disinclined to become involved with truancy cases due to the high volume of abuse/neglect cases and fewer service resources. Truancy cases are not a priority in spite of the fact that many of these cases have underlying issues of dependency and neglect, which are the hidden reasons for truancy.

5. Innovative Truancy Practices

Occasionally, this district has used the services of the court facilitator to speak with the parties involved in the truancy case. The facilitator brings the parties together as a neutral third-party to discuss the issue in the case, increase communication between the parties, and assist with a resolution. This utilization of the facilitator has been helpful in equalizing the perceived disparity in power between the parents and the school and achieving consensus.

E. Statewide Questionnaire

To obtain statewide information and input, the National Center for State Courts' consultant distributed questionnaires for completion by each of Colorado's 22 judicial districts. The Truancy Case Processing Questionnaire (Appendix B) captures information regarding local truancy case processing, promising practices across the state, potential research questions, performance measures, data elements and data sources related to the promising practices. Respondents from 16 of 22 districts (a 72 percent response rate) submitted completed questionnaires. Looking at the state as a whole, this response percentage represents a meaningful statewide sampling of truancy case processing because it includes responses from urban, rural, and combined urban/rural jurisdictions. Moreover, responses from the five "most active" FY 2003 truancy

jurisdictions are included.<sup>30</sup> Responses to the questionnaire appeared to vary greatly depending upon the individual respondent's district experience with truancy cases and the frequency with which truancy cases are filed. Responses to the questionnaire are featured in Appendix C, Appendix D, and Appendix E.

The tables in Appendix C list, in narrative form, the various "philosophies" with respect to truancy cases and truancy case processing espoused by each judicial district based upon respondent statements. Questionnaire respondents were asked to: *Describe the philosophy of the court in this judicial district regarding truancy cases and truancy case processing.* No other explanation or definition of "philosophy" was provided. The National Center for State Courts consultant, however, anticipated that the responses would involve a "value" statement such as a mission, vision, or goal. Instead, responses ranged from value statements to concrete examples of how truancy cases are processed as a statement of the court's philosophy. These include:

Value Statements:

- The importance of education in our society
- Truancy as a threshold issue to other behavioral or social problems (i.e., delinquency or dependency and neglect)
- Court is proactive in addressing the underlying issues associated with truancy
- Court is a strong supporter of school districts efforts to combat truancy
- The school district should be primarily responsible for addressing truancy issues. Court does not have capacity to be a social services provider
- Identification of contributing factors is the key to intervention and treatment of problem
- Court is a forum of last resort. Cases should be brought to the attention of the court only after school-based corrective actions are unsuccessful

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<sup>30</sup> These jurisdictions include the First District (287 truancy filings), the Second District (762 truancy filings), the Fourth District (285 truancy filings), the Tenth District (128 truancy filings), and the Seventeenth District (170 filings).

Truancy Case Processing Statements:

- Strict compliance with truancy laws
- Calendar priority
- Reasonable steps necessary, including court sanctions, to address truancy.

Table 1 categorizes the types of responses by theme, as indicated in the questionnaire responses and presented in Appendix C, and then by judicial district designation. The National Center for State Courts consultant categorized the “philosophy” responses based upon the emerging themes into statements. These statements included:

- Truancy is a threshold issue to other at-risk behaviors
- Truancy cases given priority by the court
- Strict compliance with truancy laws and sanctions alternatives
- Court intervention is appropriate after efforts at the school level have failed
- Court is proactive to identify and resolve underlying truancy issues
- Court and agency collaboration to address truancy problem

<b>Table 1. Common Themes Regarding Truancy Cases and Truancy Case Processing Philosophies By Judicial District</b>						
<b>District</b>	<b>Themes</b>					
	Truancy is a threshold issue to other at-risk behaviors (i.e. delinquency and abuse/neglect)	Truancy cases given priority	Strict compliance with truancy laws and sanction alternatives	Court intervention is appropriate after efforts at the school level have failed. Court is not a service provider.	Court is proactive to identify and resolve underlying truancy issues	Court and agency collaboration to address truancy problem
1 <sup>st</sup>	X					
2 <sup>nd</sup>	X					
3 <sup>rd</sup>		X				
4 <sup>th</sup>			X			
7 <sup>th</sup>			X			
10 <sup>th</sup>					X	
11 <sup>th</sup>			X	X		
12 <sup>th</sup>			X	X		
13 <sup>th</sup>	X	X				
17 <sup>th</sup>	X				X	X
18 <sup>th</sup>					X	
19 <sup>th</sup>					X	X
20 <sup>th</sup>					X	X
21 <sup>st</sup>					X	X
22 <sup>nd</sup>						X

Admittedly, these are somewhat artificial designations created by the National Center for State Courts consultant based upon her interpretation of the questionnaire responses. In some instances, individual district responses crossed multiple themes. The frequency of the responses highlights an interesting philosophical dichotomy. That dichotomy is the tension between the court as a neutral arbiter and that of agent of social change (either individually or in collaboration with other agencies) in truancy cases. This is not to say, however, that this dichotomy cannot be complimentary. In fact,

perhaps, the next step may be the assertion that the court should be just one (and likely the ultimate) in a continuum of options to address truancy cases. For example, in those truancy cases which are brought to the attention of the court because other school-based or community based interventions were unsuccessful, the court has a responsibility to be proactive in identifying and resolving the underlying truancy issues through all the mechanisms it has available. This includes court/community collaboration, sanctions and detention.

The tables in Appendix D list several of the more “operational” components of truancy case processing within each judicial district. These include the number of judicial officers handling truancy cases, the stakeholders involved in truancy cases, the truancy calendar (i.e., day of the week, times, and frequency), sanctions and rewards, and demographic information (i.e., gender, ethnicity, and grade level) of the truancy population. Blank areas in the tables signify that the respondent did not complete the specific question.

### ***Judicial Officers***

Magistrates, either individually or in combination with judges, appear to be primarily responsible for truancy case processing among the 17 responding districts. The breakdown, by the number of judicial officers handling truancy, is as follows:

- One magistrate—seven districts (41 percent of responding districts)
- One judge—two districts (12 percent of responding districts)
- One judge and one magistrate—four districts (24 percent of responding districts)
- Two judges and one magistrate—one district (6 percent of responding districts)
- Multiple judges (two or more)—three districts (18 percent of responding districts)

## *Review and Analysis of Colorado Truancy Case Processing*

There are as many proponents as there are opponents to this magistrate-focused approach to truancy case processing. Proponents argue that specialized judicial officers, such as magistrates, improve truancy case processing and outcomes. Opponents argue that the fact that magistrates, rather than judges, are assigned to handle truancy cases indicates that the courts give less priority to truancy and juvenile matters in relation to other case types.

### ***Stakeholders***

Other than the court, which stakeholders are involved in truancy cases? For the purpose of this report, “stakeholder” is a general term used to designate the agencies or individuals involved in truancy cases. This may include service providers (i.e., assessment, treatment), social services agencies, legal services providers, law enforcement, school social workers, attendance officers, and the individual school districts. Each agency has a specific role in truancy case outcomes. Additionally, the court must be knowledgeable of the stakeholder role and available services. Strong court and community collaboration is likely an indicator of successful truancy case processing and successful outcomes. For the most part, individual districts report stakeholder interaction with similar agencies and individuals.

- School
  - o School social workers
  - o School attendance officer
  - o Principals, vice principals
  
- Legal Services
  - o Court-appointed counsel for parents or children
  - o School district attorney
  - o Office of the Child Representative
  - o Court appointed guardians ad litem
  
- Department of Social Services (county based)

- Service Providers
  - o Assessment services
  - o Treatment providers
  - o Probation services
  - o Truancy reduction programs
  - o Mediation

### ***Truancy Calendar***

Generally, the districts have set and established docket days and patterns for setting truancy cases for hearing. The tables in Appendix D identify the range of calendar and docket times for truancy cases. A few districts report, however, that truancy cases are scheduled upon request or as needed. This is likely due to the low volume of truancy cases for the district.

### ***Sanctions and Rewards***

Responses to this question ranged from elaborate and graduated sanction systems to a case-by-case approach. A few respondents indicated that the court had yet to impose any types of sanctions. Sanction alternatives include: school-based sanctions such as daily reporting, after-school programs, and truancy school; community services; work programs; electronic monitoring; contempt citations; and detention. It appears, however, that detention is only considered for the most severe cases. This is likely due to Senate Bill 91-94, which limits the number of detention beds for juveniles and places truants in the lowest priority for detention beds. Reward options were reported less frequently than sanction alternatives in the questionnaire responses. Responses ranged from “do not use” and “no standard rewards” to decreasing frequency of court appearances and paper reviews instead of appearance reviews.

### ***Truancy Population Demographics***

The questionnaire asked respondents to: *Describe the truancy population in this jurisdiction by gender, grade level, and ethnicity.* Respondents were asked to provide best estimates if statistics were not maintained. Variations in each response category are likely due to a combination of local factors including ethnicity, socio-economic, cultural, and school district grade-level focus. Therefore, no statewide conclusions should be drawn without further and considerable analysis. For the purpose of this analysis, frequencies are tabulated based only upon the highest levels reported by each district for each response category. For example, in the category gender, four districts reported that there are more boys involved in truancy cases than girls; three districts reported that there are more girls involved in truancy cases than boys; and six districts reported that there are an equal number of boys and girls involved in truancy cases.

#### **Gender (n=14)**

- Boys—four districts (31 percent of responding districts)
- Girls—three districts (23 percent of responding districts)
- Equal number of boys and girls—seven districts (50 percent of responding districts)

#### **Ethnicity (n=12)**

- Caucasian—six districts (50 percent of responding districts)
- Hispanic—five districts (42 percent of responding districts)
- Equal number of Hispanic and Caucasian—one district (8 percent of responding districts)

#### **Grade Level (n=13)**

- Middle School—eight districts (62 percent of responding districts)
- High School—four districts (31 percent of responding districts)
- Equal number of Middle School and High School—one district (8 percent of responding districts).

## **VI. TRUANCY MEDIATION/ALTERNATIVE DISPUTE RESOLUTION PROGRAMS**

Several Colorado judicial districts are already taking innovative approaches to truancy case processing. In the Truancy Case Processing Questionnaire, respondents were asked: *Please identify the current innovative/unique practices used in this jurisdiction for truancy case processing.* No restrictions were placed on the responses and the terms “innovative” and “unique” were left to the interpretation of the individual respondents. The tables in Appendix E catalog the methods identified by the 12 questionnaire respondents, which are utilized in the judicial districts to address the truancy problem within the various judicial districts. Generally, the innovative/unique practices can be categorized as (1) court case management techniques (i.e., review hearings, expedited hearings and diversion options), (2) specialized programs (i.e., truancy reduction program, reading assignments), and (3) alternative case resolution (i.e., mediation and diversion options). Several of the district level innovative and unique practices include:

- Book reports and inspirational reading assignments
- Follow up reports from counsel
- Face-to-face court reviews
- Simplified expedited truancy petition and contempt proceedings
- Monthly or frequent court reviews
- Truancy Reduction Program
- Truancy stipulations and deferred rulings
- Mediation

For the three featured Colorado judicial districts, which include the Second District (Denver), the Fourth District (Colorado Springs), and the Eighteenth District (Centennial), mediation and alternative dispute resolution programs will be utilized as

methods for truancy reduction. As discussed in the literature review in Section III, mediation and alternative dispute resolution have been found to be effective means for addressing the underlying issues associated with truancy cases and reducing school absences.

A. Second Judicial District

Denver Public Schools and the Colorado State Court Administrator's Office propose to partner with families to reduce the numbers of truancy court interventions and expulsions, and increase academic achievement, through the use of mediation and family group conferencing.<sup>31</sup> Currently only 16 of 20 middle schools in the Denver Public Schools have truancy reduction services. Other limitations on services include a lack of services that invite parental/family-centered involvement to address the problems contributing to habitual truancy.

The truancy mediation program intends to focus on partnering with families to facilitate faster interventions that will reduce the numbers of court referrals and expulsions, improve the communication between students, families, and schools, and increase academic achievement. This program will be offered to 100 students in three (Hill, Merrill, and Randolph) of four middle schools (grades 6 – 8) currently without a Truancy Reduction Project. Denver Public Schools and the Colorado Judicial Branch Office of Dispute Resolution proposes to implement a truancy prevention project centered on the use of mediation and family group conferencing to help the interested parties to reach agreements designed to keep at-risk students in school or, alternatively, return them to school if they have already been expelled. Mediation will take place in the school where the student is enrolled. Family group conferencing will take place either in

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<sup>31</sup> Application for Funding, Colorado Department of Education

the school or in another neutral location. Mediation and family group conferences may take place during school hours, after school hours, or weekends, depending upon what is convenient for the participants.

The Truancy Mediation and Family Group Conferencing Program's goals and objectives include:

- A reduction in the number of truancy petitions at each of the participating schools by 20 percent
- A reduction in the number of court interventions by 20 percent
- To include parental/family involvement in 100 percent of referred cases
- Reduce number of expulsions of truants by 10 percent
- Include parental/family involvement in 100 percent of referred cases
- Increase attendance of referred students by 20 percent
- Provide evidenced based curriculum such as Life Skills and Aggression Replacement Training to improve attendance of referred students by 10 percent
- Develop a curriculum specifically for truant students to increase academic achievement by 5 percent

The proposal for the Colorado Department of Education includes a comprehensive plan for evaluation. The plan is designed to answer four key evaluation questions: (1) Are families who receive either family group conferencing or mediation less likely to need court intervention? (2) Do students who receive either family group conferencing or mediation improve their grades, increase their attendance, and decrease their disciplinary referrals? (3) As a result of this program, do the schools improve their attendance rates or reduce their truancy court interventions? and (4) What outcomes do families experience as a result of participating in family group conferencing or mediation?

B. Fourth Judicial District

The Fourth District's Truancy Prevention Program is focusing its efforts on developing effective truancy prevention services through facilitation and mediation sessions, coupled with assessment (i.e., Youth Assessment Center), treatment services, and parenting classes (i.e., Love and Logic).<sup>32</sup> This approach recognizes that the earlier the issues causing truancy are identified, the greater likelihood that the problems can be overcome. This is the primary reason why the focus is on elementary and middle school age children. The Truancy Prevention Program will begin with four elementary schools and two middle schools. The elementary schools are "feeder" schools for the middle schools. The goals of this program are twofold:

- To help parents understand and overcome the problems that are causing their children not to attend school regularly
- To cooperatively resolve truancy issues outside of the formal court process

The truancy prevention process begins when the school files the initial notification of non-attendance with the court. A summons is issued by the court directing parents to appear for the Truancy Prevention Program. A case management order will accompany the summons that orders parents to participate in all meetings, assessment, and mediation services and identifies dates and times for appearances. The following steps outline the progression of the program.

1. Meeting with the Court Facilitator at School—The parents will meet with the court facilitator for a short informational meeting (i.e., explanation of the truancy prevention program, the consequences of truant behavior) and a discussion of the primary causes of the child's truancy. The next meeting date is then set: If the problem appears to lie with the school, a meeting will be set for the parents, the court facilitator, and school representatives. If the problem appears to be with the child, the parents will be directed to have the child assessed at the Youth Assessment Center. If the truancy problem appears to be a family issue, a meeting will be set with the

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<sup>32</sup> El Paso County, Colorado, Proposal, "Truancy Prevention Program," undated.

parents, court facilitator or court mediator, and school representative to determine how best to assist the family in addressing the underlying causes of the truancy.

2. **Review of Youth Assessment Center Findings**—At this meeting, the child’s assessment will be reviewed with the parents, the court facilitator, and the school representative. If further action is necessary, a meeting will be scheduled with the parents, court facilitator or court mediator, and a school representative to develop a treatment plan to address the causes of the truancy.
3. **Meeting with Court Facilitator or Court Mediator**—Once the causes of the child’s truancy are determined, the parents, court facilitator or court mediator, will work together to develop a corrective action plan. Once a plan is worked out, it is submitted to the court. If this meeting does not result in a corrective plan, the case will proceed to a formal truancy matter before the court.
4. **Court Approval and Order to Comply**—The court will order all parties to comply with the terms of the plan and incorporate the terms into an order of the court.

If the corrective plan worked out by the parents, court facilitator or court mediator, and the schools is successful, the case will be closed by the court. The case will not be dismissed, however, until the child reaches age 16. This ensures that the court has continuing jurisdiction over the child in order to monitor potential future issues with truancy and to intervene quickly.

#### C. Eighteenth Judicial District

Truancy issues related to chronic medical absences are the focus of the truancy mediation program in the Eighteenth Judicial District.<sup>33</sup> The district selected this category of absences as a first step in reducing truancy overall by addressing a very concrete and identifiable problem. By bringing the parties (i.e., parents, student, and school) to a truancy action to a neutral forum, trained facilitators from the Multi-Door Court Services Unit from the Eighteenth Judicial District’s Office of Dispute Resolution will use mediation and family group conferencing techniques in cases in which chronic

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<sup>33</sup> Proposal, Eighteenth Judicial District, Truancy Mediation Pilot Project-Request for Grant Funds dated November 19, 2003.

health problems prevent a child from attending school regularly. Referrals to the Truancy Mediation Program will come from the school district and the court. The purposes of the project include:

- Provide early intervention options to schools and high risk youth/families who are struggling with the various challenges of educating children/youth with chronic health problems of the child.
- Empower youth/families to address the reality and potential negative outcome of the problems, facilitate discussions and negotiations between school administration and youth/families. Desired Outcome--parties reach mutually designed agreements to include action steps, accountability timelines, consequences, and enforcement authority.
- Provide schools an alternative option in dealing with select students who are consistently absent from school in an effort for student/families to achieve long-term restorative benefits.
- Provide funded option for courts to utilize in select cases where student is most likely to gain restorative benefit from service.
- Streamline factually complicated cases by utilizing facilitated negotiations to fully settle the case, narrow the issues, and/or clarify the issues before the matter becomes an issue for the court. Desired outcome--decrease in expenditure of judicial officer and court personnel time, reduced costs for compensating court appointed counsel and GALs, and reduced cost to parties.

It is anticipated that the timeline for the planning, implementation, and operation of the pilot will range from 12 to 24 months. During that time 25 cases will be referred from the Arapahoe County, Elbert County, and Douglas County school districts, respectively.

## **VII. EVALUATION PLAN**

Currently the truancy mediation pilot projects in the Second District (Denver), the Fourth District (Colorado Springs), and the Eighteenth District (Centennial) are in the development and planning stages. This is an opportune time to develop the evaluation components for these pilot truancy mediation projects. In fact, planning for the evaluation should begin while the program is in the planning stage. The statement of the program's purpose, goals, and objectives are essential for planning the evaluation.

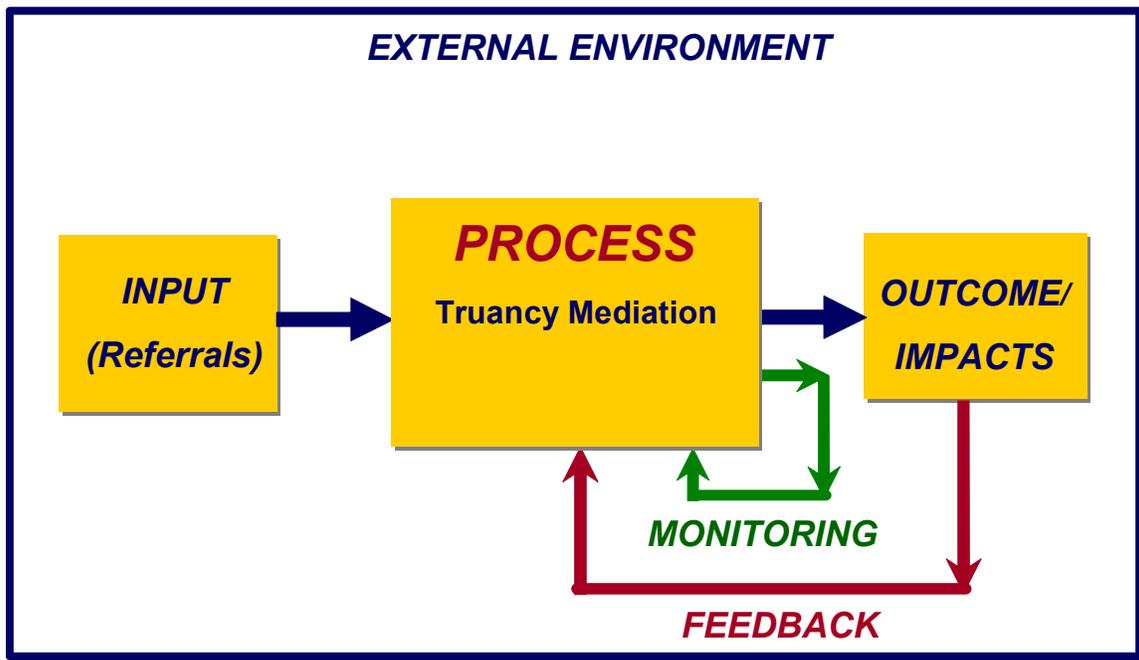
This evaluation plan was developed as a guideline that should assist with the development of an evaluation design for each of the three truancy mediation programs discussed in Section VI.<sup>34</sup> The evaluation of the pilot truancy mediation programs should include a process, a monitoring, and an outcome (impact) evaluation.

Figure 3 highlights the inter-relatedness of each type of evaluation within the context of the truancy mediation programs. Process, monitoring, and outcome components of the evaluation process capture information from a variety of perspectives and through a combination of quantitative and qualitative research methods. It is recognized that there is often an interaction between evaluation components, that evaluation activities may occur simultaneously with others, and that information and conclusions from any one evaluation component may inform, support, or modify those derived from another.

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<sup>34</sup> The development of the evaluation plan was guided in large part by a document developed by the Urban Institute Evaluation Guidebook for Projects Funded by S.T.O.P Formula Grants under the Violence Against Women Act, December 1997, Authors-Martha R. Burt, Adele V. Harrell, Lisa C. Newmark, and Lisa K. Jacobs.

Figure 3. The Evaluation Cycle



A. Process Evaluation

A process evaluation

focuses on how a program was implemented and operates. It identifies the procedures undertaken and the decisions made in developing the program. It describes how the program operates, the services it delivers, and the functions it carries out. Like monitoring evaluation, process evaluation addresses whether the program was implemented and is providing services as intended. However, by additionally documenting the program's development and operation, it allows an assessment of the reasons for successful or unsuccessful performance, and provides information for potential replication.<sup>35</sup>

The process components of an overall evaluation strategy are fundamental to accurately and completely address the questions of the impact and effectiveness of the pilot truancy mediation programs. By definition, a process evaluation enables

<sup>35</sup> Evaluation Web Site, Bureau of Justice Assistance, <http://www.bja.evaluationwebsite.org/html/roadmap/index.html>.

administrators and evaluators to assess the differences between the truancy mediation programs as planned and the truancy mediation programs as implemented and operationalized. A process evaluation clarifies assumptions and expectations about the relationship between truancy mediation program objectives and goals, the activities and resources invested, and short- and long-term outcomes.

For example, the following questions may be answered in the course of the process evaluation of the truancy mediation program that will assist in the development of a hypothesis about the impact of the program and tested during the outcome evaluation.

- Is the truancy mediation being implemented as specified?
- If not, how do the operations of the truancy mediation program differ than from those originally planned?
- Does the truancy mediation program have unintended consequence and, if so, who is affected?
- What is the view of the truancy mediation program from the perspective of stakeholders (e.g., program staff, court personnel, participant parents, the school representative, community service agencies, and other truancy professionals)?

The process evaluations of the truancy mediation programs should involve a thorough documentation and analysis of the program. The evaluation should be based upon a combination of qualitative and quantitative data to answer questions about the truancy mediation services, the resources used in connection with the delivery of these truancy mediation services, and the truancy mediation program outcomes. Qualitative data collection strategies should include: semi-structured interviews, focus group of key stakeholders, observation, file review, and a review of statutes and laws. Quantitative data collection strategies include program data and records, as well as those of public agencies and systematic data collection from individuals.

***Qualitative Data Collection Strategies***

- Semi-structured interviews containing specific questions about the truancy mediation program operations and practices including tracking the flow of truancy mediation process from referral to conclusion, including the flow of information. Interview candidates should include the truancy mediation program personnel, referral sources (e.g., school), court officers (e.g., judge or magistrate), and administrators.
- Focus group of key stakeholders will identify the attitudes associated with the truancy mediation programs. Areas of inquiry should include general perceptions about the truancy mediation program, strengths and weaknesses, efficiency and effectiveness in meeting desired outcomes such as, reducing truancy, and examples of successful and unsuccessful outcomes. Focus group participants should be by stakeholder designation and include school personnel, court-appointed attorneys and guardians ad litem, court officers, social services agencies, parents.
- Observation of truancy mediation and court hearings based upon a semi-structured observation instrument or protocol. Observations instruments should address parties in attendance, issues discussed, length of truancy mediation session, outcomes and resolution/no resolution.
- Review of statutes, laws, and administrative rules in order to understand the context in which the truancy mediation program operates. This includes Title 19, Children’s Code of the Colorado Revised Statutes, and the School Attendance Law of 1963, C.R.S. A written synopsis of the statutes, laws, and administrative rules will help to inform all components of the truancy mediation program evaluation.

***Quantitative Data Collection Strategies***

- Truancy mediation program data and records that document the services delivered (e.g., the number of mediation sessions total, the number of mediation sessions by child, the mean and median number of sessions per child, the number of truancy mediation sessions by mediator, mediation sessions by outcomes including resolution, no resolution, corrective action plan, treatment plan).
- Systematic data collection directly from individuals through questionnaires, or in person interviews, to document a truancy mediation participant’s experience with, perception of, and satisfaction with the truancy mediation process. Data collection individuals may include parents, school representatives, and court-appointed attorneys or guardians ad litem for children (if invited to participate).

B. Monitoring Evaluation

A monitoring evaluation is an on-going process of reviewing a program's activities to determine whether set standards or requirements are being met.<sup>36</sup> Essentially, it is an on-going process to determine whether the program is being implemented and services are provided as intended. A monitoring evaluation is similar to a process evaluation except that it is conducted periodically and the results may affect ongoing truancy mediation program design and operations. Similar types of qualitative and quantitative data collection strategies utilized in the process evaluation may be used for the monitoring evaluation.

The advantages of a monitoring evaluation to the truancy mediation program are fourfold: useful information is gained about the truancy mediation program; it formally documents the practices and procedures of the truancy mediation program; collected information and data will assist in the development of the outcome evaluation; and the on-going nature of the monitoring evaluation permits timely adjustments to the truancy mediation program. Performance monitoring of the truancy mediation programs should provide information on:

- Key aspects as to how the truancy mediation program is operating (e.g., referral process, flow of truancy mediation process, time from referral to mediation, to resolution of truancy case).
- Whether and to what extent the specified truancy mediation project objectives have been met (e.g., number of children served, target populations such as middle school, elementary, or children with chronic medical illnesses, increased parental involvement).

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<sup>36</sup> Evaluation Web Site, Bureau of Justice Assistance, <http://www.bja.evaluationwebsite.org/html/roadmap/index.html>.

- Identification of the failure to produce truancy mediation program outputs<sup>37</sup> (e.g., the number of truancy mediation sessions, the number of resolutions/no-resolutions, the number of corrective action plans, the number of unexcused absences for the target populations, the number of truancy filings, the number of truancy hearings).

C. Outcome or Impact Evaluation

An outcome evaluation is

an evaluation used by management to identify the results of a program's effort. It seeks to answer management's question, "What difference did the program make?" It provides management with a statement about the net effects of a program after a specified period of operation. This type of evaluation provides management with knowledge about: (1) the extent to which the problems and needs that gave rise to the program still exist, (2) ways to ameliorate adverse impacts and enhance desirable impacts, and (3) program design adjustments that may be indicated for the future.<sup>38</sup>

An outcome evaluation will identify the results of the truancy mediation program's efforts. It provides a statement about the effects of the truancy mediation program over time. Therefore an outcome evaluation should address whether the truancy mediation program had its intended impact. For example, Did the truancy mediation program reduce truancy among middle school children? Did the truancy mediation program reduce truancy for children with chronic medical problems? Did the truancy mediation program reduce court interventions such as petitions and hearings? The advantage of the outcome evaluation is that it allows for the assessment of the truancy mediation program's effectiveness and should offer suggestions for improving the programs effectiveness.

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<sup>37</sup> Output measures are immediate measures of what a program did.

<sup>38</sup> Evaluation Web Site, Bureau of Justice Assistance,  
<http://www.bja.evaluationwebsite.org/html/roadmap/index.html>.

Outcome evaluation design falls into three categories: non-experimental outcome evaluations, quasi-experimental evaluations, and experimental design. A brief explanation of each is provided.

- Non-experimental outcome evaluations examine the changes in level of risk or outcomes for truancy mediation program participants. A non-experimental design will not compare the outcomes for truancy mediation participants to individuals who do not participate.
- Quasi-experimental evaluations compare outcomes from truancy mediation participants to outcomes for comparison groups that do not receive program services. A determining element of the quasi-experimental design is that the decision regarding who participates is not random. Comparison groups are comprised of individuals who are similarly situated to truancy mediation program participants, based upon an established set of criteria.
- Experimental design requires that individuals be assigned to the truancy mediation program or a comparison group at random. Those assigned to the truancy mediation program receive the mediation services while those assigned to the comparison group receive either standard services or no services depending upon what was in place prior to the implementation of the truancy mediation program.

Although considered the best methodology for outcome evaluations, experimental designs are difficult to conduct in real life settings and would be difficult to apply to the evaluation of the truancy mediation programs for practical and ethical reasons. From a practical reason, it appears that the referral process is inherently difficult to randomize. From an ethical or moral basis, each truancy mediation project intends to assist every child and family that is referred or eligible. Ethically, there may be some concern that withholding truancy mediation is inappropriate and not in the best interest of the child or the family. It appears therefore that a non-experimental or quasi-experimental design is more appropriate for the evaluation of the truancy mediation programs.

### ***Non-Experimental Evaluation Design***

- The goals of each of the truancy mediation programs include specific improvement goals for the referred population. This includes the reduction in truancy for children with chronic medical conditions in the Eighteenth Judicial District, the increased attendance of the referred student in the Second District, and increased parental understanding and empowerment in the Fourth Judicial District.
- This evaluation design is relatively easy and inexpensive.
- Individual data will likely be collected on a routine basis (e.g., number of absences) and can be aggregated to show trends for all participants.
- This approach is likely appropriate for the truancy mediation programs in each of the judicial districts.

### ***Quasi-Experimental Design***

- The selection of a comparison group may include an existing school in the area that does not have “access” to the truancy mediation program. The comparison group of students must be similar to the students participating in the truancy mediation program and matched based upon an established set of criteria (e.g., grade level, gender, ethnicity, frequency of non-attendance, other school-based truancy reduction services and truancy policies and procedures).
- This approach is likely appropriate for the truancy mediation programs in the Second and Fourth Judicial Districts inasmuch as mediation referrals are coming from specific schools. This may require additional consideration of the comparison group inasmuch as the truancy mediation program is being piloted in the remaining three of four middle schools that do not have any truancy reduction services at all. The fourth is implementing a “frequent flyers” intervention program.
- Careful attention must be given to competing hypothesis for a matched comparison group to explain observed differences (e.g. due to budget cuts, school attendance officer position eliminated in comparison group school).

## **VIII. CONCLUSION**

Truancy has a profound effect on the welfare of the child, the family, and society. The lack of education limits options for employment and opportunities and a habitually truant child will be ill prepared for skilled work. Truancy is often a precursor of more serious negative behaviors and activities including: delinquent behavior, increased drug and alcohol use, increased involvement in violence and gang activity, and an increased likelihood for involvement in adult crime. The impact of truancy on society cannot be overstated. Truancy results in losses that can be measured by a less educated workforce, losses to business from truant youths who shoplift or hangout, higher daytime crime rates, costs to social services for families with truant children, and losses to state and federal education funding. The lack of an educated workforce results in a less educated and productive society and greater reliance on public subsidies.

The Colorado School Attendance Law of 1963 dictates the enforcement of compulsory school attendance for a child between the age of seven and fifteen who has four unexcused absences in any one month or ten unexcused absences during the school year. No further definition of “absences” is provided. However, the School Attendance Law of 1963 (C.R.S. 22-33-107) does allow for local school board discretion to establish attendance policies and procedures that identify, intervene and resolve school attendance issues. Each Colorado school has developed a set of criteria for the identification of and intervention with habitually truant students. Generally, a series of truancy reduction services are offered by the school district as the first attempts to eliminate or reduce the truancy behaviors. These options vary by location from notice of non-attendance letters, parental phone notification, school social worker sessions, student attendance review

boards, and truancy reduction services. If these services are unsuccessful in eliminating habitual truancy, the school district will file a truancy petition with the local judicial district of the Colorado state court system.

In Colorado truancy filings reached their highest point in FY 2000 of 2,231 to its lowest point of 1,999 in FY 2001, representing a 10 percent decrease. Filings have bordered in the range of 2,000 for each of the fiscal years for 2002, and 2003. The decrease in filings may be attributed, in part, to the efforts of the Colorado Truancy Task Force and local court dynamics (i.e., decreases in the number of judicial officers assigned to truancy cases and a reduction in court docket time for truancy cases as a result of budgetary cuts or other case volume considerations). At the local court level, however, there have been a greater percentage of fluctuations in truancy filings within the judicial districts for the same five year period. Between each district, fluctuations in truancy filings (i.e., filing decreases in some jurisdiction and filing increases in others) appear to “off-set” each other so that the overall impact on statewide filings is not apparent.

As a result of the need to mitigate the profound effects of truancy on children, families, and society coupled with the need to reduce the number of truancy cases brought to the court for judicial intervention, three judicial districts (Second, Fourth, and Eighteenth) are developing and implementing truancy mediation programs. Mediation and alternative dispute resolution techniques have been utilized to tackle truancy and the underlying causes of truancy. These programs emphasize multi-agency partnerships between those agencies that address juvenile justice issues in a variety of contexts. These include schools, human services agencies, social services agencies, probation, state attorneys general, juvenile courts, and teen courts. Evaluations of truancy mediation

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programs are showing promising findings for the relationship of truancy mediation to improved school attendance and improved family dynamics.

Dramatic events precipitated a review of truancy case processing in Colorado. These events include the threat of legislative reform removing truancy case jurisdiction from the judicial branch, delinquency detention bed caps, truancy filing fluctuations, the increasing complexity of societal and familial truancy case-related issues, and the implementation of the aforementioned judicial branch pilot truancy mediation projects. The Colorado State Court Administrator's Office sought the assistance and guidance of the National Center for State Courts in the wake of the convergence of events surrounding truancy cases. Originally, it was anticipated that the review would primarily entail a process evaluation and outcome evaluation of the three pilot truancy mediation programs. Delay in the planning and implementation of the pilot truancy mediation programs in these jurisdictions, caused primarily by the lack of administrative, personnel and time resources, prevented the pilot truancy mediation programs from becoming operational in the time necessary to complete Phase III of the Court Executive Development Program (CEDP) of the National Center for State Courts Institute for Court Management.

Responding to this change in events, an alternative review was developed. The goal of this alternative focus is to provide the Colorado Administrative Office of the Court with information and observations regarding truancy case processing in Colorado in anticipation of the implementation and operation of the three truancy mediation programs and recommendations for the evaluation of the pilot truancy mediation projects. This includes the development of an evaluation plan that includes process, monitoring

and outcome evaluation components, which was informed by the initial technical assistance activities.

The site visits to the three judicial districts (Second, Fourth, and Eighteenth) highlighted both the commonalities and differences between the three jurisdictions. Commonalities include truancy perspectives, the role of the court in truancy cases, and the types of stakeholders (truancy professionals) involved in the cases. The differences between the three judicial districts can best be described as operational. Variances appear in available court calendar time and hearing practices, local school district truancy filing criteria, and the availability of truancy intervention services.

The Statewide Truancy Case Processing Questionnaire captured information regarding truancy cases at the local judicial district level. Questionnaire information was divided into three parts: (1) court information, which includes court philosophy, filings, demographics, number of judicial officers handling truancy cases, calendars and court sanctions/rewards; (2) court/community interaction, which identifies community stakeholders and local issues affecting truancy filings; and (3) innovative truancy case processing practices.

Six themes emerged from the truancy “philosophy” responses. These include:

- Truancy is a threshold issue to other at-risk behaviors
- Truancy cases are given priority by the court
- Strict compliance with truancy laws and sanctions alternatives
- Court intervention is appropriate after efforts at the school level have failed
- Court is proactive to identify and resolve underlying truancy issues
- Court and agency collaboration to address truancy problem

The questionnaire also addressed the more operational components of truancy case processing within each judicial district, which included the number of judicial

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officers handling truancy cases and demographic information (i.e., gender, ethnicity, and grade level) of the truancy population. Magistrates, either individually or in combination with judges, appear to be primarily responsible for truancy case processing among the seventeen responding districts. Forty-one percent of the responding districts reported that one magistrate handles truancy matters for the district. With respect to the demographic makeup of the truancy population, 50 percent of the responding districts indicate an equal number of girls and boys over which the court has jurisdiction. Fifty percent of reporting jurisdictions indicated that among truancy cases, Caucasians are the most prevalent ethnicity among its truancy populations. Finally, 62 percent of responding jurisdictions report that middle school children comprise the greatest percentage of its truancy population

Finally, the Statewide Questionnaire captured the innovative approaches to truancy case processing. Generally, the innovative/unique practices can be categorized as (1) court case management techniques (i.e., review hearings, expedited hearings, and diversion options), (2) specialized programs (i.e., truancy reduction program, reading assignments), and (3) alternative case resolution (i.e., mediation and diversion options). Several of the district level innovative and unique practices include: Book reports and inspirational reading assignments; Follow Up reports from counsel; Face-to-face court reviews; Simplified expedited truancy petition and contempt proceedings; Monthly or frequent court reviews; Truancy Reduction Program; truancy stipulations and deferred rulings; and Mediation.

Currently the truancy mediation pilot projects in the Second District (Denver), the Fourth District (Colorado Springs), and the Eighteenth District (Centennial) are in the development and planning stages. This is the opportune time to develop the evaluation components for these pilot truancy mediation projects. Planning for the evaluation should begin while the program is being planned. The statement of the program's purpose, goals, and objectives are essential for evaluation planning.

As a result of the research and technical assistance activities, to date, the National Center for State Courts consultant prepared an evaluation plan as a guideline to assist with the development of an evaluation design for each of the three truancy mediation programs. The evaluation of the pilot truancy mediation programs should include a process, a monitoring, and an outcome (impact) evaluation. The next phase of this Colorado Truancy Project should focus on the process evaluation of the three truancy mediation programs. Additionally, the development of a plan for continued monitoring and a future outcome evaluation should be discussed. Upon implementation and the passage of time, the truancy mediation programs will be ready for the process evaluation. With additional passage of time, the truancy mediation programs will be ready for an outcomes evaluation to measure the impact of the program. It is hypothesized that each of these programs will show successful results in reducing truancy and reducing the number of truancy petitions filed with the court.

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**APPENDIX A**

**INTERVIEW QUESTIONS**

**Colorado Truancy Case Processing Review  
District Interview Questions**

1. Who are the stakeholders/agencies involved in truancy case processing in this judicial district?
2. Discuss the role of each stakeholder/agency.
3. Describe the general flow and timeframe of the truancy case from start to finish.
4. Is the filing information for fiscal year 2003 an average filing number? What accounts for spike/drops/changes for this fiscal year? What accounts for variations in truancy filings in this district?
5. Define a successful truancy case in this district.
6. What are the elements of a successful truancy case in this district?
7. What are the barriers to a successful truancy case in this truancy case?
8. Describe/identify innovative truancy practices in this district.
9. In terms of performance measurement and monitoring innovative truancy practices, what is measured to know whether it is on target with the goals or objectives of the innovative truancy practice?
10. What are the court's goals for truancy cases?
11. Do truancy cases overlap other case types? Do you see a child in more than one court forum? In which case type is there the most overlap (i.e. delinquency, dependency and neglect)?
12. Describe a typical truancy docket.
13. Describe the frequency of objections to magistrate findings or magistrate jurisdiction.
14. Who monitors the truant child while under the court's jurisdiction?
15. Have I missed anything? Is additional detail necessary?

**APPENDIX B**

**TRUANCY CASE PROCESSING**

**QUESTIONNAIRE**

**NATIONAL CENTER FOR STATE COURTS**

**COLORADO JUDICIAL BRANCH:**  
**TRUANCY CASE PROCESSING QUESTIONNAIRE**

Please complete and return to Dawn Marie Rubio by December 29, 2003.

E-Mail [drubio@ncsc.dni.us](mailto:drubio@ncsc.dni.us)

Fax: (303) 296-9007

Mail: National Center for State Courts  
1331 17<sup>th</sup> Street Suite 402 Denver, CO 80202



**COLORADO JUDICIAL DEPARTMENT:  
TRUANCY CASE PROCESSING QUESTIONNAIRE**

Please complete and return to Dawn Marie Rubio by December 29, 2003.  
E-Mail: [drubio@ncsc.dni.us](mailto:drubio@ncsc.dni.us)  
Fax: (303) 296-9007  
Mail: National Center for State Courts  
1331 17<sup>th</sup> Street Suite 402 Denver, CO 80202

**I. Respondent Information**

- 1. Name \_\_\_\_\_
- 2. Title \_\_\_\_\_
- 3. Judicial District \_\_\_\_\_
- 4. County \_\_\_\_\_
- 5. Contact Information (Phone/E-Mail) \_\_\_\_\_

**II. Court Information**

- 1. Describe the philosophy of the court in this judicial district regarding truancy cases and truancy case processing.

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- 2. Truancy Filings

FY 2003 \_\_\_\_\_ FY 2002 \_\_\_\_\_ FY 2001 \_\_\_\_\_ FY 2000 \_\_\_\_\_  
FY 1999 \_\_\_\_\_

- 3. Number of judicial officers that preside over truancy cases

Judges \_\_\_\_\_ Magistrates \_\_\_\_\_ Other \_\_\_\_\_

4. Describe the truancy population in this jurisdiction (in percentages totaling 100%). Note-If statistics are not maintained, best estimates are acceptable.

Gender: Boys \_\_\_\_\_% Girl \_\_\_\_\_%

Grade Level: Elementary \_\_\_\_\_% Middle \_\_\_\_\_% High \_\_\_\_\_%

Ethnicity: African American \_\_\_\_\_% Asian \_\_\_\_\_% Caucasian \_\_\_\_\_%  
Hispanic \_\_\_\_\_% Other \_\_\_\_\_%

5. Truancy Calendar. Please indicate the frequency, days, and times devoted to truancy calendars (i.e. how often truancy cases are heard in your jurisdiction- Weekly-Mondays 9am-11am, Wednesdays 1:30pm -5pm and Friday 9am-12noon, Monthly-the first Thursday of the month 8am-11am)

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6. Sanctions/Rewards. Please describe the court's sanctions and rewards system (i.e. first unexcused absence results in community service, thirty days without unexcused absences results in return of driving privileges).

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### III. Court/Community Interaction

1. Please list the stakeholders (by agency and title) involved in truancy case processing in your jurisdiction (i.e. school district, DHS, office of the child representative, private bar, etc).

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2. Please identify any jurisdiction-specific factors that affect the number of filings or the makeup of target populations (i.e. downturns in the economy)

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**IV. Innovative Truancy Case Processing Practices**

1. Please identify the current innovative/unique practices used in this jurisdiction for truancy case processing (i.e. paper reviews, calendaring practices, deferred adjudication, truancy staffings, case management or settlement conferences).

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2. What is/are the goal(s) of the innovative/unique truancy case processing practices?

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3. How is the “success” of the innovative/unique truancy case processing practices measured?

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4. What data elements are collected to measure the “success” of the innovative/unique truancy case processing practices (i.e. number of absences, grade average)?

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5. What is/are the source(s) of these data elements (i.e. school records)?

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Thank you for completing this questionnaire. If you have any questions, please contact Dawn Marie Rubio at [drubio@ncsc.dni.us](mailto:drubio@ncsc.dni.us) or 800-466-3063.

## **APPENDIX C**

### **COURT PHILOSOPHY TABLES**

**Appendix C. Philosophy Regarding Truancy Cases and Truancy Case Processing  
By Judicial District**

<b>District</b>	<b>Philosophy</b>
1 <sup>st</sup> Jefferson	Truancy cases represent young people likely to engage in delinquent behavior unless returned to school. Our goal is to get as many of them back into school, as possible.
2 <sup>nd</sup> Denver	Educational neglect is not perceived as a big issue by the County Department of Human Services (DHS). Truancy is often a threshold issue for recognizing a child at risk. When a truancy petition is filed, the court intervenes and a child returns to school, school personnel are able to recognize a child at risk and make appropriate referrals to DHS.
3 <sup>rd</sup> Las Animas/ Huerfano	This district accelerates truancy cases on the calendar.
4 <sup>th</sup> El Paso Teller	Strict compliance with truancy laws. Gradual increase of consequences.
7 <sup>th</sup> Montrose	The current philosophy is to take all reasonable steps to insure that kids attend school. This includes all sanctions except detention. I have not had such a case yet, but there may be a case in the future that requires detention if court orders are continually violated.
10 <sup>th</sup> Pueblo	Immediate attention to the problem is the key factor. An early determination of why the child is not in school and a quick decision on filing to avoid the lengthy process of dealing with student/parents. Recognition that there cannot be one set approach to addressing truancy issues- a variety of factors influences truant behaviors. The identification of contributing factors is the key to intervention and treatment of problem.
11 <sup>th</sup> Fremont Chaffee	Case comes to court after corrective active plan fails and the child attempts Truancy Board supervision process. Division of Youth Corrections utilized as last resort, together with detention alternatives regularly used in delinquency cases through Senate Bill 94 program.
12 <sup>th</sup> Alamosa Rio Grande Saguache Costilla Conejos Mineral	The school districts are primarily responsible for resolving the problem because they know and work with the children and families on a daily basis over many years' The court is a forum of last resort to compel neglectful parents and recalcitrant children to follow the law. The court is not, should not become, and does not have the resources to be a social services agency. The court means what it says and failure to follow a court order constitutes contempt punishable by detention for juveniles and jail for parents.
13 <sup>th</sup> Logan	Truancy cases are treated as priority matters, since they are often early warnings of more serious matters in the juvenile's home.
14 <sup>th</sup> Moffat Routt, Grand	Historically, this district has seen very few truancy filings. I am not certain why that is. It is doubtful however that the real reason is that there is no truancy.

**Appendix C. Philosophy Regarding Truancy Cases and Truancy Case Processing  
By Judicial District**

<b>District</b>	<b>Philosophy</b>
17 <sup>th</sup> Adams	This Court believes the community as whole as well as the individual benefit by an educated population by taking full advantage of the existing educational infrastructure as well as creative and innovative programming to address issues confronted in truancy. The Court emphasizes proactive efforts to reduce the community wide truancy rates overall by timely intervention with students and families by providing a judicial forum for formal truancy proceedings as well as a community resource point by implementation of the Truancy Reduction Project (TRP). TRP is a systematic court based diversion-like case management program which provides intensive case management services to students and families in need.
18 <sup>th</sup> Arapahoe	Truancy hard to grasp because essentially there is punishment associated with the failure to take advantage of a public benefit yet there is great social costs to an uneducated society. As part of caring for our children the court has to be proactive to resolve truancy cases when brought to the attention of the court.
19 <sup>th</sup> Weld	I do not know that there is a philosophy. We do have a truancy person from the school district who tries to work with the families where truancy is a problem. This person is in his second year. I do not know if there has been a reduction in truanicies since his program started. The court tries to encourage the kids to go to school, find out why they are not going. There are fairly hollow threats about detention if they do not go.
20 <sup>th</sup> Boulder	Boulder County has a truancy mediation process in which the school districts collaborate with the courts and the other stakeholders to try to solve the underlying issues of truancy. The school districts each have a truant officer who works with the school to create alternatives and create solutions. If this is not successful, the families are brought to court for mediation and each group (parents, student, and school) gets to discuss how they see the issue and possible resolutions. They develop a formal treatment plan and set it for review. If this is not successful it is then brought to court.
21 <sup>st</sup> Mesa	We have only recently-beginning in 2002 addresses truancy issues through the courts. Our philosophy-between the school district and district court-is to bring parent(s) and child(ren) in to see what can be put in place to assist the student in getting to and actively participating in school. To date, we have had no contempt proceedings. The school district, court, and the County Department of Human Services work fairly closely together to see the families in need of services have access to those services. We also have a number of different alternatives available-including home schooling to assist children in obtaining an education.
22 <sup>nd</sup> Montezuma	The Court is strongly supportive of the Re-1 school districts efforts to improve attendance. A goal for the New Year is development of a grade court for our juvenile drug court attendees and truants.

## **APPENDIX D**

### **TRUANCY OPERATIONS TABLES**

**Appendix D. Truancy Operations By Judicial District**

<b>District/ County</b>	<b>Number of Judicial Officers</b>	<b>Stakeholders</b>	<b>Truancy Calendar</b>	<b>Sanctions</b>	<b>Rewards</b>	<b>Truancy Filings Gender %</b>	<b>Truancy Filings Ethnicity</b>	<b>Truancy Filings Grade Level</b>
1 <sup>st</sup> Jefferson	1 judge 1 magistrate	-Student Outreach Office -School district Attorney -Court appointed counsel for child -Juvenile Assessment Center -Department of Social Services	Friday 9am-12 noon 10 months/year	-Initial contempt results in work program hours -Second results in additional work hours -Third results in weekend work crew duty -Fourth and above results in detention		Boys-60% Girls-40%	AA-5% AS-10% CA-65% HI-20%	E-10% M-40% H-20%
2 <sup>nd</sup> Denver	1 magistrate	-School district personnel -School district attorney -Department of Social Services	Fridays 8am-5pm		-Decrease frequency of court appearance -Public acknowledgment	Boys-40% Girls-60%	AA-35% CA-30% HI-35%	E-40% M + H- 60%
3 <sup>rd</sup> Las Animas/ Huerfano	2 judge		Cases scheduled upon filing	-No sanction system in place at this time.	-No reward system in place at this time	Boys-50% Girls-50%	CA-30% HI-70%	E-32% M-28% H-40%
AA-African American, AS-Asian, CA-Caucasian, HI-Hispanic, O-Other, E-Elementary, M-Middle, H-High School								

**Appendix D. Truancy Operations By Judicial District**

<b>District/ County</b>	<b>Number of Judicial Officers</b>	<b>Stakeholders</b>	<b>Truancy Calendar</b>	<b>Sanctions</b>	<b>Rewards</b>	<b>Truancy Filings Gender %</b>	<b>Truancy Filings Ethnicity</b>	<b>Truancy Filings Grade Level</b>
4 <sup>th</sup> El Paso Teller	1 magistrate	-School district -School social workers -School district attorney -Department of Human Services -Youth Assessment Center -Mental health services -Police department	-Monday 9am-12noon -Wednesday 9am-12noon October through June	-Order to Attend after-school classes -Attendance sign-in -Violations results in suspended sentence 45 days or community service -Revocation of suspended sentence can result in 14-31 days in detention		Boys-35% Girls-65%	AA-9% AS-1% CA-55% HI-35%	E-5% M-80% H-15%
5 <sup>th</sup> Lake	1 judge	-School district -Department of Human Services -County attorney -Guardian ad litem	As needed	Have not had to impose sanctions yet		Boys-50% Girls-50%		H-100%
7 <sup>th</sup> Montrose	1 judge	-School district -Department of Human Services	One half day per month	No standard sanctions		Boys-50% Girls-50%	CA-60% HI-40%	E-10% M-90%

AA-African American, AS-Asian, CA-Caucasian, HI-Hispanic, O-Other, E-Elementary, M-Middle, H-High School

**Appendix D. Truancy Operations By Judicial District**

<b>District/ County</b>	<b>Number of Judicial Officers</b>	<b>Stakeholders</b>	<b>Truancy Calendar</b>	<b>Sanctions</b>	<b>Rewards</b>	<b>Truancy Filings Gender %</b>	<b>Truancy Filings Ethnicity</b>	<b>Truancy Filings Grade Level</b>
10 <sup>th</sup> Pueblo	1 judge 1 magistrate	-School district -Department of Social Services -Pathways for Youth -Spanish Peaks -Pueblo Youth Center -Pueblo Youth Services Board -Hope for Children -Project Unidos -Project Respect	Monday 3pm-4pm Wednesday 3pm-4pm	No standard sanctions. Try to address on an individual basis as to what problem is, including face-to-face individual informal meetings with all parties	No standard rewards			
11 <sup>th</sup> Fremont Chaffee	1 magistrate	Fremont -District attorney -School attendance officer -Probation officers -Guardian ad litem for child  Chaffee -School attendance officer	-Fremont Tuesday 4pm-5pm -Chaffee 3 <sup>rd</sup> Monday of the Month 2:30pm-3pm	-Department of Youth Corrections detention-- Senate Bill 94 detention bed -Electronic monitoring -Community service		Boys-50% Girls-50%	CA-97% HI-3%	E-5% M-15% H-80%
AA-African American, AS-Asian, CA-Caucasian, HI-Hispanic, O-Other, E-Elementary, M-Middle, H-High School								

**Appendix D. Truancy Operations By Judicial District**

<b>District/ County</b>	<b>Number of Judicial Officers</b>	<b>Stakeholders</b>	<b>Truancy Calendar</b>	<b>Sanctions</b>	<b>Rewards</b>	<b>Truancy Filings Gender %</b>	<b>Truancy Filings Ethnicity</b>	<b>Truancy Filings Grade Level</b>
12 <sup>th</sup> Alamosa Rio Grande Saguache Costilla Conejos Mineral	2 judges 1 magistrate	-School district -Department of Social Services -Probation department	Alamosa -Monday Rio Grande, Saguache, Mineral -Wednesday Costilla, Conejos -Thursday		Does not generally use a reward system	Boys-50% Girls-50%	AA-3% CA-35% HI-47% O-15%	E-2% M-85% H-13%
13 <sup>th</sup> Logan	2 judges	-School district -Department of Social Services -Office of the Child Representative -Private bar -SB 94 Program -Probation department	Variable dates but usually two (2) one- hour calendar dates each month from September to June	No system in place. Try to handle on a case-by-case basis		Boys-50% Girls-50%	CA-60% HI-40%	M-60% H-40%
14 <sup>th</sup> Moffat Routt Grand	5 judges		Cases scheduled upon filing	No system in place. Too few cases filed.				

AA-African American, AS-Asian, CA-Caucasian, HI-Hispanic, O-Other, E-Elementary, M-Middle, H-High School

**Appendix D. Truancy Operations By Judicial District**

<b>District/ County</b>	<b>Number of Judicial Officers</b>	<b>Stakeholders</b>	<b>Truancy Calendar</b>	<b>Sanctions</b>	<b>Rewards</b>	<b>Truancy Filings Gender %</b>	<b>Truancy Filings Ethnicity</b>	<b>Truancy Filings Grade Level</b>
17 <sup>th</sup> Adams	1 judge 1 magistrate	-School district -School district attorney -Truancy Reduction Program -Court appointed counsel -Office of the Child Representative- Guardian ad litem	Friday mornings	-Truancy Reduction Program -Community Service -Monetary fines/abatement -Contempt -Detention				
18 <sup>th</sup> Arapahoe	1 magistrate	-Cooperative Legal Services (represents school districts) -Department of Human Services -Court appointed counsel (parents and children) -Office of the Child Representative -Private defense bar	Thursday mornings	-Regular community service -Supervised community service -Residential work programs -Detention- -Parents ordered to attend school or community service at school	-Case will go to a paper review when attendance improves.	Boys-50% Girls-50%		

AA-African American, AS-Asian, CA-Caucasian, HI-Hispanic, O-Other, E-Elementary, M-Middle, H-High School

**Appendix D. Truancy Operations By Judicial District**

<b>District/ County</b>	<b>Number of Judicial Officers</b>	<b>Stakeholders</b>	<b>Truancy Calendar</b>	<b>Sanctions</b>	<b>Rewards</b>	<b>Truancy Filings Gender %</b>	<b>Truancy Filings Ethnicity</b>	<b>Truancy Filings Grade Level</b>
19 <sup>th</sup> Weld	1 magistrate	-School district -Department of Social Services -Office of the Child Representative -Private bar	Weekly during the school year 2:45pm-5pm	There is not a sanction/reward system imposed by Court. Sanctions may include community services, electronic home monitoring or detention	Case will go to paper review when attendance improves	Boys-47% Girls-53%	CA-25% HI-75%	E-5% M-40% H-55%
20 <sup>th</sup> Boulder	1 magistrate	-School district -Department of Human Services -Office of the Child Representative -Justice Representative	1 <sup>st</sup> and 3 <sup>rd</sup> Tuesdays for court hearings 2 <sup>nd</sup> and 4 <sup>th</sup> Tuesdays for mediation	-Students to comply with mediation plan -School sanctions, daily reporting, community service -Justice High -School release -Detention		Boys-69% Girls-31%	AA-1% CA-34% HI-65%	E-2% M-60% H-38%
21 <sup>st</sup> Mesa	1 magistrate	-School district -Department of Human Services -Office of the Child Representative -Private bar	As needed. Generally Tuesday 3:30pm-5pm	To date, no sanctions have been used	To date, no rewards have been used	Boys-65% Girls-35%	Unknown	E-20% M-47% H-33%

AA-African American, AS-Asian, CA-Caucasian, HI-Hispanic, O-Other, E-Elementary, M-Middle, H-High School

**Appendix D. Truancy Operations By Judicial District**

<b>District/ County</b>	<b>Number of Judicial Officers</b>	<b>Stakeholders</b>	<b>Truancy Calendar</b>	<b>Sanctions</b>	<b>Rewards</b>	<b>Truancy Filings Gender %</b>	<b>Truancy Filings Ethnicity</b>	<b>Truancy Filings Grade Level</b>
22 <sup>nd</sup> Montezuma	1 judge 1 magistrate	-School district -Private bar -Guardians ad litem -Department of Human Services				Boys-60% Girls-40%	CA-60% HI-15% O-25%	M-80% H-20%
AA-African American, AS-Asian, CA-Caucasian, HI-Hispanic, O-Other, E-Elementary, M-Middle, H-High School								

## **APPENDIX E**

### **INNOVATIVE TRUANCY PRACTICES TABLES**

**Appendix E. Innovative Truancy Case Processing Practice Reported By Judicial District**

<b>District</b>	<b>Innovative Practice</b>	<b>Goals</b>	<b>How success is measured</b>	<b>Data Elements</b>	<b>Data Source</b>
2 <sup>nd</sup> Denver	-Assign book reports -Validate parents efforts when trying -Developing pilot mediation/ADR program	Not formalized	Not formalized	Not formalized	Not formalized
3 <sup>rd</sup> Las Animas Huerfano	-Counsel provides court w/follow-up report. Court sets a paper review to determine compliance.	Ensure school attendance	Measured by the follow-up report and number of absences reported	Number of absences	-Principal report -Student report card.
4 <sup>th</sup> El Paso Teller	-Developing pilot mediation program aimed at grammar school kids in order to (a) get parents to invest time in improving parenting skills and (b) have Youth Assessment Center assess kids for treatment and services without DHS involvement.	-Reduce court involvement -Improve parenting skills	Measured against similar schools without mediation program to determine if truancy filings are reduced	Number of truancy filings	-School district attorney -Clerk of Court
10 <sup>th</sup> Pueblo	-Periodic face-to-face reviews depending on case circumstances -Referral to Department of Social Services when young children not attending school	-To make an early determination why child is not in school and to determine if there are unmet family needs	-Measured by improved family functioning and improved school attendance	-Number of absences -Family functioning	-School records -DSS reports
11 <sup>th</sup> Fremont Chaffee	-Simplified expedited truancy petition and contempt proceedings	-To decrease delay of in-court appearances and sanctions	-Immediacy of consequences	-Number of absences	-School records -School attendance officers
12 <sup>th</sup> Alamosa Rio Grande Saguache Costilla Conejos Mineral	-Reading assignments of inspirational books and book reports	-To instill a sense of personal control in the child's life	N/A	N/A	N/A

**Appendix E. Innovative Truancy Case Processing Practice Reported By Judicial District**

<b>District</b>	<b>Innovative Practice</b>	<b>Goals</b>	<b>How success is measured</b>	<b>Data Elements</b>	<b>Data Source</b>
13 <sup>th</sup> Logan	-Monthly reviews (at a minimum) to ensure juveniles and their parents are responding appropriately to court orders	-To let juveniles and parents know that the Courts treats truancy as a serious matter	-Dismissal of case within three to four months of truancy filing	-Number of absences -Number of disciplinary actions	-School records
17 <sup>th</sup> Adams	-Truancy Reduction Program and its innovative and intense personalized case management intervention and service.	-To identify at-risk students and families and actively intervene with them by providing constructive intensive; case management planning; implementation and follow-up there by reducing overall truancy rates as well as breaking the cycle of chronic truancy.	While the absolute statistical outcome of the Judicial District's efforts are not tracked outside of the TRP, success is measured by the individual student abating the truant behavior; improved academic achievement and consistency in educational participation and thereby benefiting from the educational resources made available.	-Number of absences -Grades -School participation	-School District records -Collateral sources, (i.e., medical, therapeutic) -Anecdotal reports
18 <sup>th</sup> Arapahoe Elbert Douglas Lincoln	-Developing pilot mediation program focusing on children with chronic medical absences				

**Appendix E. Innovative Truancy Case Processing Practice Reported By Judicial District**

<b>District</b>	<b>Innovative Practice</b>	<b>Goals</b>	<b>How success is measured</b>	<b>Data Elements</b>	<b>Data Source</b>
19 <sup>th</sup> Weld	-A willing family enters into a stipulation with the truancy person and contract to change the truant behavior. The petition is then held to see if the child and his/her family follow through with the stipulation. The school district always meets informally with the juvenile and his/her family before requesting the Court take specific action.	The goal is to have children stay in school and receive an education. The fact that there is or may be a truancy case is secondary to the school and the Court's commitment to educating the children of Weld County. I also preside over the delinquency cases. There is such a large correlation between children not going to school and children picking up delinquency charges that to continue to fail to educate these children puts not only the children at risk of harm, but the community.	-Success is not being measured at this time by any specific criteria. This is a new program and ultimately the school district will be looking at whether the truancy person's involvement causes the kids to get back into school or otherwise has a positive affect on school attendance.	N/A	N/A
20 <sup>th</sup> Boulder	Truancy mediator and truant officer track clients on a consistent basis.	Two goals: -To reduce truancy -To solve the problem by addressing the core issues	-Review and compare the number of cases and their outcomes compared to the goals of the treatment plan.	-Attendance -Grades -Behavior	-School and court records -Participating agencies' information
22 <sup>nd</sup> Montezuma	-More frequent reviews -Trying to set up a grade court with positive rewards, like movie passes as incentive to attend and maintain passing grades.	-To raise the importance of education for the child	-Improvement on grades -Fewer absences	-Grades -School attendance	-School records