



NCSE | National Center for School Engagement

**The Legal and Economic Implications of Truancy:
Executive Summary**

National Center for School Engagement

September 2005

An initiative of the Colorado Foundation for Families and Children

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The Legal and Economic Implications of Truancy

Executive Summary

The myriad legal and economic issues that surround truancy are intertwined and interdependent. This review paper summarizes these issues. The first section describes school attendance laws, how they are applied, and the most commonly used methods of curbing truancy. Sections two and three discuss legal issues and economic issues respectively. They address issues facing schools, truant youth, parents, community and business, and court and law enforcement. Section three includes a discussion of the costs of ignoring truancy and the benefits of addressing it. Section four discusses types of truancy prevention and reduction programs. It includes a list of best practices, and addresses the importance of monitoring and reporting program results. Section five concludes with recommendations for state lawmakers, schools and school districts, courts, truancy reduction programs, and researchers. Finally, a list of additional resources is provided. Throughout the paper, many examples of successful truancy reduction programs, laws, alternative schools and court structures are included.

This paper should be of use to several audiences: those who want to build political will to initiate a truancy reduction program; practitioners who work with struggling students; school, community, and court representatives will find the sections relating to their particular area of interest useful; and scholars will find a ready-made research agenda. For anyone concerned with the educational accomplishments of our up-and-coming workforce, this paper should provide a thorough introduction to the breadth and seriousness of the school attendance issue, and to the enormity of its consequences.

School Attendance Laws

Compulsory education laws are determined by state legislation. States typically require school attendance from the ages of six to 16, but variations in laws mean that depending on a child's state of residence, (s)he is required to attend as few as nine or as many as 13 years of school. Only 16 states require attendance until the age typical of high school graduation. In most states, young people are entitled to receive public education until the age of 21, yet anecdotal evidence suggests that failing students who are expected to lower schools' standardized test scores are often encouraged to withdraw. State laws also vary regarding the definition of truancy. South Carolina attendance law is reproduced in an appendix. The No Child Left Behind Act requires schools and districts to report attendance rates for the first time, yet differences in state definitions mean that no aggregated national data on truancy will be available even under the new regulations.

Legal Issues and Perspectives

Schools face a number of laws and regulations on how attendance is recorded, how enrollment is calculated, grade retention policies, zero-tolerance policies, reintegration of incarcerated students, their responsibility to pursue truants, and by the No Child Left Behind Act. As a last resort, schools must file court cases but have no say in how they will be handled or how the court is organized. Finally, school officials must be aware that parents and students can, and sometimes do, file lawsuits.

Truants face direct legal consequences of poor attendance. Many schools automatically fail students who miss a designated number of class periods. If the school files a truancy petition, the student must appear in court and face court sanctions. Yet the indirect legal consequences of truancy may be more severe. Truants are more likely than average to become involved with both juvenile and adult criminal justice systems.

Compulsory attendance laws often stipulate parental responsibilities with consequences that vary according to the age of the child, state of residence, and court philosophy. Sanctions most often include fines, orders to attend school with children, or attend parenting classes. In the extreme, parents may face dependency and neglect charges, lose custody of their children, or be sentenced to jail time. Seventy-two cities have daytime curfew laws for school-aged youth, though rarely are businesses legally prevented from serving youth. Truants are often viewed as a nuisance when they congregate in public places.

Courts and law enforcement have a wide array of choices in dealing with truants. Law enforcement departments must decide whether to pick truants up and what to do with them. The court system must decide which court will hear truancy cases; whether to hold a separate truancy docket; how to achieve consistency in sentencing among judges; what sanctions to employ, and whether and what kind of alternative truancy reduction program to offer.

Economic Issues and Perspectives

Truancy reduction programs (TRPs) are highly cost-effective. The average high school dropout costs society over \$200,000 (discounted to the current value of the money). Yet many TRPs operate on less than \$100,000 a year. Thus, if they make the difference between graduation and dropout for even one child annually, they may be viewed as a sound investment of public funds.

Attendance has economic implications for schools. On one hand, most schools are funded based on attendance during “count day” or “count week.” On the other hand, truant students are expensive to educate; they use more counselor time, generate more disciplinary referrals, and require more tutoring. Schools have more incentive to promote good attendance when funding is based on average daily attendance throughout the year.

Economic hardship both contributes to and is exacerbated by truancy. Parents who work long hours cannot monitor school attendance. Those who have trouble paying bills tend to move frequently – a risk factor for school dropout. Truancy exacerbates these problems when parents must pay court fines or take time off from work to address their children’s school attendance. Yet the greatest cost of truancy that leads to high school dropout is incurred in lost earning potential. The average high school graduate earned over \$8,000 more than the average dropout in 2000.

Business has a dual interest in school attendance. In the short run, truants may be customers of local stores, but may also be responsible for shoplifting. In the long run, American business benefits from a more educated workforce.

Although law enforcement and courts incur costs when they deal with truants, those costs will be offset by future reductions in delinquency and adult criminality. Setting up truancy drop-off centers will minimize the cost to law enforcement of handling truancy. Using alternatives to juvenile detention will minimize the cost to courts.

Truancy Prevention and Reduction Programs

Truancy reduction programs (TRPs) take a wide variety of forms. They may operate in one school, or cover a school district or a state. Most are organized either by schools, a court, or a community coalition. School districts use case managers, school attendance review boards, alternative schools, and distance learning options in their battle against truancy. Courts that run TRPs tend to take a social service rather than a punitive approach. Some run court programs right at the school building. Community based programs, of which there are many models, have the advantage of drawing on a wide range of talents and funding sources, and having a broad base of support.

Regardless of the type of program, monitoring progress and outcomes is essential to maintaining support and funding. Process evaluations, outcome evaluations, and cost-benefit analyses have different worthwhile purposes. Evaluations of many programs show short run success, but few studies have followed participants long enough to know whether programs are achieving their long-term goal of high school graduation.

Summary and Recommendations

Truancy is both a cause and an effect of legal and economic problems. Research shows that truants: often come from low-income families; have parents who lack high school degrees; are victims of abuse or neglect; have mental health problems; or have parents with histories of criminality or substance abuse. Some are highly intelligent and bored with school. Regardless of a child's circumstances, unstructured time provides opportunities for youngsters to get into serious trouble. Society has a responsibility to ensure they gain the tools necessary for successful adult life; otherwise, we perpetuate the cycle of low education and low opportunity. Problems not solved among this generation will likely surface again in the next.

TRPs promote educational success, reduce juvenile and adult criminality, save taxpayer money, and generate indirect benefits via social service referrals. Their benefits will likely continue to be felt by the children of today's participants. A broad range of agencies and groups must take responsibility for making structural, systemic changes in order to improve life's opportunities for our children. The paper concludes with specific recommendations for state laws, school and school district policies, courts, truancy reduction programs, and researchers. Examples include the following.

Recommendations for state laws

- ✓ Expand data reporting laws.
- ✓ Eliminate push-out laws, and get school incentives right.
- ✓ Encourage consistency in the educational experiences of children removed from their homes by the court.

Recommendations for schools and school districts

- ✓ Make accurate attendance reporting a priority.
- ✓ *Never* assign out-of-school suspension as a punishment for truancy.
- ✓ Eliminate automatic F's for students who miss a certain number of class periods. Alternatively, allow students to earn back attendance credit for unexcused absences by attending Saturday school.

Recommendations for courts

- ✓ Create a truancy docket within the juvenile or family court so that all truancy cases are heard on the same day. This saves schools significant resources in terms of personnel time, making schools more willing to file cases.
- ✓ Every youth is entitled to an advocate who may be a lawyer, a guardian ad litem, or a social service worker.
- ✓ Truancy court judges should have flexibility in sentencing options, including alternatives to juvenile detention for even the most difficult cases.

Recommendations for truancy reduction programs

- ✓ Catch problems early, and act aggressively.
- ✓ Gain trust and support of parents and students by advocating for truant youth and their families.
- ✓ Use both carrots and sticks in dealing with truants and parents.

Recommendations for researchers

- ✓ Are there different typologies among truants? In other words are there subsets of truants with different characteristics, motivations and likely outcomes?
- ✓ What is the interaction between truancy and delinquency? What characteristics are predictive of the truant-only, delinquent-only, and truant-delinquent populations?
- ✓ Above all, how can we best motivate students with poor attendance to return to class, stay there, and graduate?

Copies of the entire report, and the three others in the series, may be purchased from the National Dropout Prevention Center at Clemson University.

The National Center for School Engagement (NCSE) is an initiative of The Colorado Foundation for Families and Children (CFFC). NCSE strives to build a network of key stakeholders who share the belief that improving school attendance and school attachment promotes achievement and school success.



National Center for School Engagement

NCSE was established as a result of more than a decade of educational research about youth out of the educational mainstream conducted by CFFC. The impact of this work has been the development of significant investments of state funds to reduce suspensions expulsions and truancy. Over five years ago, CFFC began working with the OJJDP, US Department of Justice to assist in the planning and implementation of pilot demonstration projects across the country. As projects developed, CFFC became the national evaluator of this five-year truancy demonstration project.

The culmination of ten years of program experience and research has identified truancy and school engagement as the centerpiece of NCSE's work to improve outcomes for youth who are at the greatest risk of school failure and delinquency. We are national leaders in applying research to help communities prevent and reduce truancy.

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