Child Adolesc Soc Work J (2016) 33:337–347
DOI 10.1007/s10560-015-0433-1

Truancy: It's Not About Skipping School

Christopher A. Mallett[1]

Published online: 16 December 2015
© Springer Science+Business Media New York 2015

Abstract Truancy and related school attendance issues are serious problems nationwide, and are often the result of a punitive school-based paradigm that harms more students than the protocols help. While some school districts and juvenile courts have shifted toward a rehabilitative paradigm and approach truancy with preventive efforts, unfortunately, this is not the norm. This manuscript summarizes and reviews: (1) the prevalence of the problems within schools and juvenile courts; (2) truancy and delinquency's inter-related risk and protective factors for children and adolescents and the disproportionate impact on some students; and (3) the evidence of what schools and related stakeholders can do to improve student truancy/attendance problem outcomes. The analysis concludes with case examples from two states (Colorado and Ohio) that have taken dichotomous approaches to addressing truancy, and what child and adolescent social workers should do to fix the problems.

Keywords Truancy · Absenteeism · Intervention · Discipline · Evidence-based · Social work · School-to-prison pipeline

Introduction

Truancy is not often about children and adolescents just skipping school. Irregular school attendance and high numbers of school day absences are normally a result of multiple factors related to the young person, their family, neighborhood, and the school itself (Development Services Group, 2010). Truancy is a problem for many students, but disproportionately impacts vulnerable and already at-risk children and adolescents. Thus, those who are truant are at significant risk for developing additional difficulties—poor academic performance, delinquency, school dropout, employment problems, and earlier and increased substance use and abuse, among others (Chang & Romero, 2008; Fowler, 2015; Seeley, 2008). In addition, it is likely that many students who are truant end up caught within the school-to-prison pipeline—a phenomenon of harsh and rigid discipline protocols—and a vortex that is difficult from which to escape (Mallett, 2016).

These school discipline and juvenile justice systems involve millions of children and adolescents annually. This manuscript is focused on a subset of these disciplined children and adolescents, those considered truant and/or with related school attendance problems. Many of these young people are caught up within the larger school discipline systems and juvenile courts, often directed by inflexible and punitively-focused policies. This manuscript reviews and provides analysis across three areas: (1) the prevalence of the problems within schools and juvenile courts; (2) truancy and delinquency's inter-related risk factors for children and adolescents and the disproportionate impact on certain student sub-groups; and (3) the evidence of what schools and related stakeholders can do to improve student truancy/attendance problem outcomes. The paper concludes with case examples of Ohio and Colorado law that show opposite approaches to truancy through their state law zero tolerance policies and related school district procedures.

✉ Christopher A. Mallett
c.a.mallett@csuohio.edu

[1] Cleveland State University, 2121 Euclid Avenue, #CB324, Cleveland, OH 44115-2215, USA

Schools and Juvenile Courts

Schools

The impact of school discipline policies is substantial. Of the forty-nine million United States students enrolled in the 2011–2012 academic year, 3.5 million students experienced in-school detention, 1.9 million students were suspended for at least 1 day, 1.6 million students were suspended more than one time, and 130,000 students were expelled (U.S. Department of Education, 2014). This represents 2.4 % of all elementary-aged students and 11.3 % of all secondary school-aged students who were suspended during the 2011–2012 academic year (Burke & Nishioka, 2014).

Juvenile Justice

The juvenile justice system involves equally large numbers of adolescents as the school discipline systems. In 2010, over 2.1 million young people under the age of eighteen were arrested leading to the juvenile courts handling of almost 1.3 million delinquency cases involving youthful offenders charged with criminal offenses (Hockenberry & Puzzanchera, 2014; Puzzanchera & Robson, 2014). In addition, the juvenile courts processed nearly 150,000 status offense cases, truancy being the most frequent charge (Salsich & Trone, 2013).

Those young people who become involved with the juvenile courts have an ongoing and increasing risk to be detained and/or incarcerated (Petrosino, Turpin-Petrosino, & Guckenburg, 2010). While recent reforms, state budgetary difficulties and litigation concerning unconstitutional care and dangerous facilities have reduced the number of incarcerations over the past decade, 80,000 adolescents are still confined each day in juvenile facilities (National Juvenile Justice and Delinquency Prevention Coalition, 2013). A majority of incarcerated youthful offenders are 16–17 year old, minority (68 %), males (87 %), though numbers of young women have been increasing slightly over the past decade. Among the ethnic minorities, approximately 60 % are African-American, 33 % are Hispanic, and, depending on the jurisdiction, 1–4 % American Indian or Asian (U.S. Department of Justice, 2014). The overrepresentation of minorities within incarceration facilities, disproportionate minority confinement, is found in nearly all states, with a greater impact on minority males than females (Davis, Irvine, & Ziedenberg, 2014; U.S. Department of Justice, 2012).

Most of these youthful offenders have not been convicted of serious offences. Recent residential surveys and FBI crime data shows that only 25 % of youthful offenders are incarcerated because of a violent index offence (murder, sexual assault, robbery, or aggravated assault), rising to only 38 % of those held in long-term secure institutions. The largest number of incarcerated youthful offenders (46 %) committed property, drug, public order or, especially among girls, status offences, such as truancy, underage drinking, running away, and curfew violations. Of particular concern, 16 % of youthful offenders were incarcerated for technical violations, which includes not following court orders, probation expectations, or not attending school regularly (Hockenberry & Puzzanchera, 2014; Mendel, 2012).

Status Offenses

Status offenses such as truancy, running away, violating curfew, alcohol use, and flagrant disobedience are only crimes if committed by a minor. These difficulties or behaviors come under the purview of a juvenile court after a complaint for a status offense is filed, making diversion from this filing the best alternative for young people. With nearly 150,000 status offenses processed annually nationwide—and truancy accounting for over 36 %, incorrigibility (a filing by parents or legal guardians) 12 %, and running away 11 %—diversion is important to discontinue these offenses (Hockenberry & Puzzanchera, 2014; Salsich & Trone, 2013). Though this is not the norm, for in 2010, 56 % of status offenders were adjudicated delinquent, whereby 8 % of status offenders were placed into a residential facility, 53 % were placed on probation supervision, and 39 % were court ordered other punitive sanctions (Levin & Cohen, 2014).

Once adjudicated via a status offense, a juvenile court judge or magistrate can do little other than to court order a young person to not repeat the offense or behavior. This, though, is something many adolescents find difficult to do, forcing the juvenile court personnel to file court order violations, ongoing supervision, and deeper juvenile justice system involvement (Petrosino et al., 2010). As noted, in 8 % of the cases (7466 in 2014; Office of Juvenile Justice and Delinquency Prevention, 2015), court order violations led to detention or incarceration of the young person, a situation that exacerbates the problems, often moving a status offender toward serious delinquency (Levin & Cohen, 2014; Mendel, 2012). Though status offences are non-criminal, these young people have many common risk factors for future offending; thus, formal juvenile justice involvement may very well increase these risks (Salsich & Trone, 2013). Unfortunately, current federal policies, and 25 states and the District of Columbia, still allow status offenders to be incarcerated for court order violations (Development Services Group, 2015; Levin & Cohen, 2014).

Truancy

Truancy is the habitual, unexcused absences from school, exceeding the maximum set by state law. Each state law has variations, but all specify the age at which a child must begin school, an adolescent may drop out, and the number of unexcused absences that is deemed truant (Development Services Group, 2015). There are common experiences and difficulties for certain at-risk children and adolescents in being truant and subsequently involved in school discipline and, for many, the juvenile courts. These individual, family, neighborhood, and school risks, experiences, and problems make it much more likely for the young person to have school problems and difficulties, and in particular, truancy.

Risk Factors

There are risk factors that are common for both truancy and delinquency, though having or experiencing these difficulties in no way dictates poor outcomes for adolescents (Howell, 2003). Children and adolescents typically experience increased risk for involvement with the juvenile courts as a result of a combination of risk factors, rather than any single experience, leading to offending behaviors. These risks, many comorbid, often include poverty, family dysfunction, violence, trauma, academic and learning problems, mental health difficulties, and unstable and disorganized neighborhoods, among others (Abram et al., 2013; Cuevas, Finkelhor, Shattuck, Turner, & Hamby, 2013; Leone & Weinberg, 2010; Sedlak & McPherson, 2010).

Research on truancy risks, though significantly more limited than delinquency risk evaluations, has more narrowly identified some specific risks across the young person, their family, neighborhood, and school (Heilbrunn, 2007). Individual factors include poor academic performance, grade retention, unidentified special education disabilities, lack of positive peer relations, mental health/substance use problems, and school alienation (Center for Mental Health in Schools, 2008; McKinney, 2013; Yeide & Kobrin, 2009). Family factors include financial problems/poverty, lack of transportation, homelessness, significant family conflict, maltreatment, low or poor parental involvement, and parental attitudes concerning education (Heilbrunn, 2007; National Center for School Engagement, 2007). Neighborhood and community factors include violence in or near the home or school and cultural differences in attitudes toward schools (Baker, Sigmon, & Nugent, 2001). School factors include a negative or unsafe school environment, bullying victimization, inappropriate academic placement, poor attendance policies, and harsh discipline policies that include suspensions and expulsions for truancy (Center for Mental Health in Schools, 2008; Mallett, 2016; Yeide & Kobrin, 2009). The presence of these difficulties place the child or adolescent at greater risk for truancy, with the more difficulties experienced, the greater the chance for truant outcomes (Howell, 2003).

Disproportionate Impact

There exists a limited amount of descriptive research on students who are truant. Researchers to date have aggregate data on children and adolescents charged with status offenses, but this data is not yet available per offense type for some important demographics. It is known that between 1995 and 2011 the number of truancy cases that ended up in juvenile court increased for all age groups except 13- to 15-year-olds, with increases of 155 % for 17-year-olds and 99 % for 16-year-olds. A majority of these young people were male, 55 %, and truancy was the most common status offense for white, black, and Asian youthful offenders (Development Services Group, 2015; Hockenberry & Puzzanchera, 2014).

As research is expanded on both risk factors and the impact of truancy laws, rules, and school regulations, it is likely that additional groups are both at risk for truant outcomes and disproportionately found involved with the juvenile courts for this and other related difficulties. It is well documented that students with special education disabilities (both identified and under-identified), those living in poverty, those who have been victims of maltreatment, and students who identify as lesbian, gay, bisexual, or transgender (LGBT) are disproportionately found within the school-to-prison pipeline and that this involvement is often gravely harmful on academic and non-academic outcomes (Addington, 2014; Himmelstein & Bruckner, 2011; Majd, 2011; Rivkin, 2010; Skiba & Williams, 2014). It is just as likely that these groups of students are more often truant for various reasons and are more significantly impacted than their non-truant peers (Mallett, 2016).

Evidence-Based Truancy Prevention

Punitive, controlling, and zero tolerance-based discipline policies have been ineffective for most adolescents involved with school discipline protocols and juvenile court practices (Mallett, 2013, 2016). There are significant reasons for this, but primarily because adolescents are different, they are not young adults. Ongoing research has clearly delineated that adolescents are different across most developmental pathways—biology, cognition, emotion, and interpersonal relationships (Scott & Steinberg, 2008).

Adolescents' decision-making is limited in scope and is impacted by immaturity, impulsivity, and an under-developed ability to appreciate consequences (Giedd, 2004; Somerville & Casey, 2010). Current school and juvenile court policies are primarily focused on future consequences. While older adolescents are capable of adult cognitive capacities their ability to use these decision-making steps is not fully applicable due to lack of life experiences. An inhibiting factor is adolescents' focus on the present and less ability to have a future orientation, having a lower appreciation of long-term consequences of decision-making (Steinberg, Dahl, Keating, Kupfer, & Masten, 2006).

Adolescents are also vulnerable to external coercion and peer pressure, due to their unformed character development (Scott & Steinberg, 2008). These peer influences often peak at age fourteen and decline into young adulthood, and are particularly influential in group situations (Moffitt, 1993). This influence, along with adolescents' increased risk taking that often includes the minimizing of the risk and the over-inflation of rewards, leads many to make poor decisions in schools, neighborhoods, and communities. Resisting peer pressure can have many negative and ostracising outcomes for young people (Fagan, 2000; Steinberg, 2007). So in many ways, policies that are focused on discipline outcomes, including, for example, school expulsions for ongoing attendance problems and truancy and harsh sentencing for delinquent activity, may have little to no deterrent effect on adolescents (Mallett, 2013). Of note, researchers have consistently found that most adolescents involved in school discipline problems or delinquent activities will grow out of these antisocial tendencies as their character develops, risk factors are mollified, and/or they become young adults (Piquero, Farrington, & Blumstein, 2003). Thus, diversion and early intervention for truancy risk factors and behaviors is paramount.

These interventive efforts are most effective when either addressing the early trouble signs and risk factors or building upon protective factors. Protective factors for children and adolescents at risk for attendance and truancy may often entail the minimizing or elimination of risk factors (Howell, 2003). Reducing or eliminating key risks for truancy include some of the following: unsafe school environments, poor relationships with teachers, not identifying special education needs, negative peers, financial problems at home, poor academic performance, and unmet mental health needs, among others (Hammond, Linton, Smink, & Drew, 2007; Heilbrunn, 2007). Moreover, the addition of certain protective factors also improves student attendance and reduces truancy, including relevant school consequences to truancy, using motivation strategies, school-based truancy prevention services, partnerships with community-based providers, and meaningful family involvement, among others (Coalition for Juvenile Justice, 2013).

Screening/Assessment and Diversion

It is important to make available more cost-effective and successful community-based diversion strategies than school suspensions, discipline measures, or juvenile court referrals for adolescents who are truant. To be most effective, these diversion services should be chosen through careful screening and assessment of the young person and their risk factors, be offered at the time of the incident, work with the family in their home when possible, and have evidence as to their positive impact. Working with families and addressing educational, mental health, trauma or other issues are best handled by youth-caring systems with expertise in these areas (Baird et al., 2013; National Council on Crime and Delinquency, 2007). A number of national stakeholders have identified and proposed standards when working to improve the outcomes for young people with status offenses, including truancy, recommending the following: understand emerging knowledge on adolescent developmental issues; investigate and treat trauma; engage the family; understand gender differences and developmental pathways; redirect students with disabilities back toward school rehabilitative services; train first responders on diversion, family impacts, and community resources; and use graduated responses and meaningful incentives for attendance problems (Coalition for Juvenile Justice, 2013).

More specifically with regards to special education disabilities, school systems are required by federal law (IDEA; 34 C.F.R. § 300.8(a)(1)) to assess all students thought to have a possible special education disability—the "child find obligation" (34 C.F.R. § 300.111). However, these reviews have been found to be problematic for a number of reasons: inaccurate assessment and outcome; accurate assessment but, as already noted, students with special education disabilities are at higher risk for discipline and school-to-prison involvement; and not identifying related or compounding factors that are impacting the students' academic or behavioral problems (Mears & Aron, 2003; Washington State Institute for Public Policy, 2007).

Some of these screening and intervention efforts were used to help address the truancy problem in Rapides Parish, Louisiana. Local stakeholders designed a graduated system of interventions within their schools to be utilized by school administrators before a referral for truancy may be made to the local juvenile court. In addition, the Massachusetts Youth Screening Instrument (MAYSI; Grisso, Barnum, Fletcher, Cauffman, & Peuschold, 2001) is utilized along with family engagement to determine the

appropriate response to truancy, depending on other factors or difficulties identified, including mental health, trauma, and drug use, among others. These program changes have decreased truancy status offense referrals to the local juvenile court by 40 % from 2010 to 2012 (Salsich & Trone, 2013).

Moving Away from Zero Tolerance Policies

Moving away from current, and often entrenched and far-reaching, zero tolerance policies is not simple or easy. It took years for these school policies and practices to develop; it will take time to turn back what is ineffective or harmful. Important stakeholders, including the United States Attorney General's Office, the American Academy of Pediatrics, and the American Psychological Association, among others, have condemned these harsh policies and recommend student discipline dispensation be determined on a case-by-case basis, looking at the mitigating circumstances around the problems, and utilizing developmentally appropriate interventions and decision-making (American Academy of Pediatrics, 2013; American Psychological Association, 2006; Kang-Brown, Trone, Fratello, & Daftary-Kapur, 2013). Most school districts' student codes of conduct do not allow individualized responses to student infractions. Many times the problem starts with these discipline codes.

Student Codes of Conduct

Student codes of conduct outline behaviors that are expected of students, as well as behaviors that the school district has determined are not permitted. They are often a result of state mandates, district rules, and school-based administration decisions—parents or parent groups are also involved in their creation, though, rarely are students (Kupchik, 2010). Violations of the code of conduct often include minor or less serious violations such as tardiness, cell phone and other technology use, foul language, dress code violations, and school disruptions. In addition, the code of conduct may include minor or more serious violations that may also be crimes—truancy, assault, fighting, drug activity, and weapon possession, among others. The code typically indicates the disciplinary action that is to be taken by school personnel for certain violations and is provided in writing to students and families (Morgan, Salomon, Plotkin, & Cohen, 2014). Most codes focus on punishments for students' infractions, misbehaviors, or related problems, with little to no discussion of the school learning environment or roles that students, teachers, and staff have in building a positive and safe school (Morgan et al., 2014).

A school district's code of conduct is important in directing and conveying the important priorities in schools that are necessary for conducive learning: the imposition of firm, clear, and consistent rules; punishments for misbehaving and rule breaking; the punishment to be equitable; punishments to be of consequence to the importance of the rule; and effectively communicating these rules to students and school staff with consistent application when necessary (Arum, 2003; Gottfredson, Gottfredson, Payne, & Gottfredson, 2005). It is important that a student code of conduct be focused on rehabilitation of the student, have available graduated responses and not an automatic discipline measure to the school administrators in determining the appropriate decision, and not utilize suspension or out-of-school punishment for attendance problems or disruptions (Center for Civil Rights Remedies, 2014; Fabelo, Thompson, Plotkin, Carmichael, Marchbanks, & Booth, 2011).

School-Based Programming

There are a number of programs and interventions that have shown to be successful in addressing students in a profoundly different way than harsh discipline policies and rigid student codes of conduct, while addressing many of the risk factors for truancy and, subsequently, delinquency (Mallett, 2016). Most of these programs prioritize improving student and/or family engagement. Recognizing and then integrating the student's perspective, giving value to the student's difficulties or challenges, and understanding what other mitigating impacts may be causing the problems can often provide both more informed decision-making by school personnel and also more effective problem solving. When students have input and involvement and are provided autonomy, engagement with the school is often the outcome (Gregory, Bell, & Pollock, 2014; Hafen, Allen, Mikami, Gregory, Hamre, & Pianta, 2010). When students and families are more connected and engaged with the school, discipline problems decrease and, correspondingly, safety outcomes increase academic scores rise, and attendance issues improve (American Psychological Association, 2006; Kohli, 2012; Steinberg, Allensworth, & Johnson, 2013).

Positive Behavioral Interventions and Supports

One of the stronger empirically supported interventions used in over 18,000 schools is Positive Behavioral Interventions and Supports (PBIS) where the focus is on teaching skills and behavior management early in the academic year with the goal of changing problem behaviors for all students. This program minimizes the use of exclusionary discipline by changing student behaviors and

improving overall school climate through the use of tiered behavioral supports using a myriad of interventions (Sprague, Vincent, Tobin, & CHiXapkaid, 2013). PBIS incorporates a three-tiered approach across the classroom and school: (1) the primary tier addresses prevention by teaching behavioral expectations, rewarding positive behavior, providing a continuum of consequences, and data collection for decision-making; (2) the secondary tier is for at-risk students and targets these young people for interventions to help with behavioral problems; and (3) the tertiary tier is for students with more serious behavior problems and includes more intense individualized interventions often with family and community partners (Sugai & Horner, 2010). This comprehensive and proactive approach assumes that actively teaching these expectations changes students' behaviors, while requiring the school personnel to define and teach a set of positive expectations for students, acknowledge and reward the behaviors, systematically supervise students throughout the day, and implement a fair and consistent continuum of corrective consequences. Reviews have found reductions in problem student behavior and out of class referrals and improved academic outcomes, including school safety perceptions (Bradshaw, Mitchell, & Leaf, 2010; Vincent, Sprague, & Gau, 2013). In addition, these interventions and supports are applicable and effective across grade levels and are sustainable over time (Bradshaw, Koth, Bevans, Ialongo, & Leaf, 2008; Muscott, Mann, Benjamin, Gately, Bell, & Muscott, 2004; Rosenberg & Jackman, 2003). Recently, the use of PBIS has been found to directly improve school attendance for students who have been habitually truant (Austin, Brewer, Conley, Fiorentino, & Smith, 2014).

Social-Emotional Learning

Social-emotional learning is primarily a classroom focused paradigm, though can be a stand-alone program component, as well as a school-wide curriculum for learning, teaching, and building the social environment. This ecological management approach includes not only quality instruction planning, but a focus on the behavioral needs of the students, monitoring of student engagement, and skills application to avoid escalating conflicts (Osher, Bear, Sprague, & Doyle, 2010). These programming efforts often incorporate character education and emotional development interventions aimed at aiding children and adolescents' acquisition of knowledge, improved attitudes, and skill building to recognize and manage their emotions, establish positive relationships, and make responsible decisions (Durlak & Weissberg, 2007).

In general, these programs have had significant impact on building social and emotional skills, reducing aggression and behavior problems, improving academic performance for all grade levels and student ethnic groups, improving tolerance, and decreasing out-of-school suspensions (Berkowitz & Bier, 2005; Payton et al., 2008). Components of many of these programs found to be effective include interactive teaching strategies, mentoring, role-playing, group discussion, and family involvement through extracurricular activities or parent training (Person, Moiduddin, Hague-Angus and Malone 2009). Three of the programs with significantly strong empirical support include Positive Action, Too Good for Violence, and Connect with Kids (Social and Character Development Research Consortium, 2010; What Works Clearninghouse, 2006). When used more broadly in schools, this learning-centered approach may include support teams and planning centers, and has been found to decrease school incidents by more than half, improve attendance rates, and lower out-of-school suspensions district-wide by 60 % (Losen, Hewitt, & Toldson, 2014; Skiba, Arrendonda, & Rausch, 2014).

Restorative Practices

Restorative practices are student-focused interventions that try to change the perspective of students with behavioral difficulties and other related problems. These practices are appropriate for those situations when the student is primarily responsible for the disruptions or unsafe school behaviors, with a focus on accountability. This collaborative approach typically includes all willing stakeholders in the incident or problem, uses a constructive collaborative approach with a focus on repairing the harm to victims and making the school community whole, while also helping the young person decrease future problems and recidivism. Restorative practices take numerous forms, including peer juries that bring together a student who has broken a code violation with trained student jurors, peer mediation that brings two or more students together for conflict resolution with trained student mediators, and peace circles that allow student dialogue, process, and collective decision-making (Hereth, Kaba, Meiniers, & Wallace, 2012). These practices help to build and improve school climate by increasing student understanding of the rules and trust in the rule enforcement, thus requiring a school philosophy to shift and embrace this foundation at all implementation levels (Bazemore, 2001; Macready, 2009). In other words, restorative practice is not just the utilization of behavior modification techniques or a focus on conflict resolution, but a school community-wide effort, often also including the students' family members when appropriate (Calhoun & Daniels, 2008).

There is increasing empirical support for implementing these approaches, particularly when compared to current restrictive and harsh penalties for student infractions and misbehaviors (Latimer, Dowden, & Muise, 2005; Schiff,

2013). Over the last few years studies have used improved research designs and found continued positive outcomes for restorative justice programming, though a majority of these reviews are still only descriptive, making this a promising and not evidence-based course of practice (Minkos, Latham, & Sugai, 2014). For example, over two academic school years, four high schools in the Chicago Public School system that had implemented varying degrees of restorative programming including mediation, peer juries, conferences, and peace circles, found up to 80 % reductions in student misconduct and arrests and improvements in attendance (Hereth et al., 2012). Recent national reviews and numerous school district studies of restorative justice practices found reduced suspension and expulsion rates, decreased referrals for discipline measures, improved academic achievement, and stronger relationship building across stakeholders (Losen et al., 2014; Skiba et al., 2014), with particular improvements in some reviews for African-American students (Gonzalez, 2015). Additional empirical reviews are encouraged by research to date and necessary to determine if restorative practices should be more fully implemented across school districts.

Case Examples

However, even if the local schools' policies change, incorporate inclusive programming, and focus on improving attendance for all students, they must also abide by state law. State legislatures (along with the Federal Congress) are key stakeholders establishing and perpetuating current zero tolerance policies and greatly influence the utilization of inflexible school discipline codes that have led to harsh and disparate outcomes, including truancy. However, these policy stakeholders are also the solution to many of the, many unintended, problems the policies have wrought. To progressively address these issues using the evidence to date, state legislatures should review or amend state laws to move away from strict discipline policies, including the following: clearly define school disciplinary actions and terms—disruptive behavior, inappropriate behavior, serious risk, and zero tolerance, among others; reserve school removal for only the most serious and severe disruptive student behaviors; replace rigid disciplinary strategies with graduated systems of discipline, with consequences on par with the student offense through an array of disciplinary alternatives; require sufficient training for teachers and school administrators around behavior management and culturally-sensitive pedagogy; and shift or provide funding away from security management and toward preventative and effective school programming to minimize out-of-school discipline outcomes (Advancement Project et al., 2011; American Psychological Association, 2006; Losen et al., 2014; Morgan et al., 2014).

Ohio State Law

Ohio truancy law represents a "tough on crime" and zero tolerance policy paradigm that is outdated and ineffective. Ohio law defines habitual truants as students who miss five or more consecutive school days, seven or more days in 1 month, or 12 or more days in a year. Chronic truants are students who miss seven or more consecutive school days, ten or more days in 1 month, or 15 or more days in a year. Under Ohio Revised Code § 3321.19, when a student is truant from school, education officials may take the following steps: (1) require the parent/guardian attend an educational program to encourage parental involvement in compelling the attendance of the child at school; (2) shall "examine into" any truancy within the district and warn the child, if found truant, and the child's parent, guardian, or other person having care of the child, in writing, of the legal consequences of truancy and require the youth's attendance. If the child does not attend, the superintendent may direct the parent or other person to attend the educational program and may file a complaint in the juvenile court; or (3) for habitual truants, the board of education of the school district or the governing board of the educational service center shall do either or both of the following: (1) take actions described in Ohio Revised Code § 3321.191 or (2) file a complaint in the juvenile court. For chronic truants, the complaint shall be filed in juvenile court. Under Ohio Revised Code § 2151.354(C), the juvenile court can intervene by requiring the child to attend an alternative school, participation in an academic or community service program, drug or alcohol treatment, medical or mental health counseling, or any other order. The court can also start criminal charges against the parents. The problem with the Ohio law is that it does not require the schools to intervene with the students before filing a truancy complaint except for providing the notice of truancy consequences.

In addition, Ohio's truancy law requires some offenses, those defined as "chronic" or "double habitual" truants to be considered adjudicated delinquent with the local juvenile court automatically. Thus, any student so referred to the juvenile court with this designation is adjudicated and comes under court supervision. This law violates the Juvenile Justice and Delinquency Prevention Act that allows truancy offenses to be adjudicated as delinquencies only after a student has violated a valid court order (as discussed earlier, a valid court order violation can be processed in Ohio and 24 other states). While this section of the Ohio Revised Code (3321.191) does require school

boards to coordinate efforts for students are "habitually" truant with the juvenile court judge, parents, and local service-providing agencies, these efforts are not required prior to juvenile court referral and delinquency adjudication.

Colorado State Law

Colorado has taken a different approach to truancy. In the state's initial legislation (Colorado Revised Code § 22-33-107(3)) no filing of truancy may be made with a juvenile court until a coordination and treatment plan was attempted by school personnel, parents, and community service providers. This assessment stage, though, was not mandated, only encouraged and many students were referred for juvenile court supervision, adjudication, and for some, incarceration. A significant move toward rehabilitation of students dealing with truancy problems was accomplished in the 2013 state legislature through the addition of procedural requirements for school districts to demonstrate interventions attempted before resorting to juvenile court filings. Now, to establish a petition to compel attendance, a school district must submit the following evidence to the court: (1) the student's attendance record before and after the point at which the student was identified as habitually truant; (2) whether the student was identified as chronically absent and, if so, the strategies the school district used to improve the student's attendance; (3) the interventions and strategies used to improve the student's attendance before school or school district personnel created the student's plan; and (4) the student's plan and the efforts of the student, the student's parent, and school or school district personnel to implement the plan (Colorado Revised Code § 22-33-107(3)(4p)). This change greatly reduces the chances for a student to be referred to juvenile court for truancy problems. Though even in a state that is moving much more progressively in correcting these problems, current Colorado law still allows a detention center placement for up to 5 days for chronically truant students after these intervention efforts have been tried and failed. Work still needs done.

Implications for Social Work

States, and subsequently school districts, have a duty to review current truancy laws and subsequent policy implementations and outcomes. Based on the truancy evidence within schools and juvenile courts, as well as in students' homes, harsh discipline, zero tolerance parameters, and inflexible responses to student problems only make the outcomes worse. Young people are truant from school for a myriad or reasons, often comorbid, inter-related, and long-term. If the schools and juvenile courts are unable or unwilling to initiate early prevention and intervention efforts, refocus their work within a rehabilitative paradigm, and are impeded by zero tolerance state laws, these at risk students are left on their own. Many will not make it, leading to poor academic outcomes, drop-out, and increased risk for illicit behaviors and activities. We know the answers to correct these outcomes; we just need the coordinated and informed responses from stakeholders.

Social work has always been an integral component of effective supports for troubled children, adolescents, and their families. Social workers provide community-based services for improving mental health, substance abuse, learning and related family difficulties, trauma recovery, and prevention of difficulties across the child, family, neighborhood and community. While these ongoing social work program efforts are vital to support and implement the Coalition for Juvenile Justice's (2013) national standards to reduce truancy and related problems, doing so will be difficult. In states and school districts still implementing punitive and zero tolerance policies, advocacy is vital to both change the state law and shift toward a rehabilitative paradigm and utilization of evidence-based practices. To do so requires leadership and efforts across social work policy and practice. Coordinating the maze of stakeholders involved in school attendance and truancy problems poses many challenges, but preventing these poor outcomes is vital in allowing many young people to successfully navigate into young adulthood.

References

Abram, K. M., Teplin, L. A., King, D. C., Longworth, S. L., Emanual, K., Romero, E. G., et al. (2013). *PTSD, trauma, and comorbid psychiatric disorders in detained youth*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

Addington, L. A. (2014). Surveillance and security approaches across public school levels. In G. W. Muschert, S. Henry, N. L. Bracy, & A. A. Peguero (Eds.), *Responding to school violence: Confronting the Columbine effect* (pp. 71–88). Boulder, CO: Lynne Rienner Publishers, Inc.

Advancement Project, Education Law Center – PA. (2011). *FairTest, The Forum for Education and Democracy*, Juvenile Law Center, NAACP Legal Defense and Educational Fund, Inc. Federal policy, ESEA reauthorization, and the school-to-prison pipeline, Washington, DC.

American Academy of Pediatrics, Council on School Health. (2013). Out-of-school suspension and expulsion. *Pediatrics, 131*(3), 1000–1007.

American Psychological Association. (2006). *Are zero tolerance policies effective in the schools? An evidentiary review and recommendations*. A report by the American Psychological Association Zero Tolerance Policy Task Force, Washington, DC.

Arum, R. (2003). *Judging school discipline: The crisis of moral authority*. Cambridge, MA: Harvard University Press.

Austin, V., Brewer, K., Conley, R., Fiorentino, C., & Smith, D. (2014). *Using multi-tiered systems of support to address the social-emotional needs of students in Maryland*. Baltimore, MD: Maryland's Summer Internship Program Policy Paper 1.

Baird, C., Healy, T., Johnson, K., Bogie, A., Dankert, E. W., & Scharenbroch, C. (2013). *A comparison of risk assessment instruments in juvenile justice*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

Baker, M. I., Sigmon, J. N., & Nugent, E. (2001). *Truancy reduction: Keeping students in school*. Washington, DC: Office of Juvenile Justice and Delinquency Promotion, Office of Justice Programs, U.S. Department of Justice.

Bazemore, G. (2001). Young people, trouble, and crime: Restorative justice as a normative theory of informal social control and social support. *Youth & Society, 33*(2), 199–226.

Berkowitz, M. W., & Bier, M. C. (2005). *What works in charter education: A research driven guide for educators*. Washington, DC: Charter Education Partnership.

Bradshaw, C., Koth, C., Bevans, K., Ialongo, N., & Leaf, P. (2008). The impact of school-wide positive behavioral interventions and supports (PBIS) on the organizational health of elementary schools. *School Psychology Quarterly, 23*, 462–473.

Bradshaw, C. P., Mitchell, M. M., & Leaf, P. J. (2010). Examining the effects of schoolwide positive behavioral interventions and supports on student outcomes. *Journal of Positive Behavior Interventions, 12*(3), 133–148.

Burke, A., & Nishioka, V. (2014). *Suspension and expulsion patterns in six Oregon school districts (REL 2014-028)*. Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Educational Laboratory Northwest.

Calhoun, A., & Daniels, G. (2008). Accountability in school responses to harmful incidents. *Journal of School Violence, 7*, 21–47.

Center for Civil Rights Remedies. (2014). *Keeping California's kids in school*. CA: Los Angeles.

Center for Mental Health in Schools at UCLA. (2008). *School attendance problems: Are current policies & practices going in the right direction?*. Los Angeles, CA: UCLA.

Chang, H. N., & Romero, M. (2008). *Present, engaged, and accounted for: The critical importance of addressing chronic absence in the early grades*. New York, NY: National Center for Children in Poverty.

Coalition for Juvenile Justice. (2013). *National standards for the care of youth charged with status offenses*. Washington, DC: Coalition for Juvenile Justice.

Cuevas, C. A., Finkelhor, D., Shattuck, A., Turner, H., & Hamby, S. (2013). *Children's exposure to violence and the intersection between delinquency and victimization*. Washington, DC: Office of Juvenile Justice and Delinquency Promotion, Office of Justice Programs, U.S. Department of Justice.

Davis, A., Irvine, A., & Ziedenberg, J. (2014). *Stakeholders' views on the movement to reduce youth incarceration*. Oakland, CA: National Council on Crime & Delinquency.

Development Services Group. (2010). *Truancy prevention: Literature review*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Development Services Group. (2015). *Status offenders: Literature review*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Durlak, J. A., & Weissberg, R. P. (2007). *The impact of after-school program that promise personal and social skills*. Chicago, IL: Collaborative for Academic, Social, and Emotional Learning.

Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks, M. P. III, & Booth, E. A. (2011). *Breaking school s' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. New York, NY: College Station, TX: Council of State Governments Justice Center; Public Research Policy Research Institute of Texas A & M University.

Fagan, J. (2000). Contexts of choice by adolescents in criminal events. In T. Grisso & R. Schwartz (Eds.), *Youth on trial*. Chicago, IL: University of Chicago Press.

Fowler, D. (2015). *Criminalization of truancyin Texas: Prosecution of "failure to attend school" in adult criminal courts*. Austin, TX: Texas Appleseed.

Giedd, J. N. (2004). Structural magnetic resonance imaging of the adolescent brain. *Annals of the New York Academy of Science, 83*, 1021.

Gonzalez, T. (2015). Socializing schools: Addressing racial disparities in discipline through restorative justice. In D. J. Losen (Ed.), *Closing the school discipline gap: Research for policymakers*. New York: Teachers College Press.

Gottfredson, G. D., Gottfredson, D. C., Payne, A. A., & Gottfredson, N. C. (2005). School climate predictors of school disorder: Results from a national study of delinquency prevention in schools. *Journal of Research in Crime and Delinquency, 42*, 412–444.

Gregory, A., Bell, J., & Pollock, M. (2014). *How educators can eradicate disparities in school discipline: A briefing paper on school-based interventions*. Discipline Disparities: A Research-to-Practice Collaborative. The Equity Project at Indiana University, Center for Evaluation and Education Policy, Bloomington, IN.

Grisso, T., Barnum, R., Fletcher, K., Cauffman, E., & Peuschold, D. (2001). Massachusetts youth screen instruments for mental health needs of juvenile justice youths. *Journal of the American Academy of Child and Adolescent Psychiatry, 40*, 541–548.

Hafen, C. A., Allen, J. P., Mikami, A. Y., Gregory, A., Hamre, B., & Pianta, R. C. (2010). The pivotal role of adolescent autonomy in secondary classrooms. *Journal of Youth and Adolescence, 41*, 245–255.

Hammond, C., Linton, D., Smink, J., & Drew, S. (2007). *Dropout risk factors and exemplary programs: A technical report*. Clemson, S.C.: National Dropout Prevention Center/Network and Communities in Schools, Inc.

Heilbrunn, J. Z. (2007). *Pieces of the truancy jigsaw: A literature review*. Denver, CO: National Center for School Engagement.

Hereth, J., Kaba, M., Meiniers, E. R., & Wallace, L. (2012). Restorative justice is not enough. In S. Bahena, N. Cooc, R. Currie-Rubin, P. Kuttner, & M. Ng (Eds.), *Disrupting the school-to-prison pipeline* (pp. 240–264). Cambridge, MA: Harvard Educational Review.

Himmelstein, K. E. W., & Bruckner, H. (2011). Criminal-justice and school sanctions against nonheterosexual youth: A national longitudinal study. *Pediatrics, 127*(1), 49–57.

Hockenberry, S., & Puzzanchera, C. (2014). *Juvenile court statistics, 2011*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

Howell, J. C. (2003). *Preventing & reducing juvenile delinquency: A comprehensive framework*. Thousand Oaks, CA: Sage Publications.

Kang-Brown, J., Trone, J., Fratello, J., & Daftary-Kapur, T. (2013). *A generation later: What we've learned about zero tolerance in schools*. New York, NY: Vera Institute of Justice, Center on Youth Justice.

Kohli, R. (2012). Racial pedagogy of the oppressed: Critical interracial dialogue for teachers of color. *Equity & Excellence in Education, 45*(1), 181–196.

Kupchik, A. (2010). *Homeroom security: School discipline in an age of fear*. New York: New York University Press.

Latimer, J., Dowden, C., & Muise, D. (2005). The effectiveness of restorative justice practices: A meta-analysis. *Prison Journal, 85*(2), 127–144.

Leone, P., & Weinberg, L. (2010). *Addressing the unmet educational needs of children and youth in the juvenile justice and child welfare systems*. Washington, DC: Center for Juvenile Justice Reform, Georgetown University.

Levin, M., & Cohen, D. (2014). *Kids doing time for what's not a crime: The over-incarceration of status offenders*. Austin, TX: Texas Public Policy Foundation.

Losen, D. L., Hewitt, D., & Toldson, I. (2014). *Eliminating excessive and unfair discipline in schools: Policy recommendations for reducing disparities*. Discipline Disparities: A Research-to-Practice Collaborative. The Equity Project at Indiana University, Center for Evaluation and Education Policy, Bloomington, IN.

Macready, T. (2009). Learning social responsibility in schools: A restorative practice. *Educational Psychology in Practice, 25*, 211–220.

Majd, K. (2011). Students of the mass incarceration nation. *Howard Law Journal, 54*(2), 343–394.

Mallett, C. (2013). *Linking disorders to delinquency: Treating high-risk youth in the juvenile justice system*. Boulder, CO: First Forum Press/Lynne Rienner Publishers.

Mallett, C. (2016). *The school-to-prison pipeline: A comprehensive assessment*. New York: Springer Publishing Company.

McKinney, S. (2013). *Truancy: A research brief*. New York, NY: Vera Institute of Justice, Status Offense Resource Center.

Mears, D. P., & Aron, L. Y. (2003). *Addressing the needs of youth with disabilities in the juvenile justice system: The current state of knowledge*. Washington, DC: Urban Institute, Justice Policy Center.

Mendel, R. A. (2012). *No place for kids: The case for reducing juvenile incarceration*. Baltimore, MD: The Annie E. Casey Foundation.

Minkos, M., Latham, S., & Sugai, G. (2014). *Systematic descriptive literature review of restorative justice practices: PBIS: Building capacity and partnerships to enhance educational reform (poster session)*, October 29th, Rosemont IL.

Moffitt, T. (1993). Adolescence-limited and life-course-persistent antisocial behavior: A developmental taxonomy. *Psychological Review, 100*, 674–701.

Morgan, E., Salomon, N., Plotkin, M., & Cohen, R. (2014). *The school discipline consensus report: Strategies from the field to keep students engaged in school and out of the juvenile justice system*. Washington, DC: The Council of State Governments Justice Center.

Muscott, H. S., Mann, E., Benjamin, T. B., Gately, S., Bell, K. E., & Muscott, A. J. (2004). Positive behavioral interventions and supports in New Hampshire: Preliminary results of a statewide system for implementing schoolwide discipline practices. *Education and Treatment of Children, 27*, 453–475.

National Center for School Engagement. (2007). *Pieces of the truancy jigsaw: A literature review*. Denver, CO: National Center for School Engagement.

National Council on Crime and Delinquency. (2007). *And justice for some: Differential treatment of youth of color in the justice system*. CA: Oakland.

National Juvenile Justice and Delinquency Prevention Coalition. (2013). *Promoting safe communities: Recommendations for the 113th Congress*. Washington, DC: National Juvenile Justice and Delinquency Prevention Coalition.

Office of Juvenile Justice and Delinquency Prevention. (2015). *State use of valid court order exception*. Washington, DC: U.S. Department of Justice, Office of Justice Programs.

Osher, D., Bear, G. G., Sprague, J. R., & Doyle, W. (2010). How can we improve school discipline? *Educational Researcher, 39*(1), 48–58.

Payton, J., Weissberg, R. P., Durlak, J. A., Dymnicki, A. B., Taylor, R. D., Schellinger, K. B., & Pachan, M. (2008). *The positive impact of social and emotional learning for kindergarten to eighth-grade students: Findings from three scientific reviews*. Chicago, IL: Collaborative for Academic, Social, and Emotional Learning.

Person, A. E., Moiduddin, E., Hague-Angus, M., & Malone, L. M. (2009). *Survey of outcomes measurement in research on character education prorams*. Washington, DC: National Center for Educational Evaluations and Regional Assistance, Institute of Education Sciences, U.S. Department of Education.

Petrosino, A., Turpin-Petrosino, C., & Guckenburg, S. (2010). Formal system processing on juveniles: Effects on delinquency. *Campbell System Reviews*, *6*(1), 1–42.

Piquero, A. R., Farrington, D., & Blumstein, A. (2003). The criminal career paradigm. In M. Tonry & N. Morris (Eds.), *Crime and justice: An annual review of research 30*. Chicago, IL: University of Chicago Press.

Puzzanchera, C., & Robson, C. (2014). *Delinquency cases in juvenile court, 2010*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

Rivkin, D. H. (2010). Decriminalizing students with disabilities. *New York Law School Law Review, 54*, 909–942.

Rosenberg, M. S., & Jackman, L. A. (2003). Development, implementation, and sustainability of comprehensive school-wide behavior management systems. *Intervention in School and Clinic, 39*, 10–21.

Salsich, A., & Trone, J. (2013). *From courts to communities: The right response to truancy, running away, and other status offenses*. New York, NY: Status Offense Reform Center, The Vera Institute.

Schiff, M. (2013). *Dignity, disparity and desistance: Effective restorative justice strategies to plug the "school-to-prison pipeline"*. Paper presented at the Closing the School Discipline Gap: Research to Practice Conference, Washington, DC.

Scott, E. S., & Steinberg, L. (2008). Adolescent development and the regulation of youth crime. *The Future of Children, 18*(2), 16–33.

Sedlak, A. J., & McPherson, K. (2010). *Survey of youth in residential placement: Youth's needs and services*. SYRP Report, Rockville, MD: Westat.

Seeley, K. (2008). *Truancy prevention: Research, policy and practices*. Denver, CO: National Center for School Engagement.

Skiba, R. J., Arrendonda, M. I., & Rausch, M. K. (2014). *New and developing research on disparities in discipline*. Discipline Disparities: A Research-to-Practice Collaborative. The Equity Project at Indiana University, Center for Evaluation and Education Policy, Bloomington, IN.

Skiba, R. J., & Williams, N. T. (2014). *Are black kids worse? Myths and facts about racial differences in behavior*. Discipline Disparities: A Research-to-Practice Collaborative. The Equity Project at Indiana University, Center for Evaluation and Education Policy, Bloomington, IN.

Social and Character Development Research Consortium. (2010). *Efficacy of school-wide programs to promote social and character development and reduce problem behavior in elementary school children*. Washington, DC: National Center for Education Research, Institute of Education Sciences, U.S. Department of Education.

Somerville, L. H., & Casey, B. (2010). Developmental neurobiology of cognitive control and motivational systems. *Current Opinion in Neurobiology, 20*(2), 236–241.

Sprague, J. R., Vincent, C. G., Tobin, T. J., & CHiXapkaid. (2013). Preventing disciplinary exclusions of students from American Indian/Alaska Native backgrounds. *Family Court Review, 51*, 452–459.

Steinberg, L. (2007). Risk-taking in adolescence: New perspectives from brain and behavioral science. *Current Directions in Psychological Science, 16*, 55–59.

Steinberg, M. P., Allensworth, E., & Johnson, D. W. (2013). *What conditions jeopardize and support safety in urban schools? The influence of community characteristics, school composition and school organizational practices on student and teacher reports of safety in Chicago*. Paper presented at the Closing the School Discipline Gap: Research to Practice conference, Washington, DC.

Steinberg, L., Dahl, R., Keating, D., Kupfer, D. J., & Masten, A. S. (2006). The study of development psychopathology in adolescence: Integrating affective neuroscience with the study of context. In D. Cicchetti & D. J. Cohen (Eds.), *Developmental Psychopathology* (2nd ed., pp. 710–741). Hoboken, NJ: Wiley.

Sugai, G., & Horner, R. (2010). School-wide positive behavior support: Establishing a continuum of evidence-based practices. *Journal of Evidence-based Practices for Schools, 11*(1), 62–83.

U.S. Department of Education. (2014). *Civil rights data collection, data snapshot: School discipline, Issue brief No. 1*. Office of Civil Rights, Washington, DC.

U.S. Department of Justice. (2012). *Disproportionate minority contact technical assistance manual* (4th ed.). Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

U.S. Department of Justice. (2014). *OJJDP statistical briefing book*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

Vincent, C. G., Sprague, J. R., & Gau, J. M. (2013). *The effectiveness of School-wide Positive Behavior Interventions and Supports for reducing racially inequitable disciplinary exclusions in middle schools*. Paper presented at the Closing the School Discipline Gap: Research to Practice conference, Washington, DC.

Washington State Institute for Public Policy. (2007). *Evidence-based juvenile offender programs: Program description, quality assurance, and cost*. Olympia, WA: Washington State Institute for Public Policy.

What Works Clearinghouse. (2006). *Connect with kids*. Washington, DC: Institute of Education Statistics, U.S. Department of Education.

Yeide, M., & Kobrin, M. (2009). *Truancy literature review*. Washington, DC: Office of Juvenile Justice and Delinquency Promotion, Office of Justice Programs, U.S. Department of Justice.

Child & Adolescent Social Work Journal is a copyright of Springer, 2016. All Rights Reserved.