

Approved:  
Date 4-29-04

## MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 p.m. on February 11, 2004 in Room 241-N of the Capitol.

All members were present except:

Representative Eric Carter - absent

Committee staff present:

Jill Wolters, Revisor of Statutes Office  
Jerry Ann Donaldson, Legislative Research Department  
Nicoletta Buonasera, Legislative Research Department  
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Finessa Ferrell, NCSL  
Pat Baker, KSAB  
Gerry Ray  
Judge Allen Slater, 10<sup>th</sup> Judicial Dist.  
John Fritz, Asst. DA, Juvenile Division Johnson Cnty  
Sheryl Bussell, Wyandotte County Asst. DA  
Mary Thrower, Asst. DA Saline County  
Peg Kokken-Opat, Student Services USD #305

Others attending:

See Attached List.

### **HB 2320 - Dispositions for children in need of care because of truancy**

Chairman Loyd opened the hearing on **HB 2320**

Finessa Ferrell, National Conference of State Legislatures, briefed the committee on truancy. Research shows that kids who feel safe, valued and connected to family, their school community and the community at large are much more likely to stay in school and much less likely to engage in disruptive, self-destructive, violent or criminal behavior. ([Attachment 1](#)) The packet of information is available in the Legislative Research office and Chairman Loyd's office.

Kids who have these "risk factors" in their lives, particularly if there is more than one operating together, are far more likely to end up in the juvenile justice system.

Risk Factors:

- Truancy
- Dropping out of school
- Poor academic performance
- Poor family relationships
- Drug use
- Alcohol use
- Family lives in poverty
- Teen pregnancy
- Poor relationships with peers or a peer group engaged in the same risky behaviors
- History of child abuse and neglect
- Being a bully or the victim of a bully at school
- Feeling depressed, hopeless or suicidal

- Having no positive relationships with adults
- Little or no parental involvement in school or other aspects of their lives
- Gang membership

The common denominator in all of this is connection. All the factors of risk, the factor that “protects” is dependent on kids feeling someone cares about them, and have an emotional connection.

Truancy Outcomes:

Truancy has been linked to chronic unemployment, dependence on governmental assistance and criminal behavior. Potential factors have been identified as potential cause of truancy including an unstable home life, poverty, substance abuse teen parenthood, a lack of interest in school, and the perception by young people that their parents, communities and schools do not care about their academic progress.

Pat Baker, Deputy Executive Director Kansas Association of School Boards, appeared before the committee to address truancy. She stated that the issue is affecting every school in Kansas and a problem in search of a solution and offered several suggestions. ([Attachment 2](#))

Gerry Ray, chair of the Public Policy of United Community Services of Johnson County, are interested in truancy because of its potential as a warning sign for crisis situations or criminal behavior in the lives of today’s youth. ([Attachment 3](#))

Judge Allen Slater, 10<sup>th</sup> Judicial District, spoke in favor of the bill. ([Written testimony was not provided](#))

John Fritz, Assistant Johnson County District Attorney, stated that it is a well known fact that when communities reduce truancy rates, they also make a significant impact in juvenile crime rates. Keeping kids in school has a positive effect on quality of life issues for a community. He felt the bill would allow the court system to help these kids. ([Attachment 4](#))

Sheryl Bussell, Wyandotte County Assistant DA, her project has seen satisfactory results including 26% decline in juvenile offender filings from the calendar year of 2001 to the present. This bill would provide greater options for the courts to deal with the students and their families in relation to truancy. ([Attachment 5](#))

Mary Thrower, Assistant Saline County Attorney, spoke that truancy is a pervasive problem in many of our communities. The goal is to get children to school, not to prosecute. The court is utilized when all other measures have failed. ([Attachment 6](#))

Dr. Peg Kokken-Opat, Executive Director of Administrative and Student Support Services stated the current Kansas Compulsory Attendance statute KSA 72-1113 is ineffective in addressing truancy in schools in Kansas. They believe that legislation regarding school attendance must change and must establish a means of holding parents/students accountable. Also, that the age of compulsory attendance should begin at age 6 and once a student has begun the educational process, a continuance of the educational process should be compulsory. ([Attachment 7](#))

Chairman Loyd will continue hearing **HB 2320** on Friday, February 13.

The meeting was adjourned at 3:30 pm. The next scheduled meeting is February 12, 2004.

**HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE  
GUEST LIST**

DATE 2-11-04

NAME	REPRESENTING
Cathy A. Hubbard	SRS
Sheryl A. Russell assistant	D.A. WYANDOTTE DAs office
Debi Harelson	Little Government Relations
Mark Gleeson	Judicial Branch
Allen Spater	District Judge
Robert G. Groat	USD 305
May Ann	Saline City Ass't Atty
Gerry Ray	United Comm Serv. of Jo Co
Carol Smith	" " " "
Pat Baker	Ks Ass of school Bds
Kyle Smith	KBI
Candy Shively	SRS
Julie Reid	Shawnee Co. Family Resource Center
Maren Santelli	Sh. Co. School Attendance Coalition
Wade Bowie	JJA
Lisa Mendoza	JJA
Jammy Adams	Keys for Networking
Sean Pestle Thwait	Kansas Gas Service
JEFF TOMAS	KANSAS GAS SERVICE
Terry Karparck	Kansas Gas Service
RON BRIDGEWATER	" "
Belenida West	" "
George Pitt	" "
Doug Marton	Shawnee Co. Family Resource Center

**HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE**  
**GUEST LIST**

DATE 2-11-04

NAME	REPRESENTING
Connie Snedder	Shaw. County Family Resource Center
MaryBeth Kidd	OJA
Denise Ewenha A	JJA
Stuart Little	Shawnee Mission USD 512
Don Lindsey	UTU
Steve Salomon	The Farm Inc.



# NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

## Outline of Remarks

Date: February 11, 2004

Testimony presented to: Corrections and Juvenile Justice Committee  
Kansas House of Representatives

Testimony presented by: Finessa Ferrell, Research Analyst  
National Conference of State Legislatures

Testimony before Corrections and Juvenile Justice Committee  
Kansas House of Representatives  
Finessa Ferrell, Research Analyst, NCSL  
February 11, 2004

House Corr & JJ  
Attachment 1

2-11-04

## **Youth At Risk: The Big Picture**

Until recently, when addressing youth at risk, state legislatures have often focused primarily on what happens after a child commits a crime. An increasing volume of research, however, is helping lawmakers learn more about preventing troubled, self-destructive or violent behavior before it happens, keeping kids in school and out of the juvenile justice system. Research shows that kids who feel safe, valued and connected to family, their school community and the community at large are much more likely to stay in school and much less likely to engage in disruptive, self-destructive, violent or criminal behavior.

### **What does it mean to be "at-risk?"**

There is no easy formula to predict which kids will cut school, abuse substances, become disruptive and unruly, engage in criminal activity or act violently against themselves or others. What we do know, however, is that a number of behaviors tend to be "red flags" or factors of risk that are strongly associated with kids who find themselves in state custody. Kids who have these "risk factors" in their lives, particularly when there are more than one operating together, are far more likely to end up in the juvenile justice system than kids who do not.

#### ***Risk Factors:***

- Truancy
- Dropping out of school
- Poor academic performance
- Poor family relationships
- Drug use
- Alcohol use
- Family lives in poverty
- Teen pregnancy
- Poor relationships with peers or a peer group engaged in the same risky behaviors
- History of child abuse and neglect
- Being a bully or the victim of a bully at school
- Feeling depressed, hopeless or suicidal
- Having no positive relationships with adults
- Little or no parental involvement in school or other aspects of their lives
- Gang membership

### **Protective Factors and Strength-Based Approaches to Youth**

Just as some kids who have risk factors in their lives do not end up on a troubled path, many kids who do not have these factors of risk end up in trouble. Again, the research shows only so much predictive power. The bottom line is that some kids prove resilient and others do not. Why? Some kids have what for decades have been called "protective

Testimony before Corrections and Juvenile Justice Committee  
Kansas House of Representatives  
Finessa Ferrell, Research Analyst, NCSL  
February 11, 2004

factors" and more recently called "assets." While the concept behind each differs, the general idea is that some circumstances buffer or protect kids, making it less likely that these children engage in risky behavior at all.

- Protective Factors
- Assets

### **The Importance of Feeling Connected**

The common denominator in all of this is connection. If you look closely, all the factors of risk, the circumstances that "protect" and the assets we hope kids have are all dependent on kids feeling that someone cares about them--that they have an emotional connection, a personal vested interest in others.

### **The Importance of Individual Plans, Collaboration and Comprehensiveness**

In the past, many strategies for stopping destructive, troubled and violent behavior have relied on sanctions and consequences--deterrence strategies if you will. This has proven unsuccessful. Not all kids cut school, take drugs, experience depression, fight and harass others, join gangs or shoplift for the same reasons. The circumstances that surround each child can be vastly different. While research shows that it is *likely* that the circumstances appear on that list of risk factors I spoke about earlier, the specific circumstances to a particular individual is unique. Success in changing the behavior of that unique individual lies in a solution that addresses the problems of that child. Successful prevention and intervention is a tricky, complicated and multi-dimensional business. It calls for collaboration, comprehensiveness, and treatment components specific to individuals.

### **Broad Strategies Rather than Narrow Programs**

- Mentoring
- Role models
- Creating a safe and nurturing school climate
- Smaller schools or academies within large schools
- Parental involvement
- Teacher training
- Peer mediation and conflict resolution
- Out-of-school time programs and activities
- Tutoring and academic assistance
- Individual and family counseling services
- School-based or community-based mental health services
- Information-sharing and team-based services
- Expanded school counseling
- Curricular components in elementary and middle school
- Service learning and/or community service

## Truancy Intervention

The word "intervention" is used very specifically and purposefully here. What has been described above is all truancy *prevention* in the sense that engaging kids in school makes them want to be there. The outcome: they don't cut class and don't drop out. But what do you do about kids who are already out of class as much as they're in class? Already on the brink of simply not returning at all? This population of already-truant students requires intervention to turn that behavior around. This is not to say that many of the broad strategies mentioned above are no longer appropriate--in fact many of them are critical to successful intervention. What is fair to say, however, is that intervention with these students who are habitually truant already rather than *at-risk of becoming* habitually truant is more challenging and must be strategically timed, comprehensive in scope and individual in focus.

From 1989 to 1998 in the United States, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Truancy Reduction Project reports an increase of 85 percent in petitioned truancy status offense cases handled by juvenile courts.

Although states vary in the number of unexcused school absences that constitute habitual truancy, they share with schools the high stakes associated with effective truancy reduction. Chronic truancy has been linked to low test scores, poor academic achievement, academic failure, future economic dependency on the state, juvenile custody and increasing criminal activities into adulthood.

## Alternative Education for Truants

Alternative education programs have proliferated in recent years as states attempt to provide education to students at risk of education failure. Generally, the indicators for referral into an alternative education program include: poor grades, truancy, disruptive behavior, suspension, and pregnancy. The National Center for Education Statistics (NCES) reports that we have little data about alternative schools and programs for at-risk students across all states, but we do know that roughly half of all districts who offer alternative educational settings refer students for the following reasons:

- possession, distribution, or use of alcohol or drugs (52 percent)
- physical attacks or fights (52 percent)
- **chronic truancy (51 percent);**
- continual academic failure (50 percent);
- possession or use of a weapon other than a firearm (50 percent);
- disruptive verbal behavior (45 percent);
- possession or use of a firearm (44 percent);
- Teen pregnancy/parenthood and mental health needs(28 and 22 percent).



About one-third of districts with alternative education programs for at-risk students had at least one such school or program that *did not have* the capacity to enroll new students during the 1999–2000 school year. (For additional information, <http://nces.ed.gov/pubs2002/2002004.pdf>)

### **Truancy Outcomes**

Beyond the schoolyard, truancy has been linked to chronic unemployment, dependence on governmental assistance and criminal behavior. Many potential factors have been identified as potential causes of truancy including an unstable home life, poverty, substance abuse, teen parenthood, a lack of interest in school, and the perception by young people that their parents, communities and schools do not care about their academic progress.

While there may be some debate as to what causes habitual truancy, the pressure is on policymakers to embrace positive solutions to this growing problem. In 2003, states passed nearly 40 laws that addressed student attendance in some way. During the same period, states enacted at least a dozen laws to encourage greater parental involvement in education.

In light of the pressure on schools to make adequate yearly progress (AYP) under the No Child Left Behind Act of 2001 (NCLB), states are likely to assume more definitive roles in keeping their students in school.

### **Frequently Asked Questions by Legislators Working on Truancy Policy**

- How does the law in our state currently define truancy?
- If the definition of truancy requires a complete day, can a student get away with skipping out on part of the school day and avoid being considered "truant"?
- At what point do the local courts become involved with the cases of habitual truants?
- Is the current procedure for preventing truancy or intervening in truant behavior effective?
- What is the scope of the habitual truancy problem in our state?
- What is the state legislature's role in mandating interagency cooperation to more effectively combat the truancy problem?
- How can we establish effective consequences for students and parents that effectively deal with truancy and its associated risk factors?

### **Successful Programs in a Glance:**

According to the OJJDP Truancy Reduction Project, the following components are essential to reducing truancy:

- Stimulating the involvement of parents and guardians
- Providing a continuum of supports, including meaningful incentives and consequences.
- Collaboration with community resources, such as law enforcement, mental health workers, mentoring, and social services.
- School-level administrative support and commitment to maintaining youth in the education mainstream.
- An ongoing program evaluation process with useful outcome data

The Colorado Foundation for Families and Children (CFFC) Reports that a successful truancy reduction program must be supported and nurtured by the system with collaboration and education. According to CFFC, a truancy collaborative should include the following

- Involvement of agencies dealing with some aspect of truancy control and prevention, such as education, law enforcement and social services
- Use of formal agreements among involved agencies
- Cross Training of agency members
- Cooperative information sharing among involved agencies.

### **"Last Chance" Diversion Programs for Truants**

- Virginia example, House Bill 1559, Chapter 587

**ADDENDUM: Selected Risk Factors Specific to Kansas**

**Percentage of teens who are high school dropouts (ages 16-19)**

- a.. KS 1990: 6 percent
- b.. US 1990: 10 percent
- c.. KS 2000: 8 percent
- d.. US 2000: 9 percent

**Percent of teens not attending school and not working (ages 16-19)**

- a.. KS 1990: 7 percent
- b.. US 1990: 10 percent
- c.. KS 2000: 6 percent
- d.. US 2000: 8 percent

**Teen birth rate (births per 1,000 females ages 15-17)**

- a.. KS: 1990: 30 percent
- b.. US: 1990: 37 percent
- c.. KS: 2000: 23 percent
- d.. US: 2000: 27 percent

**Percent of families with children headed by a single parent**

- a.. KS: 1990: 21 percent
- b.. US: 1990: 24 percent
- c.. KS: 2000: 27 percent
- d.. US: 2000: 28 percent

Source: Kids Count 2003 Data Book Online, Casey Foundation  
(<http://www.aecf.org/kidscount/databook/>)



Before The House Committee  
on Corrections and Juvenile Justice  
February 11, 2004  
Patricia E. Baker, Deputy Executive Director/General Counsel  
Kansas Association of School Boards

Mr. Chairman, Committee Members, thank you for the opportunity to appear before you and address the issue of truancy. This is an issue affecting every school in the state of Kansas and a problem in search of a solution.

Regardless of the good intentions of many entities over the years, the current system simply doesn't work. The basic structure for enforcing our state's compulsory attendance law was born over twenty years ago in a compromise effort. Since then, there have been a few amendments but no drastic changes.

As you look for ways to reduce the truancy rate, I offer the following suggestions:

1. No one solution or one process will work for all situations. The causes are varied; so must be the solutions.
2. Any system, to work, must have a quick and sure response.
3. This is an optimum time to engage schools in cooperative efforts. The Federal "No Child Left Behind Act" and our own State Accreditation system put increased emphasis on school attendance.

We, at the Kansas Association of School Boards, stand ready to help in any way to keep our children in school. We welcome the opportunity to work with you.

Thank you.



Drug & Alcoholism Council of Johnson County  
Johnson County Children's Coordinating Council

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Testimony  
House Corrections and Juvenile Justice Committee  
February 11, 2004

Good afternoon. My name is Gerry Ray and I am here today in my capacity as the chair of the Public Policy Committee of United Community Services of Johnson County (UCS). As the facilitator of the Johnson County Children's Coordinating Council, UCS is interested in the issue of truancy, and as a result, a proponent of HB 2320.

UCS became interested in truancy because of its potential as a warning sign for crisis situations or criminal behavior in the lives of today's youth. Across Kansas, we in communities need to find better, innovative ways to work with youth who exhibit risk factors, such as truancy, drug and alcohol experimentation, academic failure, etc. For this reason, the Children's Coordinating Council created a Truancy Initiative in 1998.

The Truancy Initiative's primary focus is on improving communication and collaboration on truancy within Johnson County. Participants in the initiative include representatives from the 10<sup>th</sup> Judicial District, the district attorney's office, child welfare service providers, and all six school districts in Johnson County. Results of the initiative include county-wide truancy protocol between schools and the district attorney's office and educational materials for both the families of truants and schools.

The Truancy Initiative also identified that greater judicial flexibility for juvenile judges in sentencing options would improve the ability of local communities to respond to truancy. HB 2320 does just that.

Today you will hear from a key member of the Truancy Initiative, Judge Allen Slater of the 10<sup>th</sup> Judicial District. Judge Slater brings his professional insight – drawn from direct experiences with truant youth and their parents – on why greater judicial flexibility is a plus for local communities seeking tools to address problem youth.

We applaud the Committee's decision to examine the issue of truancy. We hope that you will positively consider HB 2320, and look forward to learning about any other initiatives you may identify that enhance the response to truancy across Kansas.

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United Way's  
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**TESTIMONY IN SUPPORT OF HB2320**

**February 11, 2004**

**John C. Fritz, Assistant Johnson County District Attorney**

***Importance of Truancy Issues:***

Truancy issues are very important. Studies show that truancy is a potential pre-cursor to future criminal behavior. It is also a well-known fact that when communities reduce truancy rates, they also make a significant impact in juvenile crime rates. Keeping kids in school also has a positive effect on quality of life issues for a community.

***History of Truancy Issues:***

Unfortunately, truancy cases are frustrating cases to prosecute. If you were to research why these cases are so frustrating, you would get a variety of answers. Prosecutors will tell you that schools aren't as prompt in reporting as they could be, and the delay hurts the chances for success. School personnel will tell you that record keeping and reporting does little good. And judges will tell you that quite simply, they have no options when a truancy case comes to court.

HB2320 is an attempt to allow the court system to help these kids. It gives the court greater disposition options for truant youth, age 14 and over, who have not responded to pre-court interventions and services.

***Why Change is Needed:***

Truancy cases are handled through the Kansas Child in Need of Care (CINC) code. This code is used to treat children with a variety of problems such as abuse, neglect, runaway, and truancy. Because the code is understandably designed as protective, it is not set up to hold kids accountable.

HB2320 recognizes that some truant students aged 14 and over need different treatment options. Simple monitoring or counseling programs are not always effective. Options beyond monitoring and counseling, but before placement out of home in SRS custody are needed.

***Section Two:***

Provisions Section two of HB2320 would amend K.S.A. 38-1502, the definition statute of the CINC code. Truancy has always been a basis for the legal system to address a child's needs through a CINC filing. Section two proposes to modify the definition of truancy to allow separate provisions for truants under age 14, and those aged 14 and over.

This change recognizes that there are different causes of truancy. Generally, younger students that are truant are less responsible for their situation. Many times the cause is due to abuse or neglect issues, or mental health issues within the family. These types of truancy are better addressed with more traditional CINC responses already available under the code.

Truant students age 14 and over are different. Generally, they bear more control and responsibility for their truant behavior. This new statute would set the stage for courts to consider more restrictive disposition options.

Why Needed This change to the CINC code is needed because it allows the court to apply more appropriate sanctions to these older truants. This in turn allows younger truants to continue to receive more protective services under the traditional CINC system.

**Section Three:**

Provisions Section three of HB2320 would amend K.S.A. 38-1563, the disposition statute of the CINC code. For kids aged 14 and over that are truant, the court now has more options available. These new options include:

1. House arrest;
2. Ordering the parent/guardian to attend parenting classes;
3. Placement in an alternative education program;
4. Suspend or restrict a driver's license;
5. Payment of a fine.

Why Needed These changes are needed because chronic truancy behavior by older youth is one of the most frustrating dilemmas for a court to address. The causes for chronic truancy are varied, and therefore the disposition options should be varied as well. In addition to the traditional options available such as monitoring, kids may respond to different sanctions such as a restriction or suspension of their driver's license, or payment of a fine, or in severe cases, placement on house arrest.

**Section Four:**

Provisions This section authorized the court to issue a "valid court order" for truants aged 14 and over. This order is similar to the "valid court order" currently authorized under K.S.A. 38-1568 for runaways that run from court-ordered placement. Basically, the "valid court order" procedures allows the court to warn the juvenile that further violations of court orders (such as "attend school" or "don't run from placement") could subject a juvenile to placement in a secure care facility.

Why Needed For only the most serious cases, more drastic measures may be needed. Unfortunately, there are some kids that will not attend school, no matter how many services have been offered. These truancy issues are so ingrained, that they may require a court to give them one final chance (or warning) prior to placement in a secure care facility. While this is drastic, and increase fiscal expenditures, it is certainly needed when viewed in terms of prevention. If these kids can be reached, and be placed back on a proper educational track, then money may be saved in the long run.

Thank you for your attention to this issue. If you have any questions, or if I can be of assistance, please do not hesitate to call.

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John C. Fritz

Assistant District Attorney, Johnson County

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Fax: 913-715-3040

[John.Fritz@jocoks.com](mailto:John.Fritz@jocoks.com)

Johnson County DA Web Site on Truancy: [http://courts.jocoks.com/da\\_juv\\_tru.htm](http://courts.jocoks.com/da_juv_tru.htm)

Juvenile Corrections Advisory Board web site on truancy: <http://www.jocofamily.net/TLaws.html>

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Office of The  
**DISTRICT ATTORNEY**  
Of The 29th Judicial District of Kansas

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Wyandotte County Justice Complex  
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(913) 573-2973  
Fax (913) 573-2860

DISTRICT ATTORNEY  
Nick A. Tomasic

February 11, 2004

Mr. Chairman, Committee members:

My name is Sheryl Bussell, and as assistant District Attorney here in Wyandotte County, I have been working in a community collaboration aimed at truancy since 1998. Our project has been fully operational since the 1999-2000 school year. We have experienced some very satisfactory results out of that project, including a 26% decline in juvenile offender filings from the calendar year of 2001 to the present. I have attached a statistical report for your review. These results mirror results from across the United States. I am attaching a short example from an article about the truancy project in Galveston, Texas, where dramatic results were produced. At the same time, from 1998 to the present, the attendance rates and graduation rates in our high schools with the most "at risk" students have risen dramatically (I have attached a copy of slide from a presentation that I gave recently).

Many studies have shown that truancy is the best predictor of who is going to be an offender of the law, as a juvenile. It is also my hypothesis that the experience of success in school makes a difference in who becomes a prison inmate in adult life. I am attaching a copy of slide from my presentation. At a time when a debate rages about building more prisons, I say that instead, we should triple our efforts at crime *prevention*.

In honor of that, I have been in communication with truancy coalitions in Sedgwick and Shawnee Counties, seeking to enhance and improve their efforts. I believe that if we could get the same results in those counties, which, along with Wyandotte County, contribute the largest numbers of people to the prison system, we could have a major impact upon the "prison bed" problem.

This bill, HB 2320, would provide greater options for the courts to deal with the students and their families in relationship to truancy. While the harshest sanctions would be used rarely, for a very few teens, these are the best way to support the youth by holding accountable for their behavior. There is one concerning section, which is section



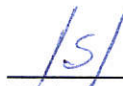
2 of the bill, which provides an absolute defense if the child is not attending school because they are being threatened, fearful for their personal safety or are in the presence of an environment that causes the child to be frightened. We sometimes have that claim from students and their parents. We handle it by having the court appointed guardian ad litem assist the student and family in working with the school district to abate the problem in the school, or sometimes by having the student transferred to a different building within the school system. If the section remains in the bill, the question will be what proof will be necessary in determining "fear" and who will have the burden of proving that? Will the state have to prove the absence of "fear" in order to have an adjudication, or will the parents need to prove that the child is in fear? That section will be rather cumbersome for all the parties when court action is taken. In our project in Wyandotte County, we work to avoid going to court, and of the 1700 reports of truant students that my office receives, only about 150 to 200 go to court each year. These are students, however, with whom other strategies did not work, or who have already had contacts with the court system. We need to have more strength in our law to deal with those more recalcitrant students. If they learn that they can simply come in and say to the judge that they are afraid, that may weaken the ability of the court to make orders and attempt to turn the situation around.

Thank you for your consideration this afternoon, and please do not hesitate to call me, should you have additional questions about truancy, or crime prevention in general.

Sincerely,



Sheryl A. Bussell  
Assistant District Attorney



Nick Tomasic  
Wyandotte County  
District Attorney

JUVENILE DEPARTMENT STATS

2002

5-3

TYPES	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Total 2002	Total 2001	+/-	Pet. Change
J.O	56	88	72	73	100	52	120	94	108	132	80	93	1068	1360	-292	-21.4%
DIV.	0	15	16	8	10	7	13	9	5	4	8	59	154	74	+80	+108.1%
I.I.D.	0	25	16	16	34	0	11	9	20	6	16	8	161	313	-152	-48.5%
TOTAL J.O.	56	128	104	97	144	59	144	112	133	142	104	160	1383	1747	-364	-20.8%
YTD J.O	56	184	288	385	529	588	732	844	977	1119	1223	1391				
C.I.N.C.	30	47	32	36	21	35	26	37	53	45	21	41	424	384	+40	+10.4%
TRUANT	15	16	19	21	17	38	0	0	0	0	43	27	196	155	+41	+26.4%
CINC/JO	0	0	0	0	0	0	0	0	0	0	0	0				
TOTAL CINC	45	63	51	57	38	73	26	37	53	45	64	68	620	539	+81	+15%
YTD CINC	45	108	159	216	254	327	353	390	443	488	552	620				
MO. TOTAL	101	191	155	154	182	132	170	149	186	187	168	228				
CUM. TOTAL	101	292	447	601	783	915	1085	1234	1420	1607	1775	2003	2003	2286	-283	-12.3%

OFFENDER	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
	1557	1825	1826	1878	1557	1747	1383
CINC	501	523	701	701	673	539	620
Total	2058	2348	2527	2579	2230	2286	2003

**JUVENILE DEPARTMENT STATS  
2003**

5-4

TYPES	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
J. O.	45	71	79	98	93	61	83	119	95	69	72	110
DIV.	7	4	16	5	26	13	0	11	16	11	2	28
I. I. D.	2	12	11	15	15	11	0	21	35	6	20	25
Total J. O.	54	87	106	118	134	85	83	151	146	86	94	163
YTD J.O.	54	141	247	365	499	584	667	818	964	1050	1144	1307
C.I.N.C	25	30	20	57	39	31	35	22	38	57	31	33
Truant	16	19		14	28	33	0	0	0	0	6	20
Cinc/JO	0	0		0	0	0	0	0	0	0	0	0
Total CINC	41	49	20	71	67	64	35	22	38	57	35	53
YTD CINC	41	90	131	202	269	333	368	390	428	485	522	575
Mo. Total	95	136	126	189	201	149	118	173	184	143	131	216
Cum. Total	95	231	357	546	747	896	1014	1187	1371	1514	1645	1861
2002 Cum. Total	101	292	447	601	783	915	1085	1234	1420	1607	1775	2003
2001 Cum. Total	159	288	511	730	852	1088	1251	1486	1659	1914	2062	2286

# Texas Town Battles Delinquency, Youth Violence

BY TIMOTHY F. KIRN  
Sacramento Bureau

PHOENIX, ARIZ. — A prevention program in Galveston, Tex., has been successful in reducing youth violence and crime in a period of 5 years, Dr. Christopher R. Thomas said at the annual meeting of the American Society for Adolescent Psychiatry.

the University of Texas in Galveston. The catalyst for this abrupt turnaround was a youth violence task force created in 1994 by city leaders. It combined programs to abate truancy, teach conflict resolution, and provide more positive things for children to do. The incidence of youth violence declined across the country during the 1990s. But there is no question that Galveston's is-

Galveston is not the type of city in which one might expect to be able to influence the crime rate, he said. The island community has an unemployment rate twice the national average. Thirty-seven percent of the island's 10,000 children live below the poverty line, and 40% live in single-parent households. The racial breakdown of the population is one-third each African American, Hispanic, and white.

In the 1980s, gangs with national affiliations began infiltrating the city. Faced with a growing problem, the city created the task force, which brought together leaders from schools, law enforcement, and mental health.

The idea of boot camps for juvenile offenders was gaining popularity at the time the task force was created, former Mayor Barbara Crews said in a later interview. The city could have taken a get-tough approach that focused on making penalties stiffer, but that was never really considered. "It was just not the kind of thing that appealed to me," said Ms. Crews, who is a sociologist by training.

"Frankly we were tired of sending our kids away," Dr. Thomas said.

A major focus of the task force has been to crack down on truancy, an approach that has garnered widespread acclaim.

When it was first suggested that enforcing truancy laws might help, since much youth crime is committed during the day, police officials objected. Street officers had no time for chasing truants, when it often meant baby-sitting them for hours while their parents were reached.

But the Boys and Girls Club stepped in and provided space for a detention center. The center has become not only a holding place but also an important site for screening children and leading them to referrals for help when necessary. Sometimes those referrals are to vocational programs and sometimes to social or mental health services.



JOHN GLOWCZWSKI/UTMB GALVESTON

Before the crackdown on truancy, the dropout rate was almost 6% a year from middle school to high school. In 1998 the rate was only 1%, Dr. Christopher R. Thomas said.

In 1994 there were six murders in which minors were charged in Galveston. For the past year and a half, there have been none. Over the same period, juvenile violent crime has dropped 78% to its lowest rate in two decades—from 156 arrests in 1994 to 35 in 1999.

The Galveston experience provides the evidence to counter the myth that nothing works with delinquent kids, said Dr. Thomas, professor of psychiatry at

land Youth Programs made an impact, said Dr. Thomas, who served on the task force.

The number of juvenile arrests for violent crimes nationwide declined by 19% between 1994 and 1998. In Galveston they decreased by 83%. Juvenile arrests overall increased by 1% nationwide, while in Galveston they fell by 43%.

The Galveston experience demonstrates that positive, preventive approaches can make a difference, Dr. Thomas said.

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One of the very first truants picked up was a girl who was not in school because she could not go home to get proper clothing. Her mother's boyfriend was molesting her.

"We keep the kids for a couple of hours and spend [the time] talking to them," Antonio Rodriguez, a retired policeman and coordinator of the truancy program said in a later interview.

Under the program, police officers follow up every truancy violation with an evening visit to the home to talk with the parents. Mr. Rodriguez said officers have even literally dragged truant children out of bed to get them to school.

In the first month of truancy enforcement, about 100 children were picked up. Now the center averages only 20-25 a month. More importantly, the city's school

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dropout rate has fallen dramatically, presumably as a result of this effort.

Before truancy abatement, the dropout rate in Galveston was almost 6% a year from middle school to high school. In 1998 the rate was only 1%, Dr. Thomas said.

Another element of the antiviolence program is a curriculum adopted by the schools to improve conflict-resolution skills. The curriculum, which came from the Committee for Children program in Seattle, focuses on teaching children empathy and how to recognize their own feelings and the feelings of others. Children also learn problem solving and anger management skills.

Five of the city's nine elementary schools now use the curriculum in kindergarten through fifth grade.

City leaders also set out to improve recreational opportunities in Galveston's most troubled neighborhoods, which suffered from a lack of such amenities. By combining resources from the parks department, schools, and Boys and Girls Club, the city was able to open four youth centers staffed with trained youth leaders.

Finally, the task force set up a peer court to devote special attention to first-time offenders who used to get lost in a justice system that focused on repeat offenders charged with serious crimes. The court (with supervision) metes out sentences. Part of the sentence usually involves serving in the court and performing community service.

Combined, the programs form a safety net that catches children who previously would have fallen through the cracks, agreed Dr. Thomas and Ms. Crews.

With the task force, Ms. Crews said, "the community began to speak with one voice." ■

# ✓ Improvement in attendance and graduation rates

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Washington High School, active early on in the project, has an attendance rate which approaches the state average of 93.8%, and graduation rate improved from 51.8 % in 1998 to 74.1 % in 2002. Washington's dropout rate in 1998 was 20.5%, and in 2002 was 4.8%

Wyandotte High School improved attendance rates from 73.4 % to 86.4% in that time period.

J.C. Harmon and F.L. Schlagle high school's attendance rates have increased by 10 percentage points in that period of time.

# HYPOTHESIS

## Kansas Prison Population and Education

- Statewide average graduation rate is 85.4%
- As of June 30, 2002 inmates in prison with a high school education: 18.7%
- Those who had G.E.D. 34.1%
- Those with more than high school: 7.4%

HYPOTHESIS: It is the experience of success in school, not just attainment of a certificate, that makes a difference.

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**2003-2004 Truancy Advisory Board  
USD #305**

Truancy is a pervasive problem in many of our communities. The following statistics indicate the seriousness of the problem.

Research-based statistics on the effect of truancy:

- #1 indicator for juvenile problems is a failed education traced back to as early as kindergarten
- 82% of the individuals behind bars have a Jr. High or below level of education
- 1 in 4 dropouts commits a crime
- Truancy leads to delinquency, more truancy, dropping out of school, and an increase in day-time crime
- Truancy has a huge impact on the criminal system, as juveniles and later as adults.
- Once the trend to "not attend" is established, it rarely improves on its own

Effective interventions based on research:

- Establish policies for consistent reporting and responding
- Early intervention-beginning in kindergarten
- Immediate, consistent, and systematic response and consequences
- State legislation to hold parents accountable
- Coordinated community response
- Establish community support system of services for families

"It is much easier to build a child, than repair an adult." Our goal is to get children to school, not to prosecute. The court is utilized when all other measures have failed.



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I. Truancy

- A. **Issue:** The current Kansas Compulsory Attendance Statute 72-1113 is ineffective in addressing truancy in schools in Kansas.

**Background:** Truancy is a pervasive problem in many of our Kansas communities and has a huge impact on kids. Truancy is a growing concern nationwide. Salina Public Schools are not unique to this concern. Research shows that truancy leads to more truancy, an increase in daytime crime, dropping out of school, employment potential is limited, and is a precursor later to delinquency and adult criminality. Once the trend of truancy is established, it rarely improves on its own. The most effective and best-funded school programs will not achieve success with students if we cannot get them to the schools to take advantage of these opportunities. The philosophy that "All Kids Can Learn" is true, only if we can get children to school.

Under the current Kansas Compulsory Attendance Statute, KSA 72-1113, students are required to attend school until they are 18, unless written out of school by the parent from age 16 on. Currently, there is no systematic procedure that is effective for addressing excessive absences and holding parents accountable. In other words, there is no "bite" in the law. The courts are overburdened with truancy cases for students 13 years of age and above. SRS is overburdened with cases for students under the age of 13. The present system is ineffective in combating truancy.

**Action:** The community of Salina has taken the following steps since the 2002-2003 school year to address truancy.

- Continued collaboration with SRS, County Attorney, local District Court, and Juvenile Justice Authority, Community Corrections, and USD #305
- Implemented a systematic, preventive, measurable truancy process in every public school
- Convened court appointed Truancy Review Board for elementary and middle schools
- Initiated a diversion program at the High School for 9<sup>th</sup> grade students
- Hired Truancy Coordinator (Grant Funding from JJA/SRS is at risk, however)

**Recommendation:** We believe that legislation regarding school attendance must change. KSA 72-1113 must establish a means of holding parents/students accountable. We also believe that the age of compulsory attendance should begin at age 6 and once a student has begun the educational process, a continuance of the educational process should be compulsory. Parents are ultimately responsible to get their children to school. Failure to do so should be considered neglect. It is no different than a parent's responsibility to provide food, clothing, and shelter for their child. The schools are responsible for providing a safe and effective learning environment and working with families to address barriers to school attendance. Parents should be linked with community resources to assist them in parenting their children and getting them to school. The court should be utilized as a last resort when all other measures have failed. We believe that parents should be prosecuted under Kansas Criminal Code KSA 21-3612, contributing to a child's misconduct or deprivation, for failure to get their children to school if all other efforts have failed. The goal is to get children to school, not to have filings. New legislation must address these issues to successfully prevent truancy.