



**Statement of Karl A. Racine
Attorney General for the District of Columbia**

Before the

**The Committee of the Whole
The Honorable Phil Mendelson, Chair**

and

**The Committee on Education
The Honorable David Grosso, Chair**

**Public Oversight Hearing
on**

**Improving School Attendance: Truancy, Chronic Absenteeism, and the
Implementation of Reform Initiatives**

October 23, 2017

12:00 pm

Room 412

John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, District of Columbia 20004

Greetings Chairmen Mendelson and Grosso, Councilmembers, staff, and residents. I am Karl A. Racine, and I have the privilege of serving as the Attorney General for the District of Columbia. I am pleased to appear and testify at this Oversight Hearing concerning Improving School Attendance: Truancy, Chronic Absenteeism, and the Implementation of Reform Initiatives. I want to begin by thanking the Council for holding this important hearing, and I look forward to continuing our work with the Council and other stakeholders to improve attendance at District schools.

As you know, OAG is the agency responsible for prosecuting delinquent youth; status offenders; and parents of truant students, in the criminal justice system and for representing Child and Family Services Agency in education neglect cases that arise in the child welfare system. I firmly believe in the importance of keeping children in school by addressing truancy, and doing so at the earliest time possible. I also believe that prosecution and involvement in the justice system should be available, but used as the last resort for truancy cases. I therefore strongly encourage the Council to increase its investment in support services at the school level to intervene to address truancy and educational neglect with students and families.

I believe it is critical that students in the District of Columbia attend school regularly not only because it leads to greater student success, but also because it leads to improved public safety. Truancy is a predictor of low student achievement, increased likelihood of dropping out of high school, and diminished economic opportunity. Truancy also impacts community safety. Studies show that truancy is an early warning sign for suspension, expulsion, and delinquent behavior in the short term. Nationwide, high school dropouts are three-and-a-half times more likely than high school graduates to be arrested and more than eight times as likely to be incarcerated. A 2001 Coalition for Juvenile Justice report found that 82 percent of inmates in

adult prisons had dropped out of high school. Particularly troubling is the disproportionate number of low-income students and students of color who are truant. In 2010 the National Center for Educational Statistics found that poor students and students of color are more likely to be truant compared to their white counterparts. And, students of color, who are disproportionately low income, see larger, more negative effects of truancy. Policies that focus on preventing truancy can be a way to support our most marginalized youth and increase public safety.

We also must be vigilant to ensure that truancy prevention policies work to curb and not exacerbate the school to prison pipeline. Prosecution and involvement in the juvenile justice system should be the last resort, reserved for only the most chronically truant students after other social supports and school efforts have failed. I believe that is what the District's truancy laws intended. However, currently, far too many cases of truancy make their way to OAG and Superior Court. Excluding non-school referrals, OAG processed 1,520 cases from educational institutions between August 24, 2015 and June 30, 2016. Of these, 1,044 cases were referred for truancy and 476 were referred for criminal prosecutions against parents for failing to send their children to school. For the following school year, OAG processed 1,330 cases from educational institutions between August 22, 2016 and June 30, 2017. Of these, 721 cases were referred for truancy and 609 cases were referred for criminal prosecutions against parents for failing to send their children to school.

Once cases are referred to OAG, we have an obligation to see if effective services can be provided to children and their parents before we use the hammer of a prosecution. OAG, with our partners, has developed a slew of service-based options to divert truancy matters from court. However, OAG receives truancy cases months after a student qualifies as truant, and intervening at that point is often too late.

OAG has attempted to divert truancy cases to the Department of Human Services' (DHS) ACE¹ Diversion Program. Once again, I thank the Council for its support of this strong DHS program. OAG has seen great success for delinquent youth in partnering with the ACE Diversion program, which provides individually-tailored behavioral health and community support services with the goal of helping youth and their families address the underlying issues causing negative behaviors, while minimizing the likelihood of reoffending and giving youth the opportunity to avoid acquiring a juvenile record.

However, ACE oftentimes has reached its capacity servicing the delinquency cases it receives throughout the year which often leaves it unable to serve the truancy population. In fact, OAG only diverted 87 truancy cases to ACE from August 25, 2015 to June 30, 2016. In response to the unmet need, OAG partnered with DHS and unveiled the TRIAGE Diversion Program on June 30, 2016. TRIAGE consists of a ACE functional family therapist who is co-located at OAG to assist with reviewing all cases that have been no-papered for diversion. The therapist reaches out to the families to see if they can be linked to services.

On June 30, 2016, OAG diverted an additional 86 cases to the TRIAGE Diversion Program bringing the school year 2015-2016 diversion totals to 173 cases – doubling diversion access for truancy cases. During the school year 2016-2017, OAG diverted 444 cases from August 22, 2016 to June 30, 2017.

In an attempt to create a diversion program that better serves the needs of parents who are subject to prosecution for failing to send their children to school, OAG is working closely with the District of Columbia Superior Court and other stakeholders to develop a pre-papering mediation program. The idea is to have the Court's Multi-Door Dispute Resolution mediate the cases between the parents and the school, in a neutral environment, and link the parents, through

¹ ACE stands for Alternatives to the Court Experience.

the Mayor's Court Liaison Office, to appropriate community-based services, in lieu of prosecution. The goal of the program is to help youth and their families address the underlying issues causing the chronic absenteeism, while minimizing the likelihood of repeat referrals, and giving parents the opportunity to avoid a criminal record. We hope to roll out the ATTEND² Mediation Program next year. I believe that all of these programs, ACE, TRIAGE, and ATTEND, while good programs, would result in better outcomes were they offered to students and families, through schools, at an earlier point in time.

In addition to rolling out ATTEND, we are working with our partners at CFSA, DCPS and the PCSB, to ensure that circumstances of educational neglect are addressed through the school or child welfare system before being referred for criminal prosecution. We need to ensure that our response to children's attendance issues, for the 5-13 age group in particular, is focused on the root cause of why a child is not in school on a regular basis as opposed to just penalizing the parent.

I firmly believe that there should be increased investments in school settings to address truancy. While the threat of OAG prosecutions may serve as a deterrent, prosecutions should only be used in extremely rare circumstances. The causes of truancy are varied, and include structural poverty, substandard schooling, and individual, familial, peer, and community influences. Thus, early intervention should focus on social workers, counselors, mentors, tutors, after-school programs, and health or social service agencies to provide students and families with the support they need. The District should continue to grow programs like Show up, Stand Out, which works directly in schools with students and families. In addition, the Local Education Agencies (LEAs) under the Public Charter School Board must ensure that there is consistent application of the laws and training for school personnel on how to administer truancy protocols.

² ATTEND stands for Abating Truancy Through Engagement (&) Negotiated Dialogue.

As a side note, current referrals to OAG often lack appropriate supportive materials as a legal matter. To ensure that OAG has correct attendance information on which to base our prosecutions, we need to verify the accuracy of the information that we receive. When considering if a prosecution should be brought, OAG needs access to school records to verify attendance and to confirm that any lack of attendance is due to the child's or parent's unexcused actions. We are currently working with the District of Columbia Public School to provide some verification to OAG with the referral package to ensure supportive evidence for the prosecution of truancy cases.

I greatly appreciate the opportunity to testify at this Public Oversight Hearing on Improving School Attendance: Truancy, Chronic Absenteeism, and the Implementation of Reform Initiatives. OAG stands ready to continue our work with the Council, the Every Day Counts! Taskforce, and community and other stakeholders to ensure that every student in the District of Columbia attends school regularly and on time. I am happy to answer any questions that members may have.