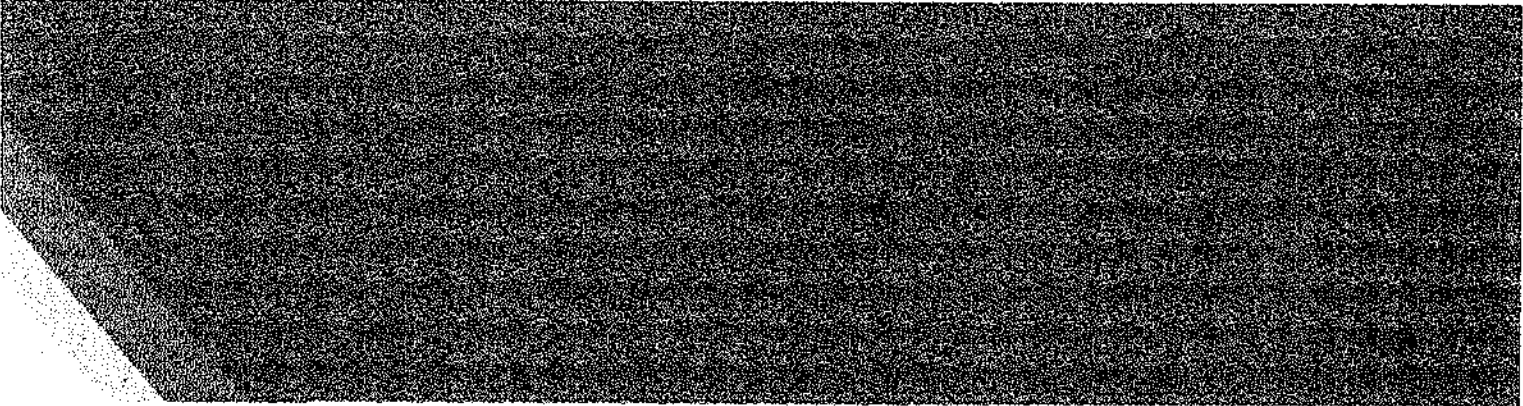


**Truancy Task Force  
of Hamilton County, Tennessee  
Final Report  
and Recommendations**

**July 23, 2014**



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## **Dedication**

To the Department of Education, Juvenile Court,  
Department of Children's Services and all truancy team-members:

Thank you for working every day  
to improve the lives of our community's children and families.

## Truancy Task Force Members

Member	Position
Rachel Brock, Esq.	<b>Court Director and Special Magistrate;</b> Hamilton County Juvenile Court
Zac Brown	<b>Howard High School Principal;</b> Department of Education
Sharon Eaves	<b>East Lake Academy School Counselor;</b> Department of Education
Lakweshia Ewing	<b>Family Engagement and Community Partnerships;</b> Department of Education
Lori Harris Hammond	<b>Family Crisis Intervention Program / Resource Linkage Supervisor;</b> Department of Children's Services
Candy Johnson	<b>Informal Adjustment Supervisor;</b> Hamilton County Juvenile Court
Steven Lewis	<b>Central High School Assistant Principal;</b> Department of Education
Sam Mairs	<b>Administrator;</b> Hamilton County Juvenile Court
TJ Mann	<b>School Resource Officer;</b> Hamilton County Sheriff's Department
Gloria Moore	<b>Humanities Supervisor;</b> Department of Education
Jonathan Parker	<b>School Resource Officer;</b> Chattanooga Police Department
Boyd Patterson, Esq.	<b>Juvenile Court Prosecutor;</b> Hamilton County District Attorney's Office
Sparka Perry	<b>School Social Worker;</b> Department of Education
Antinio Petty	<b>Court Director;</b> Hamilton County Juvenile Court
Sheryl Randolph	<b>Director of Student Services;</b> Department of Education
Lesley Schmidt	<b>School Social Worker;</b> Department of Education
Hilary Smith	<b>Howard High School Counselor;</b> Department of Education

## **Introduction**

Established in November 2013, the Truancy Task Force was formed to enhance communication and understanding of each truancy team-member's role, develop prevention methods and recommend further changes and enhancements to the current process.

Those who work with youth on a regular basis know that the youth most at-risk for destructive and self-destructive behavior have the least support at home. Understandably, these same children miss the most school. Getting them back in school increases their educational opportunities and, thus, helps keep them from falling further behind their peers. In addition, truancy enforcement brings these needy children to court earlier and provides the assistance they need, while it can still make a difference. As "status offenses," truancy cases allow for more flexibility in ordering social services. Waiting until the child gets caught up in serious charges limits the Court's options and, sadly, also results in crime victims whose ordeals could perhaps have been avoided altogether with earlier treatment interventions. With that spirit in mind, the Truancy Task Force of Hamilton County was convened.

Seventeen (17) Task Force members were appointed by the Juvenile Court Judge Robert D. Philyaw and Hamilton County School Superintendent Rick Smith. Team membership included Court administration and staff, School administration and staff, School Social Workers (SSWs), School Principals, Counselors, School Resource Officers and other key figures involved in truancy.

The purpose of the Truancy Task Force was to develop a comprehensive plan and to recommend county-wide reforms to both the School system and Court system. Reports from both the Court and the School system confirmed the necessity for a concerted effort to lower truancy. The data discussed by the School team-members during the meetings indicated that thousands of children in Hamilton County were truant.

The Task Force convened on November 10, 2013 at the Hamilton County Juvenile Court and met thereafter on a monthly basis. During these meetings, Task Force members discussed the entire process of truancy, from the first unexcused absence through final Court action. The goal was for all team-members to fully understand the issues at all stages of the process, in order to agree on potential enhancements to all stages. The ensuing recommendations also addressed the underlying issues of truancy, as well as truancy prevention and enforcement of the existing laws.

The Task Force agreed upon numerous recommendations, encompassing all stages of the truancy process. The recommendations fall within these four categories: (1) general; (2) prevention; (3) School/Social Worker intervention; and (4) Court intervention.

The Truancy Task Force strongly urges the county-wide implementation of these recommendations.

## **Developing A Comprehensive Plan**

The growing range of problems associated with truancy confirms the need for a comprehensive approach designed to reduce both truancy and its underlying issues. Throughout the Task Force meetings, many such issues were identified.

All team-members understood the significant risk truancy alone posed in a child's overall vulnerability. All team-members were intimately familiar with their own roles and responsibilities in the truancy enforcement process. Yet, with so many moving parts, one team-member not knowing the roles and responsibilities of the other team-members created systemic gaps, through which children and parents could either fall or intentionally walk. Accordingly, one of the Task Force's first objectives was to educate all team-members about the truancy procedures that fell outside of their usual spheres of influence. That subsequent sharing of information resulted in a collective understanding of the gaps and produced the recommendations contained in this report.

Those wanting a "silver bullet" must recognize that, unfortunately, some parents and children only seek to exploit gaps in the system. They will eventually get what they want; we cannot help them. However, if both the School system and Court work together, we can eliminate the gaps within our control. Thus, many more parents and children can be brought into the realm where the Court can order the very services that families need to be successful. That remains our hope.

Our report is not a "one size fits all" approach. We understand and are sensitive to the individual needs of each school, community and even neighborhood. We acknowledge cultural and economic challenges, as well as transportation barriers. We know that many different factors play a role in the reasons children become truant. We also recognize that in order to be effective, our recommendations must be varied and answer the needs of many different types of families and School systems. We are mindful that, in some aspects, each school should run independently of the others, as do the counselors, teachers, and School social workers associated with them. We also believe that, in other aspects, consistent and county-wide policies and procedures must be in place. Taking all the known factors into account was paramount in developing a comprehensive set of recommendations. We believe these recommendations will positively impact the county if implemented with commitment.

Although many long-standing issues were identified, we narrowed the list to the following major concerns:

- The underlying reasons for truancy differ between elementary, middle and high school and, accordingly, require attention to the particular circumstances present at each scholastic level.

- Elementary school truancy is mainly a “parent issue” that can largely be addressed by prevention and parental education, in order to clarify the law and school policies.
- Middle school truancy arises from a broader array of underlying reasons and allows for a broader range of responses.
- High school truancy involves additional challenges, since a child can drop out of school at 17 years of age if they or their family are pushed too hard.
- Misunderstandings exist regarding what legally constitutes an unexcused absence. Many team-members also remain unaware of other aspects of truancy laws.
- Inconsistencies exist in school schedules. Many schools have different start times, block schedules and individual schedules, which can make the calculating of the correct number of absences confusing.
- Inconsistencies exist regarding which school team-members are responsible for maintaining official truancy records. This creates challenges to the SSWs and the Court in identifying which School team-member to contact to confirm the truancy records’ accuracy. Having potentially eighty-eight (88) different sets of information for eighty-eight (88) different schools exacerbates these challenges.
- Inconsistencies exist regarding who is responsible for following up with parents when 1) children repeatedly miss school and/or 2) notification letters are returned to the school as “undeliverable,” after being mailed to nomadic parents.
- Inconsistencies exist between SSW approaches. Each SSW takes different actions both in and out of court, often due to lack of support from schools in obtaining complete and accurate attendance records.
- Incorrect addresses for parents and children create major obstacles for all team-members. Failure to obtain correct addresses at the earliest possible opportunity places undue burdens upon all team-members in the truancy process.
- Although each team-member must work within a budget, concern exists that legal notices are not being served by certified mail or in person, as required by law.
- Unfortunately, some parents believe certain myths about truancy and consistently attempt to “beat the system” by exploiting gaps in the process.
- The Court system is perceived as slow and ineffective.
- School personnel often misunderstand how the Court system works.

- Prevention and education about truancy are not perceived as School priorities.
- The Court is often utilized as a last resort when truancy education and prevention could perhaps make an earlier and greater impact.
- Schools use widely varying forms of spreadsheets and forms, creating hurdles in identifying and explaining the data pertinent to the cases before the Court.
- Schools that prosecute truancy only when school is in session makes SSWs, who are required to appear before the Court as Petitioners, unavailable in the summer months. Exacerbating the problem, an incorrect perception exists that the Court sets a cutoff date for the filing of truanies.
- Many team-members believe that gaps in the truancy process are created by other team-members, thus undermining the trust necessary for the overall truancy process to be effective.
- Legitimate gaps exist in the system, such as transportation not being provided to all schools.

As these multiple issues were identified and discussed, it became obvious that many Task Force members were unaware of the steps the other team-members regularly take in preventing and correcting truancy. This realization underscored the need to educate all team-members and the community about each team-member's role and responsibility in the overall truancy process.



## The Current Process

The typical truancy case involves multiple agencies and multiple team-members, all with multiple responsibilities. The truancy process starts in the Schools and ends in Juvenile Court. Key School roles include teachers, administration, attendance clerks, registrars and SSWs. Key roles in the Court system include Informal Adjustment workers, court clerks and Magistrates. The process involves eight primary phases, outlined below.

1) **Prevention:** Schools include attendance policies and procedures in the school packets provided to students at the beginning of every school year. The enclosed letters inform parents of attendance requirements and truancy procedures. Parents must sign the letters to acknowledge their receipt and understanding of the rules. Parents must also sign an Attendance Notification Contract, further indicating their receipt and understanding of the policies and procedures.

2) **Recording attendance:** Teachers, registrars and/or attendance clerks record absences. By law, an absence is “more than half a day” of school. Schools use databases such as Cognos and PowerSchool to maintain attendance records.

3) **After a child misses five days:** The school mails a “5-day letter” to the parents. The person in charge of this mailing varies from school to school. If the letter cannot be delivered to the parents, it is returned to the school. The school may then attempt to contact the parents through telephone, email, social media and/or home visits by SSWs. If contact is successful, School personnel attempt to resolve the issue preventing the child from attending school. If contact is unsuccessful, a SSW may get involved to help locate the parent.

4) **After a child misses ten days:** After 10 missed days, the SSW sends a “legal notice” to the parents by regular mail. The SSW also attempts to contact the parents via other means. If contact is successful, the SSW attempts to resolve the issue preventing the child from attending school. If contact is unsuccessful, the SSW and the school may, depending upon the circumstances, a) make additional attempts to locate the parent, b) attempt to involve DCS in the matter and/or c) petition the Court for Truancy or Dependency and Neglect.

5) **Child continues missing days:** The SSW files a Court petition and/or requests involvement of Child Protective Services.

6) **Informal Adjustment, Phase I:** IA workers assist the SSW in filing a petition. If neither the truant child nor the other children in the family have a prior history of truancy, an informal meeting with the parents is scheduled. At the meeting, the IA worker attempts to resolve the issue preventing the child from attending school. The parents then sign an agreement to ensure the child resumes attending school.

7) **Informal Adjustment, Phase II**: If either the child or another child in their family has a prior history of truancy, if the child continues missing school or if the parents do not respond to the request to attend an informal meeting, IA sets the petition to be heard before a Magistrate. IA then notifies the parents by mail.

8) **Court**: If the parties do not appear at the initial hearing or have not received proper notice, the Magistrate issues personal service to the parents, after which progressively compelling orders are issued in order to ensure the parties' attendance at the hearing. Once all parties are present for the hearing, the SSW presents the record and offers a recommendation for the Magistrate. The Magistrate may monitor the child's attendance over a period of time, refer the family for in-home services or refer the case to DCS for investigation. The Magistrate may also order payment of court costs, fines, community service, or impose other consequences, along with regular reviews to monitor compliance.

## Recommendations

The recommendations below have been prioritized by the Task Force members to help reduce the identified issues. While by no means exhaustive, these recommendations are concrete steps toward the comprehensive approach all team-members believe to be necessary.

### General Recommendations

**Recommendation 1: Consistent attendance records.** All School personnel should understand and follow the law regarding unexcused absences (by legal definition, an unexcused day is “more than ½ of the day,” is not established by chronic tardiness, etc.). Each school should examine their class scheduling format to determine what constitutes more than ½ of a school day (including block schedules, morning/evening school, etc.) and make sure that all personnel are aware of their school’s threshold. Also, a program should be implemented to educate parents as to what constitutes an unexcused absence.

**Recommendation 2: Designated keepers of records.** Each school should designate one individual (attendance clerk or person acting as attendance clerk) to be responsible for maintaining the official attendance records for that school and whom SSWs and the Court may contact regarding all truancy matters at that school. A list of these individuals should be provided to all team-members in all schools.

**Recommendation 3: Increased address sharing.** Addresses should be shared among all team-members to the fullest extent possible. Memorandums of Understanding should be developed between agencies with designated points-of-contact to facilitate the sharing of address information. The information will facilitate several critical purposes, such as locating parents for medical emergencies, to serve legal notices, facilitate in-home services, confirm correct school zoning and facilitate service of process in Court when necessary. The Department of Human Services should be approached to join in this agreement.

**Recommendation 4: Ongoing communication.** All team-members should engage in continued dialogue regarding the evidence required to legally establish truancy and the possible services offered to combat truancy. A plan should be developed to ensure that all School personnel are properly trained in the policies, procedures and laws regarding truancy. Periodic meetings or in-services should be held for all School counselors, SSWs, parent coordinators, Magistrates, Principals and DCS staff, in order to facilitate ongoing feedback.

### **Prevention Recommendations**

**Recommendation 1:** Implement a comprehensive truancy education program for parents, designed to increase parental awareness of School policies, procedures and truancy laws.

**Recommendation 2:** Maximize incentives for high school students to continue attending school, through programs that give awards and other incentives for consistent school attendance.

**Recommendation 3:** Implement a plan to educate children and families on the consequences of truancy, including detrimental effects on children's education, repeating of grade levels, monetary consequences and the potential of out-of-home placement (including the possibility of foster care). A list of these and other potential legal consequences should be added to the attendance packet at registration, with particular emphasis on elementary schools.

### **School/ Social Worker Intervention Recommendations**

**Recommendation 1:** Provide or facilitate transportation to all schools, including Washington Alternative School.

**Recommendation 2:** Loopholes in the appeals process that allow suspended and expelled children to unnecessarily remain out of Washington Alternative School, or any other alternative educational placement should be examined.

**Recommendation 3:** Focus anti-truancy efforts on middle school students, with increasing referrals for services and education regarding truancy.

**Recommendation 4:** Schools should designate one contact person for SSWs to contact regarding all returned mail. Schools and SSWs should both keep an accurate record of parents' addresses for the purposes of medical emergencies, service of process, legal notices and making sure children are attending school in the correct zone.

**Recommendation 5:** Obtain/confirm a correct address for the child and family at the earliest possible stage, such as enrollment. Schools should designate an employee to maintain this list and a list of the designees should be made available to all team-members. The designees should also perform follow up with Guardianship petitions in order to verify that the Court ordered the Guardianship and the child is actually living with the Proposed Guardian.

**Recommendation 6:** Ensure legally compliant service of all legal notices: either in person or by certified mail with a return receipt.

**Recommendation 7:** SSWs should confirm legally compliant service of legal notices prior to filing a Petition with the Court.

**Recommendation 8:** SSWs should be available year-round to prosecute their petitions or, in the alternative, make a designated person available to prosecute petitions in their absence. It is also recommended that the Hamilton County Board of Education assign an attorney to prosecute truancy petitions in a consistent manner all year.

**Recommendation 9:** For Court cases, develop a uniform truancy report form that clearly and consistently provides the pertinent information to the Magistrate.

**Recommendation 10:** File truancy petitions only after prevention and intervention measures have failed to correct the family's issues. When appropriate, consistently recommend in Court that the Magistrate impose the necessary remedies.

### **Court Intervention Recommendations**

**Recommendation 1:** Impose legal consequences (court costs, fines, community service, etc.) in a consistent manner for those parents who intentionally fail to comply with attendance requirements.

**Recommendation 2:** Prioritize truancy cases to ensure that they are docketed on the earliest possible Court date.

## **Conclusion**

The Task Force believes these recommendations represent the start of fully and completely addressing the truancy problems in Hamilton County, Tennessee. The process of bringing together leadership in the School System, the Court and other key figures involved in truancy and its surrounding issues fostered significant professional relationships. The commitment and trust now developed should last and, accordingly, create lasting change. These recommendations span a comprehensive range of issues involving prevention, intervention and legal enforcement. We sincerely hope that all team-members in the truancy process will embrace these recommendations and allocate the resources necessary to truly create the lasting, positive change that our community's children deserve.

## **Appendix A:**

### **Flow Chart of the Current Truancy Model**

**TRUANCY TASK FORCE**

**Hamilton County Juvenile Court • 1600 E. 3<sup>rd</sup> St., Chattanooga, TN Phone: 423.209.5105 •  
Fax: 423.209.5101 •**

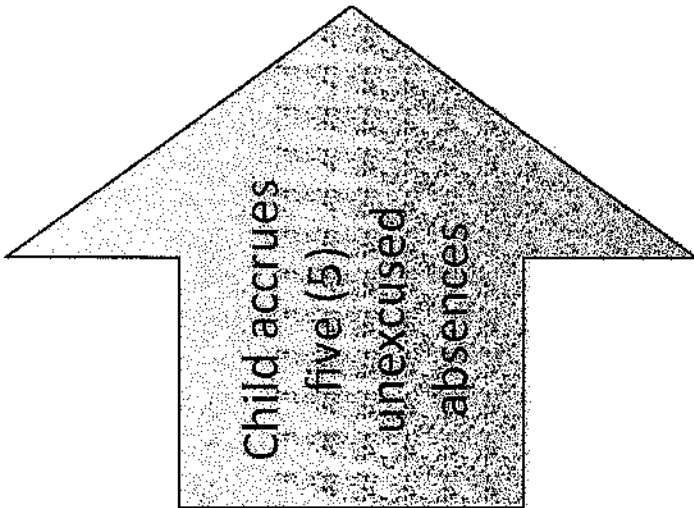
# 1) GENERAL PREVENTION

- Attendance Notification Contract in school packets, signed by parents at registration.
- Packet includes attendance procedures and policies sheets advising parents that failure to attend early-morning makeup days, evening school, in-school suspension, etc. are unexcused absences. This also notifies parents of the attendance laws.



## 2) Initial School Phase

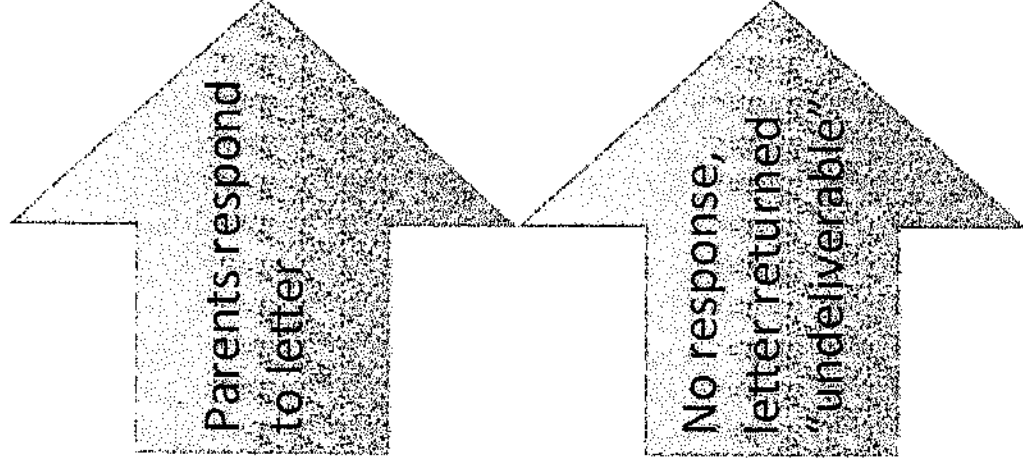
- Teachers record absences
- Supported by Registrar/  
Attendance Clerk



Child accrues  
five (5)  
unexcused  
absences

## 3.1) Child accrues 5 UEA

- School sends 5-day letter (attendance clerk or other school official)
- School official calls, emails, checks Facebook, visits home
- Family is now on SSW “radar”



## 3.2) Child accrues 5 UEA

School official or SSW meets with parents, attempts to resolve issue

Successfully located

School official or SSW attempts to locate student and parents

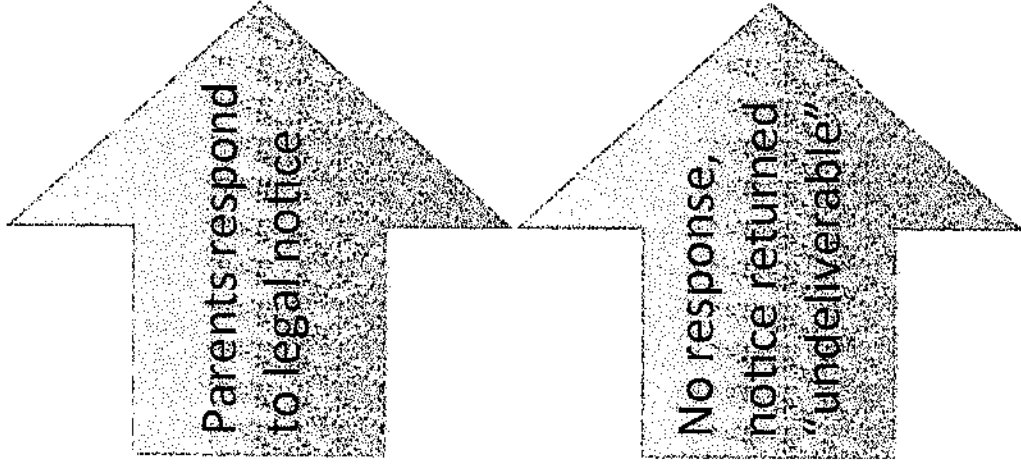
Not located, no resolution with parents, child accrues additional UEA

Parents respond to letter

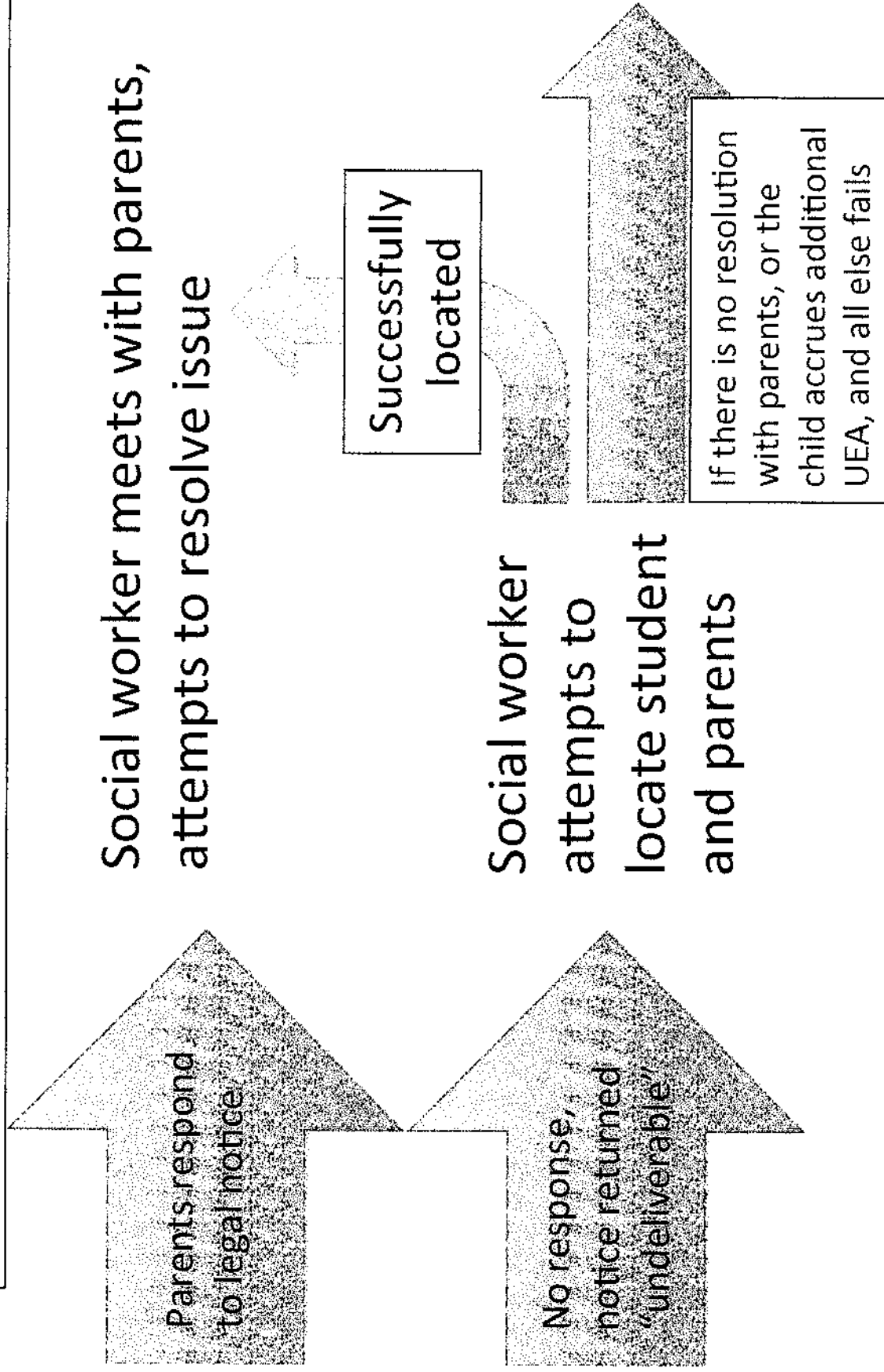
No response, letter returned to school as "undeliverable"

## 4.1) Child accrues additional UEA

- Social worker gets involved, attempts to locate family and resolve issues
- At 10 UEA, social worker sends “legal notice”



## 4.2) Child accrues additional UEA



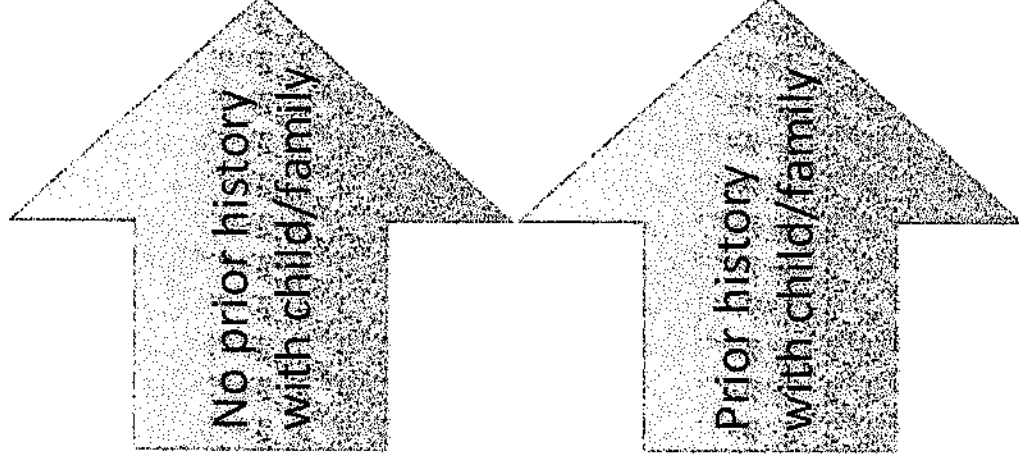
## 5) SSW takes Court Action



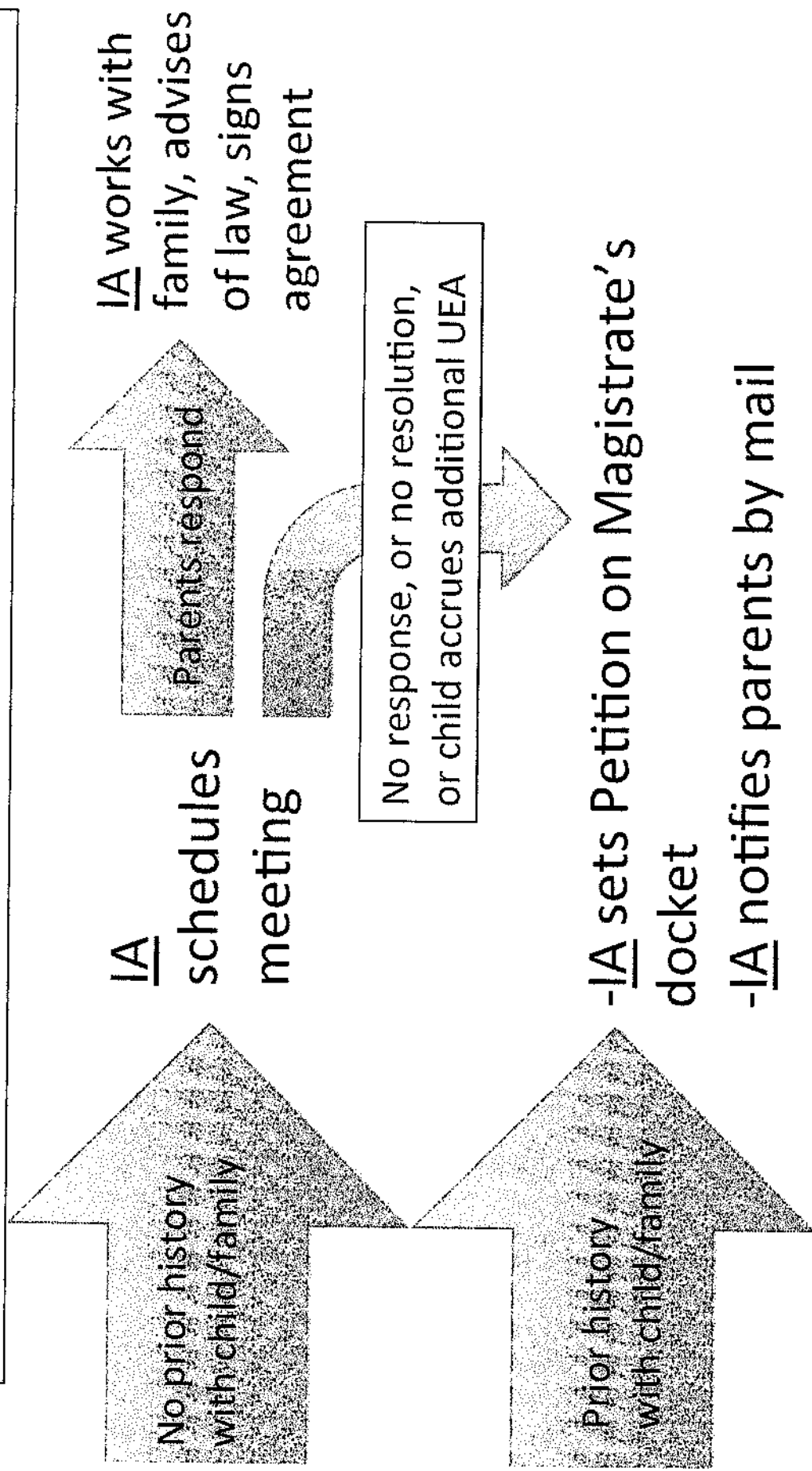
Social Worker files Petition with Court  
and/or  
Refers case to Child Protective Services

## 6) Informal Adjustment

- Informal Adjustment  
receives Petition

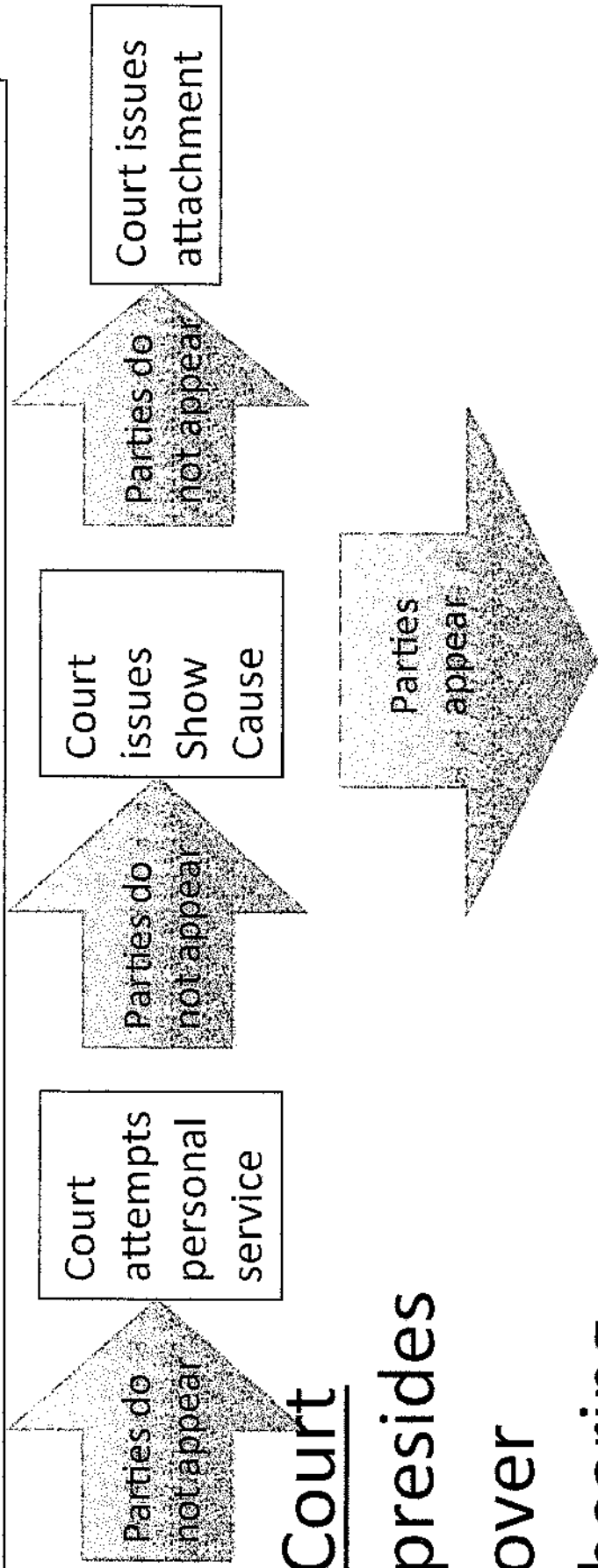


# 6) Informal Adjustment





# 7) Court



• Court presides over hearing

- Social Worker testifies as to the current actions being taken to correct truancy, presents the attendance record and offers recommendations
- Court can order: court costs, fines, community service, DCS/CPS referrals, foster care, incarceration

Parties appear