



20TH JUDICIAL DISTRICT OF COLORADO

ADMINISTRATIVE ORDER 16-101

SUBJECT: Twentieth Judicial District Truancy Improvement Policy

To: All Judicial Officers, District Administrator, Clerk of Court, Court Staff, Boulder County Bar Association

From: Maria E. Berkenkotter
Chief Judge, 20th Judicial District

DATE: February 22, 2016

Senate Bill 15-184, as enacted by the Colorado General Assembly and signed into law by Governor Hickenlooper in 2015, seeks to reduce the use of detention as a sanction in truancy cases and recommends that truancy courts only use detention as a sanction as a last resort. Recognizing that the best methods to reduce truancy and its underlying causes will differ in each community, SB 15-184 contemplates a meeting of community stakeholders in each judicial district to recommend a policy for addressing truancy cases that seeks alternatives to the use of detention as a sanction.

After extensive research and discussion among all stakeholders, the 20th Judicial District will explore the implementation of a Truancy Diversion Program similar to the MacArthur Foundation award-winning program adopted in Clark County, Washington. Such a program would have the benefits of reducing the use of detention, better identifying and matching services to truant youth and family needs, creating better opportunities to share information about truant youth and understanding their needs through a CTR-type process, and reducing the amount of time truant youth and their families spend in court (thus taking students away from school, families away from work, and normalizing going to court for truant youth).

The 20th Judicial District is committed to seeking meaningful alternatives to detention as a sanction in truancy matters. If a truancy petition is filed, the court will consider any and all viable alternatives to detention to attain the goals of improving a student's attendance, educational performance, and ultimately leading to the successful termination of the truancy action. The 20th Judicial District has a group of attorneys, educators, and professionals who work on truancy matters and who have been working since the summer of 2014 on examining ways to build on the success of and improve the truancy system within this jurisdiction (the "Truancy Subcommittee"). The Court is committed to partnering with and working collaboratively with this group as well as the Boulder Valley School District, St. Vrain Valley School District, Voices for Children/CASA, IMPACT, the Boulder County Department of Housing and Human Services, Guardians Ad Litem/attorneys, Mental Health Partners, Boulder County Attorney's Office, Criminal Justice Services, BEST, Probation, Workforce Boulder County, law enforcement, and community agencies to reduce the number of truancy cases filed in Boulder County.

In early summer of 2015, the undersigned reached out to community stakeholders and formed a Working Group consisting of representatives from: (1) Boulder Valley School District; (2) St. Vrain Valley School District; (3) Voices for Children/CASA; (4) IMPACT, (5) the Boulder County Department of Housing and Human Services; (6) Guardians Ad Litem/attorneys; (7) Mental Health Partners of Boulder County; (8) the Boulder County Attorney's Office; (9) Boulder County Criminal Justice Services; (10) BEST; (11) 20th Judicial District Probation Department; (12) Workforce Boulder County; and (13) attorneys representing the school districts in truancy cases. It should be noted that many of these groups were already involved in the work of the Truancy Subcommittee. District Court Judge Ingrid Bakke who presided over truancy cases until September 2015 was initially involved in the Stakeholder Working Group. District Court Judge Andrew Hartman, who took over the Truancy docket in September 2015, has been involved in the Truancy Community Stakeholders Working Group since its first meeting in August 2015.

The Truancy Community Stakeholders Working Group met four times between August and February and identified several common challenges for students who struggle with school attendance and performance. These include:

- (A) Students who have a combination of truancy, juvenile delinquency and/or dependency and neglect cases pending at the same time;
- (B) Students struggling with substance abuse issues;
- (C) Parents struggling with substance abuse issues;
- (D) Students struggling with mental health issues;
- (E) Parents struggling with mental health issues;
- (F) The lack of family resources to assist with transportation;
- (G) Child care for students who are parents themselves;
- (H) Students feeling that they are too far behind in their studies for their attendance to enable them to catch up;
- (I) Lack of parent reinforcement of the importance of education;
- (J) Lack of funding for community-based programs to assist truant students and their families.

The Truancy Community Stakeholder Working Group discussed several strategies for reducing the number of truancy cases filed in Boulder County, and as alternatives to imposing detention as a sanction in truancy cases. These include:

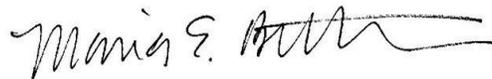
- (A) Understanding specifically what and just how much the school districts already do in terms of working with truant youth and their families before a truancy case is filed and they land in court.
- (B) Understanding the multi-tiered system of support used in our school districts, including SVVSL's Jumpstart Program, the Truancy Workshop, CONNECT, Diversion program and its Interagency Council and BVSD's work with the McKinney-Vento services liaison who works closely with the HHS Tenant Based Housing Program, EFAA and Sister Carmen Cents and other agencies to support

families, as well as the recent collaboration with Voices for Children/CASA that adds case management services that benefits vulnerable students.

- (C) Better understanding the needs of truant students and their families, including the use of appropriate assessment tools, including the Truancy/Attendance Assessment, the CRAFFT Screening Interview, the School Refusal Assessment-Revised, the National Child Traumatic Stress Network's Screening Checklist for Identifying Children at Risk, the GAIN assessment, the MAYSI assessment, the CANS assessment for truants and the CEDRA assessment tool for youths with JD cases as well.
- (D) Look to the recommendations of the Statewide Truancy Best Practices Committee.
- (E) Review other truancy reduction programs from around the United States with proven track records reducing truancy, including the Clark County, Washington Truancy Program (a MacArthur Foundation award winning program), The Alameda County, California Truancy Reduction Program, the Jacksonville, Florida Truancy Arbitration Program, the King County, Washington Superior Court, Juvenile Services Division's At Risk Youth Program, TLC for Children and Families, Inc. in Olathe, Kansas, the California School Attendance Review Board Program, and the Isanti County, Minnesota Truancy Probation Officer Program.
- (F) Review successful Colorado Truancy Reduction Programs, like Project Respect Truancy Reduction Program in Pueblo, Colorado and the hybrid Truancy/Juvenile/D&N dockets run in the 1st Judicial District and the 17th Judicial District.
- (G) Review restorative justice options, like Circle Round to Stay in School and the Restorative Conferencing Model.
- (H) Review the Truancy Task Force in the St. Vrain Valley School District that brings wraparound services to families as an early intervention.
- (I) Examine how we can best connect truant youth to have fast, meaningful access to mental health services.
- (J) Consider the issue of cultural competency in truancy matters.
- (K) Consider how we use Probation's BEST program with truant youths and whether it makes sense to always have BEST used just at the very end of a truancy case.
- (L) Help youth understand the importance of school, including the importance of vocational education, and the importance of workforce. Sometimes there can be silos between truancy and vocational education.
- (M) Work with all Stakeholders to explore the implementation of a new Truancy Diversion Agreement based system in the Twentieth Judicial District that would aim to use assessment tools and CRT-like meetings to better understand and appropriately meet the specific needs of truant youth and their families.
- (N) Gather data regarding the effectiveness of the new Truancy Diversion Program.
- (O) Identifying children at risk for truant behavior at an early age and/or earlier in the school year and provide intervention services to those students.
- (P) Early assessment of whether the child would benefit from specialized educational programs.

The importance of an education cannot be overstated and the court is committed to working with community stakeholders to reduce truancy and improve the educational experience of our youth. During our meetings, the Truancy Stakeholder Working Group identified common challenges students encounter and explored at length different options for reducing truancy, reducing the use of detention to zero in truancy matters and finding better, more proven ways to identify and match services to the personalized needs of truant youth and their families.

The 20th Judicial District Truancy Community Stakeholders Working Group will collect empirical data over time to measure the success of the alternatives to detention in truancy cases that are employed in the 20th Judicial District. In addition, the undersigned will convene the Truancy Stakeholder Working Group annually to gauge the progress and success of the 20th Judicial District Plan.

A handwritten signature in black ink, appearing to read "Maria E. Berkenkotter". The signature is fluid and cursive, with a long horizontal stroke at the end.

Hon. Maria E. Berkenkotter
Chief Judge
Twentieth Judicial District