

Center for Children's Advocacy

TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY
TO THE JUDICIARY COMMITTEE IN SUPPORT OF
H.B. 5357
AN ACT CONCERNING CHRONIC ABSENTEEISM WITH PROPOSED
REVISION TO THE DEFINITION OF "CHRONIC ABSENTEEISM"

March 3, 2014

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit legal organization affiliated with the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy.

The Center for Children's Advocacy **supports** Raised Bill No. 5357, An Act Concerning Chronic Absenteeism, which requires schools and districts to track chronic absenteeism, and to institute Student Attendance Review Teams, but with a proposed revision to the definition of "chronic absenteeism."

The Problem

As educational attorneys, we see firsthand the disastrous effects that prolonged absenteeism can have on our child-clients. Since 2004, CCA has also run two Truancy Court Prevention Projects in a combined four middle schools in Hartford and Bridgeport. This project is a partnership between CCA, the Capital Region Education Council (Hartford), and The Village (Hartford). Five Superior Court Judges and a U.S. District Court Magistrate volunteer for this project, which includes case management, legal assistance, and informal "court sessions" at which judges speak with students, and develop and monitor goals together. CCA staff and consultants have also written a number of reports and publications on truancy including a review of national best practice models¹ and a report on the link between unmet educational needs and truancy².

Despite some gains in both accessibility and quality of services for students with attendance problems, **many schools continue to lag in their identification** of these students and referrals to community and judicial resources. Many of these students never

¹ "Truancy Intervention: National Models and Connecticut Initiatives," by Kathryn Meyer, Staff Attorney, Center for Children's Advocacy, 2013, at http://www.kidscounsel.org/our-work/aboutus_programs_tcpp/.

² "A closer look at the link between unmet educational needs and truancy," by Andrea Spencer, PhD, Educational Consultant, Center for Children's Advocacy, 2006, at http://www.kidscounsel.org/our-work/aboutus_programs_tcpp/.

receive services, or receive them far too late in order for them to be successful. We have witnessed and addressed many instances where our clients have been chronically absent for weeks, or even months, before the school district even attempted to put interventions into place for the student. In some cases, the district failed to put these interventions into place at all.

For example, I have a six-year-old client who is repeating Kindergarten. Within the first three months of school, he had already been suspended over 33 days from school. Clearly, this extremely high number should have triggered federal and state Child Find obligations, which require schools to identify students who may be in need of special education services, but with the passage of Raised Bill 5357, he would have also been identified as being “chronically absent,” and would have been flagged during the school’s weekly SART meeting. This would provide yet another opportunity for the school to intervene and assist this young child so that he could be more successful at school.

It is important to highlight that students of color, students who receive free lunch, and students with disabilities are at a much higher risk for chronic absenteeism than their peers.³ In addition, these students who do not receive early intervention are more likely to fail classes, drop out of school, and become involved in the juvenile and/or adult justice systems.⁴

Currently, schools and districts are only required to calculate Average Daily Attendance (ADA) as an attendance indicator. **ADA greatly masks the problem of chronic absenteeism** and makes it extremely difficult to ascertain how many students in a given district are consistently struggling with their attendance. There is no way to identify patterns of truancy demonstrated by individual students; ADA data only provides an incomplete snapshot. Though SDE has started to calculate chronic absenteeism data, **schools are not required to keep such data**, nor has such data been published in a format that is readily accessible to the public, such as the Strategic School Profile.

Further, while schools are required to follow the truancy laws that are already in place, there is no proscribed model through which the interventions should be administered. For many schools, especially those in low-income areas that are plagued with absenteeism issues, this lack of structure and oversight results in general disorganization and lack of coordination amongst the school professionals responsible for serving these children. The result is that the students’ needs simply do not get met.

The Solution

By requiring districts to calculate and submit chronic absenteeism data, this bill will ensure a **much clearer picture** as to which districts are falling short of their obligation to serve these needy students. Further, it will encourage schools to keep track of chronic

³ “Chronic Absenteeism: A Closer Look at Connecticut Data” by Ajit Gopalakrishnan, Chief Bureau of Data Collection, Research & Evaluation, Connecticut State Department of Education, May 15, 2013, p. 5 at <http://www.sde.ct.gov/sde/lib/sde/pdf/deps/chronicabsenteeism/learningfromthedata.statepresentation.pdf>.

⁴ “Meeting the Challenge of Combating Chronic Absenteeism” by Robert Balfanz, Everyone Graduates Center, John Hopkins School of Education, November 2013, p. 5 at <http://new.every1graduates.org/wp-content/uploads/2013/11/NYC-Chronic-Absenteeism-Impact-Report.pdf>

absenteeism in “real time,” making it much more likely that schools will address the issue as it unfolds, rather than in hindsight after the days have already been lost.

Through the institution of **School Attendance Review Teams (SARTs)**, or by using existing teams to achieve the same purpose, in each high school that demonstrates 15% chronic absenteeism, or K-8 school that demonstrates 8% chronic absenteeism, this bill will force school districts to **make combating chronic absenteeism and truancy a priority.**⁵

SARTs are an effective model used in many other states that provide a structure through which schools can identify and provide interventions for truant and chronically absent students. Schools can enhance this model by inviting community providers to meetings if they so choose, which would help streamline the referral process for families.

Suggested Revisions to Raised Bill 5357

As defined by Attendance Works, one of the leading national entities in this work, and an organization providing support to the Connecticut State Department of Education, the term “**chronic absenteeism**” is meant to encompass **both unexcused AND excused absences.**⁶ Further, because the Connecticut State Department of Education guidelines define excused, unexcused, and disciplinary absences separately⁷, the Connecticut definition of “chronic absenteeism” should include all three of these categories, to be aligned with national standards and practice. Finally, the definition of a “chronically absent” student is one who is absent for 10% or more of school days⁸. We would urge this definition rather than using the “18 day” threshold because it would enable students to get assistance sooner. I have appended to my testimony suggested changes to this bill to make sure the definition is accurate and aligned with national best practices.

In closing, the Center for Children’s Advocacy urges the Committee to pass Raised Bill No. 5357, including the outlined revisions. This bill will ensure that chronically absent students will be both identified and intervened with sooner, so that they are more likely to be able to turn things around before it’s too late.

⁵ These percentages are loosely tied to the average statewide chronic absenteeism rates for K-8 and high schools, according to the Connecticut State Department of Education. Connecticut State Department of Education, *supra*, p. 8.

⁶ Defined by Attendance Works as missing 10% or more of school days for any reason, excused or unexcused. See “Advancing Student Success by Reducing Chronic Absence,” Attendance Works, April 2010, pg. 1 at http://www.attendanceworks.org/wordpress/wp-content/uploads/2010/04/Attendanceworks_brochure_2pager.pdf

⁷ “Guidelines for the Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absences Prevention and Intervention,” Connecticut State Department of Education, April 2013, pg. 14 at http://www.sde.ct.gov/sde/lib/sde/pdf/publications/guidelines_excused_and_unexcused_absences.pdf.

⁸ Attendance Works, *supra*.

Thank you for your time and consideration.

Respectfully submitted,

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Educational Success Project

General Assembly
February Session, 2014

Raised Bill No. 5357

LCO No. 1574

*01574 _____ ED *

Referred to Committee on EDUCATION

Introduced by:

(ED)

AN ACT CONCERNING CHRONIC ABSENTEEISM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-198a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) For purposes of this section: [, "truant"]

(1) "Truant" means a child age five to eighteen, inclusive, who is enrolled in a public or private school and has at least four unexcused absences from school in any one month or [ten] at least ten, but fewer than eighteen unexcused absences from school in any school year;

(2) "Chronically absent child" means a child age five to eighteen, inclusive, who is enrolled in a public or private school and has eighteen or more unexcused is absent for 10% or more of school days, whether those absences be deemed excused, unexcused, or disciplinary absences from school in any school year; and

(3) "Chronic absenteeism rate" means the total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

(b) Each local and regional board of education shall adopt and implement policies and procedures concerning truants and chronically absent children who are enrolled in schools under the jurisdiction of such board of education. Such policies and procedures shall include, but need not be limited to, the following: (1) The holding of a meeting with the parent of each child who is a truant, or other person having control of such child, and appropriate school personnel to review and evaluate the reasons for the child being a truant, provided such meeting shall be held not later than ten school days after the child's fourth unexcused absence in a month or tenth unexcused absence in a school year, (2) coordinating services with and referrals of children to community agencies providing child and family services, (3) annually at the beginning of the school year and upon any enrollment during the school year, notifying the parent or other person

having control of each child enrolled in a grade from kindergarten to eight, inclusive, in the public schools in writing of the obligations of the parent or such other person pursuant to section 10-184, (4) annually at the beginning of the school year and upon any enrollment during the school year, obtaining from the parent or other person having control of each child in a grade from kindergarten to eight, inclusive, a telephone number or other means of contacting such parent or such other person during the school day, and (5) a system of monitoring individual unexcused absences of children in grades kindergarten to eight, inclusive, which shall provide that whenever a child enrolled in school in any such grade fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the child's parent or other person having control of the child is aware of the pupil's absence, a reasonable effort to notify, by telephone and by mail, the parent or such other person shall be made by school personnel or volunteers under the direction of school personnel. Such mailed notice shall include a warning that two unexcused absences from school in a month or five unexcused absences in a school year may result in a complaint filed with the Superior Court pursuant to section 46b-149 alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs. Any person who, in good faith, gives or fails to give notice pursuant to subdivision (5) of this subsection shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice.

(c) If the parent or other person having control of a child who is a truant fails to attend the meeting held pursuant to subdivision (1) of subsection (b) of this section or if such parent or other person otherwise fails to cooperate with the school in attempting to solve the truancy problem, such policies and procedures shall require the superintendent of schools to file, not later than fifteen calendar days after such failure to attend such meeting or such failure to cooperate with the school attempting to solve the truancy problem, for each such truant enrolled in the schools under [his] the superintendent's jurisdiction a written complaint with the Superior Court pursuant to section 46b-149 alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs.

(d) Any elementary school or middle school with a chronic absenteeism rate of eight per cent or greater for the previous school year and any high school with a chronic absenteeism rate of fifteen per cent or greater for the previous school year shall establish a school attendance review team to address chronic absenteeism at the school. The school attendance review team shall consist of a school administrator, guidance counselor, school social worker and a teacher. The school attendance review team shall be responsible for reviewing the cases of chronically absent children, discussing school interventions and community referrals for such children and making any additional

recommendations for such children and their families. The school attendance review team shall meet at least weekly.

[(d)] (e) Nothing in subsections (a) to (c), inclusive, of this section shall preclude a local or regional board of education from adopting policies and procedures pursuant to this section [which] that exceed the requirements of said subsections.

[(e)] (f) The provisions of this section shall not apply to any child receiving equivalent instruction pursuant to section 10-184.

Sec. 2. Subsection (c) of section 10-220 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(c) Annually, each local and regional board of education shall submit to the Commissioner of Education a strategic school profile report for each school under its jurisdiction and for the school district as a whole. The superintendent of each local and regional school district shall present the profile report at the next regularly scheduled public meeting of the board of education after each November first. The profile report shall provide information on measures of (1) student needs, (2) school resources, including technological resources and utilization of such resources and infrastructure, (3) student and school performance, including [truancy] the number of truants and chronically absent children, as defined in section 10-198a, as amended by this act, (4) the number of students enrolled in an adult high school credit diploma program, pursuant to section 10-69, operated by a local or regional board of education or a regional educational service center, (5) equitable allocation of resources among its schools, (6) reduction of racial, ethnic and economic isolation, and (7) special education. For purposes of this subsection, measures of special education include (A) special education identification rates by disability, (B) rates at which special education students are exempted from mastery testing pursuant to section 10-14q, (C) expenditures for special education, including such expenditures as a percentage of total expenditures, (D) achievement data for special education students, (E) rates at which students identified as requiring special education are no longer identified as requiring special education, (F) the availability of supplemental educational services for students lacking basic educational skills, (G) the amount of special education student instructional time with nondisabled peers, (H) the number of students placed out-of-district, and (I) the actions taken by the school district to improve special education programs, as indicated by analyses of the local data provided in subparagraphs (A) to (H), inclusive, of this subdivision. The superintendent shall include in the narrative portion of the report information about parental involvement and if the district has taken measures to improve parental involvement, including, but not limited to, employment of methods to engage parents in the planning and improvement of school programs and methods to increase support to parents working at home with their children on learning activities. For purposes of this subsection, measures of truancy include the type of data that is

required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the local or regional board of education to reduce truancy in the school district. Such truancy data shall be considered a public record for purposes of chapter 14.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<u>July 1, 2014</u>	10-198a
Sec. 2	<u>July 1, 2014</u>	10-220(c)

Statement of Purpose:

To require school districts to address issues relating to chronic absenteeism.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]