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# Truancy Case Processing Practices

May 2004

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# Truancy Case Processing Practices

## Executive Summary

In 1995, the legislature enacted the “Becca Bill,” which requires school districts to take legal action against children or their parents when they fail to comply with state compulsory school attendance laws.<sup>1</sup> The law created new responsibilities for both schools and courts in fighting truancy and is invaluable for making state compulsory education laws enforceable. However, the new responsibilities have been challenging for both the schools and the courts. The legislation has more than doubled the non-offender juvenile caseload and contributed to a substantial growth in the backlog of unresolved cases. This study focuses on the processes that courts in Washington use to handle truancy cases. The study is based on a statewide survey of juvenile court administrators that was conducted in December 2003.

We found that many courts have implemented case processing innovations that reduce the truancy case burden. Most courts have access to a variety of government, community, and private resources to help resolve serious issues that contribute to a student’s attendance problems. Most courts also use a series of escalating sanctions when students fail to comply with their court order to attend school. We also found that courts typically have established close relationships with schools in developing truancy programs and policies. Nearly all courts provide training to school personnel on the truancy petition process, and many have other outreach programs that involve regular meetings between school and court personnel or that involve staff positions that serve as a liaison with school districts.

This study also identified a number of areas that raise concerns. Failures to appear are common at truancy petition hearings and are contributing to backlogs of unresolved cases. Many courts have no provisions for personal service and bench warrants to compel a courtroom appearance for truancy. Court supervision of school attendance is another weak point in the process, because most courts do not get attendance reports from schools, and schools have trouble keeping up with contempt motions. Contempt standards and sanctions are remarkably different among the courts. These inconsistencies and the reluctance of courts to use sanctions with real teeth have contributed to schools’ reluctance to file truancy petitions with the courts.

### **Major findings include:**

#### *Case Processing Innovations:*

- In eight courts (26 percent) prosecutors file truancy petitions, relieving some of the burden on schools and providing an initial review for legal sufficiency for the courts.
- Seven courts (22 percent) use expedited case processing practices that do not require individual hearings between students and a judge or commissioner for the initial truancy petition hearing. Two courts (6 percent) do not involve judges or commissioners at all in the initial truancy petition hearing.

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<sup>1</sup> The Becca Bill also covers child in need of services and at-risk youth petitions, but this study focuses on the truancy aspects of the Becca Bill.

*The Relationship between Courts and Schools:*

- Fifteen courts (48 percent) report that they work together with schools in establishing policies and programs, and 16 courts (52 percent) report that courts and schools understand and cooperate with each other's policies.
- Twenty-eight courts (88 percent) provide training to school personnel on the truancy petition process.

*Areas for Concern:*

- Schools in three juvenile court district (9 percent) do not provide information on their intervention efforts as a part of the truancy petition, even though this is required by the statute.
- Schools in only six juvenile court district (19 percent) submit regular attendance reports for students under court orders to attend school.
- Twenty-three courts (74 percent) rely on schools to file contempt motions, but schools typically have difficulty keeping up with both truancy petitions and contempt motions.
- In twelve juvenile court districts (38 percent) the threshold for contempt on an order to attend school is one additional unexcused absence, but in other juvenile court districts the threshold is as low as one class period skipped or as high as several months of non-compliance.
- More than one-third of the courts impose no sanction after the first finding of contempt or allow the sanction to be purge by simply attending school.

*Top Three Recommendations for Helping Schools Meet Their Becca Bill Truancy Obligations:*

- 47 % Increase the funding, resources, or incentives available to schools for the Becca truancy process.
- 28% More school training, more consistent policies among school districts, or more leadership from the Office of the Superintendent of Public Instruction on truancy matters.
- 25% Make filing truancy petitions mandatory by imposing sanctions on schools (or school personnel) that don't comply with the law.

# Truancy Case Processing Practices

## Introduction

In 1995, the legislature enacted the “Becca Bill,” which in part requires school districts to take legal action against children or their parents when they fail to comply with state compulsory school attendance laws. The law created new responsibilities for both schools and courts in fighting truancy, and a number of studies have been conducted to assess the impact of law. This study adds to our understanding of truancy reduction efforts by focusing on the court processes used to handle truancy cases in courts across the state. This study will be of interest to judicial officers and court administrators who continue to innovate in court processes, policy-makers who want to evaluate the effectiveness of the truancy petition process, and school officials who want to better understand court procedures and improve collaborative efforts with the courts in addressing truancy.

### *The Truancy Petition Process: School and Court Responsibilities*

The legislature passed the Becca Bill to give parents and communities better tools to help at-risk, runaway, and truant youth. In the area of truancy, the law was designed to put teeth into compulsory attendance laws by requiring schools to take certain steps to help students and parents eliminate unexcused absences and then to take legal action if students or parents do not respond to school efforts. The law makes truancy reduction a cooperative effort between schools and courts. If schools do not do their part, the courts cannot intervene, and if the courts do not do their part, the schools have no recourse to compel attendance.

School responsibilities begin with the first unexcused absence. After the first unexcused absence in any month during the school year, the school must notify parents of the absence and inform them of the potential consequences of truancy (see RCW 28A.225.020). After the second unexcused absence within a month, the school must schedule a conference with the student and the student’s parents and take steps to reduce absences, such as adjusting the student’s schedule, providing vocational courses, referring them to a community truancy board, or requiring the student to attend an alternative school. After the fifth unexcused absence within a month, the school must file a truancy petition with the court, enter into an agreement with the student about attendance requirements, or refer the student to a community truancy board (see RCW 28A.225.030). The school district must file a truancy petition with the court if a student has accrued seven unexcused absence within a single month or ten unexcused absence in the entire school year. The petition alleges that the student has violated state compulsory attendance laws, that school efforts at reducing the student’s absences have not been effective, and that court intervention is necessary to reduce absences(see RCW 28A.225.035). The petition must also identify the child, document the absences, list school efforts to reduce absences, and provide recommendations as to what the actions the court should take. If the court assumes jurisdiction and enters an order, the school must regularly report additional unexcused absences.

Court responsibilities begin once the school has filed the truancy petition. The court must schedule a hearing to consider the petition or refer the student to a community truancy board. If

the allegations in the petition are established by a preponderance of evidence or by agreement with the student, the court enters an order and supervises the student's school attendance. The order may require students to attend their current school, attend another public or nonsectarian school, participate in a public educational program, work with a community truancy board, or submit to drug or alcohol testing (see RCW 28A.225.090). A student who does not comply with the order may be subject to a civil contempt proceeding and be subject to up to seven days of detention or detention alternatives. Any parent violating the order may be fined \$25 per day for each unexcused absence or required to provide community restitution.

### *Impacts and Trends*

Most studies of the truancy petition process have reported positive impacts. An early study reports a great increase in the number of petitions filed over the first two years of implementation and a general strengthening of attendance monitoring and enforcement policies among schools.<sup>2</sup> Later studies found that students were more likely to stay in school and that high school enrollment rates increase after the Becca law was passed.<sup>3</sup> A survey of school principals demonstrated that three out of four survey respondents felt that the truancy petition process has reduced unexcused absences.<sup>4</sup> However, questions still remain as to the effectiveness of the program. The findings with regard to increasing high school enrollment were based on aggregate data, and a study using individual level data found that filing a truancy petition has no impact on the likelihood that a student will remain in school.<sup>5</sup> There has been no research conducted to assess whether school interventions have been effective.

The court community is committed to the truancy petition process as a way of improving school attendance but also sees additional benefits. The Becca Bill truancy process provides a way to reach out to youth who are at risk for developing more serious legal issues. Mason County Commissioner Richard C. Adamson explains that the Becca Bill truancy process “peeled back the layers society, exposing a whole strata of dysfunctional families that we had not seen before.” Bringing these youth back to school and providing additional services where necessary can help break the cycle of dysfunctionality and connect these young people to a brighter future.

Achieving these positive results has placed heavy burdens on both the courts and the schools. The Becca truancy process has resulted in a tremendous increase in the non-offender juvenile caseload (see Figure 1). As a result of the legislation, the number of truancy filings grew from 91 in 1994 to 10,232 in 1996, surpassing the total number of all other types of non-offender juvenile cases. Truancy filings reached their peak in 1998 with 16,607 new cases compared to 7,587 new

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<sup>2</sup> Mason Burley and Edie Harding, “Truant Students: Evaluating the Impact of the “Becca Bill” Truancy Petition Requirements,” *Washington State Institute for Public Policy*, 1998.

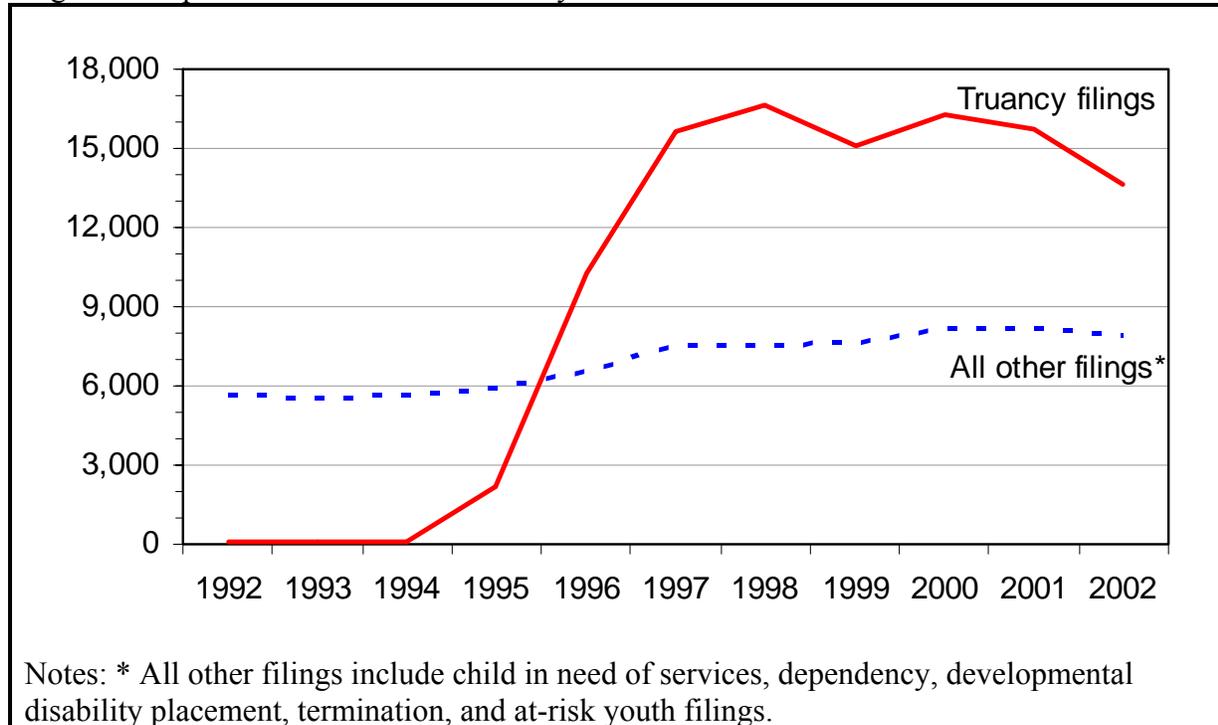
<sup>3</sup> Steve Aos, “Keeping Kids in School: The Impacts of the Truancy Provisios in Washington’s 1995 “Becca Bill,” *Washington State Institute for Public Policy*, 2002; Mason Burley, “Assessing the Impact of Washington’s Truancy Petition Process: A Exploratory Analysis of the Seattle School District,” *Washington State Institute for Public Policy*, 2000.

<sup>4</sup> Joseph Hauth, “Washington’s Truancy Petition Process,” a report prepared by Quadrant Solutions, LLC for the Office of the Superintendent of Public Instruction.

<sup>5</sup> Burley, “Assessing the Impact of Washington’s Truancy Petition Process,” 4 .

filings for all other types of juvenile dependency cases. This study documents many of the innovations courts have used to handle the increased caseload.

Figure 1. Impact of the Becca Bill Truancy Process on the Non-offender Juvenile Caseload



The Becca Bill presented schools with a somewhat different challenge. While the courts faced growing caseloads, the schools had to develop entirely new processes for performing early interventions and filing petitions. Schools have had difficulty adapting to these new responsibilities, and state funding for these functions falls far short of the actual costs. The state provides no funding for early interventions or contempt filings and only about \$90 per truancy petition, compare to the \$360 estimated the cost of preparing and submitting each truancy petition.<sup>6</sup> The financial burdens of early interventions and petition filing have grown as a result of funding cuts for schools.

These institutional and financial burdens have resulted in low and declining school support for the truancy petition process. During the 1996-97 school year 30 percent of the state's school districts filed no truancy petitions, and by the 2000-01 school year 40 percent of the state's school districts filed no petitions.<sup>7</sup> Similarly, the number of truancy petitions filed has declined as a percentage of the students who have ten or more unexcused absences.<sup>8</sup> School participation

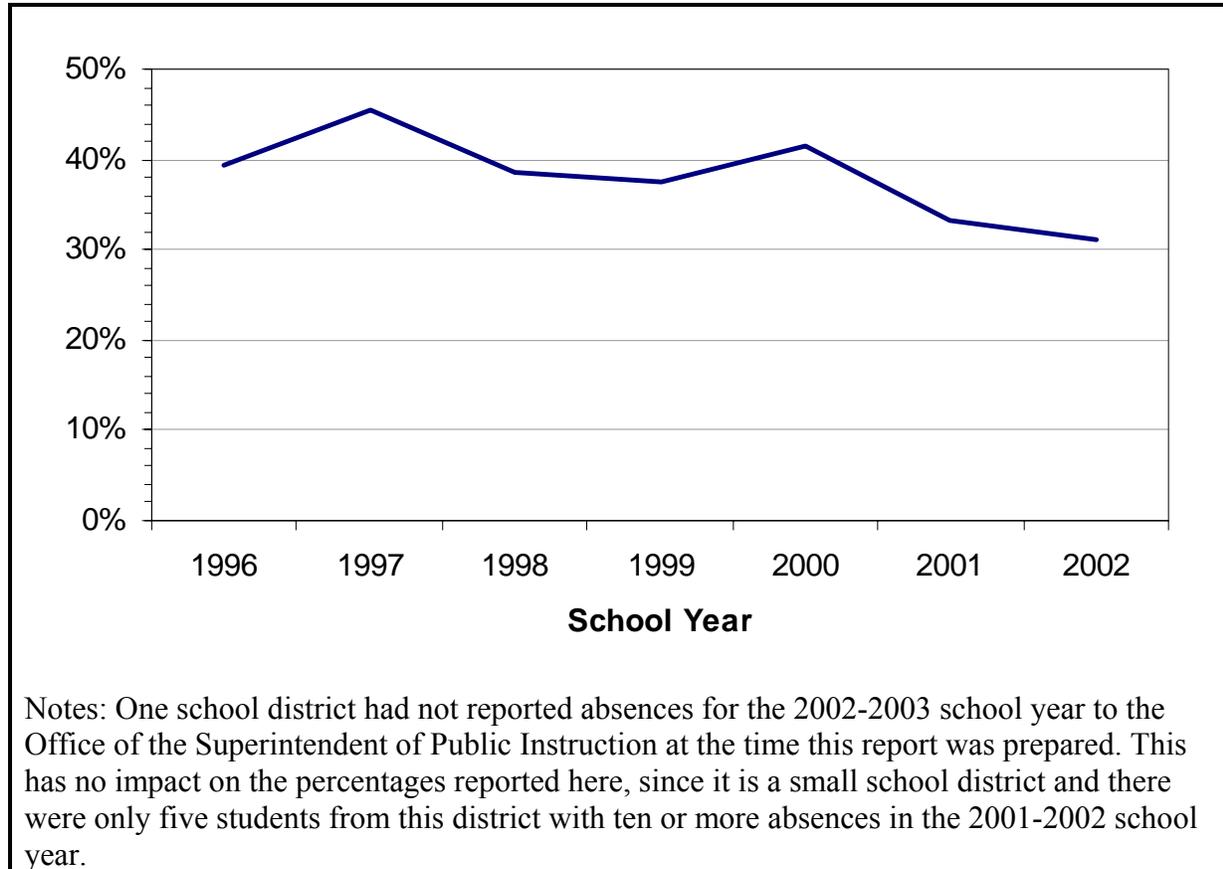
<sup>6</sup> Hauth, "Washington's Truancy Petition Process," 2.

<sup>7</sup> Burley and Harding, "Truant Students," i.; Hauth, "Washington's Truancy Petition Process," 4.

<sup>8</sup> This discussion uses the ten or more absence threshold as the benchmark for school participation in the Becca truancy process, because schools report the number of students who reach this threshold, and filing at this point is mandatory. Schools must also file a truancy petition when a student has seven unexcused absences in a month, but they do not report the number of students who reach this threshold. Schools report the number of students with five

in the Becca truancy process reached its peak in the 1997-98 school year when truancy petitions were filed on 46 percent of students with ten or more unexcused absences (see Figure 2). By the 2002-2003 school year filings were down to 31 percent of the number of students with ten or more unexcused absences. Even at the height of support for the program, the Becca Bill truancy process reached less than half of the targeted students, and now it reaches less than one-third of those students.

Figure 2. Truancy Petitions Filed as a Percent of the Number of Students with Ten or More Unexcused Absences



### *The Truancy Case Processing Survey*

This study examines court procedures for truancy cases, as well as the relationship between courts and schools in addressing truancy issues. The study is based on a survey of juvenile court administrators throughout the state (See the appendix for a copy of the questionnaire.). The survey design process involved site visits to five juvenile courts during October and November of 2003 to observe truancy proceedings and interview court personnel. We mailed the Truancy

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absences in a month, but filing at this point is optional. Schools have the option to enter into an agreement with the student establishing attendance requirements or to refer the student to a truancy board rather than filing a truancy petition with the court.

Case Processing Survey to the juvenile court administrators of all 33 juvenile courts on December 12, 2003, and followed-up by phone with non-responding courts in January 2004. We obtained responses from 32 courts for a response rate of 97 percent. The percentages given in the tables throughout this report are for the 32 responding courts, not all 33 courts. On a few tables the number of respondents is 31 rather than 32, because some courts did not answer all the questions.

## I. Truancy Petitions

### *Filing*

Court involvement in school attendance is initiated by the filing of a truancy petition. The petition alleges that a student has violated compulsory attendance laws and requests the court to take jurisdiction over the matter. Schools define what constitutes an unexcused absence and track attendance. School districts are required to file a truancy petition when a student has seven unexcused absences in a month or ten unexcused absences during the school year. Schools districts in 26 percent of the responding juvenile court districts have arranged to submit an attendance report to the prosecutor's office and have the prosecutor file the legal documents with the court (see Table 1). This arrangement reduces the school workload involved in filing petitions and serves as a filter for the court by reviewing the legal sufficiency of the case. The prosecutor's office also usually presents the cases in court, which can reduce the amount of time school officials must spend in court. Some of these school districts pass all or part of the state reimbursement for truancy petition filing on to the prosecutor's office.

Table 1. Truancy Petition Filer

	Number of Courts	Percent of Courts
School district	23	74%
Prosecutor's office	8	26%
	31	100%

### *Petition Hearings*

Juvenile courts have developed a variety of procedures for handling the workload of truancy petition proceedings. Some of these differing strategies can be seen by identifying the participants in truancy petition hearings. Judicial officers (either judges or court commissioners) are involved in truancy petition hearings in 30 courts (94 percent), whereas two courts (6 percent) use procedures that do not involve judicial officers (see Table 2). The initial hearing typically gives students the option of signing an agreed order compelling school attendance or contesting the petition. For an agreed order, the student rather than a judicial officer makes the determination on whether compulsory attendance laws were broken. Accordingly, some courts have structured their process to minimize or eliminate the involvement of judicial officers until a student contests the petition or fails to comply with the order. Others believe that the judicial officer plays an important symbolic role in the hearing by emphasizing the seriousness with which the court regards truancy matters.

After judicial officers, school officials are the second most common participant in truancy petition hearings. They are involved in the truancy petition hearings in 22 courts (69 percent). In courts where each student receives an individual hearing with a judge or commissioner, school officials typically are present to provide testimony on attendance records and school

interventions. Some courts use the hearing as an opportunity to have truant students meet with either school or school district officials to begin the process of assessing their education program and overcoming obstacles to academic progress.

Probation officers are involved in truancy hearings in 60 percent of the responding courts even though truancy is not a criminal offense and does not involve probation. In some courts probation officers help organize the hearing and facilitate case flow. Other courts use probation officers to help identify students with special needs and help connect them to court and community resources. Some courts use probation officers to conduct the hearing as a group session with or without the involvement of a judge or commissioner. Five courts have case managers separate from probation staff to perform these functions. These case managers are typically funded through grants, but one county has drawn upon a volunteer community organization for case work.

Table 2. Truancy Petition Hearing Participants

	Number of Courts	Percent of Courts
A judge or commissioner	30	94%
School officials	22	69%
School district officials	8	25%
Probation officers	19	59%
Case managers	5	16%
Prosecutors	11	34%
Public defenders	9	28%
* The number of courts does not sum to 32 and the percent of courts does not sum to 100% because the question allowed responses to more than one category.		

Prosecutors are involved in truancy petition hearings in 11 courts (34 percent), and public defenders are involved in 9 courts (28 percent). Prosecutors present truancy petitions in courts where the school districts have arranged for the prosecutor’s office to file truancy petitions. In three additional courts, prosecutors appear in court after school officials prepare and file petitions. Public defenders are used for contempt hearings because students’ liberty is at stake, but they also may be present during truancy petition hearings in courts where all truancy matters are scheduled on the same docket.

Twenty-five courts (78 percent) use the typical judicial process of giving each case an individual hearing (see Table 3). Other courts have adopted procedures that reduce the amount of time that truancy petition hearings take or limit the role of judicial officers. Three courts (9 percent) have students meet individually with school officials, probation officers, or prosecutors who explain the process and the penalties for further absences and, in some cases, develop education plans to avoid future absences rather than appearing before a judge or commissioner. Four courts (13 percent) process truancy petitions entirely in batch mode with no individualized attention unless

students want to contest the petition. In these courts respondents to the truancy petitions typically meet as a group with a probation officer who explains the petition process and potential consequences and fields questions from the group.

Table 3. Format of Truancy Petition Hearings

Each respondent:	Number of Courts	Percent of Courts
Has an individual hearing with a commissioner or judge	25	78%
Meets individually with a school official, probation officer, and/or prosecutor.	3	9%
Receives individual attention only if the respondent contests the petition.	4	13%
	32	100%

### *Contesting the Petition*

Though most students sign an agreed order, some choose to contest the petition. In 53 percent of the courts, students who wish to contest the petition can do so on the same day as the initial hearing on the petition (see Table 4). If the court is using individual hearings for each respondent, an additional proceeding is not usually required, but if the court is using a group format for the hearing, an individual hearing is held after the group hearing has been completed. These courts feel that this procedure reduces the time students are out of school for courtroom appearances and that reducing the time between the offense and the sanction is particularly important for helping teenagers modify their behavior. Forty-seven percent of the courts schedule the contested hearings for another day, typically in one to two weeks.

Table 4. Contested Hearing Scheduling

Contested hearings are:	Number of Courts	Percent of Courts
Held on the same day as the initial court room appearance.	17	53%
Scheduled for another day.	15	47%
	32	100%

### *Failure-to-Appear*

Students who skip school may also have a tendency to miss their court dates. The failure-to-appear (FTA) rate on truancy petitions is as high as 30 percent in some courts. No shows at

truancy petition hearings seem to be the primary cause of the 29 percent increase in pending juvenile dependency cases over the period of 1998 to 2002.

Courts typically issue bench warrants when FTAs occur. For truancy matters, RCW 28A.225.030 requires personal service of the notice and summons if certified mail service is unsuccessful. Actual court practice appears to diverge somewhat from the statutory requirement. We asked juvenile court administrators to identify the sequence of events they follow after a student fails to appear for their truancy petition hearing. Their responses indicate that 55 percent of the responding courts require personal service before issuing a bench warrant or entering a default order, whereas 32 percent do not. An additional 13 percent indicated that they do not use bench warrants or default orders on truancy petitions (see Table 5).

Table 5. Personal Service Requirements

	Number of Courts	Percent of Courts
Personal service <u>is required</u> before issuing a bench warrant or entering a default order	17	55%
Personal service <u>is not required</u> before issuing a bench warrant or entering a default order	10	32%
Default orders/bench warrants are not used for truancy	4	13%
	31	100%

Personal service is usually the responsibility of the petitioner, but personal service is expensive, and many schools are already financially strained by filing petitions. When asked, “Who arranges and pays for personal service of the summons when students fail to respond to a mail notice and summons for a truancy petition?” only 3 courts (9 percent) replied that the school or school district arranges and pays for personal service (see Table 6). Three courts (9 percent) report that the prosecutor’s office handles personal service, but the responsibility for personal service has largely fallen to the courts if it is done at all. Forty-seven percent of courts handle personal service. The sheriff performs personal service for one court. Nearly one-third of the courts indicated that personal service is not typically used for truancy petitions.

Table 6. Responsibility for Personal Service

Who arranges and pays for personal service?	Number of Courts	Percent of Courts
The school or school district	3	9%
The prosecutor's office	3	9%
The court	15	47%
Sheriff	1	3%
In person service is not typically done	10	31%
	32	100%*

\* The reported percentages do not sum to 100 percent due to rounding.

*Special Programs*

Many juvenile courts have developed special programs to better manage their truancy caseload and improve outcomes for students. These programs typically involve cooperative efforts between the court, schools, and community organizations to serve troubled youth. These special programs include court-at-school, truancy classes, and deferred petition programs.

Court-at-school:

One of the simplest programs involves holding court sessions at school for truancy petitions. This reduces the time students must spend away from school for court room appearances, and helps some students return to school. Holding regular court sessions at school can also facilitate communications between court and school officials and can make holding regular review hearings less onerous. Mason County and Island County have both established court-at-school programs for truancy.

Truancy Classes:

Ten courts provide or require students to attend truancy classes or attendance workshops. The formats for these programs vary substantially, but they all include information about attendance laws, the truancy petition process, and the consequences of being found in contempt of the court. Some of these programs also include content that emphasizes the importance of education in becoming independent and self-sufficient. Some of these programs also help students develop personal education plans. In Jefferson County students attend a truancy class as part of the pre-petition school interventions. The King, Lincoln, and Skagit county juvenile courts use truancy classes as part of a deferred petition program. The Snohomish and Thurston county juvenile courts hold a truancy class at the beginning of the truancy petition hearing. The Pierce, Spokane, Benton/Franklin, and Clark county juvenile courts requires students to participate in a truancy class offered by a school or community organization as a part of the truancy order.

Deferred Truancy Petition Programs:

Twelve courts have deferred petition programs that keep students out of court if they participate in a truancy intervention program. These programs can substantially reduce the number of

truancy petition hearings and provide better support to the majority of students who are willing to change their behavior. In King County, students who previously have not had a truancy petition or other matter before the court are given the option to participate in an attendance workshop rather than appear in court. Attendance workshops last for two and a half hours and involve presentations on truancy law by a deputy prosecuting attorney. Parents and students participate in separate small group sessions conducted by trained facilitators. Students enter into a contract that specifies steps they will take to improve their attendance. The contracts are placed in their court file, and school districts report on their progress after 30 days. The court then schedules a preliminary hearing for students whose attendance does not improve. Most students successfully complete their contract, and the program has reduced the number of preliminary truancy hearings by as much as 57 percent.

The Benton/Franklin Juvenile Court uses truancy boards to provide individualized assistance to students with attendance problems and reduce the court resources involved in preliminary truancy petition hearings. When a school files a truancy petition, the court refers the student to a truancy board. No court room appearance is necessary unless the student does not attend the truancy board hearing. The board makes every effort to help students make their hearing appointment. Truancy board hearings are usually held at the mall, because it is a hub for the county transit system, and occasionally the board even holds hearings at students' homes. During the hearing, the student signs a court order compelling school attendance, and the board assesses the student's personal and family issues that are interfering with school attendance. The board then develops an intervention plan, which may include referrals to agencies or community resources. A case manager follows-up with service referrals and maintains weekly contact with the school. The case manager works with the student for the duration of the order, which is usually for the current school year.

## II. Truancy Orders and Court Supervision

If the student signs an agreed order or the court determines that the student has reached the threshold for unexcused absences in a contested hearing, the court enters a truancy order compelling school attendance. However, 30 counties (94 percent) will not enter a truancy order if the school has not met any of its responsibilities for early interventions. Although the statute requires schools to meet all their intervention obligations before filing, two courts accept petitions even if none of the school interventions have been made. Determining if schools have fulfilled their obligations requires information on schools' intervention efforts, but a few schools do not provide this information in the attendance reports they submit to the courts (see Table 20).

### *Attendance Reports*

Even after the juvenile court assumes jurisdiction for supervising attendance, the court still must rely on the schools for attendance information. RCW 28A.225.035 requires that “the school district shall regularly report to the court any additional unexcused absences by the child.” However, regular reporting is not at all common. Only 6 (19 percent) of the courts receive attendance reports on a regular periodic basis (see Table 8). Attendance reports are primarily obtained through requests by the court or are submitted along with contempt motions. Regular reporting may be uncommon because schools are only required to make a report if there are additional unexcused absences after a court order is entered, and many schools file contempt motions after one additional absence. Unfortunately, courts cannot tell if the schools are keeping up with contempt motions, unless the schools also provide regular attendance reports.

Table 7. Attendance Reporting

Schools provide attendance reports:	Number of Courts	Percent of Courts
On a regular periodic basis.	6	19%
When the court requests attendance information.	23	75%
When the school district files a contempt motion.	25	78%
Other	2	6%
* The number of courts does not sum to 32 and the percent of courts does not sum to 100% because the question allowed responses to more than one category.		

### *Method of Supervising Attendance*

Courts may use proactive or reactive approaches to supervise attendance. A proactive approach typically involves holding review hearings to determine if the court order is being followed, whereas reactive approaches typically wait for schools to file a contempt motion before taking further action. One-quarter of the courts use the proactive approach, which gives the court a more direct means of supervising attendance (see Table 6). However, review hearings require a

lot of court time given the volume of the truancy caseload, and they also take students out of the classroom. The reactive approach is more popular, with three-quarters of the courts waiting for the schools to file contempt motions. This option is more efficient in terms of court time, but schools are not reimbursed for filing contempt motions so they may delay or fail altogether to do so.

Interviews with court personnel indicate that schools often get behind on their contempt motions. A prosecutor reported that in some cases schools have waited until students have accrued more than forty additional unexcused absences before filing a contempt motion. During court visits in conjunction with this study, the author observed several examples of the problem. In one case where a gifted but unmotivated high school student had dropped out of an alternative education program that he had been ordered to attend, the parent complained, “I’m frustrated because they [the school] didn’t send this to court last year when they dropped him from the program.” In another case, a student had failed to comply with a court order from the previous school year to return to school. The mother was a single parent, who had to leave early each morning to take a bus to work and did not know her daughter was not attending school. These delays in filing contempt motions allow students to fall even further behind in their academic progress, increasing the likelihood that they will not graduate.

Table 8. Method of Supervising Attendance

	Number of Courts	Percent of Courts
After a student is found truant:		
Another hearing date is set to review school attendance.	8	26%
Students return to court only if the school files a contempt motion.	23	74%
	31	100%

#### *Length of Attendance Supervision*

When the Becca Bill was passed in 1995, it authorized courts to take jurisdiction over school attendance only for the current school year in which a student violates mandatory attendance laws. In 1997 the legislature amended the law to give courts discretion in setting the period of supervision. Many courts choose not to exercise this additional discretion. Thirteen courts (forty-one percent) still take jurisdiction over attendance only for the current school year (see Table 9). Four courts (13 percent) extended jurisdiction into the next school year when truancy petitions are filed near the end of the school year, and two courts (6 percent) always supervise attendance into the next school year to make sure students with attendance problems are registered and attending school after the summer break. Six courts (19 percent) supervise attendance for a period of one calendar year, which usually will take them into the next school year. Four courts have opted to maintain supervision until a student turns 18 or receives a GED.

Table 9. Length of Attendance Supervision

The court typically supervises school attendance for:	Number of Courts	Percent of Courts
The current school year.	13	41%
The current school year, and into the next school year for filings near the end of the current school year.	4	12%
The current school year and into the fall of the next school year.	2	6%
One calendar year.	6	19%
The time the student is subject to mandatory attendance laws (until 18 or GED completion).	4	13%
Other	3	9%
	32	101%

Before the 1997 amendment, the only way to maintain court supervision over students whose petition was filed at the end of the school year was to get a court order extending jurisdiction into the next school year. Although it is no longer necessary, 13 courts still require a separate order to extend jurisdiction into the next school year. The additional court proceeding to extend the order could be avoided by specifying the period of supervision in the initial order or by taking jurisdiction until the student is not subject to compulsory attendance laws.

Table 10. Case Management

Case management is provided by:	Number of Courts	Percent of Courts
Case managers	2	6%
Probation officers	17	53%
Volunteers	2	6%
Other	6	19%
No case management for truancy	9	28%
* The number of courts does not sum to 32 and the percent of courts does not sum to 100% because the question allowed responses to more than one category.		

### *Case Management*

Some students under court supervision need additional resources to help them overcome issues that are interfering with school attendance or follow-up to make sure they comply with the court order. The courts use a variety of resources to help troubled students connect with community resources and follow-up on their attendance. About half of courts rely on probation officers to help with truancy cases (see Table 10). Using grants, two courts have hired case managers to

focus exclusively on truancy cases, and two additional courts use volunteers. Six courts have made other arrangements, typically using outside resources such as the county health department, school attendance counselors, or school truant officers. Nine courts have no provisions for case management for truancy.

### III. Noncompliance/Contempt

Many students return to school or improve their attendance as a result of a court truancy order, but others do not. If a student continues to be truant after a court order to attend school is entered, the student may be found to be in contempt of the court.

#### *Filing Contempt Motions*

Truancy takes place outside the presence of the court, so court enforcement of the order is usually initiated by a motion from the filer of the truancy petition. Fifty-six percent of the courts rely on the school or school district to file a contempt motion if a student continues to be truant (see Table 11). The prosecutor's office files contempt motions in thirty-four percent of the courts. These are typically the same courts where schools have arranged for the prosecutor's office to file truancy petitions, but the prosecutor's office files contempt motions in three additional courts. Two courts (6 percent) file contempt motions themselves. Both of these courts use probation officers for case management and request attendance information from schools. This practice may allow better enforcement of court truancy orders, since school RCW28A.225 only requires schools to file petitions, not contempt motions, and schools are not reimbursed for filing contempt motions. In one juvenile court district, the school notifies the juvenile department of additional unexcused absences and the juvenile department files the contempt motion.

Table 11. Contempt Motion Filer

	Number of Courts	Percent of Courts
School/school district	18	56%
The prosecutor's office	11	35%
The court	2	6%
Other	1	3%
	32	100%

#### *Contempt Proceeding Participants*

Once a contempt motion is filed, the court schedules a show cause hearing. There are some important differences between truancy petition hearings and contempt hearings. Although the role of judicial officers in truancy petition hearings differs among many of the courts, a judge or commissioner always conducts the show cause hearing on contempt motions in all the courts, and each student receives an individual hearing (see Table 12). Public defenders are present to represent students in all but two courts. School or school district officials are more likely to be present to give testimony on contempt motions, and more courts use prosecutors to present contempt motions than truancy petitions. Probation officers also are more likely to be involved.

Table 12. Show Cause Hearing Participants

	Number of Courts	Percent of Courts
A judge or commissioner	32	100%
School officials	25	78%
School district officials	7	22%
Probation officers	21	66%
Case managers	4	13%
Prosecutors	18	56%
Public defenders	30	94%
* The number of courts does not sum to 32 and the percent of courts does not sum to 100% because the question allowed responses to more than one category.		

*Supervising School Attendance for Students Found in Contempt*

The courts typically take a more proactive role in supervising the attendance of students found to be in contempt of the truancy order. Whereas only about one-quarter of the courts set hearings to review attendance after an order is issued in response to a truancy petition, 65 percent of the courts set review hearings for students who have been found to be in contempt on their court order (see Table 13).

Table 13. Method of Supervising Attendance for Students in Contempt

	Number of Courts	Percent of Courts
After a student is found to be in contempt:		
Students return to court only if the school files a contempt motion.	17	55%
A hearing date is typically set to review attendance.	20	65%
A hearing date is typically set to review the completion of any court ordered services.	20	65%
* The number of courts does not sum to 32 and the percent of courts does not sum to 100% because the question allowed responses to more than one category.		

*Standards for Contempt*

Standards for filing a contempt motion are so remarkably varied among juvenile court districts that in one county a contempt motion could be filed if a student skips a single class period while in another county a contempt motion would only be filed after a student continues to be truant for several months. Some schools take into consideration factors, such as tardies and discipline problems, but all of the courts report that additional absences are a cause for filing a contempt motion (see Table 14). However there is little uniformity on the threshold of absences at which

schools file contempt motions. One court reports that the threshold is one class missed. This standard is rather surprising since an unexcused absence is typically defined as failure “to attend the majority of hours or period in an average school day” (RCW 28A.225.020), though schools do have the option of setting more restrictive policies. Twelve courts (38 percent) report that schools use a threshold of a single additional unexcused absence, and another three courts (9 percent) report that the threshold is two additional unexcused absences. Another court reports that schools file contempt motions after the third unexcused absence. Several courts report that schools use more flexible standards, such as one to three additional unexcused absences or five to ten additional unexcused absences. One court reports that contempt motions are filed only as a last resort after months of noncompliance and other interventions aren’t working.

Table 14. Factors Considered in Filing Contempt Motions

	Number of Courts	Percent of Courts
Additional Absences	32	100%
Tardies	21	66%
Discipline problems	14	44%
Failure to complete previously ordered services	25	78%
Other	2	6%
* The number of courts does not sum to 32 and the percent of courts does not sum to 100% because the question allowed responses to more than one category.		

### *Sanctions*

RCW 28A.225.090 authorizes courts to place students who fail to comply with a court order in detention for up to seven days or to use detention alternatives. Because noncompliance with a court order on a truancy matter is a civil contempt of the court, the court must offer purge conditions, which enable the student to avoid the continued imposition of the sanction. Purge conditions must be reasonably related to the contempt and within the youth’s power to fulfill. However, the issue of contempt has been volleyed back and forth between the legislature and appellate courts, causing some uncertainty at the trial level regarding the appropriateness of detention as a sanction for truancy contempt. Survey responses from some courts suggest that court practices with regard to sanctions and purge conditions may depart from what is specifically authorized by statute. For example, one court reports that the court orders 30 days detention for each finding of contempt. At least one court requires completion of detention time on the third finding of contempt without a purge condition.

Most courts have several types of sanctions at their disposal for enforcing truancy orders. Detention is the most common sanction (see Table 15). The courts that don’t use detention rely on sanctions such as community service, day detention, and weekend detention. Community service is the second most common sanction. Other sanctions, such as day detention, weekend detention, and electronic home monitoring are less common, but give the courts more flexibility

to impose incrementally more severe sanctions. They also may provide options when detention facilities are full.

Table 15. Sanctions

	Number of Courts	Percent of Courts
Detention	27	84%
Community service for the student	24	75%
Fines for the parents	11	34%
Weekend detention	10	31%
Participation in a special program	9	28%
Day detention	7	22%
Electronic home monitoring	5	16%
Community service for the parent	4	13%
Fines for the student	2	6%
Other	12	38%

\* The number of courts does not sum to 32 and the percent of courts does not sum to 100% because the question allowed responses to more than one category.

We asked court administrators to report the purge conditions that their court typically uses for the first finding of contempt. Their responses show that many courts are slow to impose sanctions in truancy cases. Even after students have failed to respond to numerous school interventions and a court order to attend school, four courts (13 percent) do not use a sanction for the first finding of contempt (see Table 16). Ten additional courts (31 percent) merely require that students attend school to purge the first finding of contempt. Some schools have been reluctant to file truancy petitions, because they do not feel that the truancy process has any real teeth. Four juvenile court administrators suggested that swifter sanctions would help encourage schools to fulfill their obligations to file truancy petitions (see Table 24).

However, most courts impose sanctions and purge conditions that require some effort. Seven courts (22 percent) require the completion of an essay, make-up work, or other assignments as the purge condition. Some of these courts allow the work to be completed prior to reporting to detention, whereas others require the work to be completed in detention. Ten courts (31 percent) use purge conditions that may involve community service. At least one court suspends detention to give the student an opportunity to complete the required hours of community service. It is not clear whether other courts suspend detention to allow community service to be completed or whether they order community service as a detention alternative without providing purge conditions. The court that orders 30 days of detention for each finding of contempt did not specify any purge conditions.

Table 16. Purge Conditions for First Finding of Contempt

Purge conditions:	Number of Courts	Percent of Courts
No sanction, therefore no purge condition	4	13%
Attendance at school	10	31%
Essay, make-up work, or other assignments	7	22%
Community service or other detention alternative	10	31%
No purge condition (30 days of detention ordered)	1	3%
	32	100%

#### IV. Services

Some students have serious issues that are interfering with their school attendance. Courts often try to help students address underlying problems that contribute to truancy. Many courts have developed cooperative arrangements with outside resources, such as other government agencies, nonprofit organizations, and even private service providers, to help students get the help they need. RCW 28A.225.090 authorizes courts to order a truant student to submit to testing for drug and alcohol use. Twenty-nine of the 32 responding courts are exercising this authority (see Table 17). The courts typically refer students to nonprofit organizations or private providers for drug and alcohol evaluations. Parents are usually responsible for the costs, but many nonprofit organizations do not charge for their services, and some courts are willing to pay for drug testing if finances are an issue. Most courts also refer students who may have psychological issues for mental evaluations and to counseling. Other services that many courts utilize include anger management classes, counseling for parents, parenting classes, tutoring, and case management. Only two courts address economic issues such as food and housing. Issues such as homelessness can be a serious impediment to school attendance, and courts can refer students facing economic hardships to the many government and community programs that are available to provide assistance.

Table 17. Court Ordered/Referred Services

Service	Number of courts using	Provider				Payer		
		Court	Gov't Agency	Nonprofit organization	Private provider	Parent	Court	Service provider
Drug/alcohol evaluation	29	6	7	16	17	23	9	12
Counseling for the student	24	4	11	13	18	21	10	11
Mental evaluation	21	5	6	8	14	15	10	9
Anger management class	17	9	4	7	7	10	11	6
Counseling for the parents	16	2	7	8	13	15	6	9
Parenting classes	15	5	6	8	10	13	7	6
Tutoring	15	4	8	8	5	9	6	11
Case management	15	11	9	3	2	4	14	4
Food and/or housing	2	0	2	2	1	0	1	2

Notes: Figures represent the number of courts. Many courts use more than one provider and payer for ordered services.

The courts may have difficulty identifying issues that are interfering with a student's school attendance, but early identification of serious issues can help students begin to make progress and avoid further court appearances. Most courts try to identify issues at the truancy petition hearing rather than waiting until a contempt motion is filed against a student (see Table 17). Identifying these issues is especially difficult given the short amount of time that a student spends in the courtroom with a judge. Nearly one-third of the courts report that judges initiate

requests for services, but most courts rely heavily on others who know the students better to make recommendations for services. School officials the most common initiator of a request for services. Schools typically make recommendations for services as a part of their truancy petition or contempt motion. RCW 28A.225.035 specifies that the truancy petition should “provide information about what the court might order,” and most schools follow this procedure (see Table 20). Probation officers or case managers are the second most common initiator of service requests and are typically more involved once the student is found in contempt of the initial court order. Some courts also report that parents and student’s legal counsel also initiate requests for services.

Table 17. Timing of Needs Identification

Needs for services are usually identified:	Number of Courts	Percent of Courts
At the truancy petition hearing	17	53%
At a contempt hearing	10	31%
At both/either the petition or contempt hearing	5	16%
	32	100%

Table 18. Requests for Services

Requests for services are typically initiated by:	In conjunction with the:	
	Petition hearing	Contempt hearing
A parent	23%	19%
A school official	74%	71%
A probation officer or case manager	45%	55%
A commissioner or a judge	32%	23%
The student’s lawyer	---	16%

\* The number of courts does not sum to 32 and the percent of courts does not sum to 100% because the question allowed responses to more than one category.

## V. Schools

Schools have the responsibility for early truancy interventions and initiating court action against students who don't comply with mandatory attendance laws. Because schools are so important to the Becca Bill truancy process, we asked courts several questions about school practices and the relationship between the schools and courts on truancy matters.

### *Early School Interventions*

Schools have the primary responsibility for preventing truancy, and the courts only become involved when students fail to respond to school efforts to encourage attendance. According to RCW 28A.225.020 after the first unexcused absence, schools contact the student's parents to inform them of the absence and the potential consequences. After two unexcused absence within a single month, the school schedules a conference with the student and the student's parents and takes steps to eliminate or reduce absences. The school may adjust the student's schedule, place the student in a vocational education program, require attendance in an alternative education program, or refer the student to a community truancy board. After the fifth absence in a month, the school is required to enter into an agreement with the student establishing attendance requirements, refer the student to a community truancy board, or file a petition with the court alleging a violation of the mandatory attendance requirements. Upon the seventh unexcused absence in a month or the tenth unexcused absence in a school year, the school district is required to file a petition with the court. We asked courts whether schools were fulfilling these responsibilities for early interventions. Nearly all (91 percent) of the courts replied that schools are making the required efforts (see Table 19). This is important, because the petition is not valid unless schools have made these efforts. However, a number of courts also qualified their answer by indicating that while the schools make attempts to contact parents and to schedule conferences, those efforts are often unsuccessful. Several courts did not know whether schools were making the required interventions, because schools in their juvenile court district do not provide the information on truancy petitions.

Table 19. School Interventions and Petitions

Before the school files a truancy petition, has the school conducted the interventions specified in the Becca Bill?	Number of Courts	Percent of Courts
No	0	0%
Yes	29	91%
Don't know	3	9%
	32	100%

*Information Provided by the Schools in Truancy Petitions*

RCW 28A.225.035 specifies that truancy petitions submitted to the court must include the number of unexcused absences the student has accrued, a report on the actions the school has taken to reduce absences, and recommendations on what the court might order. All of the courts indicate that truancy petitions report the number of unexcused absences in their truancy petitions, but schools in some juvenile court districts omit some of the other required information while schools in other court districts provide additional information that may be helpful to the court. Eighty-eight percent of the courts report that truancy petitions contain the number of excused absences that students have (see Table 20). Some schools may be concerned that parents write excuses for students who have missed a lot of days to avoid having the child sent to court. Ninety-one percent of the courts indicated that truancy petitions provide information about the steps the schools have taken to reduce absences. Truancy petitions filed in three courts do not provide this information, even though it is mandated in the statute. Truancy petitions in most courts also provide information on discipline issues, grades, and academic progress. For example, the Shelton school district’s attendance secretary emails teachers a request for comments on students with truancy petition hearings or review hearings and includes teachers’ responses in the reports submitted to the court. Truancy petitions in 72 percent of the courts provide recommendations for court actions or services that the student might need. Truancy petitions in nine courts do not contain this information, even though it is mandated by the statute.

Table 20. Information in Truancy Petitions and Attendance Reports

Truancy petitions/attendance reports typically contain:	Number of Courts	Percent of Courts
The number of unexcused absences	32	100%
The number of excused absences	28	88%
School interventions	29	91%
Information on discipline issues	25	78%
Grades	22	69%
Information on academic progress (i.e. comments from teachers)	22	69%
Recommendations for court actions or services needed	23	72%
* The number of courts does not sum to 32 and the percent of courts does not sum to 100% because the question allowed responses to more than one category.		

*Court Training and Outreach Efforts with Schools*

Some courts provide training to help schools understand their Becca truancy responsibilities and to make sure that school personnel understand the process of filing petitions with the court. Thirty-four percent of the courts have no specific schedule for providing training (see Table 21). These courts may provide training on request from a school or if there seems to be a specific training need. Thirty-eight percent of the courts provide training when there is turnover in a school position involved in the truancy petition process. Thirty-four percent of the courts provide

training annually, and another 16 percent of the courts conduct training two or more times during the school year. Four courts provide no training to school personnel.

Table 21. Frequency of Training Given to Schools by the Court

Frequency of Training	Number of Courts	Percent of Courts
As needed or upon request, no specific schedule	11	34%
When there is staff turnover in a school	1	38%
Annually	11	34%
Two or more times during the school year	5	16%
No training is provided	4	13%
* The number of courts does not sum to 32 and the percent of courts does not sum to 100% because the question allowed responses to more than one category.		

The most common formats for training meetings are seminars with personnel from all of the school districts in the juvenile court district, followed by site visits, in which the court or prosecutor’s office sends a representative to each school district to provide individual training. Five courts hold a court day that allows school officials to observe truancy proceedings and receive instruction on the filing process.

Table 22. Format for School Truancy Training

Format of Training Meeting	Number of Courts	Percent of Courts
Seminar—school officials from all school districts in the county are trained together	17	68%
Court day—school officials visit the court to observe truancy proceedings and the court or prosecutor makes presentations before or after the truancy proceedings	5	20%
Site visits—court personnel or prosecutors visit each school to provide trainings	14	56%
Other	6	24%
* The number of courts does not sum to 32 and the percent of courts does not sum to 100% because the question allowed responses to more than one category.		

In addition to training efforts, many courts have other outreach programs to improve cooperation between schools and the court on truancy matters. Some courts rely on informal methods such as frequent phone contact while others participate in regularly scheduled meetings with school personnel. Regular meetings may include other juvenile issues in addition to truancy. For

example, one court conducts bi-monthly meetings with school officials for pre-filing reviews and post-filing monitoring of at-risk youth, child-in-need-services, and truancy cases. Some courts participate in separate meetings focusing on truancy. One court participates in regular meetings for a truancy team composed of school district attendance officers, community truancy board representatives, and court personnel. A few courts have established staff positions jointly with schools districts or used grant funding to hire a staff member who facilitates communications between the court and the schools. Other courts have newsletters or produce public education materials to help schools and the community stay informed of court policies and processes relating to truancy.

*Cooperation Between Schools and the Courts*

Addressing truancy is a cooperative effort with both schools and courts shouldering a part the responsibilities. Truancy reduction can be most effective when there is close communication and cooperation between the courts and the schools. We asked courts to evaluate their relationship with schools in addressing truancy, and the responses were remarkably positive. Forty-eight percent of the courts responded that the court and the schools work together in establishing policies and programs, and 52 percent reported that the court and the schools understand and cooperate with one another’s policies. None of the courts felt that they were not very familiar with one another’s policies, or that they had conflicting polices, or a severe lack of cooperation with schools.

Table 23. Cooperation Between Schools and Courts on Truancy

	Number of Courts	Percent of Courts
Work together in establishing policies and programs	15	48%
Understand and cooperate with one another’s policies	16	52%
Not very familiar with one another’s policies on truancy	0	0%
Have conflicting policies or don’t cooperate with one another’s policies	0	0%
	31	100%

*Ways to Help Schools Meet Their Becca Bill Truancy Obligations*

We asked court administrators for suggestions about how the truancy petition process could be changed to help schools meet their obligations to file petitions, because the low rate of school filings appears to be a serious limitation on the ability of the courts to address truancy. We grouped similar responses into several categories. The most common recommendation (47 percent of the courts) is to increase the funding, resources, or incentives for schools to file petitions. Twenty-eight percent of the courts thought that schools need more training on the requirements of the law, that more consistent policies between school districts were necessary, or that more leadership from the Office of the Superintendent of Public Instruction is necessary to

encourage more school districts be more vigilant in filing truancy petitions. One-quarter of the courts felt that the law needed to be changed to make filing mandatory for schools by imposing sanctions for noncompliance, much like the federal “No Student Left Behind” law imposes penalties for noncompliance. Five courts said that they needed options for stronger sanctions for students who don’t respond to seven days of detention or parents who don’t respond to \$25 fines. Four courts indicated that schools would have more confidence in the process if the courts processed petitions more quickly and didn’t wait so long before imposing sanctions on students who continue to be truant. Three courts recommended that burdens on the schools from the paperwork involved in filing petitions and making courtroom appearances to provide testimony on attendance should be reduced. One court mentioned that schools should be prohibited from expelling students or dropping students from their rolls for truancy, and one court suggested that every school district should have attendance counselors to help to work with students.

Table 24. Recommended Changes to Help Schools Meet Becca Bill Obligations

	Number of Courts	Percent of Courts
Increase funding/resources/incentives for schools	15	47%
More school training, consistent policies between districts, leadership from OSPI	9	28%
Make filing truancy petitions mandatory by imposing sanctions on schools (or school personnel) that don’t comply with the law	8	25%
Courts need options for stronger sanctions for truant students or their parents	5	16%
Courts need to process petitions and impose sanctions more quickly	4	13%
Ease paperwork and court attendance requirements for schools	3	9%
Prohibit schools from expelling or dropping students from rolls for truancy	1	3%
Every school district must have attendance counselors	1	3%
Other or no comment	8	25%
* The number of courts does not sum to 32 and the percent of courts does not sum to 100% because the question allowed responses to more than one category.		

**Appendix I**  
The Administrative Office of the Courts  
**TRUANCY CASE PROCESSING SURVEY**

**I. Truancy Petitions:**

1. Are truancy petition hearings typically held in a court room or at school?
  - A. Court room
  - B. School
  
2. Are truancy petitions filed by the school district or by the prosecutor's office?
  - A. School district
  - B. Prosecutor's office
  
3. Does the court offer a deferred petition program that issues a stay on the truancy petition if a student participates in an attendance workshop, truancy class, or some other program?
  - A. No
  - B. Yes
  
4. Who typically participates in truancy petition hearings? **(Circle all that apply.)**
  - A. School officials
  - B. School district officials
  - C. Probation officers
  - D. Case managers
  - E. Prosecutors
  - F. Public defenders
  - G. A judge or commissioner
  
5. Who usually conducts truancy petition hearings?
  - A. A judge or commissioner
  - B. A probation officer
  - C. A prosecutor
  - D. Other: \_\_\_\_\_
  
6. At the truancy petition hearing, each student typically: **(Circle all that apply.)**
  - A. Has an individual hearing with a commissioner or judge
  - B. Meets individually with a school official
  - C. Meets individually with a probation officer or case manager
  - D. Meets individually with a prosecutor
  - E. Receives individualized attention only if they have questions about signing an agreed order or want to request special services
  - F. Other: \_\_\_\_\_
  
7. Students who wish to contest the petition typically:
  - A. Meet with a commissioner or judge for a fact finding hearing on the same day as the initial court room appearance
  - B. Schedule a fact finding hearing for another day

8. Truancy classes or attendance workshops are:
  - A. Used as a deferment program for students with their first truancy petition and no previous court record
  - B. Held at court for everyone at the beginning of the truancy petition hearing
  - C. Held at court for students who are found to be truant
  - D. Conducted by a school or community organization for students who are found to be truant
  - E. Not used in this county
  
9. When a student fails to appear for the truancy petition hearing: **(Number the items in the sequence that the court follows.)**
  - A. Another notice and summons is sent by standard mail
  - B. Another notice and summons is sent by registered mail
  - C. The notice and summons is served in person
  - D. A bench warrant is issued
  - E. A default order is entered
  - F. Other: \_\_\_\_\_
  
10. Who arranges and pays for in person service of the summons when students fail to respond to a mail notice and summons for a truancy petition?
  - A. The school or school district
  - B. The prosecutor's office
  - C. The court
  - D. Other: \_\_\_\_\_
  - E. In person service is not typically done
  
11. If a school district files a truancy petition on a student but the school has not met any of its Becca responsibilities for early interventions (informing parents of absences and consequences; scheduling a conference and taking steps to reduce absences; entering into an agreement with the student and parent establishing attendance requirements), will the court enter a truancy order on the student?
  - A. No
  - B. Yes
  
12. Are elementary school students handled differently than junior high or high school students?
  - A. No
  - B. Yes—**Please describe any differences in procedures.**

## **II. Truancy Orders and Court Supervision:**

1. After a student is found truant:
  - A. Another hearing date is typically set to review school attendance
  - B. Students return to court only if the school files a contempt motion
  
2. How long does the court typically supervise school attendance after a student is found to be truant?

3. Does the court require an order extending jurisdiction to continue court supervision past the current school year?
  - A. No
  - B. Yes
  
4. When do schools in your county provide the court with reports on the attendance of students who are under truancy orders? **(Circle all that apply.)**
  - A. On a regular period basis—**please describe:** \_\_\_\_\_
  - B. When the court requests attendance information for a review hearing
  - C. When the school files a contempt motion on a student
  - D. Some schools do not respond to requests or subpoenas for attendance information
  - E. Other: \_\_\_\_\_
  
5. Is case management provided by: **(Circle all that apply.)**
  - A. Case managers
  - B. Probation officers
  - C. Volunteers
  - D. Other: \_\_\_\_\_
  - E. No case management is provided for truancy cases

**III. Noncompliance/Contempt:**

1. Who typically files contempt motions?
  - A. Schools/school districts
  - B. The prosecutor's office
  - C. The court
  - D. Other: \_\_\_\_\_
  
2. Who typically participates in show cause hearings for contempt on truancy orders?
  - A. School officials
  - B. School district officials
  - C. Probation officers
  - D. Prosecutors
  - E. Case managers
  - F. Public defenders
  - G. A judge or commissioner
  
3. If the court provides legal counsel for a contempt hearing, is the student assessed a fee?
  - A. No
  - B. Yes—**Amount of the fee:** \_\_\_\_\_
  - C. The court does not provide legal counsel for students for truancy contempt hearings
  
4. After students are found to be in contempt of their truancy order: **(Circle all that apply.)**
  - A. Students return to court only if the school files another contempt motion
  - B. A hearing date is typically set to review school attendance
  - C. A hearing date is typically set to review the completion of any court ordered services

5. What factors are considered in filing contempt motions? **(Circle all that apply.)**
- A. Additional absences: **Threshold for filing contempt:** \_\_\_\_\_
  - B. Tardies
  - C. Discipline problems
  - D. Failure to complete previously ordered services, such as a drug/alcohol assessment
  - E. Other: \_\_\_\_\_

**IV. Services and Sanctions:**

1. What services may the court order to address issues interfering with school attendance, who provides the services, and who pays for the services? **(Mark all that apply.)**

Service	Not ordered for truancy	Provider				Payer		
		Court	Gov't Agency	Nonprofit organization	Private provider	Parent	Court	Service provider
A. Drug/alcohol evaluation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B. Mental evaluation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. Medical evaluation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
D. Counseling for the student	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
F. Counseling for the parents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
G. Parenting classes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
H. Food and/or housing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I. Tutoring	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
J. Case management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
K. Anger management class	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
L. Other: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
M. Other: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. When students require services to help address issues interfering with school attendance, are these needs usually identified at the initial truancy petition hearing or at a contempt hearing after attendance does not improve?
- A. At the truancy petition hearing
  - B. At a contempt hearing
3. In connection with the truancy petition, who typically initiates a request for services when there are issues interfering with school attendance?
- A. A parent
  - B. A school official
  - C. A probation officer or case manager
  - D. A commissioner or a judge

4. If students are referred to services in conjunction with a contempt hearing, who typically initiates the request for services?
  - A. A parent
  - B. A school official
  - C. A probation officer or case manager
  - D. A commissioner or a judge
  - E. The student's lawyer
  
5. What types of sanctions does the court typically use for the first, second, and third contempt orders on a student? (**Write the appropriate number on the blank in front of the letter.**)
  - \_\_\_ A. Fines for the student—**Amount:** \_\_\_\_\_
  - \_\_\_ B. Fines for the parent—**Amount:** \_\_\_\_\_
  - \_\_\_ C. Community service for student—**Number of hours:** \_\_\_\_\_
  - \_\_\_ D. Community service for parent—**Number of hours:** \_\_\_\_\_
  - \_\_\_ E. Weekend detention—**Number of weekends:** \_\_\_\_\_
  - \_\_\_ F. Electronic home monitoring—**Number of days:** \_\_\_\_\_
  - \_\_\_ G. Day detention—**Number of days:** \_\_\_\_\_
  - \_\_\_ H. Detention—**Number of days:** \_\_\_\_\_
  - \_\_\_ I. Participation in a special school or court program (please describe below)
  - \_\_\_ J. Other (please describe below)
  
6. What are the purge conditions for the first, second, and third contempt orders?
  - A. First Contempt: \_\_\_\_\_
  - B. Second Contempt: \_\_\_\_\_
  - C. Third Contempt: \_\_\_\_\_
  
7. What sanctions do schools in your county use for unexcused absences reaching the threshold for a truancy petition? (**Circle all that apply.**)
  - A. In school detention
  - B. Suspension
  - C. Expulsion
  - D. File the truancy petition only, no additional school sanction
  - E. Other \_\_\_\_\_
  - F. Don't know

**V. Schools:**

1. Before the school files a truancy petition, has the school typically held a conference with the parent and the student to identify steps to reduce absences after two unexcused absences and entered into an agreement with the student and the parent establishing attendance requirements after five unexcused absences?
  - A. No
  - B. Yes
  - C. Don't know

2. How do school officials give testimony at contested truancy petition hearings and show cause hearings on contempt motions?
  - A. In person
  - B. By submitting a notarized affidavit and an attendance report
  - C. By submitting an attendance report
  
3. What information do school truancy petitions, contempt motions, and reports for review hearings typically contain? **(Circle all that apply.)**
  - A. The number of unexcused absences
  - B. The number of excused absences
  - C. School interventions
  - D. Information on discipline issues
  - E. Grades
  - F. Information on academic progress (i.e. comments from teachers, etc.)
  - G. Recommendations for court actions or services needed
  
4. How often is training provided for school officials involved in the Becca truancy process?
  - A. As needed or upon request, no specific schedule
  - B. When there is staff turnover in a school position involved with truancy
  - C. Annually
  - D. Two or more times during the school year
  - E. No training is provided
  
5. What is the format for the training meeting?
  - A. Seminar—school officials from all schools in the county are trained together
  - B. Court day—school officials visit the court to observe truancy proceedings and the court or prosecutor makes presentations before or after the truancy proceedings
  - C. Site visits—court personnel or prosecutors visit each school to provide training
  - D. Other: \_\_\_\_\_
  
6. What other outreach efforts has the court taken with school or school district officials?
  
7. How would you describe the level of cooperation between schools and the courts on truancy?
  - A. Work together in establishing policies and programs
  - B. Understand and cooperate with one another's policies
  - C. Not very familiar with one another's policies on truancy
  - D. Have conflicting policies or don't cooperate with one another's policies
  
8. School attendance data indicates that most schools file petitions on less than half of the students who have ten or more unexcused absences. What changes (statutory or in court processes) do you feel would help schools meet their obligations under the Becca truancy process?

<b>Please enclose a copy of the truancy petition form and the notice and summons.</b>
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