

Court's Ground-Breaking Truancy Program Will Operate in Five Pinellas Middle Schools

CLEARWATER – One week after school begins, the Sixth Judicial Circuit's Truancy Magistrate Program – initiated earlier this year as a pilot program – will resume its oversight of school-skipping students at five middle schools in Pinellas County.

Modeled after a similar program in Rhode Island and funded with a grant from the Juvenile Welfare Board of Pinellas County, the program sends a magistrate into the schools to conduct hearings for students with chronic absentee rates. Students enrolled at Madeira Beach, Morgan Fitzgerald, Oak Grove, Tarpon Springs and Largo middle schools are given an opportunity to participate in the program if a truancy petition has been filed against them for 15 or more unexcused absences within a 90-day period.

Parents who choose not to participate are summoned to court, where a judge uses state truancy laws to deal with the parent and child. Once a case winds up in court, the most severe outcome could be jail for the parents of the chronic truant, if the State Attorney's office chooses to prosecute. But the goal of Truancy Magistrate Court is to divert the family from the court system to social services that will re-route the child toward a successful academic career.

Vicki Highfield, an attendance specialist within the Pinellas County School System says, "Definitely!" when asked if the program is a good tool for combating truancy. She explains that "The hands-on meetings with families on a weekly basis makes them more aware of the importance of education" and the development of good attendance habits at an early age.

Truancy Magistrate Sharon Gallagher spends one day a week in each of the five schools, conducting initial hearings for newly identified truants and status checks on students previously referred to the program. In the initial phases, parents are required to attend with students. Parents of students who quickly demonstrate a turnaround in attendance and school performance are excused from subsequent hearings.

By dealing with middle school truancy, it is hoped that the even more serious truancy and dropout rates in area high schools will be improved. Magistrate Gallagher refers to studies that have shown that convicted criminals who are released from prison the first time are 50% less likely to commit a violent crime if they have a high school diploma or graduate equivalency diploma (GED). And police departments also cite the frequency of kids committing criminal acts while skipping school.

Circuit Judges Frank Quesada and Irene Sullivan began exploring the idea of Truancy Magistrate Court several years ago when they realized that by the time truants were coming to court, many of them had amassed more than 70 unexcused absences within a school year. "We realized we were just dealing with the tip of the iceberg," Judge Sullivan says. "We were not picking them up quick enough."

At a 2004 truancy summit, the judge who started the Rhode Island program came to Pinellas to address representatives of the school board, law enforcement, the courts, social services and others about the societal implications of truancy and his idea for helping to deal with it. Subsequently, a second summit was held, and the push for the local Truancy Magistrate Court was borne.

With the financial assistance of Pinellas Juvenile Welfare Board, the Administrative Office of the Courts contracted with a magistrate and subcontracted with Family Resources for two case workers. The local

program began last January. Of the first 21 truants in the program, seven graduated from both the program and middle school. Unified Family Court Manger Debra Leiman said 11 students who showed improvement but have not yet completed the program requirements will still be in the program as the new school year begins, and case workers will continue to monitor attendance for the graduates. Ms. Leiman says the goal is to get 75 chronic truancy offenders into the program during this school year.

Both Judge Sullivan and Magistrate Gallagher say that truancy is a sign of deeper problems in the child's life and that the Family Resources case workers are important in rooting out those problems and getting the children with appropriate treatment providers. Judge Sullivan says, "It's a symptom of something else . . . environment, drug problems, low self esteem, undiagnosed learning disabilities, poverty . . . they all can be the cause of the problem."

Truancy Magistrate Court and Truancy Teen Court – a program under which high school truants are sanctioned by a "court" of their peers, other high school students – are diversion programs that allow offenders to by-pass court, while getting their lives back on track and avoiding the more serious problems – such as criminal records – that tend to come later for school dropouts.

While participation is voluntary and although summonses are not issued after the first hearing, Magistrate Gallagher's hearings are official court proceedings. Parents and truants sign documents indicating that they understand the consequence of missed hearings or non-compliance with other requirements. Such failures will result in a summons that takes the student and parents before a Truancy Court judge at the Pinellas Criminal Justice Center . . . where the outcome may be harsher.

Ms. Highfield – the truancy specialist – hopes to see the program "expanded to more middle schools." She says, "The earlier we reach families the more success we'll have."

In Truancy Court, Judge Sullivan also tries the counseling approach before opting for the more severe criminal penalties, but her caseload means that families in court over non-attendance issues cannot be monitored as closely as Judge Sullivan would like. She often can only find time on her calendar for monthly or less frequent updates, while the Truancy Magistrate Program monitors the families on a weekly basis.

Judge Sullivan describes Truancy Magistrate Court as a "carrot and stick approach" with the stick being more serious court action for those who don't respond and the carrot being the identification of family needs and offers of help in meeting those needs.

Ms. Leiman says, "We couldn't have picked a better person" for the magistrate position. Ms. Gallagher is a former assistant state attorney who was involved for 10 years in the education of emotionally handicapped children before she went to law school at Stetson University College of Law. She taught emotionally disabled kids in the Pinellas school system for six years before working four years as a consultant to such programs in other school districts.

Magistrate Gallagher says many of the truants are "kids falling through the cracks while the people in this large school system are working to save all the kids." At the first hearing, she lays out attendance and class performance goals that are tailored to each child, one of which is always requiring the child and parent "to fully cooperate with Family Resources case manager, who may schedule home visits, conduct evaluations and/or recommend services."

If she finds that certain controllable factors are affecting the child's attendance, she might order no contact with people with a criminal record, abidance to all home and school rules, nightly curfew of 7 p.m. and

obtaining the signature of every teacher confirming the student's on-time attendance in every class on each day of the week.

In addition, students are required to start and maintain a planner showing school assignments, due dates, test dates, etc. If the student has an excused absence, he/she is required to get all make-up assignments and produce proof they were completed on time. Magistrate Gallagher even sets the minimum number of minutes for homework in each area of study for each night.

The last thing on every student's check list is to spend 15 minutes each night to "organize book bag," which she says is one step in overcoming a key factor in the road to truancy. "For many of these kids, the problems begin with a chaotic situation at home," she says. "Things are just not organized." She has seen kids empty their book bags to reveal long-overdue work that was completed on time and never turned in. She says the lack of organization is a product of the home environment, with chaos being a result of parents not being home much, joint custody arrangements, etc.

She sees kids who get tagged by other kids and parents with labels that create a lack of confidence on the part of the truant child. "They're bullied and nicknamed by other kids and improperly labeled with such things as A.D.D. (attention deficit disorder), S.L.D. (specific learning disability), etc." She tells of a student who told her his absences were "because he had A.D.D. But when I asked him what that was, he had no idea." Magistrate Gallagher also thinks the transitory nature of today's families is a contributing factor to many of the issues that lead to the lack of organization.

The case managers have continued to work with the truant kids during the summer, getting them into sports and other organized activities, chosen with the idea they can help the truant feel more comfortable among his/her peers and more willing to join in.

The involvement part of Magistrate Truancy Court effects Judge Sullivan's primary mantra for helping troubled kids – "It's all about engagement!," she says. Judge Sullivan declares that connecting the parents, social workers, teachers, etc., to the child and getting the child to open up is an essential element of "saving the child." She ordered bookmarks that are handed out by both she and Magistrate Gallagher, calling for what Judge Sullivan terms the Triple A's remedy: Attachment, Attendance & Achievement.

All three court people – Judge Sullivan, Magistrate Gallagher and UFC Manager Leiman – believe the Truancy Magistrate Program has the potential to put students on a path to better school performance while diverting them and their parents from a sure trip to court and the potential criminal that often follows.

"Often, it's just a matter of improving the parent-child relationship," Magistrate Gallagher says.