

# State of Michigan

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FORTY-SECOND CIRCUIT COURT - FAMILY DIVISION

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## Michigan Senate Testimony on Senate Bills 1151 to 1154 aka Truancy Bills Honorable Dorene S. Allen, Midland County Probate & Juvenile Court Judge December 17, 2014

Thank you Chairman Senator Pavlov and members of this Committee.

My name is Dorene S. Allen and I appear today with more than one hat. First and foremost, I am the Midland County Probate & Juvenile Court Judge and have been for 14 years. I am also the Chair of the Governor appointed Michigan Committee on Juvenile Justice. And finally and most relevant for this testimony, I am also the Chair of the Michigan School-Justice Partnership. Also with me is the Director of the School-Justice Partnership, Angela Cole.

I would like to provide three statistics as background for my testimony. (1) Michigan ranks 40<sup>th</sup> in the United States in high school graduation rates. (2) 49% of our prisoners at the Department of Corrections have no high school diploma or GED. (3) 72% of Michigan inmates read at less than a third grade level. These bills will help Michigan make a start on changing those numbers.

The roots of truancy start at a very young age. A lot of times the reasons for a child being truant are not in the child's control. There is in fact the misperception that truancy is a 16 year old hanging out on the corner who is just "skipping" school. We know that it starts much earlier than that. Not going to school in fact often starts in elementary school. Most truancy is the result of circumstances that the kid can't control such as a chaotic or abusive home environment. They are babysitting younger siblings; they don't have a coat or shoes, or they are being bullied. Also, there is the mom who doesn't have enough gas money to go to both work and school; there is no running water or electricity. And we all know that there is a huge increase in homelessness across our state. The proposed changes to the law are meant to address what actually causes the children to miss school in the first place so that we can enable them for long-term success. This is an issue that touches the lives of all of our children. If we don't address truancy effectively, the prognosis for the child's future becomes bleaker and bleaker.

Truancy is a major problem in Michigan. The key focus of this legislation is to keep kids in school and as a result of that out of the justice or legal system. This is a very simple premise and goal. However, Michigan has no state-wide definition of truancy. In addition, there

is no guidance statutorily to the response when truancy does happen. The variance throughout the state is quite startling. These laws look to change that.

Michigan has the resources already in place that can effectively address truancy. But a legal framework is badly needed. This will not add layers to this process but rather allow all of the various organizations to work more effectively. In fact as a result of this legislation the School Code would “talk” with the Juvenile Code. The definitions will be the same both places and there will be an ability to move effectively between both arenas.

The Wayne County ESA Superintendent, Chris Wigent, really wanted to be here today but was unable to make it because of his schedule. I quote the active experience that Wayne County is having under his leadership and the structure of the School-Justice Partnership:

“Over the past year, the School/Justice Partnership in Wayne County has provided the opportunity for a partnership between many different organizations (education, human service agencies, court, etc.) and has given participants a place to have open and honest discussions regarding how each partner could collaborate in order to help to keep children in school and out of the criminal justice system. Through this work, relationships have been formed that not only help with this important initiative, but also help to create a collaborative atmosphere that provides benefits in other areas. Each organization that is represented on the team has been truly focused on what is best for children and everyone has learned a lot about the barriers that exist in the current systems. Committee members are committed to continuing this work and are confident that these barriers can be reduced and/or eliminated through the time this team works together.”

This is true not just for an urban center like Wayne County but for the rest of the state as well. You will be hearing from Judge Fraser Strome from the Upper Peninsula. This is truly a state-wide problem that requires a state-wide solution with this legislation.

The key concepts of this legislation are truancy and chronic absenteeism. The laws proposed look to define a truant as a child/youth who misses school for 10 days. Further, there is a graduated set of interventions for the child and the parents to avoid getting to that point. The goal is to keep kids in school and not have to go to the final step of consequences: the court petition with court involvement. There is also a definition of chronic absenteeism – missing 10% of the days in school. There is solid research that a child missing school for greater than 10% of the time is compromised as far as education and therefore graduation.

The bottom line is that if we don't address these very basic issues, then the fallout for Michigan is truly a tragedy. That fallout is the cost of dealing with a child who ends up in the justice or legal system and often our prisons.

But even more importantly, the cost is the waste of a child's future.

The legislation will work. It has been vetted by the Department of Human Services and the Department of Education. We have had a robust state-wide initiative – a summit in 2013 and

series of state-wide meetings of the county teams this year. These teams are made up of multi-disciplinary collaborative agencies and individuals. Schools, law enforcement, DHS, mental health, faith community, foundation community and the courts. We have a graph for your review which represents the participation from 81 of 83 of our counties in this initiative. There are more than 800 people devoting their efforts to this partnership. The reason is simple: this is a state-wide issue that is very frustrating at the front lines. In really an unprecedented collaboration – where all these stakeholders sit down for their county across the table from one another -- they talk about what to do about this problem and are acting on the problems with wonderful success stories. These county teams are your counties – they come from every area in the state -- urban, suburban and rural. And they have all said the same thing; this is a problem and we need the solutions that are offered by this legislation.

The county teams have been so impressive. They have been taking off and actually using this proposed legislation as the template for their work in their own counties.

I would ask on behalf of this Partnership that this legislation be supported as the tool that it really is – a template for the success of our children and our state. This legislation is supported by the Michigan Probate Judges Association and also the Michigan Committee on Juvenile Justice.

Thank you so very much for holding this committee hearing and your attention to this problem within our state.

I would like to introduce Kayla Schneider who is a former court ward of mine. She started her involvement in the court system because of truancy. I am very proud of her journey. She has her own story about the reason that we are here.



MICHIGAN  
SCHOOL JUSTICE  
PARTNERSHIP

### **What is wrong with our current truancy laws?**

Michigan has no standard definition for chronic absenteeism or truancy for schools. As a result, rules vary from district to district, there is insufficient accounting of missed seat time, and students are often suspended or expelled without ever addressing what causes them to miss school in the first place.

### **Why should the truancy law be changed?**

Punishing students who fail to come to school by sending them home is counterproductive and contributes to lower graduation and higher delinquency rates.

Elementary school students who miss school are more likely to struggle academically and eventually to drop out of school altogether. The decision to drop out is a dangerous one for the student. Dropouts are much more likely than their peers who graduate to be unemployed, living in poverty, receiving public assistance, in prison, unhealthy, divorced, and single parents with children who drop out from high school themselves.

Our communities and nation also suffer from the dropout epidemic due to the loss of productive workers and the higher costs associated with increased incarceration, health care and social services.

### **What will the changes mean for schools?**

The proposed legislation would define “chronic absenteeism” and “truancy,” which are now categorized differently and treated differently from district to district. Schools would have consistent definitions and guidelines for dealing with truant students with preventative and corrective measures so that the response to skipping school is not just sending students home, where they miss even more class time.

### **What are the benefits to changing these laws?**

When people think of truancy they think of kids making a decision to run with the wrong crowd. Instead, most truancy is the result of circumstances the kid can't control such as they are babysitting younger siblings, they don't have a coat, or they are being bullied.

Please see the attached Attendance Matters article provided by our Dickinson County team listing the top ten reasons kids miss school. The proposed changes to the law are meant to address what actually causes the children to miss school in the first place so that we can enable them for long-term success.

### **Are truancy issues problems in my community?**

An estimated 250,000 Michigan youth are not enrolled in school, are not working, and do not have a GED or high school diploma. Michigan ranks 40<sup>th</sup> in the nation for graduation rates and is continuing to trend downwards. Of the 8,800 people sentenced to prison in Michigan in 2012, 49% did not have a GED or high school diploma. 72% of Michigan inmates read at less than a 3rd grade level.

### **Will these changes save my district money?**

Every student a district loses is worth roughly \$7,200 in annual per pupil funding. Every prisoner Michigan gains each year costs about \$37,500. An average prisoner spends 4 years in prison costing a total of \$150,000 each. Michigan currently houses more than 400 juveniles less than eighteen years old.



## ATTENDANCE MATTERS – TOP TEN REASONS FOR MISSING SCHOOL

Dickinson County School Attendance Partnership

School staff have heard many reasons why children miss school. The Dickinson County School Attendance Partnership leaders came up with the top ten reasons told by students or parents as excuses for missing school. *See solution ideas written below each reason.*

### **1. I missed the bus.**

Every effort should be made to get up early enough to insure a child is ready for the bus. A back up plan needs to be designed in the event a child misses the bus; i.e., alternative transportation arrangements. Call the school to inquire about transportation assistance. Don't worry if the arrangements make your child late; it is better for your child to arrive late than not attend at all.

### **2. It was too cold to go to school.**

Schools have policies determining safe temperatures for school attendance. If school is in session, the child should be there. Make sure that the child has adequate outer wear for school. If money is an issue, local agencies, such as St. Vincent De Paul and Salvation Army, Clothes Closets, and other sources will assist families in finding adequate coats, snow pants, hats, boots, and mittens as needed. Also, most elementary schools have a surplus of gently-used warm winter outer wear for all children.

### **3. We took a quick vacation.**

Family experts and teachers warn that missing school can place unhealthy stress on a child; for some students trying to catch up on work, while their peers are moving ahead, can be difficult, particularly as students grow older and the workload becomes heavier and more complex. If considering taking your child out of school, teachers and family experts offer the follow guidelines: (1) Know the school policy; (2) Make sure there are no other options; consider– student's age, academic standing and ability to make up work, the length of absence, and the timing of the trip (missing tests, team sign-ups, important events, etc), and try to add some educational benefit to their time away from school. Every effort should be made to schedule family trips, vacations, appointments, etc. when school is not in session.

### **4. I had a doctor's appointment.**

If your child has to go to the doctor for an unexpected reason, by all means take any appointment that is available. If your child is scheduling an appointment,

make the appointment after the end of the school day. Most doctor and dentist offices are open until 5:00 PM.

### **5. I was too tired, I didn't sleep enough.**

Bedtime routines are critical in school aged children. Adequate sleep may involve established "quiet time" throughout the house, removal of distractions; such as, television and electronics, cell phones, and any other activities that interfere with sleep. Exercise, eating healthy foods and going to bed early are important.

### **6. My brother didn't go, so I had to stay home to help take care of him.**

Parents must avoid asking other school aged children to care for siblings at home. Other responsible adults should be sought to oversee children staying home. Babysitting is not your child's job during the school day. School is their job! If you need information on day care resources, check with your school.

### **7. Our car wasn't working and I couldn't get to school.**

Busing is most often available to students outside of walking distance. The schedule and arrangements for busing should be sought on days a car is not available. A back up plan involving asking another driver to take students to school should be developed. Most other adults and parents are happy to assist.

### **8. I had a stomach ache.**

Make sure there isn't any underlying reasons for your child saying they have a stomach ache. Are they really sick, or is something else bothering them? If a child is throwing up or experiencing diarrhea, it would be best to keep them home. Should stomach aches become frequent, the underlying reason may be linked to anxiety or other psychosomatic causes. Medical attention should be sought.

### **9. I had a high temperature and was throwing up.**

This is a very acceptable excuse for missing school. You should not send your child to school if they are truly sick.

### **10. I thought it was Saturday.**

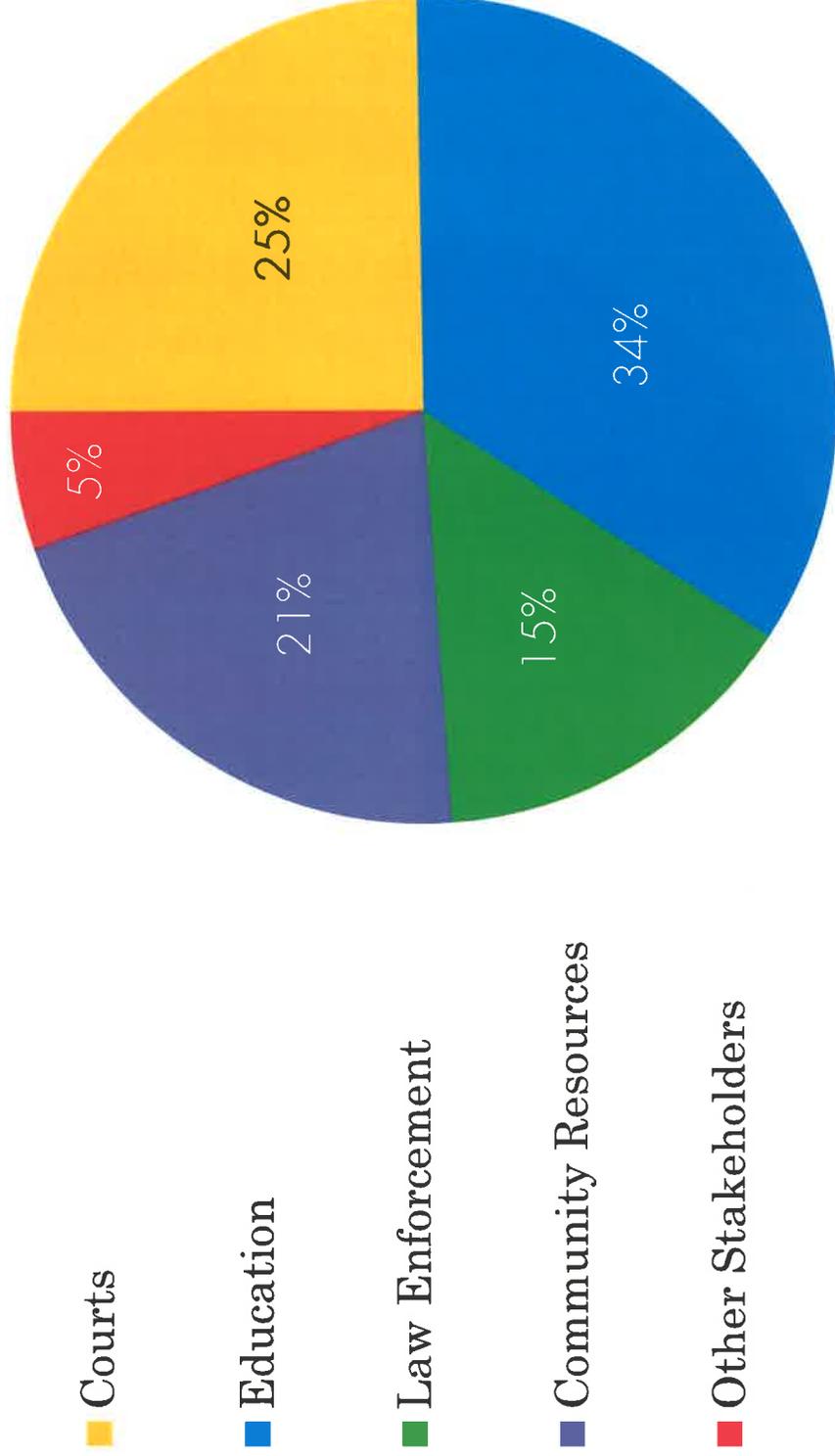
This is right up there with my dog ate my homework! Most families benefit from a family schedule or calendar posted within the home. It is very helpful when families discuss nightly their schedules for the following day.

**Remember – Attendance Matters!**



# MICHIGAN SCHOOL-JUSTICE PARTNERSHIP

Justice. School. For All.



## School-Justice Partnership Team Membership by Category

Represents 803 team members from 81 of Michigan's 83 counties