

EARLY WARNING PROGRAM

FOR

ADDRESSING TRUANCY

IN COOPERATION WITH

THE CULLMAN COUNTY SCHOOLS

AND

THE CULLMAN CITY SCHOOLS

ADMINISTERED

BY

THE JUVENILE COURT

OF CULLMAN, ALABAMA

BY

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## INTRODUCTION

Truancy is a serious concern for the people of Cullman, Alabama. Our youth embody the direction Cullman will take in the future and truancy directly affects this outcome. The easiest way to describe the importance of supporting an early warning program is to discuss the two “D’s”-dropouts and delinquency.

The correlation between truancy and dropout is an easy one to make-especially when student handbooks and policy and procedure manuals contain information regarding retention after a certain number of unexcused absences. Retention committees making appropriate decisions based upon each individual child’s unique characteristics work well. But, when a youth of 17 is looking at another year as an 9<sup>th</sup> or 10<sup>th</sup> grader because of the steepness of the slope caused by truancy-dropping out is the only attractive option.

There is also a correlation between truancy and delinquency. According to the Program of Research on the Causes and Correlates of Delinquency, “...truancy is a likely precursor to serious nonviolent and violent offenses among youth...”<sup>1</sup> The Program also concluded that early intervention is critical. “Since truancy has been linked to delinquency...it is a critical issue to address as early and effectively as possible.”<sup>2</sup>

It is easy to surmise that school administrators would be interested in keeping the dropout rate as low as possible. Likewise, it is easy to surmise that juvenile court judges would like to see a decrease in the incidence of truancy. That being said, an early warning program could effectively do both.

So, the stated goal of the program is to: “Decrease dropout and delinquency rates by educating students and parents through the Early Warning Program.”

Throughout the 2008-2009 school year, the Early Warning Officer met with students, staff, and families on an individual basis in meetings that lasted 20 minutes each. Although the total number of referrals dropped from 423 the previous year to 362, the burden on school staff and on the Early Warning Officer was time-consuming and redundant. With the stated goal of the Program in mind, the requirements of truancy law can be met and the burden on staff resources decreased for everyone’s benefit.

#### EARLY WARNING PROGRAM

The overall success of the Program rests upon early intervention. While the City and County schools’ procedures may differ regarding how they handle unexcused absences (UA’s) of less than 5, every attendance officer needs to send the Early Warning Officer referrals when children reach 5 UA’s. The 5<sup>th</sup> UA is the threshold for Juvenile Court involvement and the referral is the instrument for access to the Early Warning Program. According to the Administrative Code of the Alabama State Board of Education:

“No earlier than the fifth unexcused absence (conference) (i) The parent, guardian, or person having control of the child shall (1) attend a conference with the attendance officer and principal or his/her designee and/or (2) participate in the early warning program provided by the juvenile court.”<sup>3</sup>

The Program will focus on the “and/or” aspect of the Code and will effectively end the string of meetings that took school staff away from their duties. Future meetings will

be held at the courthouse in the second-floor courtroom.

Participation in these meetings will be mandatory as described by the Code. “(ii) Attendance at one of these conferences shall be mandatory except where prior arrangements have been made or an emergency exists.”<sup>4</sup> Letters will be sent to the parents/guardians of each child that announce the mandatory meeting due to noncompliance with Alabama’s attendance policy. These noncompliance letters will have on their face the citation regarding mandatory school attendance for all children ages 7 through 17<sup>5</sup> as annotated in the Code of Alabama 1975. An often overlooked aspect of the code, however, is the fact that all students enrolled are subject to the law even if they are younger than 7 years of age: “...each child who enrolls in public school, whether or not the child is between 7 and [17], is subject to the school attendance and truancy laws of the state.”<sup>6</sup>

The Early Warning Officer will notify the parents that their attendance will be required at the Early Warning Program meeting at the courthouse. There will be 2 meetings held weekly. One will be held at 7:00 AM and another at 4:30 PM. Parents will be required to bring their children as long as they are aged 13 or above. Parents will sign in and receive a packet containing the Alabama State Board of Education’s Truancy Policy and a resource list including information such as the Parent Project, Safe Harbor, etc.

Just because the Program is going to be centered at the Courthouse and the Juvenile Probation Office and not in the schools doesn’t mean that the teachers, counselors, principals, and school resource officers are not welcome at the meetings. As a

matter of fact, the Early Warning Officer will provide the referring attendance officers with the meeting dates and times so that concerns can be addressed. In other words, if anyone has issues that need to be addressed with the child or the family due to a perceived or apparent lack of concern or cooperation on their part-the Early Warning Officer will set up a meeting for a later date and all parties can discuss the problem(s).

#### RISKS OF NONCOMPLIANCE

Although 5 UA's is the threshold for Juvenile Court involvement and entrance into the Early Warning Program, 7 UA's is the threshold for a petition for the child, warrant(s) for the parent(s), or both. The Alabama State Board of Education's Truancy Policy states: "No earlier than the seventh unexcused absence, but within ten (10) school days (court)...[file] complaint/petition against the child and/or the parent under *Code of Alabama 1975, 16-28-12(c)*..."<sup>7</sup>

Sometimes, a warrant and/or a petition to get the parent and/or child in front of the judge are absolutely necessary and both can end up on probation. But, it might also be possible to utilize the Informal Adjustment (IA) process as well. The IA process can be used to address the issue of truancy without going all the way to the judge: "Informal adjustment shall include counseling and advising the child and his parents or custodian by the intake officer and other appropriate persons..."<sup>8</sup> Requirements can be placed upon the child-aged 13 and above-that would hopefully motivate him or her to comply with the school's attendance policy.

The child may be required to attend counseling with Mental Healthcare of Cullman to address emotional, behavioral, and psychological problems or with the Bridge

Treatment Center for Teens to address drug or alcohol problems. Sometimes, parents choose to make arrangements with private practitioners or even private treatment centers like Bradford. If successful, the child's problems were addressed and corrected without having to be placed on probation by the judge.<sup>9</sup> If not, the Early Warning Officer can file a petition against the child.<sup>10</sup>

## CONCLUSION

Hopefully, the Juvenile Court of Cullman County, the City of Cullman Schools and the Cullman County Schools can all work together to decrease the incidence of delinquency and dropouts. The success-or failure-of the Early Warning Program can be assessed by simply running the numbers at the end of each school year. Although the numbers don't reveal the true scope of the problems families face, they will be a useful indicator. The results of yearly assessment and review mean that the Program will have to be modified to meet the changing needs of the families of the community.

The key to success rests in early detection of truancy. As long as referrals are made at the 5<sup>th</sup> UA, the Program will at least have a chance to get started and have an opportunity to positively affect the life of a child and his or her family.

APPENDIX I



**JUVENILE COURT OF CULLMAN COUNTY**

1908 Beech Ave. SE  
Cullman, Alabama 35055  
PH: (256)775-4772  
FAX: (256)739-3042

Kim J. Chaney  
District Judge  
Officer

Greg Nicholas  
District Judge

Brenda Howell  
Chief Probation

**NOTICE OF NONCOMPLIANCE WITH  
ALABAMA COMPULSORY ATTENDANCE LAW  
DATE:**

TO:  
PARENT/GUARDIAN OF:

I have received a report from the school that your child/children has/have unexcused absences or tardies, and/or excessive absences.

TAKE NOTICE, pursuant to the *Code of Alabama*, (1975), 16-28-16 that:

1. No valid reason for nonenrollment or nonattendance of your child/children at school has been found. State law, *Amending Section 16-28-16 of the Code of Alabama* (1975), specifies that each child who enrolls in a public school, whether or not the child is between the ages of 7 and 17 (amended from 16 by Act 2009-564, May 18, 2009), [and] is subject to the school attendance and truancy laws of the state. It is your responsibility under the law to ensure the attendance of your child/children.
2. If your child/children continue to miss school without valid excuse or good reason, I am required by the state law and school board policy to bring criminal prosecution against you and/or a petition in Juvenile Court against your child/children.



3. If criminal prosecution occurs, you will be charged with the violation of Code of Alabama (1975), 12-15-13, contributing or causing the delinquency or dependency of a minor. This offense is punishable by a fine of up to \$500.00 or a sentence to hard labor for the county for a period not to exceed 12 months or both.
4. You should contact this office immediately to discuss this matter. Please call: 775-4921.

Sincerely,

Jon. E. Laidley, Early Warning Officer  
Juvenile Probation Services

## APPENDIX II

(Limited to Contain Info Pertaining to Truancy)

**ALABAMA STATE BOARD OF EDUCATION  
STATE DEPARTMENT OF EDUCATION  
ADMINISTRATIVE CODE  
CHAPTER 290-3-1  
PUBLIC SCHOOL GOVERNANCE  
TABLE OF CONTENTS**

**290-3-1-.01 Short Title, Purpose, And Name Change**

**290-3-1-.02 Regulations Governing Public Schools**

(c) Truancy Definition. A parent, guardian, or other person having charge of any child officially enrolled in Alabama public schools (K-12) shall explain in writing the cause of any and every absence of the child no later than three (3) school days following return to school. A failure to furnish such explanation shall be evidence of the child being truant each day he is absent. The child shall also be deemed truant for any absence determined by the principal to be unexcused based upon the State Department of Education's current School Attendance Manual. Seven unexcused absences within a school year constitute a student being truant for the purpose of filing a petition with the Court. The Interagency Committee on Youth Truancy Task Force recommendations known as the Early Warning Truancy Prevention Program timeline for reporting truancy shall define the truancy status of any student as follows:

1. First truancy/unexcused absence (warning)

(i) Parent/guardian shall be notified by the school principal or his/her designee that the student was truant and the date of the truancy.

(ii) Parent/guardian shall also be provided with a copy of Alabama's compulsory school attendance laws and advised of the penalties that can be applied and the procedures that shall be followed in the event that other unexcused absences occur.

2. No earlier than the fifth unexcused absence (conference)

(i) The parent, guardian, or person having control of the child shall (1) attend a conference with the attendance officer and principal or his/her designee and/or (2) participate in the early warning program provided by the juvenile court.

(ii) Attendance at one of these conferences shall be mandatory except where prior arrangements have been made or an emergency exists.

(iii) Failure to appear at the school conference and/or to appear at the early warning program shall result in the filing of a complaint/petition against the parent under Code of Ala. 1975, §16-28-12(c) (failure to cooperate), or a truancy against the child, whichever is appropriate.

3. No earlier than seventh unexcused absence, but within ten (10) school days (court)

(i) File complaint/petition against the child and/or parent/guardian, if appropriate.

APPENDIX III

TEACHER REFERRAL FORM

_____		_____	
Name of person referring		Date of referral	
_____		_____	
Referring school		Number of previous referrals this student (this school year)	
_____		_____	
Student's name		Grade	Street address
_____		_____	
Home phone Zip		City	
_____		_____	
Date of birth		Age	Social Security Number
_____		_____	
Parent/guardian name work/cell		Address  (if different from student)	
_____		_____	
Student lives with (if different from parent)		Phone	

OFFICIAL ATTENDANCE RECORD

_____	_____	_____	_____
Total days on roll	Total Absences	# of UA	# UT

\_\_\_\_\_ Dates of UA (or provide current STI printout) \_\_\_\_\_ Dates of UT (or provide current STI printout)

Are the unexcused days marked in the attendance register? \_\_\_\_\_

If student has had a truancy problem in previous school years, provide any information you may have.

\_\_\_\_\_ Quality of student's school work: (circle one) Above Average/Average/Below Average/Failing

Please indicate what special education services this student receives, if any:

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Directions to home: (Please be specific) \_\_\_\_\_

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Comments:

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## NOTES

<sup>1</sup> Loeber, R., Farrington, D.P., and Petechuk, D. (May 2003). Child Delinquency: Early Intervention and Prevention. *Child Delinquency Bulletin Series*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. This website has material for continuing education and multiple links that are helpful for systems to develop their own programs. Available online at: <http://www.ncjrs.gov/html/ojjdp/186162/contents.html>.

<sup>2</sup> Ibid.

<sup>3</sup> Regulations Regarding Public School Governance, State Department of Education, Alabama State Board of Education, *Administrative Code*, Chapter 290-3-1, Page 3-1-9, Supp. 6/30/08. It is possible that parents and children alike will take the Program more seriously than otherwise just by virtue of the fact that the meetings will be held in the courtroom.

<sup>4</sup> Ibid., Page 3-1-10.

<sup>5</sup> Act 2009-564, Alabama State Legislature, amends *Code of Alabama* (1975) and adds section 16-28-3.1 which increases the mandatory age of school attendance from 16 years to 17 years of age. Available online at: <http://www.legislature.state.al.us/CodeofAlabama/1975/coatoc.htm>.

<sup>6</sup> *Code of Alabam* (1975), 16-28-16. Available online at: <http://www.legislature.state.al.us/CodeofAlabama/1975/coatoc.htm>.

<sup>7</sup> Regulations Regarding Public School Governance, State Department of Education, Alabama State Board of Education, *Administrative Code*, Chapter 290-3-1, Page 3-1-10. Supp. 6/30/08.

<sup>8</sup> Rule 15, Informal Adjustment, *Alabama Rules of Juvenile Procedure*, (May, 2005). The goal here is to actively involve the schools and the court in the treatment of truant children. This will serve to help identify other problems so that appropriate referrals can be made. Available online at: <http://juv.alacourt.gov/> under “Alabama Rules of Juvenile Procedure.”

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

## WORKS CITED

Alabama State Department of Education, Regulations Regarding Public School Governance, *Administrative Code*. Chapter 290-3-1, (Supp. 06/30/2008), Pages 3-1-09, 10.

## ELECTRONIC RESOURCES

Loeber, R., Farrington, D.P., and Petechuk, D. *Child Delinquency*, Child Delinquency: Early Intervention and Prevention. (Washington, DC, May 2003) Office of Juvenile Justice and Delinquency Prevention. Available online at: <http://www.ncjrs.gov/html/ojjdp/186162/contents.html>.

Rules of the Alabama Supreme Court, *Code of Alabama 1975*: Rules of Juvenile Procedure-Rule 15. Available online at: <http://juv.alacourt.gov/> under “Alabama Rules of Juvenile Procedure.”