NATIONAL JUVENILE JUSTICE NETWORK

February 16, 2016

Dear Chair Brenner, Vice Chair Hayes, Ranking Member Fedor, and Members of the House Education Committee,

On behalf of the National Juvenile Justice Network (NJJN), a national membership organization of 53 youth justice organizations in 39 states and the District of Columbia, I want to thank the Chairman and members of the committee for calling attention to educational opportunity and student success in Ohio. As you know, the education of our youth is one of our best methods of preventing crime; as educational attainment increases, the likelihood of criminal justice involvement decreases.[i] NJJN has seen far too many students around the country miss school due to discipline issues and truancy. Fortunately, we have also seen states begin to reverse this tide by implementing reforms to keep kids in schools, ultimately improving youth outcomes.

Unfortunately, although Ohio has made addressing truancy a focus of policy, its approach to truancy is like a bicycle stuck in one gear – that of sending kids to court. This has inadvertently discouraged high educational attainment, and thereby *increased* risks to public safety. Students who are pushed out of schools—through suspensions, expulsions, and/or court referrals—suffer disruptions in their education that can escalate poor behavior, drive students to get involved in gangs or engage in dangerous behavior, and dramatically decrease their chances of successfully returning to school and leading productive lives. And studies show that community-based programming is more effective than court in preventing future crime.[ii]

Just as a bicycle works best when it uses the right gear for the terrain, our responses to youth who are skipping school should use different resources for different situations, instead of relying entirely on the punishment gear. There are many different reasons why youth skip school -- such as caring for siblings, transportation issues, a lack of support or encouragement to go to school, untreated mental health issues or learning disabilities, or not feeling safe or feeling frustrated at school.

For the system to work well, we need to use different responses for different situations – shifting gears to address the underlying needs through sensible approaches like problem-solving, providing links to community resources or mental health services, and age-appropriate responses for children and teens. By using different gears, we can reach our destination without needlessly involving youth in a system that is punitive and often ill-equipped to address their needs to ensure they complete their education successfully.

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The National Juvenile Justice Network believes that Ohio's HB 410 provides those additional gears to address the main causes of student disengagement. This will help students get where they need to go, and improve the safety of Ohio's neighborhoods.

Ohio's Truancy Policy: Stuck in One Gear

As noted above, Ohio law is stuck in one gear when it comes to responding to truant students: referring them to delinquency court. By law, Ohio creates three categories of truancy: habitual truancy, chronic truancy, and double chronic truancy. In the case of both chronic and double chronic truancy, the automatic response is a direct referral to delinquency court. Even at the lowest level, so-called "habitual truancy," schools are given the option to intervene or refer a student directly to court. Ohio law does not require schools to determine why a student is truant or take any steps to help the student attend school before the student is referred to juvenile court. By defaulting to court referral as its primary response, schools are stuck in one gear, and are missing a clear opportunity to shift gears and engage youth by identifying barriers and developing interventions for prevention. Such juvenile court involvement is linked to school dropout and further involvement in the juvenile court system.

Switching Gears: Moving from Punishment to Prevention

The commonsense solutions outlined by HB 410 would shift Ohio's youth policies from punishment to prevention. By creating a new process for youth who are missing school, eliminating truancy as an automatic delinquency offense, prohibiting students from being suspended or expelled for missing school, establishing data collection on truant youth, and aligning truancy definitions with instructional hours, Ohio adds more gears to respond, allowing it to engage at-risk youth and encourage educational success, thereby reducing likelihood of youth justice involvement.

The multi-faceted approach outlined in HB 410 opens the way to following best practice for responding to truancy, as outlined by experts at the Vera Institute of Justice, including: keeping kids out of court; offering immediate responses to help families cope; a triage process to make sure the right gear is being used for the situation; engaging the whole family, and monitoring outcomes to assess effectiveness.[iii]

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HB 410 Helps Students, Schools, and Ohio Meet Their Goals

By implementing a true student engagement plan as outlined in HB 410, students will gain the critical supports needed to succeed in schools, schools can meet their attendance goals, and the state will see increased educational achievement. It is for the above reasons that the National Juvenile Justice Network is asking the committee to pass HB 410.

Thank you for your consideration.

Sarah Bryer

Director, National Juvenile Justice Network

[i] Sarah Lyons and Nastassia Walsh, "Money Well Spent: How Positive Social Investments Will Reduce Incarceration Rates, Improve Public Safety, and Promote the Well-Being of Communities," Justice Policy Institute (September 2010): 30, available at http://www.justicepolicy.org/uploads/justicepolicy/documents/10-09_rep_moneywellspent_ps-dc-ac-jj.pdf and "Effective Investments in Public Safety: Education," Justice Policy Institute (2007), available at http://www.justicepolicy.org/uploads/justicepolicy/documents/pre/07-02_FAC_Education_AC-PS.pdf.

[ii] Amelie Petitclerc, Uberto Gatti, Frank Vitaro, and Richard E. Tremblay, "Effects of juvenile court exposure on crime in young adulthood," Journal of Child Psychology and Psychiatry 54, no. 3 (2013): 291–297. See also AnthonyPetrosino, Carolyn Turpin-Petrosino, and Sarah Guckenburg, "Formal system processing of juveniles: Effects on Delinquency," (Campbell System Review, 1, 2010) p. 1-88.

[iii] Annie Salsich and Jennifer Trone, "From Courts to Communities: The Right Response to Truancy, Running Away, and Other Status Offenses" (Vera Institute of Justice, Status Offense Reform Center, December 2013), accessed at http://www.statusoffensereform.org/wp-content/uploads/2013/12/from-courts-to-communities-response-to-status-offenses.pdf.

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