

A GUIDE FOR EXHAUSTIVE EFFORTS TO ADDRESS CHRONIC ABSENTEEISM



STATE OF
NEBRASKA
JUDICIAL BRANCH



PURPOSE & BELIEFS

The purpose of this guide is to provide clear processes and forms for Nebraska Public Schools to utilize when supporting students in reducing chronic absenteeism. The guide will support schools in exhaustive efforts prior to court involvement by utilizing best practice supervision, programs, and services, to ensure students and families receive programming focused directly on the reason for the chronic absenteeism.

Core Beliefs for Supporting Students with Chronic Absenteeism

We believe in meeting the family and youth where they are comfortable, and providing them voice and choice.

We believe in the importance of the collaborative team having a ‘win’ mentality to achieve the goals, objectives, and outcomes to reduce chronic absenteeism through community-based services and programs.

We believe a “warm handoff” is a priority to ensure consistent sharing of relevant and necessary information that informs effective identification of services and programs while protecting confidentiality and privacy rights of youth and families.

We believe consistent documentation of policies and practices is critical to ensure accurate account of referrals, ongoing data collection, fidelity to procedural performance, and impact of practices and reflection.

We believe specialized school staff personnel and/or a community navigator prioritizing focus on chronic absenteeism and supporting the family and student is a necessary priority to achieve success.

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Acknowledgments:


In accordance with the Nebraska Supreme Court Probation Services committee, the *Rethinking Status Youth* workgroup was formed to address truancy youth in the Nebraska courtrooms. After consulting with Robert F. Kennedy National Resource Center (hereinafter RFK), the group decided to provide a guide to support schools in their efforts to address chronic absenteeism. This guide is created to comply with federal and Nebraska state laws regarding juveniles and truancy. The guide is influenced by the NDE’s belief in Attendance Works. The purpose of the guide is very simple - to address chronic absenteeism in Nebraska Schools by engaging communities to respond to the needs of our children.

Rethinking Status Youth Workgroup Members: Honorable Elise White, Honorable Sarah Moore, Honorable Kale Burdick, Chief Probation Officer Mary Visek, Deputy Administrator Kari Rumbaugh and Case Management Specialist Jeremy Behrends.

Current Chair: Honorable Edward Matney

Past Chair: Honorable Chad Brown

Consultant: John Tuell, Executive Director, Robert F. Kennedy National Resource Center for Juvenile Justice



BEST PRACTICE RESOURCES CONSULTED

1. "Rethinking the Role of the Juvenile Justice System: Improving Youth's School Attendance and Educational Outcomes" CSG, Justice Center, The Council of State Governments. September 2020. <https://csgjusticecenter.org/publications/rethinking-the-role-of-the-juvenile-justice-system-improving-youths-school-attendance-and-educational-outcomes/>
2. "Truancy and Its Impacts – Complex Root Causes" Vera Institute of Justice. 2016. <https://www.vera.org/downloads/publications/Truancy-Infographic.pdf>
3. "School Absenteeism and Academic Achievement: Does the Reason for Absence Matter?" Klein et. al. 2022. January-December 2022, Vol. 8, No. 1, pp. 1–14. <https://journals.sagepub.com/doi/10.1177/23328584211071115>
4. Attendance Playbook Smart Strategies for reducing student absenteeism post-pandemic" Jordan. 2023 <https://www.future-ed.org/wp-content/uploads/2023/05/Attendance-Playbook.5.23.pdf>



PROCESS

I. Federal and State Law Consulted

A) Title I, Part D of the Elementary and Secondary Education Act of 1965 (ESEA)

The goals of Title I, Part D, are to:

- 1) Improve educational services for these children so they have the opportunity to meet challenging State academic content and achievement standards.
- 2) Provide them with services to successfully transition from institutionalization to further schooling or employment; and
- 3) Prevent youth who are at-risk from dropping out of school, and to provide dropouts and children and youth returning from correctional facilities with a support system to ensure their continued education.

B) Neb. Rev. Stat. 43-245 – Terms, defined

C) Neb. Rev. Stat. 43-246 – How the juvenile code is construed

D) Neb. Rev. Stat. 43-246.01- Juvenile court, original and concurrent jurisdiction

E) Neb. Rev. Stat. 43-247- Juvenile court, jurisdiction

F) Neb. Rev. Stat. 43-248.02- Juvenile offender civil citation pilot program

G) Neb. Rev. Stat. 43-250- Custody requirements

H) Neb. Rev. Stat. 43-260- Juvenile detention screening instrument

I) Neb. Rev. Stat. 43-260.01 thru 43-260.06- Pretrial diversion program

J) Neb. Rev. Stat. 43-286- Dispositions, motions to revoke, graduated responses

K) Neb. Rev. Stat. 43-286.01- Probation officer duties

L) Neb. Rev. Stat. 43-290- Cost of care and treatment, payment

M) Neb. Rev. Stat. 43-297.01- Office of Probation Administration, duties

N) Neb. Rev. Stat. 79-209 - Failure by the school to document the efforts required by subsection (2) of this section is a defense to prosecution under section 79-201 and adjudication for educational neglect under subdivision (3)(a) of section 43-247 and habitual truancy under subdivision (3)(b) of section 43-247. Illness that makes attendance impossible or impracticable shall not be the basis for referral to the county attorney.

II. Best Practice Approach to Address Chronic Absenteeism

In an effort to support families and students with chronic absenteeism this best practice approach shall be implemented with fidelity and measured for impact. This will allow Nebraska public schools to take all necessary steps to ensure all community-based resources have been exhausted prior to court involvement. Research continues to suggest that providing students with immediate support and services in the community provides for significantly more positive results than court involvement, which may result in increased risk of justice involvement and attendance concerns continuing. This is also supported by Nebraska Revised Statute § 79-209 (Compulsory attendance; nonattendance; school district; duties; collaborative plan; considerations; referral to county attorney; notice), which articulates a list of recommended steps and actions (at a minimum) school districts should take before requesting action by the county attorney (§79-209 1-4). The statute states that all school districts shall define the circumstances and number of absences or the hourly equivalent upon which the school shall render services to address barriers to attendance.

- **Necessary Partners:**

- Nebraska Department of Education
- School District Administrators
- County Attorneys
- Probation
- Children and Family Services
- Courts
- Legislature
- Community Partners

- **School District Engagement:**

- Create process including the following:
 - Identification of youth and assessment

1. Youth identified in school (our pilot process can occur during any of the following times)

- Parent/Caretaker indicates a concern
- Academic partner identifies a concern
- 5/10/20 letters sent
- Corrective meeting held

2. Initial Assessment

- Participants – priority and preferred persons in the meeting
 - Youth
 - Parents/Caretaker
 - Probation
 - Children and Family Services
 - Diversion
 - Educational counsel
 - Community partners – aka service providers
 - Other partners/supports -family identified to make it more successful

II. Best Practice Approach to Address Chronic Absenteeism, continued

• School District Engagement (continued):

3. Initial assessment form is filled out - Steps to ensure initial assessment occurs – what efforts did we take to get the family there?
 - Community Team initiates Notice
 - Location/Date/Time considerations
 - Any other variables to consider (religious/medical/therapeutic/etc.)
 - Ensure availability of relevant, authorized, and necessary information (i.e. academic status, disciplinary, behavioral health assessments, IEP, 504 Plan) about the youth and family is shared and reviewed, prior to the meeting
4. Assess what supports the minor and the family have
 - The initial engagement meeting.
 - Discuss reason for meeting and all potential services or program interventions
 - Identify goals and timeframe
 - Utilize the standard form (Collaborative Plan)
 - includes youth, their family, school representatives and community providers
 - Identify youth and family needs and create a shared plan of improvement
 - Plan set - Nebraska Revised Statute § 79-209 (2.b.), requires that the result of the meeting(s) shall be to develop a collaborative plan to reduce barriers identified to improve regular attendance. The plan shall consider, but not limited to a) the physical, mental, or behavioral health of the child; b) educational counseling; c) educational evaluation; d) referral to community agencies for economic services; e) family or individual counseling; f) assisting the family in working with other community services; and g) referral to restorative justice practices or services.
- Sign agreement
- The plan shall include how the school will partner with the family and connect them to community supports which will address the identified need(s) to improve attendance. Additionally, it is essential that a key focus is on time sensitivity. The school shall identify a specified date to ensure the family has time to successfully implement the agreed upon collaborative plan.
- The plan must include a designated staff person or navigator, who will:
 - Intensively engage youth including, seeing the family home. Understand the family dynamics. Collect relevant and necessary collateral information before and during the process to help this family.
 - To ensure “warm handoffs” to services in the community. “Warm handoffs” include the navigator making connections at the meeting, setting appointments for the family and making introductions to the proposed service. The “warm handoff” ensures a continuous pathway moving forward and eliminates some of the work on the family members to obtain these services.
- The family will continue to meet with the navigator on agreed upon/regular schedule to update both the academic performance, and the community services being utilized.

II. Best Practice Approach to Address Chronic Absenteeism, continued

- **School District Engagement (continued):**

5. The Community Team will communicate with the legal guardian using verbal or written communication by school officials and one or more meetings with the family to discuss community based options to support the youth and the family. The meeting is designed to work through the Exhaustive Efforts categories list to determine the necessary supports and make referrals for the youth and family. Active family engagement recognizes that the family or caregiver is the primary emotional, social, cultural and spiritual resource for the child or youth. Strategies and actions by the Community Team will be in accordance with family empowerment research acknowledging family and caregiver strengths and actively encourages consistent opportunities to have meaningful, informed and authentic input in their child's treatment and service plan. The Community Team actions to engage families must exceed singular instances of correspondence (e.g. letter or e-mail) and telephone outreach and reflect flexible and authentic opportunities for families or caregivers to inform and support family focused, school or community-based, and culturally appropriate services.

The Community Team's core responsibilities include:

- The Community Team shall make contact with the family within 24 hours.
- The Community Team's role is to ensure that the school adopts and implements a comprehensive, actionable, tiered approach to improving attendance and ensure exhausted efforts.
- Ideally, the Community Team should be composed of key school staff including the school attendance officer, school social worker, or a school administrator or his/her designee, school counselor, school social worker, as well as community partners including providers, Guardian Ad Litem or Defense Counsel (as necessary), health centers, diversion or state agency staff (as necessary) and the Educational Right Counsel and most importantly legal guardian, family/caregiver, pro-social personnel (mentor, coach, teacher), and the youth to attempt to address the barriers to attendance.

II. Best Practice Approach to Address Chronic Absenteeism, continued

- **School District Engagement (continued):**

6. On-Going monitoring and meetings. Continuous monitoring shall include routine check-ins to ensure the services are matching the needs of the youth and family. The Community Team shall document all meetings, referrals and progress. In the event improvement in attendance is not achieved, the Community Team shall continue to explore other service needs on the Exhaustive Efforts list. Only upon a determination that the youth has exhausted reasonable efforts, and no improvement has been made, shall a referral for a court filing be submitted to the County Attorney. All documentation included in the collaborative plan surrounding the interventions must be included in the filing to the County Attorney's Office.

- Discuss interventions
 - Identify members present
 - Update from service providers regarding interventions
 - Update from academic partners
- Make changes
 - Update goals or maintain
 - Sign updated agreement

III. Exhaustive Efforts (Categories):

- Family and Youth Meeting with Community Team
 - Initial Meeting with Family and Youth
 - Weekly Meetings to determine if further interventions are necessary
- Consider Educational Neglect as the leading factor
- Behavioral Services
 - Behavioral Intervention
 - Corrective Action Plan
 - Aggression Replacement Training
 - Aggression Assessment
- Substance Use Services
 - Chemical Dependency Evaluation
 - CD Treatment
- Mental Health Services
 - Psychological Evaluation
 - Individual/Family Therapy
- Psychiatric or Medication Management Services
 - Psychiatric Evaluation
 - Medication checks
- Financial Assistance/Economic Services
 - Community based interventions to assist in finances
 - Food Pantry
 - Furniture donations
 - Clothing donations
- Transportation Services
 - School Bussing adjustments
 - City Bussing considerations
 - After School Care considerations
 - Alternative Community Support to assist in transportation

III. Exhaustive Efforts (Categories) continued:

- Educational Neglect Interventions (Parental Supports/Voluntary services)
 - Partnering with HHS to assess Parental involvement
 - Family Support Services
 - IFP/In-homes services/Ecological Services/MST
- Child Welfare Services (Voluntary services)
 - Partnering with HHS to assess Child Welfare and Neglect considerations
 - Family Support Services
 - IFP/In-home services/Ecological Services/MST
 - Temporary placement with suitable relative or kinship
- Mentor/Role Model Supportive Services
 - 100 Black Men
 - Big Brothers/Big Sisters
 - Teammates
 - Urban League
- Educational Evaluation and Counseling: 504/MDT/IEP considerations
 - Child Find requirements
 - Updated FBA/504/IEP
 - Staff with MDT
 - Utilize Educational Rights Counsel
- Physical Health Considerations
- Whether or not the efforts can be made without excluding the student from formal education
 - Alternatives to removal to regular instruction

IV. Referral for Filing Petition in Court:


The process continues until either improvement is clearly noted in attendance by the youth, or the process has exhausted all community efforts, in which case, a referral to the County Attorney may be made.

- Upon the determination that all relevant community-based services from the Exhaustive Efforts list have been utilized, the Community Team shall forward a referral to the County Attorney for consideration of a filing with the Court.
- The documentation collected during the meetings with the family and the youth shall be included to reflect exhaustive efforts.
- Referral shall contain documentation in the Collaborative Plan regarding all meetings, attendees, dates, times, notes and services implemented. Summary documentation shall also be collected from the service providers to reflect intervention efforts (i.e. start and end date, participation level, progress).
- Upon the filing of a petition, and ultimately an adjudication in the Courts, Probation shall utilize Specialized Supervision for Status youth in the Court system.

FORMS

A close-up photograph of a hand holding a silver and gold pen, writing on a form. The form has various fields and checkboxes, some of which are already filled in. The background is slightly blurred, showing more of the form and the hand.

1. Initial Assessment
2. Collaborative Plan
 - a. Identify Family members/caretakers
 - b. Living situation
 - c. Community Team Members are identified
 - d. Goal(s) is identified
 - i. Strengths (yes/no youth and partner perspectives included)
 - ii. Barriers (yes/no youth and partner perspectives included)
 - e. Educational feedback
 - f. Community Team feedback
 - i. Counseling input
 - ii. Academic input
 - iii. IEP/MDT/504 input
 - iv. Other (coaches, admin, clubs, activities)
 - g. All Exhaustive Efforts have been considered
 - h. Signed by all parties



ESSENTIAL DATA GATHERING

Key performance indicator includes collecting and measuring data points along the way.

1. Essential Data Elements

- a. General demographic data
- b. Collaborative Plan – Filled out completely and evidence of updates (minimum monthly)
 - i. Documentation of Youth and Family inclusion
 - ii. Timeframes are set and followed
 1. Initial assessment
 2. Documentation of recommended services applied
 3. Plan Developed and signed
 4. Evidence of services provided
 - iii. Team is clearly established including all supports essential to success

2. Performance Outcomes

- a. Family voice and choice
- b. Attendance improvement is documented
- c. Academic performance improvement is documented
- d. Community based resources are exhausted prior to filing with County Attorney
 - i. Exhaustive Efforts documented
 1. Note, County Attorney and Court can see what has been offered previously
 - ii. Amount of time school collaborative plan is in place
- e. Reduce court filings for truancy
 - i. Closure reason
 1. Successful
 2. Withdrew from school
 3. Family Moves
 4. Medical Exemption
 5. Other reasons for closure

APPENDIX - MODEL COLLABORATIVE PLAN

Collaborative Plan

Meeting Location:		Meeting Date/Time:	
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Meeting Reason and History	
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Youth Name:
Parent/Caretaker:
Living Situation / Address:
Phone # and email:

List all family members & others living in the home. +Denotes Parent/Guardian	DOB/AGE:	Relationship to Child(ren)	School/Grade

Community Team Members:	
<input type="checkbox"/>	Youth
<input type="checkbox"/>	Parent/Caretaker
<input type="checkbox"/>	Family identified partners/supports
<input type="checkbox"/>	Community partners
<input type="checkbox"/>	Service Providers
<input type="checkbox"/>	School
<input type="checkbox"/>	Attendance Focused School personnel or community navigator
<input type="checkbox"/>	Educational counsel
<input type="checkbox"/>	Diversion
<input type="checkbox"/>	Children and Family Services
<input type="checkbox"/>	Probation
<input type="checkbox"/>	Other:

Collaborative Plan

Goal(s) to for Collaborative Plan to reduce barriers and improve attendance	
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Ability to accomplish the Goal(s)

Strengths	Youth Perspective	
	Parent/Caretaker Perspective	
Barriers	Youth Perspective	
	Parent/Caretaker Perspective	

Education Feedback	
Community Team Feedback	

Exhausted Efforts Considerations:

1. Support from School Attendance Personnel or Community Navigator

Service Needed	
Timeframe to Referral	
Expectations	
Community Team Member to refer/support	

2. Behavioral Services

Service Needed	
Timeframe to Referral	
Expectations	
Community Team Member to refer/support	

Collaborative Plan

3. Substance Use Services

Service Needed	
Timeframe to Referral	
Expectations	
Community Team Member to refer/support	

4. Mental Health Services

Service Needed	
Timeframe to Referral	
Expectations	
Community Team Member to refer/support	

5. Psychiatric or Medication Management Services

Service Needed	
Timeframe to Referral	
Expectations	
Community Team Member to refer/support	

6. Financial Assistance/Economic Services

Service Needed	
Timeframe to Referral	
Expectations	
Community Team Member to refer/support	

Collaborative Plan

7. Transportation Services

Service Needed	
Timeframe to Referral	
Expectations	
Community Team Member to refer/support	

8. Parental Support or Voluntary Services

Service Needed	
Timeframe to Referral	
Expectations	
Community Team Member to refer/support	

9. Child Welfare Services

Service Needed	
Timeframe to Referral	
Expectations	
Community Team Member to refer/support	

10. Mentor/Role Model Supportive Services

Service Needed	
Timeframe to Referral	
Expectations	
Community Team Member to refer/support	

11. Educational Evaluation and Counseling (504/MDT/IEP considerations)

Service Needed	
Timeframe to Referral	
Expectations	
Community	

Collaborative Plan

Team Member to refer/support	
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12. Physical Health Considerations

Service Needed	
Timeframe to Referral	
Expectations	
Community Team Member to refer/support	

13. Efforts to ensure student is not excluded from formal education.

Service Needed	
Timeframe to Referral	
Expectations	
Community Team Member to refer/support	

I agree to the above Collaborative Plan to accomplish the shared goal and improve the attendance of _____ (student name) by the agreed upon date _____. I understand there will be regular meetings with the Community Team to continue to discuss progress.

School Official Name	Signature	Date
Parent/Caretaker Name	Signature	Date
Student Name	Signature	Date

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