



As truancy cases rise, judge takes action to send kids to class, not court

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A sudden surge in truancy cases has a Douglas County Juvenile Court judge scrambling for a way to help — and compel — hundreds of students to get back in school, without throwing the book at them.

Members of more than 30 families are scheduled to appear en masse today before Judge Elizabeth Crnkovich to be arraigned on charges related to chronic school absences.

About 10 of those to appear are parents charged with neglecting to make sure their kindergartners through sixth-graders attend school. The rest are students in seventh grade or above who are charged with truancy.

Crnkovich has scheduled two similar arraignments for March with members of at least as many families.

The truants are among 640 students that school districts in Douglas County have referred to the justice system this school year after they missed more than 20 days of school.

Only 239 such cases were referred to

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the Douglas County Attorney's Office in the 2008-09 school year.

The students are alleged to have been absent for more than 20 days, the legal maximum, without a confirmed medical excuse or other good reason, according to court files.

Many of the students in the current cases also were truant last year. Some have missed more than 20 days this school year and as many as 90 days last year.

In Nebraska, students have to attend school until they're 18, unless they have parental permission, in which case they can quit school at 16.

The dramatic increase in truancy cases threatens to overwhelm the juvenile courts without solving the students' problems. It can take several months for a truancy case to wind its way through court.

The spike also comes at a time when local school and court officials, State Sen. Brad Ashford and other elected leaders, and the public-private initiative Building Bright Futures are focusing on improving school attendance.

Crnkovich's solution: She has hastily put together what she calls a court-supervised truancy diversion program.

When the students and parents appear today, the courtroom will be filled with county, school and state social workers and counselors, as well as representatives of agencies that deal with issues such as mental health and poverty.

Crnkovich will urge the students and their families to enter diversion and find the help they need from those agencies or others. Then she'll tell the families and students that they must return to court with proof that the kids have been attending school.

"This is to address the immediate need, meeting the influx, but also to create an atmosphere that probably should be in place for a long time," she said.

Crnkovich, presiding judge of the Douglas County Juvenile Court, said she would like to see the effort grow into something like the Jefferson County Truancy Diversion Project in Louisville, Ky.

That national model, developed in 1997, links a judge with school and community workers

to intervene with students and families at risk for truancy before it becomes a court matter.

That's a way off in Omaha, and it's not the direction that people working to combat truancy were headed.

"The juvenile justice system is not the best place to address school attendance," said John Cavanaugh, Building Bright Futures' executive director.

"The best place to do that is with the school and the parents. By the time they get to 20 absences and in front of a judge, the level of difficulty is much greater."

That said, Building Bright Futures leaders have been in contact with Crnkovich and plan to attend today's arraignment.

"We need to learn what the needs of these kids are, and how to get them the services they need," said Bright Futures' Kim Hawekotte, who heads an anti-truancy effort based at the University of Nebraska at Omaha.

Cavanaugh said Building Bright Futures, which has launched an attendance incentive program and other efforts in 15 metropolitan Omaha schools, learned of the spike in truancy referrals in late fall.

"It raised a concern for us because in developing our pilot programs, we didn't have the concept that there were hundreds of kids with 20 or more absences," Cavanaugh said.

What's the reason for the spike?

It appears to be increased reporting by the Omaha Public Schools. Although the cases have come from all school districts in the county, the vast majority, and most of the increase, came from OPS, the county's largest school district.

Matthew Ray, coordinator of student personnel services for OPS, cited two reasons for the increase in referrals.

He said the school has a new computer system that tracks attendance much more closely than before. It tracks minute-by-minute, so students' can accumulate 20 days of absences even if they were in school for part of the days.

Also, although Nebraska law gives school districts leeway in determining when to refer cases to the county attorney, Ray said, OPS officials have decided generally to refer students when they hit 20 days of absences that are not due to verified illness.

Ray called Crnkovich's effort exciting. "I have to commend Judge Crnkovich for taking the initiative to take this on, and address truancy and help students and families," he said. "I believe it has promise."

Truancy isn't a crime. It's what's called a status offense. Youths can't be placed in detention solely for being truant. If they go through the juvenile court process and a judge rules that they are truant, youths can face a number of sanctions, including being taken out of their homes and being placed in group homes.

Crnkovich doesn't want to go that route.

"I hope that they (families and students) will choose diversion," she said. "Student personnel assistants will be here to work with them. The Douglas County Juvenile Assessment Center will be here."

So will many others.

"The need and community support is there," Crnkovich said. "It's a good time to get started on a truancy diversion program."

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