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PRESIDING JUDGE

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TO: All Informal Juvenile and Traffic Court (IJTC) Judicial Officers

FROM: Michael Nash, Presiding Judge 
Juvenile Court

SUBJECT: IJTC HANDLING OF SCHOOL ATTENDANCE CASES (AKA,
TRUANCY, DAYTIME LOITERING, ETC.)

Effective immediately, the Informal Juvenile and Traffic Court will adopt the following guidelines for the handling of school attendance cases, regardless of the label, i.e., Truancy, Daytime Loitering, Daytime Curfew, etc.:

1. The court shall dismiss any citation where the evidence shows the youth was late to school or en route to school.
 - a. In addition, it is within the judicial officer's discretion to dismiss the citation on this basis at the initial appearance if it is clear to the judicial officer that is in fact the case. Otherwise, the matter should be set for adjudication.
2. For any case where a youth admits the citation or it is sustained after trial, the case shall be continued for 60 days.
3. At the 60 day hearing, the citation shall be dismissed if the youth mails (at their own risk) or brings to the court an understandable record or letter from the school showing no unexcused absences and minimal tardies from the date of the last hearing to one week before the 60 day date.
 - a. As an alternative to an attendance record, the court will accept a letter from the school that an attendance plan has been developed with the school to improve attendance and that the parents(s) or guardians(s) or other legally recognized caregiver (ie, foster parent) or holder of educational rights have participated in a conference with the school to develop the school attendance plan.

- b. If a youth who utilizes this option subsequently receives a new citation related to school attendance, this option will not be available for disposition of the matter.
4. If there are unexcused absences of excessive tardies, or if there is no plan, the court may refer the youth to an appropriate program, order 20 hours of community service or both. The court shall then order a mandatory 60 days appearance for the youth to show completion of the program and/or community service and the school attendance record.
 - a. As an alternative to community service, the court will accept a letter of substantial participation from an appropriate community-based or school-based program for mentoring, tutoring, credit recovery, counseling, after-school support, anger management, substance abuse counseling or any other services that would address the core issues underlying the school attendance problem.
5. If, at the second 60 day appearance, the youth fails to complete the court-ordered program and/or community service, or the youth fails to bring a letter of participation in one of the afore-mentioned programs, the driving privilege shall be suspended for 6 months or until the youth shows proof of completion of the court-ordered obligation. If the youth shows proof of 60 days of no unexcused absences at the second 60 day appearance, the program and/or community service obligation will be dismissed. If the youth shows proof of 60 days of unexcused absences prior to the 6 month suspension of the driving privilege, the privilege shall be reinstated immediately and the program and/or community service obligation will be dismissed.
6. If the youth fails to appear in court, or the court does not receive proof of completion of the program or community service as ordered by the court, the driving privilege shall be suspended until the youth appears in court and shows proof of completion of the court improved service obligation, regardless of whether the youth has attended school.

The provisions of this memo are designed to create a system of accountability and to encourage youth whose cases are brought to court on attendance issues to attend school and to eliminate the burdens imposed on families by the substantial fines imposed on youth for these violations.

MN:ns