Supporting Tribal Youth Attendance Achievement
A Resource to Support Community-Based Truancy Prevention Programs

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June 2022

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A product of the
Tribal Youth Resource Center

Tribal Law and Policy Institute
8229 Santa Monica Bldg., Suite 201
West Hollywood, CA 90046

Tribal Law and Policy Institute: www.Home.TLPI.org

Tribal Youth Resource Center: www.TribalYouth.org

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The Tribal Youth Resource Center, in partnership with the National Native Children's Trauma Center at the University of Montana, through support from the Office of Juvenile Justice and Delinquency Prevention, offers free training and technical assistance for Tribal Youth Programs and Tribal Juvenile Healing to Wellness Courts. The center also supports requests related to youth delinquency prevention and juvenile justice for all federally recognized Tribes.

If you would like to request free training or technical assistance, please contact:

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# Introduction and About This Resource

Increasing opportunities for tribal student academic progress, and increased school attendance are not new efforts in Indian country. Numerous communities are working to develop programs and services that increase positive outcomes for tribal youth in these critical areas. Prevention strategies to support youth attendance achievement often include components that increase opportunities for parent/child engagement with the local school system, referral processes that support early identification of emerging attendance problems and the integration of multisystem responsive services. Many of these programs are identifying promising outcomes as they increase opportunities for youth to engage in positive behaviors and access supportive resources. In spite of the many efforts in the areas of truancy prevention and identification of chronically absent youth, national education achievement and graduation data suggests Tribal youth continue to struggle[1] and engage in truancy.

There are currently 574 federally recognized Indian Nations (variously called tribes, nations, bands, pueblos, communities, and native villages) in the United States.[2] There are other state-recognized Tribes as well. The American Indian/Alaska Native (AI/AN) population is 2.9 million or about 0.9 of the total U.S. population.[3] About 29 percent of Natives are under the age of 18, and the median age on reservations is 29, while the median age for the total U.S. population is 38.[4]

About 90 percent of all AI/AN students attend non-Tribal public schools and about 8 percent attend schools administered by the Bureau of Indian affairs.[5] Data indicate that Native Americans are the lowest-performing students in any category.[6] AI/AN youth are disproportionately suspended and expelled, representing 1 percent of the student population, but 2 percent of out-of-school suspensions and 3 percent of expulsions.[7] In 2018-2019 the American Indian/Alaska Native graduation rate was only 74 percent- the lowest compared with other racial/ethnic groups.[8] A 2018 Government Accountability Report noted that American Indian students have greater attendance problems than other groups, and had the highest rates

[1] Center on Standards and Assessments Implementation, "Strategies to Improve Outcomes for American Indian Students," 2019, http://files.eric.ed.gov/fulltext/ED593249.pdf

[2] Department of the Interior, "About Us," Bureau of Indian Affairs, accessed January 18, 2021, https://www.bia.gov/about-us

[3] National Congress of American Indians, "Demographics," Indian County Demographics, accessed January 18, 2021, http://www.ncai.org/about-tribes/demographics

[4] Id.

[5] National Indian Education Association, "Information on Native Students," https://www.niea.org/native-education-research and Status and trends in the education of American Indians and Alaska Natives: 2008 (NCES 2008-084), Washington, DC: Government Printing Office.

[6] Bowers, Amy, "Tribal Education Departments Report, Tribal Education Departments National Assembly," Tribal Education Departments National Assembly. Native American Rights Fund, 2010, 2, https://www.narf.org/nill/resources/education/reports/tednareport2011.pdf

[7] "2014 Native Youth Report," Executive Office of the President, June 2014, at 16, http://files.eric.ed.gov/fulltext/ED565658.pdf

[8] National Center for Education Statistics. (2022). Public High School Graduation Rates. *Condition of Education*. U.S. Department of Education, Institute of Education Sciences. Retrieved May 18, 2022, from https://nces.ed.gov/programs/coe/indicator/coi.

of chronic absenteeism in school year 2013–14 compared to students of other races.[9] It is essential for Tribal youth and their families, and those whose job it is to support them, to emphasize attendance achievement and understand the impact of chronic absenteeism.

***Where do we start?***
Understanding and identifying existing issues that can assist with successful truancy prevention and resource program development is a first step. Connecting with programs that have successfully implemented truancy prevention programs and seeking guidance is also helpful. Continuing education and growth for existing programs can assist with long-term program evaluation and future sustainability.

***What does this publication do?***
This publication serves as a primer to assist with understanding issues of chronic absenteeism, truancy, prevention, and intervention processes. It addresses historic education policy and contemporary approaches utilized by Tribal communities to prevent and address truancy among Tribal youth and highlights helpful community-based approaches to support delinquency prevention program development. This publication will direct readers to existing resources and information that may support new or developing truancy prevention programs. Additionally, it includes strategic planning activities to support individual consideration or team development of a truancy prevention program.

***Case Studies and Activities:*** Authors have provided case studies for illustrative purposes only. Names, characters, business, places, events, locales, and incidents are fictitious. Any resemblance to actual persons, living or not living, or actual events is purely coincidental.

***What does this publication not do?***
This publication does not provide a "one-size-fits-all" approach, as Tribal communities, youth, and individual families differ in strengths, needs, applicable systems, geography, and jurisdictional locales. Therefore, it is important for community prevention stakeholders to identify the system processes that will best serve the youth within their local community. It is essential for those involved in program development for Tribal youth to remain engaged with partners and participate in supportive training and education to ensure that programs are targeted to support local community youth and incorporate developmentally appropriate interventions. This publication is not intended to be a survey in the full history of world Indigenous education. For purposes of community-based planning, this document focuses on the contemporary issues related to prevention program development to support AI/AN attendance achievement.

***Special Notes on Content:*** Please note that Chapter 2 covers the historic AI/AN education policy implications, including those of the development of government boarding schools, with photos.

[9] U.S. Government Accountability Office, "K-12 Education Discipline Disparities for Black Students, Boys, and Students with Disabilities," Report to Congressional Requesters, March 2018 at 23, https://www.gao.gov/assets/700/690828.pdf

Also, this publication will not attempt to fully address the extensive issues surrounding the impact of SARS-CoV-2 (COVID-19) on AI/AN youth and communities and the compelled transition of education to both blended and virtual platforms. This publication does, however, include reference to resources and materials that may support Tribal youth program prevention staff as their programs work to address AI/AN youth attendance in both traditional and alternate environments, including online learning environments.

***Acknowledgments:*** A special thank you to the Tribal Youth Resource Center team, Tribal Law and Policy Institute leadership, and the skilled editorial staff for their support and contributions to the completion of this resource. Additionally, a thank you to Kara McDonagh, Grants Management Specialist at the Office of Juvenile Justice and Delinquency Prevention for her guidance related to Positive Youth Development, ideas and strategies to support youth diversion from the juvenile justice system, and her genuine advocacy for the work being conducted across many tribal communities. Our partners at the National Native Children's Trauma Center have enhanced this resource by assisting with resource identification on youth development, resiliency, and consideration for a healing and trauma informed approach. A number of individuals working in tribal education and tribal youth programming provided their insights in the development of this resource. Our team thanks Corey Still, Ph.D. (Cherokee/Keetoowah) for his insightful feedback and his contributions to the field of American Indian and Alaska Native education. Additionally, we offer our thanks to Johanna Farmer, J.D. (Rosebud Sioux) for her collaborative work with the Tribal Youth Resource Center and her shared wisdom in developing school-based partnerships to support tribal youth.

# Chapter 1: Education, School Attendance, and the Juvenile Justice System

*"Education prepares Native children not only for active and equal participation in the global market, but also to be positive, involved members of their communities- there is no more vital resource to the continued existence and integrity of tribes than Native children."*
*–National Congress of American Indians, on Education*

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Tribal people have educated and passed knowledge within their communities throughout the generations. "Indigenous communities were our first governments, and their people were our first environmental stewards, astronomers, mathematicians, zoologists, botanists, and geologists."[10] Tribal nations had complex education systems in place pre-contact. "Indian tribes had their own education system already in place prior to the landing of Columbus in 1492. Indian education consisted of specific roles played by each member of the tribe that centered on survival as a group of people. The transfer of knowledge from elders to the young, from men to boys, from women to girls, encompassing the history, culture and religion of each tribe, created an education curriculum that was passed on through oral tradition and practical, hands-on training."[11] While educators and scholars differ on the scope, nature, goals, methodologies, and approaches that should be utilized in the education of youth, "tribes and communities have a history of educating our children, through songs, dances, and stories by doing, listening and watching. Yet, there have been limited attempts at the federal and state levels to tap into these 'funds of knowledge.'"[12]

In addressing the contemporary need for education among the tribal nations, the National Congress of American Indians notes that "education prepares Native children not only for active and equal participation in the global market, but also to be positive, involved members of their communities."[13] Even so, a wide achievement gap exists between American Indian and Alaska Native (AI/AN) youth and their non-native peers. AI/AN youth continue to have some of the lowest achievement scores in math and reading and the dropout rate for 16-to 24-year olds is the highest in the nation.[14] Communities across the country are working on strategies to

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[10] Lavin, Lucianne. *Connecticut's Indigenous Peoples: What Archaeology, History, and Oral Traditions Teach Us About Their Communities and Cultures*. Yale University Press, 2013.
[11] Juneau, et al., "*History and Foundation of American Indian Education*," Montana Office of Public Instruction, 2001, Revised 2013 Walter Fleming and Lance Foster
[12] Faircloth, Susan C. "Re-visioning the future of education for native youth in rural schools and communities." *Journal of Research in Rural Education (Online)* 24, no. 9 (2009): 1.
[13] National Congress of American Indians, Education, Policy Issues, https://www.ncai.org/policy-issues/education-health-human-services/education, Accessed May 20, 2022
[14] National School Boards Association, "The Condition of Native American Students, December 2020, https://www.nsba.org/ASBJ/2020/December/condition-native-american-students

support the improved achievement of AI/AN youth.[15] To support the successful implementation of many of these strategies, communities must also navigate complex relationships with the federal government, state and local school districts, and even those services and partnerships developed within the local community.

## Federal Role in Education

While education in the United States is not a constitutionally protected right,[16]a wide range of federal policy and important court decisions have made an impact on public education. "The civil rights movement has been a major force of heightened federal involvement. The U.S. ushered in this era with its 1954 Brown v. Board of Education ruling." In fact, "the 14th Amendment of the United States Constitution has had an enormous impact on protecting individual rights in public elementary and secondary education. This has occurred through the U.S. Supreme Court's interpretation of the Equal Protection Clause, the Due Process Clause, and the incorporation of other rights (like freedom of speech) to states through the 14th Amendment."[17] While the U.S. Department of Education asserts that the federal role of education is primarily a State and local responsibility within the U.S., this assertion does not necessarily apply to American Indian and Alaska Native youth.

Historic treaties and agreements made by and between the United States government and with tribes included stipulations to provide education to Native youth. **A Unique Relationship with Tribes-** *Note that an overview of historic education policy is provided in Chapter2 of this publication*. The complexity of the federal government's role in public education is its unique relationship with tribes.[18] Currently, the federal government provides elementary and secondary education and educational assistance to Indian children, either directly through federally funded schools, or indirectly through educational assistance to public schools that predominantly receive state and local funding.[19] It does this through offices such as the Office of Indian Education, and the Bureau of Indian Education.

**Office of Indian Education-** The U.S. Office of Indian Education (OIE) administers the Indian Education Program of Elementary and Secondary Education Act (ESEA), as amended by Every

[15] Hesse, D., Northup, J., & Withington, A., Promising education interventions to improve the achievement of Native American students: An annotated bibliography. [A report from the West Comprehensive Center.] San Francisco, CA: WestEd (2015).

[16] See San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973), Also *The establishment of education is one of the powers reserved to the states under the Tenth Amendment.* State Educational Systems, The Legal Basis for State Control of Education, School Organizational Models, the School District Consolidation Movement, https://education.stateuniversity.com/pages/2448/State-Educational-Systems.html

[17] Johnson, Scott, The 14th Amendment Protects the Right to a Public Education, Constitutional Law, Concord Law School, April 17, 2017 https://www.concordlawschool.edu/blog/constitutional-law/14th-amendment-protects-rights-education/#:~:text=by%20their%20disability.-,Due%20Process%20Clause,individual%20rights%20in%20public%20education.

[18] See Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1 (1831), deemed tribes a "domestic dependent nation," relationship of the tribes resembles that of ward to his guardian.

[19] Congressional Research Service, Indian Elementary-Secondary Education: Programs, Background, and Issues, Report, July 28, 2020, https://files.eric.ed.gov/fulltext/ED607186.pdf

Student Succeeds Act (ESSA) (Title VI, Part A), which establishes policies and provides financial and technical assistance for supporting Local Education Agencies (LEAs), Indian Tribes and organizations, post-secondary institutions and other entities in meeting the special educational and cultural related academic needs of American Indians and Alaska Natives.[20]

The OIE has three primary responsibilities[21]:

1. To meet the unique educational and culturally related academic needs of Indian students, so that such students can meet the challenging State academic standards;
2. To ensure that Indian students gain knowledge and understanding of Native communities, languages, Tribal histories, traditions, and cultures; and
3. To ensure that teachers, principals, other school leaders, and other staff who serve Indian students have the ability to provide culturally appropriate and effective instruction and supports to such students.

**Bureau of Indian Education (BIE) Schools**- There are over 160 Bureau-funded elementary and secondary schools, located on 64 reservations in 23 states, serving approximately 40,000 students.[22] Of these, 53 are BIE-operated and 130 are tribally operated under BIE contracts or grants. The Bureau also funds or operates off-reservation boarding schools and peripheral dormitories near reservations for students attending public schools.[23] According to the Bureau of Indian Education,

> *"Providing proper educational facilities is not only essential to fulfilling the academic, social, and cultural needs of Native American children, but is also a matter of trust responsibility for the Federal Government, as well as treaty rights for many tribes. Satisfying these obligations involves attention to both the condition of the facilities and the quality of the educational experience. To promote successful educational experiences, children must be able to learn in environments that are safe, enriching, culturally appropriate, and technologically advanced."*[24]

Concern about the BIE stems from systemic challenges, including delays in the delivery of key educational services and supplies; limitations related to staff capacity; and low student performance rates on national and state assessments.[25] In 2020, the BIE released a memorandum outlining approval of the Standards, Assessments and Accountability System

[20] U.S. Department of Education, Office of Indian Education, Elementary and Secondary Education, https://oese.ed.gov/offices/office-of-indian-education/
[21] Ibid.
[22] Id at 10.
[23] Ibid.
[24] U.S. Department of the Interior, Bureau of Indian Education, Tribally Controlled Schools, https://www.bie.edu/topic-page/tribally-controlled-schools, Accessed May 16, 2022.
[25] United States Government Accountability Office, Indian Affairs Further Actions on GAO Recommendations Needed to Address Systemic Management Challenges with Indian Education, Statement of Melissa Emrey-Arras, Director Education, Workforce, and Income Security, Report, April 22, 2015.

(SAAS) Final Rule which provides the BIE with the ability to operate under a single unified assessment system intended to bolster professional development and student performance.[26] A recent report also noted that the "agency is now in the midst of a vast reform effort aimed at fixing programs in its school system, repairing its facilities and allowing tribes greater control of their schools- an accountability plan was approved by the Education Department."[27] More broadly, the Department of the Interior has, "also set several goals for the re-design [of the BIE], including strengthening and supporting the efforts of tribal nations to directly operate schools funded by the BIE, recruiting and retaining highly effective teachers and principals in those schools, and fostering partnerships between parents, communities, and organizations."[28]

## Public Schools and American Indian and Alaska Native (AI/AN Students)

The National Center for Education Statistics reports that 490,000 AI/AN students enrolled in public schools in the fall of 2018 *(according to the report this is the last year of data available).*[29] Native students are more likely to attend rural schools.[30] AI/AN youth have fewer successful educational outcomes than the general population by nearly all measures.[31] According to an analysis of federal civil rights data conducted by ProPublica and The New York Times, "in public schools, white students are twice as likely as Native students to take at least one advanced placement course, and Native students are more than twice as likely to be suspended.[32] Native students also score lower than nearly all other demographic groups on national tests.[33]" With a majority of tribal youth attending public schools it is essential that communities, parents, and youth understand local policies and are linked to education administration. Youth.gov also notes three areas that include examples of how AI/AN students can be better supported in achieving improved educational outcomes[34]:

[26] Indian Affairs, The SAAS final rule provides simplicity, clarity and consistency for BIE funded schools to improve academic outcomes and services to students, Media Release, March 26, 2020.
[27] Woods, et al., The Bureau of Indian Education hasn't told the public how its schools are performing. So we did it instead," Investigations, The Arizona Republic and Propublica, June 9, 2021. https://www.azcentral.com/story/news/local/arizona-investigations/2021/06/09/analysis-bie-schools-test-scores-reveals-successes-and-failures/7536092002/ Accessed May 17, 2022.
[28] Rafa, Alyssa, State and Federal Policy: Native American Youth, Policy Analysis, Education Commission of the States, November 2016. https://www.ecs.org/wp-content/uploads/State_and_Federal_Policy_for_Native_American_Youth.pdf
[29] National Center for Education Statistics, Research Roundup: NCES Celebrates Native American Heritage Month, November 17, 2021, https://nces.ed.gov/blogs/nces/post/research-roundup-nces-celebrates-native-american-heritage-month
[30] Youth.Gov, Education/Higher Education, American Indian and Alaska Native Youth, https://youth.gov/youth-topics/american-indian-alaska-native-youth/education-higher-education#_ftn1
[31] Ibid.
[32] Green et al., "I Feel Invisible': Native Students Languish in Public Schools., The New York Times, December 28, 2018. https://www.nytimes.com/2018/12/28/us/native-american-education.html
[33] Ibid.
[34] Youth.gov, Education/Higher Education, American Indian and Alaska (AI/AN Youth), Youth Topics, https://youth.gov/youth-topics/american-indian-alaska-native-youth/education-higher-education#_ftn1

1. **Instructional Practices**: Promising instructional practices included increasing local autonomy; actively valuing elders' knowledge; ensuring harmony between home and community life and education; and employing culturally responsive educational practices.
2. **Curriculum Content**: Curriculums that were found to be engaging for students included content that utilized students' prior knowledge, experience, and community values; included culturally relevant content across the curriculum; and ensured that content was accurate and did not include bias and stereotypes.
3. **School Climate**: Important attributes of healthy school climate included developing positive behavior supports; building relationships with students and families; communicating a belief in the abilities of learners; learning about Indian heritage; and providing the necessary supports to reach high levels of achievement.

An aspect of supporting positive education outcomes is the concern over issues that contribute to poor educational outcomes. "Jurisdictions are justifiably concerned with youth's school attendance and educational progress because school engagement and completion are associated with an array of positive, long-term outcomes, such as reduced crime and increased labor market earnings."[35] Considering the data related to AI/AN youth education outcomes, identifying ways to support positive outcomes is critical.

## Why is Attendance Achievement important?

There are numerous reasons to work toward increased attendance, the prevention of truancy and the reduction of chronic absenteeism. Research and data indicate that "truancy and chronic absenteeism, are often steppingstones to dropping out of school before graduation, have consequences for children, the adults these children will become, and the society in which they live."[36] High school dropout rates, which chronically absent students are more likely to experience, have been linked to poor outcomes later in life, from poverty and diminished health to involvement in the criminal justice system.[37] Consistent attendance and completion of educational goals is a key factor toward long-term positive outcomes and avoidance of negative outcomes, such as involvement in the justice system.

Program development that can direct Tribal students to applicable resources and divert from punitive environments is also a substantial need. Early identification and placement of youth in intervention services is important. In many instances "serious attention to the underlying causes of truancy is usually given after the youth's absence from school becomes frequent or chronic—at that point the youth has often developed more serious difficulties in school and

[35] Weber, et al., "Rethinking the Role of the Juvenile Justice System- Improving Youth's School Attendance and Educational Outcomes," Justice Center, Council of State Governments, September 2020.
[36] Dominique Lieu and Michael Scheffler, "Truancy Prevention Efforts in School-Community Partnerships," National Center for Mental Health Promotion and Youth Violence," revised 2012, accessed January 18, 2021, http://crisisresponse.promoteprevent.org/publications/prevention-briefs/truancy-prevention-efforts-school-community-partnerships
[37] U.S. Department of Education, "Chronic Absenteeism in the Nation's Schools: A Hidden Educational Crisis," accessed January 2021, https://www2.ed.gov/datastory/chronicabsenteeism.html#intro

other areas of psychosocial functioning in addition to not attending classes."[38] The particular issue with truancy is that "nearly 100,000 young people are drawn into the juvenile justice system each year for status offenses- **status offenses**- behavior such as truancy, running away and curfew violations- are not crimes, but they are prohibited under the law because of a youth's status as a minor."[39] While it is important to hold youth and parents accountable, there are many ways to support adolescent diversion from juvenile justice system contact through community collaboration, referral to more appropriate youth-serving agencies, and individualized supports.

In the United States, school attendance polices vary in every state, but generally children are required to attend school or be provided with an authorized equivalent such as home schooling.[40] With a majority of Tribal youth attending public schools, tribal youth are impacted by these state policies in various ways[41] *Aside from all legal requirements- why does school attendance matter?* "A missed school day is a lost opportunity for students to learn. In the era of increased accountability for states, districts, and schools, the connection between school attendance is being studies now more than ever before and the primary rational for high-quality attendance data is the relationship between student attendance and student achievement."[42]

It is important for tribal communities to recognize all local policies related to school attendance. School districts must develop and delineate protocols to address student absence. While there are general similarities in the categorization of excused and unexcused absences, there are no "across-the-board" definitions related to truancy. Further, based on these local policies individual school districts and Tribes may vary greatly on when and how youth are referred to diversion programs or the juvenile justice system. A recent study noted that there are *numerous* definitions coined by experts and policy organizations.[43] Because there is no single or common operational definition for determining what constitutes truancy or classification of truancy it is difficult to exercise effective national data collection and/or policy change.[44] For purposes of general understanding, it is important to define the types of absences that may be discussed within this publication. Developing programs may wish to consider the various definitions and work to clearly define when and how services will be operationalized and what demographic an intervention program will serve. "There are many ways that school districts can address truancy while avoiding court involvement-responding to truancy should

[38] Richard Dembo et al., "Truancy Intervention Programs: Challenges and Innovations to Implementation," *Criminal Justice Policy Review* 20(4) (2009): 437–56, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2805010/
[39] Annie E. Casey Foundation, "What are Status Offenses and Why Do They Matter," April 6, 2019
[40] Lieu and Scheffler, "Truancy Prevention Efforts in School-Community Partnerships."
[41] See ibid., 8. About 90 percent of all AI/AN students attend non-Tribal public schools and about 8 percent attend schools administered by the Bureau of Indian Affairs.
[42] National Center for Education Statistics, "Every School Day Counts: The Forum Guide to Collecting and Using Attendance Data, February 2009, Accessed May 12, 2022.
[43] Carolyn Gentle-Genitty et al., "Truancy: A Look at Definitions in the USA and Other Territories," *Educational Studies* 41(1–2) (2015), 62–90, https://doi.org/10.1080/03055698.2014.955734
[44] Id.

always involve working with the youth and family to identify and address the underlying reasons for school absence."[45]

## Definitions

In general, student absences may be categorized in several ways. *(Note that use of the term "parent" throughout this document infers that the individual is the legal guardian or authorized caregiver, which may encompass individuals other than the biological parent of the child, e.g., grandparent, aunt, uncle, or other designated individual.)*

- **Chronic Absenteeism:** Chronic absenteeism can be defined as missing significant portions of an academic year for any reason (both excused and unexcused). Experts and a growing number of states define chronic absenteeism as missing 10 percent (or around 18 days) during a school year.[46] This definition may apply more broadly to younger children as they are referred to as "chronically absent" rather than truant because it is presumed that they cannot miss school without their parent's/guardian(s)'s knowledge.[47]
- **Truancy:** There is not a singular definition for truancy, however it may be defined as absent from school or activity without permission of the parent/guardian(s) or missing a class without permission of the teacher or administrator in charge.[48]
- **Habitual Truancy:** Habitual truancy can be defined as unexcused absences from school by a minor that exceed the number of such absences allowed under state (and/or Tribal) law. Each state (or Tribe) has its own school attendance laws, which specify the age the child must go to school, the age at which a youth may legally drop out of school, and the number of unexcused absences that constitute truancy under the law.[49]
- **Chronic Truancy:** Chronic truancy may refer to students who have been disciplined according to procedure after meeting the criteria for habitual truancy, but continue to accumulate unlawful absences despite court or school mandate.[50]

Taking the time to define the various levels of truancy and absenteeism is a step toward developing clear support systems and referral processes for Tribal youth. In addition to defining the type and manner in which absence from school is defined, programs may implement interventions based on a specific targeted age range of youth to be served. Prevention

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[45] Safety, Opportunity, & Success, Truancy, Coalition for Juvenile Justice, https://www.juvjustice.org/our-work/safety-opportunity-and-success-project/national-standards/section-ii-efforts-avoid-court-1

[46] American Academy of Pediatrics, "School Attendance, Truancy, and Chronic Absenteeism: What Parents Need to Know," accessed January 28, 2021, https://www.healthychildren.org/English/ages-stages/gradeschool/school/Pages/School-Attendance-Truancy-Chronic-Absenteeism.aspx

[47] Lieu and Scheffler, "Truancy Prevention Efforts in School-Community Partnerships."

[48] Ken Seeley, "Guidelines for a National Definition of Truancy and Calculating Rates," National Center for School Engagement, 2006, https://www.ncjrs.gov/pdffiles1/ojjdp/truancy_toolkt_3.pdf

[49] Development Services Group, Inc., "Truancy Prevention," Literature Review, *Model Program Programs Guide*, Office of Juvenile Justice and Delinquency Prevention, December 2010, https://www.ojjdp.gov/mpg/litreviews/truancy_prevention.pdf

[50] Ken Seeley, "Guidelines for a National Definition of Truancy and Calculating Rates," National Center for School Engagement, 2006, https://www.ncjrs.gov/pdffiles1/ojjdp/truancy_toolkt_3.pdf

programs that focus on younger youth (*early childhood/elementary*) may provide support services that are specifically geared toward assisting parents and caregivers. Programs that support older youth *(junior high/high school*) may focus more on school and youth engagement, implement screening and referral process that identify individual resiliency and risk factors, and provide program services that support individual long-term behavior change. Prevention services for older youth may emphasize a focus on independence, increased positive perceptions of school/education systems, and the active pursuit of self-identified educational goals. The levels of intervention may also vary based on the specific needs of youth program participants.

## Why Do We Want Youth in School?

As previously stated, truancy has widespread impact individually and collectively. Truancy is universally acknowledged as problematic due to its societal impact. Truancy has been clearly identified as one of the early warning signs that youths potentially are headed for delinquent activity, social isolation, or educational failure.[51] Chronic absenteeism has also been of increasing concern to educators and policy makers. Chronic absenteeism can have lasting effects on students' economic and social development.[52] Children who are chronically absent are less likely to read at grade level by third grade, show lower levels of social engagement, and are more likely to drop out and less likely to graduate from high school.[53] Research indicates that truancy is related to delinquency, substance use and abuse, dropping out of high school, suicidal thoughts and attempts, and early sexual intercourse.[54] Additionally, study indicated that truancy predisposed students to the risk of drug and substance abuse that negatively affected their health and/or reduced their employment opportunities.[55]

[51] Development Services Group, Inc., "Truancy Prevention."
[52] Julia Lara et al., "Chronic Absenteeism," *National Education Association Research Brief*, NBI No. 57 Center for Great Public Schools, 2018 at 1, http://files.eric.ed.gov/fulltext/ED595241.pdf
[53] Id.
[54] Development Services Group, Inc., "Truancy Prevention," at 1 and Chang et al., "Present, Engaged, and Accounted For: The Critical Importance of Addressing Chronic Absence in the Early Grades," Report, *National Center for Children in Poverty*, Mailman School of Public Health, Columbia University, 2008.
[55] Terry Clark, "Examining the Role of Parents/Caregivers of Youth Demonstrating Truant Behavior," *Counselor Education Capstone*, The College at Brockport: State University of New York, Fall 2017 at 3, https://digitalcommons.brockport.edu/cgi/viewcontent.cgi?article=1046&context=edc_capstone

| **Consequences of Truancy**[56] | |
|---|---|
| Students who are truant:<br>✸ Have lower grades<br>✸ Need to repeat grades more often<br>✸ Have higher rates of expulsion<br>✸ Have lower rates of high school graduation | Adults who were frequent truants as adolescents are more likely than others to:<br>✸ Have poor physical and mental health<br>✸ Work in low-paying jobs<br>✸ Live in poverty<br>✸ Utilize the welfare system extensively<br>✸ Have children with problem behaviors<br>✸ Be incarcerated |

Based on the known consequences of truancy, chronic absence, and related outcomes, the need for prevention and intervention programs is urgent. Further, the development of prevention programs to divert youth from juvenile justice system involvement very important. In Rethinking the Role of the Juvenile Justice System: Improving Youth's School Attendance and Educational Outcomes, three formal roles are indicated related to youth's school attendance and school outcomes- Youth can be sent to court for missing school; monitoring school attendance is a focus of probation; and youth are detained and incarcerated for failing to comply with the conditions of probation, including those related to school.[57] This system involvement can actually have a negative impact on youth, "research has consistently shown that formal system involvement has a limited impact on, and may actually increase, recidivism rates for youth who have a low risk of reoffending."[58]

Effective truancy prevention and diversion programs involve collaboration and a comprehensive approach.[59] To support meaningful engagement with local partners, it can be helpful to have at least a primary understanding of the bevy of federal, state, and tribal education policies that impact AI/AN youth and communities. Chapter 2 provides a condensed overview of selected federal education legislation relevant to AI/AN education. Readers will briefly survey impactful legislation enacted from the "termination" era through present-day legislative action that impacts AI/AN youth. Those who are developing or supporting programs for Tribal youth may wish to engage in discussion about the implications of these policies as they work to develop collaborative programs and strategies with state and federal partners.

[56] Development Services Group, Inc., "Truancy Prevention."
[57] Weber, at 4.
[58] Id at 5.
[59] Safe Schools Health Students, "Truancy Prevention Efforts in School-Community Partnerships," *National Center Brief*, National Center for Mental Health Promotion and Youth Violence Prevention, 2012 at 5.

## Chapter 1- Key Points

- The federal role in American Indian and Alaska Native education is complex and is based on historic treaties and agreements with Native nations. The vast majority of Native students in the United States attend public schools. These students often post the lowest achievement outcomes of all students in their respective states.[60]

- Attendance achievement is an opportunity to support increased AI/AN education outcomes and divert youth from system involvement. There is no singular definition of "truancy," but generally truancy is any unexcused absence from school or school-based activity. Chronic absence is generally missing 10 or more days of school.

- Truancy prevention is important due to the widespread negative societal impacts both individually and collectively. Students who engage in truancy are more likely to engage in numerous risky behaviors and become involved with the justice system. This system involvement may actually increase recidivism rates for youth who have a low risk of reoffending.

Notes:

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[60] Juneau, Denise, "The Bureau of Indian Education is Broken, EducationWeek.org, February 6, 2018, https://www.edweek.org/leadership/opinion-the-bureau-of-indian-education-is-broken/2018/02

# Chapter 2: Digging to the Root

*Understanding Historic Education Policy That Impacts Tribal Nations*

*"Never were we asked what we wanted for our children or what we dreamed for their future. Instead, our hair was cut, we were dressed in new clothing, our languages were silenced, and our spiritual and religious practices were banned. In spite of the damaging effects of globalization on our tribes and communities, Native people have continued to survive—demonstrating our resilience and determination to thrive in the face of seemingly insurmountable conditions." –Susan Faircloth*

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Like most histories of federal policy impacting AI/AN, the history of AI/AN education is complicated and rife with impact on communities. There are a variety of books, articles, and publicly available reports that can provide short or expansive analyses of AI/AN education in the United States. A brief history of education policy is included within this publication to assist with understanding and to bridge the gap between federal education policy and contemporary justice approaches at the local, Tribal, state, and federal levels including the justice approaches that relate to truancy and chronic absenteeism for Tribal youth. This overview of policy does not cover the expansive literature available on the topic of education in Indian country. The resource section of this document includes a number of freely accessible materials to assist with understanding the broad and far-reaching historical impact of federal and state education policies impacting AI/AN youth over the past two hundred years.

## Federal Indian Law, Compulsory Education and the American Indian Policy

Federal Indian law "is the status of the Indian tribes and their special relationship with the federal government, with all of the attendant consequences for the tribes and their members, the states and their citizens, and the federal government, with all the attendance consequences for the tribes and their members, the states and their citizens, and the federal government."[61] The fundamental legal principles of federal Indian law are:

1) American Indian and Alaska Native Tribes that are recognized by the federal government are independent sovereign governments, separate from the states and federal governments.[62]
2) Unless Congress provides otherwise, the sovereignty of federally recognized American and Indian Alaska Native tribes generally extends over their federally recognized geographic territory (e.g., reservations, allotments, trust and restricted Indian lands, and

[61] William Canby, *American Indian Law in a Nutshell,* 7th ed. (St. Paul, MN: Thomson/West, 2004), at 1.
[62] Melody McCoy, "Tribalizing Indian Education," Indian Education Legal Support Project, Native American Rights Fund, 2000, http://www.narf.org/wordpress/wp-content/uploads/2015/01/purple.pdf

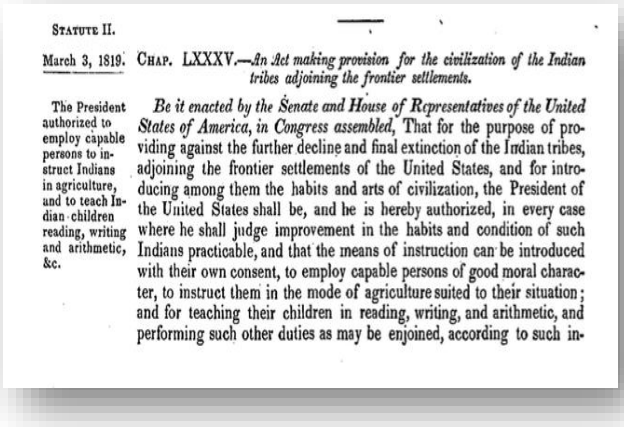
other Indian territory), including over the activities and conduct of tribal members and nontribal members within that territory.[63]

3) The sovereignty of federally recognized AI/AN tribes is inherent and exists unless and until Congress takes it away.[64]

The body of federal Indian law is vast and in working to understand U.S. education policy over the last two hundred years, eras of federal policy impacting AI/AN generally go hand in hand with the education of AI/AN youth.

## Mission School Era

On March 3, 1819 Congress approved $10,000 annually for Indian Education under the Indian Civilization Act also known as the Civilization Fund Act. This act was "to encourage benevolent societies to provide education for the Indian Tribes and provided the authorization to encourage the 'civilization' programs."[65] This act supported the efforts of religious groups and interested individuals willing to live among and teach Indians. At missionary-run schools, traditional religious and cultural practices were strongly discouraged while instruction in the Christian doctrines took place utilizing pictures, statues, hymns, prayers, and storytelling.[66] The act led many to found "mission schools," which increased until federal officials stopped direct funding at the end of the nineteenth century.[67]



STATUTE II.

March 3, 1819. CHAP. LXXXV.—*An Act making provision for the civilization of the Indian tribes adjoining the frontier settlements.*

The President authorized to employ capable persons to instruct Indians in agriculture, and to teach Indian children reading, writing and arithmetic, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That for the purpose of providing against the further decline and final extinction of the Indian tribes, adjoining the frontier settlements of the United States, and for introducing among them the habits and arts of civilization, the President of the United States shall be, and he is hereby authorized, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, to employ capable persons of good moral character, to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined, according to such in-

*"Civilization Fund Act" Enacted March 3, 1819.*[68]

[63] Id at 5.
[64] Id at 5.
[65] State of the Union History, 1818 James Monroe- Indian Civilization Act of 1819, accessed January 18, 2021, http://www.stateoftheunionhistory.com/2017/04/1818-james-monroe-indian-civilization.html
[66] Carolyn Marr, "Assimilation through Education: Indian Boarding Schools in the Pacific Northwest," Essay, University of Washington Libraries, accessed January 18, 2021, https://content.lib.washington.edu/aipnw/marr.html
[67] John Reyhner, "1819–2013 A History of American Indian Education," *Education Week,* December 2013, accessed January 18, 2021, https://www.edweek.org/ew/projects/2013/native-american-education/history-of-american-indian-education.html
[68] 3 Stat., 516-17. Photo: Indian Civilization Fund Act, Federal Education Policy History, accessed January 18, 2021, https://federaleducationpolicy.wordpress.com/2015/09/09/indian-civilization-act-of-1819/ The Ac "makes provision for the civilization of Indian tribes adjoining the frontier settlements."

## Government School Era

*Carlisle Pupils, Carlisle Indian Industrial School, Pennsylvania, 1900.*[69]

Throughout the 1800s, federal policy moved toward the assimilation and Western education of American Indian children. "Treaties between the U.S. government and Native nations contained provisions for educating Indians. The theory was that teaching basic English and math skills was a necessary part of ensuring Native people could exist in Anglo-America."[70] The Indian Office of the federal government developed and expanded a system of day and boarding schools for Indians, opening the first off-reservation boarding school, the Carlisle Indian Industrial School, in 1879, providing half-day academic and all-day vocational programs with instruction in English, and these schools were often run like military schools.[71]

> The profound complexity the historical legacy [of boarding schools] for Indian people's lives—was the diversity among boarding school students in terms of age, personality, family situation, and cultural background created a range of experiences, attitudes, and responses. Boarding schools embodied victimization

[69] Carlisle Indian School, Public Domain, accessed January 2021, https://commons.wikimedia.org/wiki/File:Carlisle_pupils.jpg

[70] National Indian Education Association, "Native Nations and American Schools, The History of Natives in the American Education System," at 9, accessed January 2021, https://cdn.ymaws.com/niea.site-ym.com/resource/resmgr/files/native_nations_and_american_.pdf

[71] Education Week, "1819–2013 A History of American Indian Education," Timeline, 2013, accessed January 18, 2021, https://www.edweek.org/leadership/1819-2013-a-history-of-american-indian-education/2013/12

> and agency for Native people, and they served as sites of both cultural loss and cultural persistence.[72]

The system of formal education was utilized to assimilate children into Western culture, ideology, and religion. Relatives could only visit briefly at prescribed times, if at all, and school administrators worked to keep students at school and eradicate all vestiges of their tribal cultures.[73] "The government still contracted with religious denominations for Indian schools but it began to operate directly many Indian schools itself with system-wide curriculums being developed through 1915."[74]

According to the National Native American Boarding School Healing Coalition, by 1926 nearly 83 percent of Indian school age children were attending boarding schools. There were 357 boarding schools in 30 states and by 1925 there were 60,889 children in boarding schools.[75] Reservations were viewed as a danger to assimilation, but schools harbored their own threats to the assimilationist project. Compulsory education and enrollment quotas that began in the 1890s quickly lead to overcrowding.[76] Poor sanitation and inadequate facilities were central reasons for school epidemics.[77] Many children succumbed to illnesses such as tuberculosis and trachoma. Research into the boarding and government school era provides accounts of pervasive physical, mental, and sexual abuse, neglect, illness, and death experienced by American Indian children in government boarding and day schools.[78]

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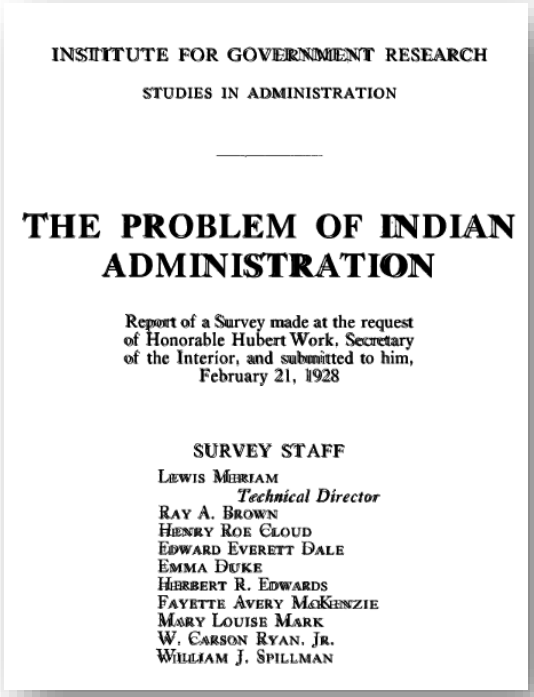
[72] Julie Davis, "American Indian Boarding School Experiences: Recent Studies from Native Perspectives," *OAH Magazine of History*, Winter 2001, 15(2): 20–22.
[73] Carolyn Marr, "Assimilation through Education: Indian Boarding Schools in the Pacific Northwest," Part 1.
[74] Melody McCoy, "Tribalizing Indian Education," at 7, http://www.narf.org/wordpress/wp-content/uploads/2015/01/gold.pdf
[75] National Native American Boarding School Healing Coalition, "US Indian Boarding School History," accessed January 18, 2021, https://boardingschoolhealing.org/education/us-indian-boarding-school-history/
[76] Juliet Larkin-Gilmore, "Homesick: Disease and Distance in American Indian Boarding Schools," *Remedia*, November 2016, https://remedianetwork.net/2016/11/18/homesick-disease-and-distance-in-american-indian-boarding-schools/#_ftn19 and Diane T. Putney, "Fighting the Scourge: American Indian Morbidity and Federal Policy, 1897–1928," PhD diss., Marquette University, 1980, 2–3, 97–98.
[77] Id.
[78] Angelique EagleWoman (Wambdi A. WasteWin) and G. William Rice, "American Indian Children and U.S. Indian Policy," *Tribal Law Journal* 16, 1 (2016), University of New Mexico School of Law, https://digitalrepository.unm.edu/tlj/vol16/iss1/2/

## Progressive Education

Through the early 1900s criticism of boarding school policies for American Indian children began to rise. The results of a multiyear study known as "The Meriam Report" provided in-depth discussion and recommendations related to the state of Indian education. Completed by the Institute for Government Research, the report condemned the deplorable policy of removing Indian children from their homes, and denounced the grossly inadequate conditions at boarding schools.[79] "The report was especially critical of vocational education programs, which it says were used to provide student labor to keep schools running and save the government money."[80] "The basic weakness in Indian administration, according to the report, was the attitude of the federal government toward the Indian, emphasizing the Indian's property rather than the Indian himself."[81] The Meriam Report implicated U.S. Indian policy in helping to create poverty and detailed the poor condition of tribal economies and utter destitution in Indian country.[82] The Meriam Report findings and recommendations would be utilized to shift movement toward a more progressive era of policy toward American Indians.



INSTITUTE FOR GOVERNMENT RESEARCH

STUDIES IN ADMINISTRATION

THE PROBLEM OF INDIAN ADMINISTRATION

Report of a Survey made at the request of Honorable Hubert Work, Secretary of the Interior, and submitted to him, February 21, 1928

SURVEY STAFF

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## Indian Reorganization Act "The Indian New Deal"

In 1933 John Collier was appointed by President Franklin D. Roosevelt to serve as the head of the Bureau of Indian Affairs (BIA). Collier, an advocate for American Indians, set out to reform Indian policy.[83] A key piece of legislation backed by Collier and passed during his tenure is the Wheeler Howard Act, also known as the Indian Reorganization Act or "Indian New Deal," which was passed by Congress on June 18, 1934.[84] The act was passed to develop Native American lands, empower their governments, support their businesses, and educate their citizens.[85] While the government continued to mandate

[79] Melody McCoy, "Tribalizing Indian Education," at 8, http://www.narf.org/wordpress/wp-content/uploads/2015/01/gold.pdf

[80] Education Week, "1819–2013 A History of American Indian Education," Timeline, 2013.

[81] Northern Arizona University, "The Merriam Report of 1928: Indigenous Voices of the Colorado Plateau," *Special Collections and Archives*, 2005, accessed January 2021, https://library.nau.edu/speccoll/exhibits/indigenous_voices/merriam_report.html

[82] Jessie Kratz, "Indian New Deal," National Archives Pieces of History, Blog, November 2015, accessed January 2021, https://prologue.blogs.archives.gov/2015/11/30/indian-new-deal/

[83] Id.

[84] Wheeler-Howard Act, Pub. L. No. 73-383, 48 Stat. 984 (1934), 25 U.S.C. ch. 14, subch. V § 461 et seq, Short Title; Indian New Deal: Indian Reorganization Act of 1934.

[85] Id.

American Indian youth education, the Indian New Deal also inched forward the cause of Native American education through inclusion of language and custom in bilingual syllabi.[86] While the Indian New Deal was meant for positive change, the ratification process was fraught with great fear and difficulty.[87] According to Floyd O'Neil, author of *Indian Self Rule: First-Hand Accounts of Indian-White Relations from Roosevelt to Reagan*, "There was a great deal of lobbying by the Bureau of Indian Affairs (BIA) for adoption; there was also a great deal of lobbying against it by older Bureau employees who feared they might lose their jobs. A great number of churches and older reform groups such as the Indian Rights Association also worked against it."[88] The Indian New Deal as an initiative of the federal government was viewed with concern by many Tribal leaders and existing governments, and was further opposed by those who held assimilationist viewpoints within the BIA and broader federal government.[89] Regardless of the conflicts surrounding the IRA, the rigid governmental education approach was a necessary and important step in American Indian education.

## Johnson–O'Malley Act

The Johnson–O'Malley Act (JOM) of 1934 (25 U.S.C. 5342 et seq.), also supported by Collier, was passed on April 16, 1934. The act offered states federal dollars to support their Native American education, health care, and agricultural assistance programs. Today, JOM funding is used to support programs designed to meet the specialized and unique educational and cultural needs of eligible Indian students, including programs that supplement existing school programming and operational supports. [90] Although funds are available, some schools have failed to collect all the federal aid to which they are entitled, due to undercounting or from Native families failing to self-identify because they are unwilling to face bias, are uninformed of their rights, or they are not enrolled in any federally recognized Tribe.[91] Further, the number of estimated students that should be served by the JOM program has been at issue for at least two decades.[92] The National Johnson O'Malley Association (NJOMA) has estimated that the count should be well more than one million as eligible for services, versus a 1995 Bureau of Indian Education count of approximately 272,000 eligible students.[93] As a response to some of these related issues, the Johnson–O'Malley Supplemental Indian Education Program

[86] Kratz, "Indian New Deal."
[87] Floyd O'Neil et al., "The Indian New Deal: An Overview In Indian Self Rule: First-Hand Accounts of Indian-White Relations from Roosevelt to Reagan," Utah State University Press, 1995, at 41, https://doi.org/10.2307/j.ctt46nr85.8
[88] Id. at 41.
[89] Ibid.
[90]U.S. Department of the Interior, Johnson–O'Malley, Bureau of Indian Education, accessed January 2021, https://www.bie.edu/topic-page/johnson-omalley
[91] Susan Brenna, "Why Are Native Students Being Left Behind," *Teach for America Online Magazine* December 2014, accessed January 2021, https://www.teachforamerica.org/stories/why-are-native-students-being-left-behind
[92] Statement by Carla Mann, President, National Johnson O'Malley Association (NJOMA), Testimony before Senate Indian Affairs Committee on S. 946, Johnson O'Malley Supplemental Indian Education Program Modernization Act of 2017, https://www.indian.senate.gov/sites/default/files/upload/files/7.12.17%20Carla%20Mann%20Testimony.pdf
[93] Id.

Modernization Act was enacted by Congress in December 2018 and amends the Johnson–O'Malley Act to direct the Secretary of the Interior, in coordination with the Director of the Bureau of Indian Education, to take initial steps in ensuring full participation of all qualified and eligible Indian students in the JOM program. As well, it clarifies current contracting and reporting practices that address challenges in serving eligible students and obtaining accurate student counts.[94] Continued review of the implementation of the 2018 amendments will be necessary to gauge long-term impact.

## American Indian Urban Relocation- "Relocation Act"

The American Indian Urban Relocation Act, Public Law 959[95] also known as the Adult Vocational Training Program was part of a broader termination scheme by the U.S. Congress. As part of the Act, Native Americans ages 18 to 35 were encouraged to move to urban areas and large cities for vocational training. As part of relocation, funds were provided pay moving expenses, provide vocational training and health insurance to Natives leaving reservations and moving to government designated cities. Wilma Mankiller, Cherokee Chief shared her about her experience moving from Stillwell, Oklahoma to an urban housing project in California. *"What happened is that they didn't prepare tribal people at all, they just thought we would sort of somehow fall into the melting pot and everything would be okay…. what happened is that for an 11-year-old girl, I ended up going to school with children- it was like going to school with children from another planet, we had never rode a bicycle, we had never used roller skates, we had never used a telephone, we had never had indoor plumbing, all the things the other kids did- their experiences were very different from ours."*[96]

## Self-Determination

The Indian Education Act of 1972—Passed in 1972, this act established the Office of Indian Education and the National Advisory Council on Indian Education.[97] This act was "landmark legislation establishing a comprehensive approach to meeting the unique needs of American Indian and Alaska Native Students. The unique aspects of the original authority have been retained through subsequent legislative reauthorizing statues, with the latest revision occurring with the amendments made by the 2001 No Child Left Behind Act (NCLB)."[98]
The act is unique in the following ways:

[94] See 25 CFR part 273 and https://www.federalregister.gov/documents/2019/06/27/2019-13632/education-contracts-under-johnson-omalley-act and U.S. Senate Committee on Indian Affairs, Hoeven: Senate Approves Bill to Modernize the JOM Progra tom, Sending it to the President, December 2018, accessed January 2021, https://www.indian.senate.gov/news/press-release/hoeven-senate-approves-bill-modernize-johnson-omalley-jom-program-sending-it

[95] Public Law 959, https://www.govinfo.gov/content/pkg/STATUTE-70/pdf/STATUTE-70-Pg986.pdf

[96] Upon Reflection, "A Modern Pioneer in the Cherokee Nation (Wilma Mankiller)," Interview, 1994, https://www.youtube.com/watch?v=zqqkKrz5U5Y&t=153s

[97] U.S. Department of Education, "History of Indian Education," Office of Elementary and Secondary Education, last modified August 2005, accessed January 2021, https://www2.ed.gov/about/offices/list/oese/oie/history.html

[98] Id.

1. It recognizes that American Indians have unique educational and culturally related academic needs and distinct language and cultural needs;
2. It is the only comprehensive federal Indian education legislation, that deals with American Indian education from preschool to graduate-level education and reflects the diversity of government involvement in Indian education;
3. It focuses on national attention on the educational needs of American Indian learners, reaffirming the federal government's special responsibility related to the education of AIs/ANs; and
4. It provides services to AIs/ANs that are not provided by the BIA.[99]

"The Indian Education Act should be recognized as a turning point for Native education. It was critical for improving the quality of education for American Indians and Alaska Natives after a period when cultural decline was commonplace within tribal communities."[100] This act coupled with the Indian Self-Determination and Education Assistance Act of 1975 brought needed change to American Indian youth education.

The Indian Self-Determination and Education Assistance Act of 1975—The Indian Self-Determination and Education Assistance Act, passed in 1975, "gives tribes the right to assume the responsibility and associated funding to carry out programs, functions, services and activities that the United States government would otherwise be obliged to provide to Indians and Alaska Natives. Examples of such services include healthcare, education, road construction, and social services."[101] The goal of the act was "to create mechanisms of tribal self-governance through the process of government contracting."[102] Through contracting, "the federal government could turn over funds to the tribal governments to manage contracted programs as they saw fit and thus provide greater control over their socio-economic situation."[103] Under the act, Native Americans are now able to operate their own schools. "Since the passage of the act more than seventy schools have taken charge of their own operations with the chance to take control of their own education bringing their own languages, beliefs, and philosophies to their schools."[104]

[99] Id.
[100] Corey Still, "Title VII: A Path to Education Equity," *Education Week*, Commentary, December 2013, accessed January 2021, https://www.edweek.org/ew/articles/2013/12/04/13still.h33.html
[101] Geoffrey Strommer et al., "The History, Status and Future of Tribal Self-Governance under the Indian Self-Determination and Education Assistance Act," 39 *American Indian Law Review* 1 (2014), https://digitalcommons.law.ou.edu/cgi/viewcontent.cgi?article=1001&context=ailr
[102] Daniel Delany, "The Master's Tools: Tribal Sovereignty and Tribal Self-Governance Contracting/Compacting," *American Indian Law Journal* 5(2), Article 1, https://digitalcommons.law.seattleu.edu/ailj/vol5/iss2/1
[103] Id. 5.
[104] Northern Plains Reservation Aid, "Indian Self Determination and Education Assistance Act–1975," History and Culture, accessed January 2021, http://www.nativepartnership.org/site/PageServer?pagename=airc_hist_selfdeterminationact

## Tribal Colleges

While federal policy shifts over the 1900s continued to provide additional opportunities for AI/AN youth, "Two major barriers still remain[ed] for Native Americans; the struggle to get into college and, if admitted, the struggle to successfully complete a degree, the desire to remove these barriers was the start of the Tribal college movement."[105] In 1968, the Navajo Community College (now *Diné* College) was established and was the first Indian-controlled Tribal college built on an Indian reservation.[106] To carry out self-determination, Native Americans sought to create Native-run colleges and serve geographically isolated populations that had no other means of accessing education beyond the high school level.[107] Contemporary Tribal colleges now serve more than 30,000 full- and part-time AI/AN college students[108] and create environments that foster AI/AN culture, language, and tradition.[109] Some Tribal colleges still remain the only postsecondary institutions within the nation's poorest rural areas.[110] The American Indian College Fund reports that approximately 86 percent of students in Tribal colleges complete their chosen program of study.[111]

## No Child Left Behind

The No Child Left Behind Act (NCLB), Pub. L. No. 107-110, 115 STAT. 1425, is a 2001 reauthorization of programs and funding authorizations under the Elementary and Secondary Education Act (ESEA) of 1965.[112] What is the ESEA? The ESEA, passed during the Johnson administration, created a clear role for the federal government in K–12 policy, offering aid to districts to cover the costs of educating disadvantaged students.[113] The NCLB Act "effectively scaled up the federal role in holding schools accountable for student outcomes."[114] In response to governmental and private business sector concerns of the American education system's competitiveness, the NCLB placed special emphasis on performance standards and approaches to improve achievement standards for targeted populations, including poor, minority, and other disadvantaged students. A number of issues arose out of the implementation of the NCLB for both Tribal and non-Tribal students. Specific issues related to American Indian education

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[105] Les Ridingin et al., "In Our Own Best Interest: A (Brief) History of Tribal Colleges in America," *Voices of the Global Community for Academic Advising,* December 2008, accessed January 2021, https://nacada.ksu.edu/Resources/Academic-Advising-Today/View-Articles/In-Our-Own-Best-Interest-Tribal-Colleges-in-America.aspx

[106] Id.

[107] Id.

[108] U.S. Department of Education, "Tribal Colleges and Universities, White House Initiative on American Indian and Alaska Native Education," accessed January 2021, https://sites.ed.gov/whiaiane/tribes-tcus/tribal-colleges-and-universities/

[109] Id.

[110] Id.

[111] Id.

[112] National Indian Law Library, "Provisions in the No Child Left Behind Act of 2001 (Pub. L. No. 107-110 [2002])," Tribal Education, Laws and Regulations, accessed January 2021, https://narf.org/nill/resources/education/no_child_left_behind.html

[113] Alyson Klein, "No Child Left Behind: An Overview," *Education Week*, April 2015, accessed January 2021, https://www.edweek.org/ew/section/multimedia/no-child-left-behind-overview-definition-summary.html

[114] Id.

included concerns regarding the operational aspects of the NCLB and a lack of funding to support the mandates included in the act.[115] The strong emphasis on high-stakes proficiency testing in the areas of math and reading and lack of strengths-based assessment in other skill areas prompted Tribal leaders to convene in national settings to discuss the negative impacts of the act and strategize approaches that would better serve Tribal youth.[116]

## Bureau of Indian Education Schools Today

Formerly known as the Office of Indian Education[117] the Bureau of Indian Education (BIE) currently oversees a total of 183 elementary, secondary, residential, and peripheral dormitories across 23 states.[118] More than half of these schools are controlled under P.L. 93-638 Indian Self Determination Contracts or the P.L. 100-297 Tribally Controlled Schools Act and the remainder are operated by the BIE.[119] The mission of the BIE is to "*provide quality education opportunities from early childhood through life in accordance with a Tribes needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities*."[120] While the intent and mission of the BIE is clear, issues related to capacity, quality of education, and demonstrated student achievement gaps are noted in governmental reports.[121] BIE leaders have formed working groups and partnered with national supporting partners to find sustainable and suitable solutions to address issues within the BIE schools. The BIE's "Blueprint for Reform is enabling the BIE to work with tribal communities to improve educational opportunities and outcomes by more effective supporting tribal educators who best understand the unique needs of their communities."[122] For the almost 50,000 youth served by the BIE, system improvement is imperative.

## Every Student Succeeds Act

The Every Student Succeeds Act (ESSA) was signed by President Obama on December 10, 2015 and builds on key areas of progress of prior education acts.[123] The law was enacted in response to the increasingly difficult implementation of the NCLB. The ESSA includes provisions to

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[115] National Indian Education Association, "No Child Left Behind in Indian Country," Center for Indian Education, Arizona State University, Preliminary Report 2005, https://narf.org/nill/resources/education/reports/29.23.NIEANCLBreport_final2.pdf

[116] Id.

[117] U.S. Department of the Interior, "Bureau of Indian Education," accessed January 2021, https://www.bia.gov/bie

[118] U.S. Department of the Interior, "Bureau of Indian Education," School Directory, https://www.bie.edu/Schools/index.htm

[119] Id.

[120] See 25 CFR Part 32- Indian Education Policies, 32.3 Mission Statement

[121] U.S. Government Accountability Office, "Improving Federal Management Programs That Serve Tribes and Their Members," *High Risk Series*, March 2019, https://www.gao.gov/highrisk/improving_federal_management_serve_tribes/why_did_study

[122] Ann Marie Bledsoe Downs, "Respecting Tribal Wisdom, Revitalizing Indian Education," U.S. Department of the Interior Blog, September 2016, accessed January 2021, https://www.doi.gov/blog/respecting-tribal-wisdom-revitalizing-indian-education

[123] U.S. Department of Education, "A New Education Law," Every Student Succeeds Act (ESSA), https://www.ed.gov/essa?src=rn

support student success, college, and career readiness.[124] The act further supports disadvantaged and high-need students through provisions that maintain accountability and expectations.[125] ESSA implementation includes critical factors relating to the support of Tribal youth. The ESSA requires states and local school districts to engage in meaningful consultation with Tribes and acknowledges the importance of language and community in the lives of Native students. The ESSA establishes a grant program to support the use of Native language as the primary language of instruction.[126] State and Tribal Education partnerships are authorized under the ESSA through State Tribal Education Partnership (STEP) programs that promote Tribal self-determination in the education of Native students by authorizing coordination and collaboration of tribal education agencies, with state education agencies.[127] In regard to ESSA and BIE schools the ESSA authorizes the BIE to exercise greater autonomy over its schools through engagement in negotiated rulemaking and defining standards based on the unique needs and circumstances of schools and students.[128]

## Historic Impact and Community Trust

> *"Education policies over the last few decades have supported tribes exercising sovereignty over education programs serving American Indian and Alaska Native children. These policies include tribal administration over Indian education programs, Indian school boards, and tribal contract and grant schools. While these reforms have been fruitful, improvements in Indian education remain dwarfed and the discrepancy between Indian and non-Indian student achievement is growing."*[129]
>
> *—National Indian Education Association and the National Congress of American Indians Joint Statement*

Contemporary legislation such as the ESSA and the NCLB Act include provisions that attempt to improve the education process for disadvantaged and high need populations. The specific provisions that support state and local engagement with Tribes are a vast improvement on prior legislation impacting AI/AN youth. Nevertheless, the historic impact of education policy on Tribal communities in America cannot be ignored and continue to have ramifications in the lives of Tribal youth and families. The resonating trauma and pain caused by an era of assimilation and termination cannot be ignored. Current data on Tribal youth graduation rates, education performance, and discipline toward AI/AN continues to reflect the need for targeted support and effective interventions. The U.S. Department of Education has a commitment to "engage in regular and meaningful consultation and collaboration with American Indian Tribes." It is

[124] Id.
[125] Id.
[126] National Indian Education Association, "ESSA Implementation," accessed January 2021, http://www.niea.org/for-advocates/education-priorities/state/essa-implementation/
[127] Alliance for Excellent Education, "Every Student Succeeds Act Primer: American Indian, Alaska Native, and Native Hawaiian Students," Primer, June 2016, https://all4ed.org/wp-content/uploads/2016/06/FINAL-ESSA_FactSheet_NIEA-American-Indian-Students.pdf
[128] Id.
[129] National Congress of American Indians and the National Indian Education Association, National Priorities for Indian Education, Joint Statement, 2014. https://ncela.ed.gov/files/uploads/18/NCAI_NIEA_jointESEAreauth.pdf

through these opportunities such as these that tribes may confer to provide the best insight about the specific education needs of the local communities. Additionally, initiatives such as the National Native American Boarding School and Healing Coalition is supporting Native communities working toward truth, healing and justice for Boarding School impacts.[130]

## Chapter 2: Key Points

- Historic federal education policy for AI/AN impacted AI/AN people in a variety of ways, including forced removal and assimilative policies that ignored the value of AI/AN culture, language, and teachings. Some recent education policy includes provisions to support Tribal consultation through state and local engagement with Tribal leaders, which may assist in the delivery of targeted programs and education services for AI/AN youth.

- Contemporary legislation such as the ESSA and the NCLB Act include provisions that attempt to improve the education process for disadvantaged and high need populations. The specific provisions that support state and local engagement with Tribes are a vast improvement on prior legislation impacting AI/AN youth.

- The historic impact of education policy on Tribal communities in America cannot be ignored and continue to have ramifications in the lives of Tribal youth and families initiatives such as the National Native American Boarding School and Healing Coalition is supporting Native communities working toward truth, healing and justice for Boarding School impacts.

Notes:

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[130] The National Native American Boarding School Healing Coalition, https://boardingschoolhealing.org/about-us/

# Chapter 3: Truancy and Chronic Absenteeism

*Understanding Related Risk and Protective Factors*

*"Our children are the reason why in the face of extreme adversity, our ancestors fought and endured to keep our people, ways of life, value systems and languages alive. And even after all of that, we live in a new era in which we face pervasive stereotypes, biases, misconceptions, omissions, and even lies about our history and identify- in textbooks, film, literature, music, politics, and the general consciousness of everyday America. In light of this, our children remain our greatest hope of not just survival, but the ability to thrive again."- Mandy Smoker Broaddus*

There are many factors that may contribute to a student's continued truancy or chronic absence. By identifying factors that place native youth at-risk of truancy and chronic absence, prevention programs can direct energy and attention to addressing root issues within the local community and at the individual level.

## What Are Risk Factors?

A risk factor can be defined as "a characteristic at the biological, psychological, family, or community or cultural level that precedes and is associated with a higher likelihood of problem outcomes."[131] To develop effective intervention processes that support truancy and chronic absence reduction, it is necessary to know and understand the characteristics and circumstances of truant and chronically absent youth.[132] Research indicates that there are a number of correlates or causes of truancy that can be positioned within four major categories. These include *family factors*, *economic influences*, *school factors*, and *student variables*.[133]

[131] Youth.gov, "Risk and Protective Factors," Youth Topics, Mental Health, accessed January 2021, https://youth.gov/youth-topics/youth-mental-health/risk-and-protective-factors-youth

[132] Maynard et al., "Truancy in the United States: Examining Temporal Trends and Correlates by Race, Age, and Gender," *Child Youth Services Rev*iew 81 (October 2017): 188–96, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5733793/#R18

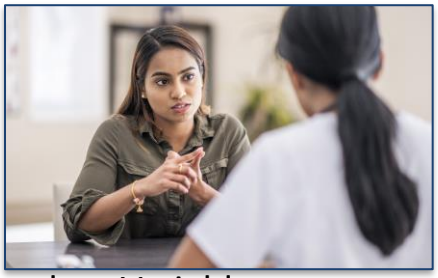
[133] Bill Rivers, "Truancy: Causes, Effects and Solutions," Master's Thesis, St. John Fisher College, Ralph Wilson Jr., School of Education, April 2010, http://fisherpub.sjfc.edu/cgi/viewcontent.cgi?article=1106&context=education_ETD_masters and Baker et al., "Truancy Reduction: Keeping Students in School," Office of Juvenile Justice and Delinquency Prevention, September 2001, https://www.ncjrs.gov/pdffiles1/ojjdp/188947.pdf

## Risk Factors Impacting Student Attendance: Considering Four Categorical Areas

Family Factors

Economic Influences

School Factors



Student Variables

## Family Factors

Family factors play a key role in absenteeism and truancy.[134] Family factors related to truancy and absenteeism can include things like low family income, low parent involvement, unstable housing, at-home responsibilities, stressful family events, conflicting home and school priorities, language differences, and other factors stemming from family life that increase negative outcomes in the education process."[135] Home dynamics such as crowded living conditions, weak parent–child relationships, and frequent relocation may negatively affect school attendance and these factors are typically found among low-income families.[136] Parent low education and/or dropout rate may also play a role in truant behavior.[137] Violence, child abuse, and neglect may also play a role in youth truant behavior or absence. Adolescent witnesses (to violence) are more likely to have a fatalistic view of the future resulting in an increased rate of risk taking and antisocial behavior, such as school truancy, early sexual activity, substance abuse, and delinquency.[138] "There is a consensus among social scientists and government officials that more focused research must be done to gain clarity related to the

[134] Martell Teasley, "Absenteeism and Truancy: Risk, Protection, and Best Practice Implications for School Social Workers," *Children & Schools*, April 1, 2004: 117–28, https://doi.org/10.1093/cs/26.2.117

[135] Brian Jacob and Kelly Lovett, "Chronic Absenteeism: An Old Problem in Search of New Answers," *Brookings*, July 2017, accessed January 2021, https://www.brookings.edu/research/chronic-absenteeism-an-old-problem-in-search-of-new-answers/

[136] Teasley at 119.

[137] Rivers at 4.

[138] Melissa Stiles, "Witnessing Domestic Violence: The Effect on Children," *American Family Physician* 66(11) (December 2002): 2052–67, https://www.aafp.org/afp/2002/1201/p2052.html

outcomes and implications for educational performance amongst child witnesses of violence."[139] It's imperative that communities continue to address the long-term impacts of exposure to violence, as violence rates are higher for AI/AN communities than for all other races.[140]

## Economic Influence

Research indicates that there are economic influences related to truancy and chronic absence. Studies have found that higher-income families generally have more involvement in school, thus decreasing the risk factors related to truancy.[141] Relatedly, lower-income families generally have a high risk associated with truancy and chronic absence.[142] This is disconcerting because it is established that Tribal communities are some of the poorest in the nation. The percentage of homes that are overcrowded on reservations is 3–6 times higher than the percentage of overcrowded homes in the United States as a whole.[143] "Overcrowding, substandard housing, and homelessness are far more common in Native American communities."[144] The Department of Housing and Urban Development (HUD) recently published a housing needs assessment that indicated a lack of plumbing, kitchen, and heating deficiencies at much higher levels in Tribal areas.[145] Many AI/AN communities are impoverished with some tribes reporting unemployment as high as 85 percent.[146] The National Center for Education Statistics notes that the poverty rates are especially high among AI/ANs families who live in AI/AN areas. "Poverty

[139] Renita Dawn Robinson-Tyrance, "Witnessing Inter-Parental Violence at Home: Adolescents and School Achievement," *Sociology Theses, Dissertations, & Student Research*, 2013, 30, http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1030&context=sociologydiss

[140] Dorgan et al., *Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence: Ending Violence So Children Can Thrive*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2014, https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2015/03/23/ending_violence_so_children_can_thrive.pdf

[141] Brandy Maynard et al., "Truancy in the United States: Examining Temporal Trends and Correlates by Race, Age, and Gender," *Child Youth Services Review* 81 (October 2017): 188–96, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5733793/#R18 and Terri Clark, "Examining the Role of Parents/Caregivers of Youth Demonstrating Truant Behavior," *Counselor Education Capstone*, 2017, 50. State University of New York, https://digitalcommons.brockport.edu/cgi/viewcontent.cgi?article=1046&context=edc_capstone

[142] Farah Z. Ahmad and Tiffany Miller, "The High Cost of Truancy," Center for American Progress, August 2015, https://cdn.americanprogress.org/wp-content/uploads/2015/07/29113012/Truancy-report4.pdf

[143] Id., citing Housing Assistance Council, 2013; U.S. Commission on Civil Rights, 2003; Census 2000.

[144] http://naihc.net/about-2/

[145] Nancy Pindus et al., "Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report from the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs." *U.S. Department of Housing and Urban Development,* January 2017, https://www.huduser.gov/portal/sites/default/files/pdf/HNAIHousingNeeds.pdf

[146] Running Strong for American Indian Youth, "The Poverty Cycle," 2020, accessed January 2021. https://indianyouth.org/the-poverty-cycle/

poses a serious challenge to children's access to quality learning opportunities and their potential to succeed in school."[147]

## School-Specific Factors

There are a number of school-specific factors that correlate to student truancy including but not limited to school climate issues, school size, attitudes of teachers, other students, and administrators, as well as inflexibility in meeting diverse cultural and learning styles of students.[148] A lack of clear disciplinary policy or meaningful consequences are also related factors.[149] Feelings related to school safety can also play a role in truancy.[150] A California study examined safety and connectedness related to truancy in high-poverty middle and high schools. The study found that children who perceive their schools to be unsafe and feared being in fights were more likely to skip school, while students who reported they were more closely connected to their schools or had a teacher or adult who cared about them were more likely to attend.[151] The study suggests that school-wide initiatives enhancing both school safety and connectedness may lead to improved school attendance.[152]

## School Policies and Consideration for Traditional/Cultural Activities

Native communities may value participation in traditional activities and/or ceremonies which can conflict with academic schedules. "Students travel to and from Indian reservations to visit family, attend religious ceremonies and participate in cultural rituals while classmates back at home continue to study."[153] For youth whose families are tied to more than one tribal community, tribal activities may occur locally, regionally, or in other parts of the country. Schools who fail to engage meaningfully with native youth and their parents may have difficulty assessing the specific needs related to absence for cultural or traditional activities. There are however, states are working to support tribal communities in this area.

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[147] National Center for Education Statistics, "Status and Trends in the Education of American Indians and Alaska Natives," Individuals, Families and Children in Poverty, 2008, https://nces.ed.gov/pubs2008/nativetrends/ind_1_6.asp

[148] Baker et al., "Truancy Reduction: Keeping Students in School," Office of Juvenile Justice and Delinquency Prevention, September 2001, https://www.ncjrs.gov/pdffiles1/ojjdp/188947.pdf

[149] Id.

[150] Berman et al., "School Environmental Conditions and Links to Academic Performance and Absenteeism in Urban, Mid-Atlantic Public Schools," *International Journal of Hygiene and Environmental Health*, 2018. And Gottfredson et al., "School Climate Predictors of School Disorder: Results from a National Study of Delinquency Prevention in Schools," *Journal of Research in Crime and Delinquency* 42 (2005): 412.

[151] Kevin Gee et al., "Safety Linked to Reduced Truancy in High-Poverty Schools," Policy Brief, *Center for Poverty Research* 3(8), https://poverty.ucdavis.edu/policy-brief/safety-linked-reduced-truancy-high-poverty-schools

[152] Id.

[153] Raposa, Megan,*"Absent students pulled between classrooms and culture,"* Argus Leader, June 24, 2016, https://www.argusleader.com/story/news/education/2016/06/24/absent-students-pulled-between-classrooms-and-culture/86169508/.

Recently California updated their pupil attendance statute to excuse cultural ceremonies or events.[154]

> *California Education Code 42805(a)(11)- "A pupil shall be excused from school when absence is for the purpose of participating in a cultural ceremony or event."*

"Prior to the passage of Assembly Bill 516, Native American families could be penalized if their children missed school days to participate in cultural events, since the days were not legally required to be excused. In some instances, students were unable to make up missed work or tests."[155] Other states such as Washington[156] and New Mexico[157] also include tribal obligations or cultural instruction as excused absences under state statute.

## LGBTQ+ and Two Spirit

A 2012 report noted that lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ+) students experience higher rates of victimization and bullying than do their heterosexual-identified peers.[158] The study also indicated that LGBTQ+ were more 1.4 percent more likely to skip school and were 3.3 percent more likely to think about suicide. A 2016 report indicated that LGBTQ+ students who were truant because they feel unsafe in the school environment may be at greater risk for referral to law enforcement and the court system.[159] Native Two Spirit[160] individuals face amongst the highest disparities across social and health indicators. More than half of Native American gay or lesbian students experience physical violence at school because of their sexual orientation.[161]

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[154] See California Education Code, Title 2, Division 4. Instruction and Services, Part 27. Pupils, Chapter 2. Compulsory Education Law, Article 1. Persons Included, § 42805 (a) https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48205&lawCode=EDC

[155] Atieh, Nada, "Native American cultural ceremonies are now excused absences from school under a new law," Redding Record Searchlight, October 1, 2021. https://www.redding.com/story/news/2021/10/01/native-american-cultural-ceremonies-now-excused-absences-school/5935872001/

[156] See Washington, Washington Administrative Code, Title 392, Chapter 392-4-10-020, *Excused Absences*-(c) *Religious or cultural purpose including observance of a religious or cultural holiday or participation in religious or cultural instruction*. https://apps.leg.wa.gov/wac/default.aspx?cite=392-401-020

[157] See New Mexico Attendance for Success Act, Chapter 22. Public Schools § 22-12A-2(g) *"Excused absence" means absence from a class or a school day for a death in the family, medical absence, religious instruction or tribal obligations or any other allowable excuse pursuant to the policies of the local school board.*

[158] Joseph Robinson et al., "Bullying Explains Only Part of the LGBTQ-Heterosexual Risk Disparities: Implications for Policy and Practice," Educational Researcher 41(8) (2012): 309–19, https://journals.sagepub.com/doi/abs/10.3102/0013189x12457023

[159] Palmer et al., "Education Exclusion, Drop Out, Push Out, and the School-to-Prison Pipeline among LGBTQ Youth," 2016, https://www.glsen.org/sites/default/files/2019-11/Educational_Exclusion_2013.pdf

[160] "*Two Spirit is a term in the English Language to incorporate and honor the ancient Native Language terms that were used within Tribal societies to denote people who traditionally have special roles within the community, culture, and ceremonial life. Two spirit indicates an ability to see the world from both male and female perspectives and bridge the world of male and female." See* Tribal Equity Toolkit: Tribal Resolutions and Codes to Support Two Spirit and LGBT Justice in Indian Country, Native American Program of Legal Aid Services Oregon, Lewis and Clark College, and the Western States Center, at 4, https://graduate.lclark.edu/live/files/12737-tribal-equity-toolkit

[161] Id at 8.

## A Note on Bullying and Student Absence

Because safety is linked as a factor to student absence, bullying should be considered in conversations related to student absence. According to the 2019 Center for Disease Control's Youth Risk Behavior Survey (YRBS) in grades 9-12, 7.4 percent of students reported that they were threatened or injured with a weapon at school, 8.7 percent of students reported not going to school due to safety concerns, and 19.5 percent of students reported that they had been bullied at school.[162] "Bullying is a big social problem that not only creates an unhealthy climate for individuals but also undermines schools and communities."[163] A California study linked bullying, student absences, and reduced funding where dollars are allocated for daily attendance.[164] In regard to Native youth and bullying there is little to no research on the impact of bullying and its effects on the Native population.[165] The 2019 YRBS indicates that 32.1 percent of those AI/AN youth that were surveyed reported that they were bullied on school property during the 12 months before the survey. "What is known anecdotally from Tribal communities is that bullying is prevalent, varies from community to community, and has short- and long-term consequences."[166] Youth who are bullied are more likely to abuse alcohol and other drugs in adolescence and as adults, get into fights, vandalize property, and drop out of school.[167] Relatedly, bullying as a risk factor may be considered regarding the specific needs of students who identify as lesbian, gay, bisexual, transgender, and questioning.

## Access to Technology and Virtual Education and "The Digital Divide"

The recent increase in virtual charter schools and public education through electronic learning platforms has spotlighted a barrier to meaningful participation in virtual and blended virtual/in-person schooling for many youths. "An estimated 9 million U.S. students do not have internet access at home; about 11 million do not have access to a computer. The trends are worse in rural communities and for students living in low income communities."[168] A 2019 report released by the Native Nation's Communications Task Force, noted that "members of federally-recognized American Indian and Alaska Native Villages and other residents of Tribal lands have

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[162] Centers for Disease Control, 2019 Youth Risk Behavior Surveillance System, Youth Online High School Results, https://nccd.cdc.gov/Youthonline/App/Results.aspx?TT=A&OUT=0&SID=HS&QID=QQ&LID=XX&YID=2017&LID2=&YID2=&COL=S&ROW1=N&ROW2=N&HT=QQ&LCT=LL&FS=S1&FR=R1&FG=G1&FA=A1&FI=I1&FP=P1&FSL=S1&FRL=R1&FGL=G1&FAL=A1&FIL=I1&FPL=P1&PV=&TST=False&C1=&C2=&QP=G&DP=1&VA=CI&CS=Y&SYID=&EYID=&SC=DEFAULT&SO=ASC

[163] Mike Kennedy, "Bullying-Related Absences Cost Schools Hundreds of Millions of Dollars, Study Says," *American School and University, Safety and Security*, July 2017, accessed January 2021, https://www.asumag.com/safety-security/article/20855607/bullyingrelated-absences-cost-schools-hundreds-of-millions-of-dollars-study-says

[164] Id.

[165] U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, "Bullying in Indian Country," Tribal Training and Technical Assistance Center Bulletin, https://www.samhsa.gov/sites/default/files/ttac-bullying-factsheet-2.pdf

[166] Id.

[167] Id.

[168] Attendance Works, "Monitoring Attendance in Distance Learning," Chronic Absence, updated July 2020, accessed January 2021, https://www.attendanceworks.org/chronic-absence/addressing-chronic-absence/monitoring-attendance-in-distance-learning/

lacked meaningful access to wired and wireless communications."[169] Further, the U.S. Department of Commerce findings indicated that AI/AN children had the highest rate of no internet access at home.[170] Continued tracking of community data is necessary to identify strategies to support youth who are unable participate fully in educational activities and access critical curriculum in digital and electronic formats. Indigenous students have been impacted by the adverse effects of the digital divide. "Disconnected students must find creative ways to get online, either relying on public Wi-Fi or internet at a friend or relative's house. Even for students who have some internet access at home, not all access is equal or sufficient. The struggle of completing homework assignments or participating in interactive online classes is amplified for students who only access the internet through mobile smartphone internet services."[171]

## Homelessness and Chronic Absence

According to the School House Connection, "students experiencing homelessness are chronically absent from school at a rate at least twice that of the overall student population, and significantly more often than their housed, low income peers."[172] Students who are experiencing homelessness lack basic needs. Strategies to support this student population should consider needs related to physical health; mental health: access to clean clothing, hygiene, and school supplies; and their familial and work responsibilities. "Many students may miss school to care for younger siblings or to work."[173] Intervention is critical to support youth experiencing homelessness as "not completing high school is the greatest single risk factor for young adult homelessness."[174] National policy has been developed to support youth who face homelessness in accessing necessary support. Under the McKinney-Vento Homeless Assistance Act (*42 USC Chapter 119, Subchapter VI, Part B: Education for Homeless Children and Youths*) states and schools are required to promote school stability for students experiencing homelessness.[175]

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[169] Federal Communications Commission, "Native Nations Communications Task Force," *Office of Native Affairs and Policy,* updated December 2020, accessed January 2021, https://www.fcc.gov/consumer-governmental-affairs/about-bureau/office-native-affairs-and-policy/native-nations

[170] First Kids 1st, "First Kids 1st Data Resource Book: Helping Native Youth Thrive through Research and Data," Washington, DC: National Congress of American Indians (2019), http://www.ncai.org/policy-research-center/research-data/prc-publications/First_Kids_1st_Data_Resource_Book_FINAL__6_30_2019.pdf

[171] Howard, Brian et al., "COVID-19: The Impact of Limited Internet Access and Issues with Social Distancing for Native Students," American Indian Policy Institute, Arizona State University, https://aipi.asu.edu/sites/default/files/indigenous_digital_divide_policy_brief.pdf.

[172] National Center for Homeless Education, "In School Every Day: Addressing Chronic Absenteeism among Students Experiencing Homelessness," Best Practices in Homeless Education Brief Series, *National Center for Homeless Education*, 2017, https://nche.ed.gov/wp-content/uploads/2018/10/chron-absent.pdf

[173] School House Connection, "Supporting the Attendance of Students Experiencing Homelessness," New Resources, January 2020, accessed January 2021, https://www.schoolhouseconnection.org/supporting-attendance/

[174] Id.

[175] National Center at 5, https://nche.ed.gov/wp-content/uploads/2018/10/chron-absent.pdf

## Student Variables

There are numerous student-specific factors that may be linked to truancy and chronic absence. Factors could include things such as "teenage [parenthood], low academic performance and repeating grades, lack of caring relationships with adults, negative peer influences, and bullying."[176] Other factors that can impact students are physical and mental health, substance abuse, drug use, perception of self, and detachment from school.[177] Generally, truancy increases by seniority in high school.[178] Youth may also feel academically or socially inadequate.[179] Physical health, routines, habits, and even educational pressure or lack thereof can also impact youth truancy.[180] A 2017 Report from the University of New Mexico Center for Education Policy Research indicates that the values and cultural norms of Native youth differed from mainstream culture—thus causing conflict between perceptions of success and achievement.[181] For example, in Native culture there is an emphasis more on the group than the individual and are raised in homes where the values of sharing, generosity, and cooperation are taught.[182] These ideals stray from individualistic competition as a motivation for academic success.

Further, for Native students, a perceived lack of support from non-Native American faculty/teachers and staff with regard to opportunities for interaction and mentorship is shown to impact Native American student success.[183][184] Individual factors that can also impact Native youth school attendance may include a lack of transportation in rural and urban communities, housing, and family instability.

[176] Jacob and Lovett, "Chronic Absenteeism," 2017.
[177] Rivers at 5.
[178] Demir et al., "Factors Associated with Absenteeism High Schools," *Eurasian Journal of Education Research* 62 (2016), 37–56 at 40, https://files.eric.ed.gov/fulltext/EJ1097992.pdf
[179] Ibid. at 40.
[180] Ibid. at 41.
[181] Hughes et al., "Listening Circles Tell Our Stories of Our Native Youth in New Mexico: The Native Student Listening Project," *Center for Education Policy Research,* University of New Mexico (2017), https://webnew.ped.state.nm.us/wp-content/uploads/2018/01/IED-Native-Listening-Project-Final-1.pdf
[182] Ibid.
[183] Ibid.
[184] Janaki Chadha, "Preventing Absenteeism among Native American Students Proves Stubbornly Difficult, Oregon Finds," The Oregonian/OregonLive, January 9, 2019, https://www.oregonlive.com/education/2017/09/preventing_absenteeism_among_n.html

| **Factors Associated with Youth At-Risk of Truancy and Chronic Absence**<br>**Note that this is not an exhaustive list—other factors may exist and impact student attendance.* | |
|---|---|
| **Family Factors** | Low Family Income, Low Parent Involvement, Stressful Family Events, Home Dynamics, Weak Parent/Child Relationships, Parent Low Education/Drop Out, Child Abuse and Neglect |
| **Economic Factors** | Poverty/Low Income, Homelessness, Overcrowded Homes, Lack of Transportation or Access to Funds for Transportation, Lack of Affordable Childcare |
| **School Factors** | School Size, School Climate—Attitudes of Teachers/Administrators, Lack of Clear Policy or Disciplinary Procedures, School Safety, Perceptions of Safety, Bullying, Lack of Understanding and Acknowledgement of Cultural Differences between Youth and Mainstream Culture and Peer Influences |
| **Student Variables** | Drug, Alcohol Use, Perceptions of Self, Parenthood, Mental Health, Boredom/Detachment from School, Feelings of Academic or Social Inadequacy, Physical Health, Routines, Habits, Educational Pressure/Stress, Lack of Understanding of Attendance Laws.<br>Native Youth-Specific Factors—Cultural Differences between Youth and Mainstream Culture, Ceremonial Practices That Differ from Academic Schedules/Requirements |

**Stop and Reflect**

Review the previously listed risk factors that may impact youth attendance. What known factors may place youth at-risk of truancy and/or chronic absence within your local community? You may want to review local data to assist with identification of potential factors.

Local Community Family Factors:

_____

_____

_____

Local Community Economic Factors:

_____

_____

_____

Local School District(s) Specific Factors:

_____

_____

_____

Local Youth/Student Specific Variables:

_____

_____

_____

Does your state or local school board excuse school attendance for tribal-specific obligations or cultural activities?

_____

_____

_____

## Protective Factors and Student Resiliency

*What Are Protective Factors?* Converse to risk factors, a protective factor can be defined as a "characteristic at the biological, psychological, family, or community (including peers and culture) level that is associated with a lower likelihood of problem outcomes or reduces the negative impact of a risk factor on problem outcomes."[185] Protective factors are "individual or environmental characteristics, conditions, or behaviors that reduce the effects of stressful life events. These factors also increase an individual's ability to avoid risks or hazards, and promote social and emotional competence to thrive in all aspects of life, now and in the future."[186] "Protective factors may contribute to resilience either by exerting positive effects in direct opposition to the negative effects of risk factors (additive model) or by buffering individuals against the negative effects of risk factors."[187] Protective factors, like risk actors are typically organized into domains.[188]

| **Protective Factor Domains** | |
|---|---|
| **Individual** | Biological and Psychological Dispositions, Attitudes, Values, Knowledge, Skills |
| **Family** | Function, Management, Bonding |
| **Peer** | Norms, Activities, Attachment |
| **School** | Bonding, Climate, Policy, Performance |
| **Community** | Bonding, Norms, Resources, Awareness, Mobilization |
| *Source:* Development Services Group, Inc., "Protective Factors for Delinquency." Literature review. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. (2015) | |

[185] Interagency Working Group on Youth Programs, "Risk and Protective Factors," Youth.Gov, https://youth.gov/youth-topics/youth-mental-health/risk-and-protective-factors-youth

[186] U.S. Department of Health and Human Services, "Protective Factors," *Adolescent and School Health, Centers for Disease Control*, revised August 7, 2018, accessed January 2021, https://www.cdc.gov/healthyyouth/protective/index.htm

[187] Development Services Group, Inc., "Protective Factors for Delinquency," Literature Review, Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2015, https://www.ojjdp.gov/mpg/litreviews/Protective%20Factors.pdf.

[188] Id. at 10.

*By continuing to expand on the understanding of protective factors and incorporating urban AI/AN youth into studies and research, public health interventions for AI/AN youth can be improved and contribute to lifting the overall health and well-being of all AI/AN people. (Locklear et al., 2020)*

## Why Focus on Increasing Protective Factors?

Protective factors can increase resiliency and reduce the likelihood of adversity leading to negative child outcomes and behaviors, such as contact with the juvenile justice system.[189] Further, interventions that focus on enhancing protective factors are especially beneficial because the positive health effects affect all members of a community.[190] In developing truancy prevention programs, stakeholders can identify strategies that best suit the local community. As Native nations differ in unique strengths, needs, and beliefs, it is important to implement protective factors that are meaningful to local youth.

## Increasing Protective Factors to Support AI/AN Youth

"Understanding the determinants of health and identifying modifiable factors that support positive health choices during adolescence can inform interventions designed to improve AI/AN adolescent health."[191] Moreover, communities can work to define the factors that are most impactful to their community's youth. Research in youth prevention literature indicates that communities should "identify protective factors within the context of the lives of the specific population targeted for the intervention."[192] This, in turn, leads to the identification of factors that are culturally relevant to the target population and better suited for guiding intervention efforts.[193] In considering protective factors that are relevant within Tribal communities, a 2019 environmental scan conducted by the Center for Native Child and Family Resilience suggests that it is important to consider the range of cultural protective and resilience factors that are unique to Indian country.[194] Concepts such as "spirituality, land connection, foods, language and mind-body connection are not easily measured and

[189] Development Services Group, Inc., "Tribal Youth in the Juvenile Justice System," Literature review, Washington, DC: Office of Juvenile Justice and Delinquency Prevention (2016), https://www.ojjdp.gov/mpg/litreviews/Tribal-youth-in-the-Juvenile-Justice-System.pdf

[190] Mackin et al., "The Power of Protection: A Population-Based Comparison of Native and Non-Native Youth Suicide Attempts," *American Indian and Alaska Native Mental Health Research* 19(2) (2012): 20–54. doi: 10.5820/aian.1902.2012.20, also Michele Henson, "American Indian and Alaska Native Adolescent Protective Factors: A Literature Review," Center for American Indian Resilience, AIHEC Presentation, June 2015.

[191] Henson et al., "Identifying Protective Factors to Promote Health in American Indian and Alaska Native Adolescents: A Literature Review," *The Journal of Primary Prevention* 38: 5–26 (2017), https://doi.org/10.1007/s10935-016-0455-2

[192] Allen et al., "The Tools to Understand: Community as Co-Researcher on Culture Specific Protective Factors for Alaska Natives," *Journal of Prevention and Intervention in the Community* 32(1–2) (2006): 41–59. doi: 10.1300/j005v32n01_04

[193] Henson et al., "Identifying Protective Factors."

[194] Center for Native Child and Family Resilience, "Environmental Scan," Children's Bureau, 2019 at 3.

may be considered non-scientific by Western empirical standards,"[195] and may therefore lack inclusion in program development literature. Additionally, beyond well-established risk factors *applying* across cultures, a second category of risk and protective factors influence Native child and family resilience and address the unique challenges and strengths of AI/AN populations. These associated factors include traditional AI/AN spirituality and healing practices, cultural connectedness, and bicultural skills.[196] The CNCFR reached several key findings about program models that help bolster AI/AN and child family resilience in relation to child welfare including:

- *Culture matters*
- *Mixed modalities enhance learning*
- *Community healing is wellness enhancement*
- *Youth interventions and bicultural skills enhancement improve resilience.*

## Positive Youth Development

Positive youth development is an intentional, prosocial approach that engages youth within their communities, schools, organizations, peer groups, and families in a manner that is productive and constructive; recognizes, utilizes, and enhances young people's strengths; and promotes positive outcomes for young people by providing opportunities, fostering positive relationships, and furnishing the support needed to build on their leadership strengths.[197] "Positive Youth Development holds significant promise in addressing complex trauma, substance abuse, and suicide. Our most vulnerable youth are counting on us to be those caring adults that lead the way."[198] Positive Youth Development (PYD) "approaches generally emphasize protective factors or assets as the key to preventing negative behavior, as opposed to focusing on exposure to risk factors or assets as the key to preventing negative behavior, as opposed to focusing on exposure to risk factors as the primary mechanism for problem behaviors."[199] Increasing protective factors may contribute to truancy prevention and

[195] Ibid.
[196] Id. at 7.
[197] Youth.gov, Interagency Working Group on Youth Programs Develops Common Language on Positive Youth Development, Retrieved May 26, 2022. https://youth.gov/feature-article/interagency-working-group-youth-programs-develops-common-language-positive-youth
[198] Woodard, Micah, Positive Youth Development Approaches Engages American Indian and Alaska Native Youth, Indian Health Service, 2019. https://www.ihs.gov/newsroom/ihs-blog/may2019/positive-youth-development-approach-engages-american-indian-and-alaska-native-youth/
[199] Development Services Group, Inc., "Protective Factors for Delinquency," at 2.

reduction by addressing present and known risk factors. Protective factors can be strengthened and shaped to promote healthy behaviors.[200]

Risk and protective factors are critical considerations in designing effective and sustainable prevention strategies.[201] "There are many different types of interventions, settings, and approaches to strategies for truancy reduction. Broad categories include systems change through diversion-focused court programs, and collaborative school-based programs that focus on referral and support services that address student and family needs. [Some] programs include elements from different types of programs to successfully meet the needs of local communities."[202] These programs implement strategies that can assist with promoting positive influence in the lives of youth (see the Appendix for more on PYD factors).

| **American Indian and Alaska Native Prevention Program Strategies-Inclusion and Promotion of Protective Factors** |
|---|
| Increase positive cultural identity and spirituality.[203] Include traditional values, customs, activities, and ceremonies.[204] |
| Support enculturation by learning about one's culture and resilience.[205] |
| Promote positive family and social connections.[206] |
| Provide alternative academic environments.[207] |
| Integrate peacemaking[208] and restorative justice[209] approaches. |
| Promote student resiliency and positive school influence.[210] |

[200]Michele Henson, "American Indian and Alaska Native Adolescent Protective Factors," Lecture, Center for American Indian Resilience, AIHEC, June 23, 2015, http://www.aihec.org/our-stories/docs/BehavioralHealth/2015/9_AIHEC-AIAN-ProtectiveFactors-MHenson.pdf

[201] Ernst et al., "Environmental Scan Summary Report," Native American Center for Excellence, November 2008, https://www.samhsa.gov/sites/default/files/programs_campaigns/tribal_training/nace-environmental-scan-summary.pdf

[202] Development Services Group, Inc., "Truancy Prevention," at 4.

[203] Mckay et al., "Stories of Change among Justice-Involved American Indian Youth–Cross-Site Evaluation of OJJDP's Tribal Green Reentry Program," *RTI International* (July 2013), https://www.rti.org/sites/default/files/resources/8498_report_ojjdp_storiesofchange.pdf

[204] Development Services Group, Inc., "Tribal Youth in the Juvenile Justice System."

[205] Id.

[206] McKay et al., "Stories of Change," at 2.

[207] Id.

[208] Ryan Seelau, "The Kids Aren't Alright: An Argument to Use the Nation Building Model in the Development of Native Juvenile Justice Systems to Combat the Effects of Failed Assimilative Policies," PhD Diss., University of Arizona, 2011, https://repository.arizona.edu/bitstream/handle/10150/631497/Seelau_Ryan.pdf?sequence=1

[209] Eid et al., "A Roadmap for Making Native America Safer," Indian Law and Order Commission Report (2013), at 172.

[210] http://scholar.google.com/scholar_url?url=http://citeseerx.ist.psu.edu/viewdoc/download%3Fdoi%3D10.1.1.453.

Examples of evidence-based programs and practices of Positive Youth Development for American Indian and Alaska Native Youth:[211]

- American Indian Life Skills Development Program American Indian Life Skills (AILS) is a universal, school-based, culturally grounded, life-skills training program that aims to reduce high rates of American Indian/Alaska Native (AI/AN) adolescent suicidal behaviors by reducing suicide risk and improving protective factors.

- Family Spirit Family Spirit combines the use of paraprofessionals from the community as home visitors and a culturally focused, strengths-based curriculum as a core strategy to support young families. Parents gain knowledge and skills to promote healthy development and positive lifestyles for themselves and their children. This program has been developed, implemented, and evaluated by the Johns Hopkins Center for American Indian Health in partnership with the Navajo, White Mountain Apache, and San Carlos Apache Tribes since 1995.

- Project Venture Project Venture approaches to building resiliency are guided by the wisdom of Native elders and the traditional values that Indigenous cultures share. NIYLP programs offer strengths-based positive alternatives to deficit approaches, found in many treatment and school based prevention programs.

- The Healing of the Canoe Project The Healing of the Canoe partnership has sought to address these issues through a community based, culturally grounded prevention and intervention life skills curriculum for youth that builds on the strengths and resources in the community. The curriculum uses the Canoe Journey as a metaphor, providing youth the skills needed to navigate their journey through life without being pulled off course by alcohol or drugs – with tribal culture, tradition and values as compass to guide them, and anchor to ground them.

1425%26rep%3Drep1%26type%3Dpdf&hl=en&sa=X&ei=M6_FX5SqG4bcmAHioqC4AQ&scisig=AAGBfm1RbEvbqLPuSepCZtCGwDpxLtDLaQ&nossl=1&oi=scholarr

[211] Woodard, Micah, Positive Youth Development Approaches Engages American Indian and Alaska Native Youth, Indian Health Service, 2019. https://www.ihs.gov/newsroom/ihs-blog/may2019/positive-youth-development-approach-engages-american-indian-and-alaska-native-youth/

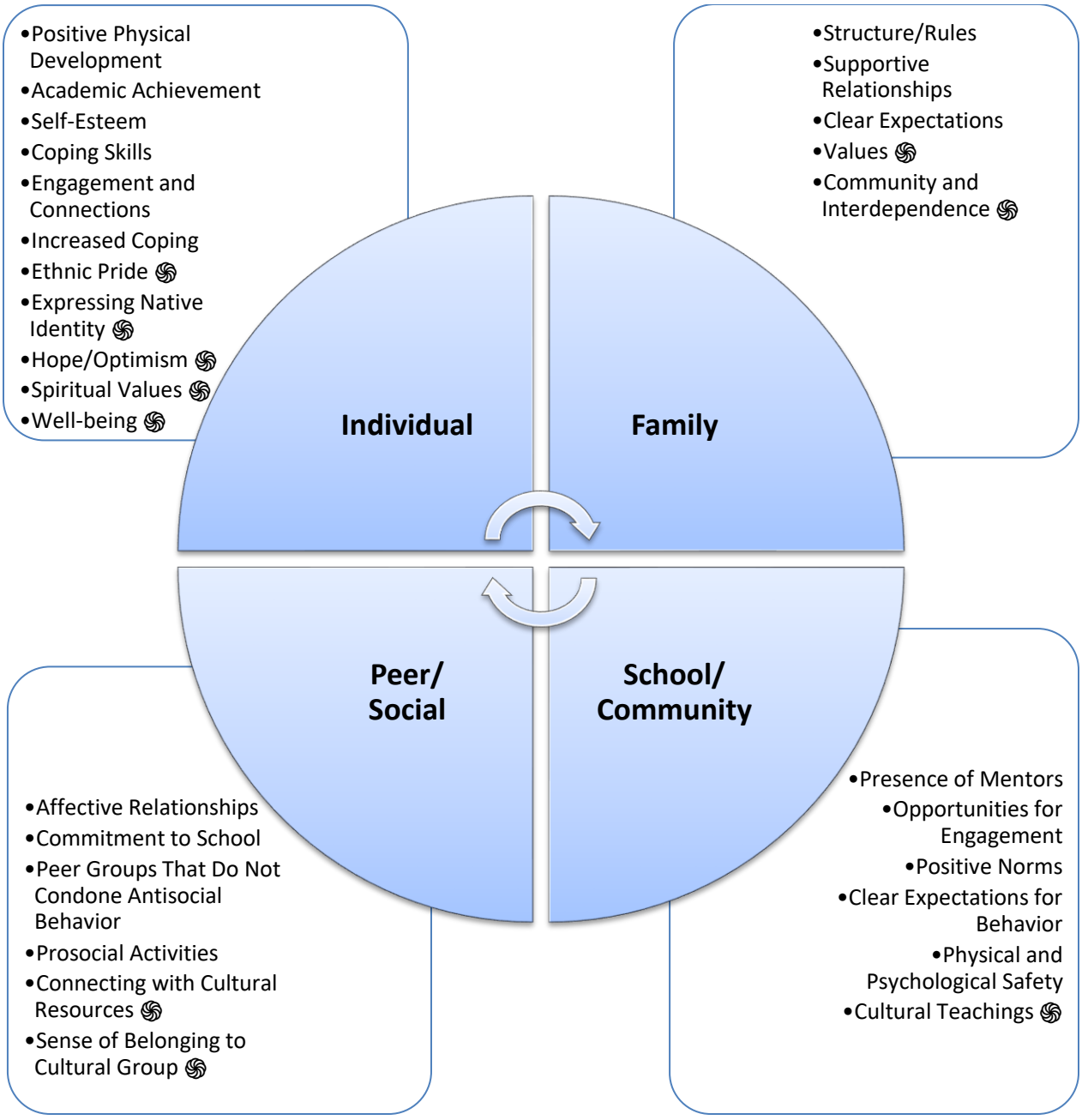


Diagram 1: Adolescent Protective Factor Domains (General) and AI/AN Resiliency Factors.

Diagram 1 is adapted from Risk and Protective Factors, Youth.Gov, and Risk and Protective Factors, Centers for Disease Control and the Center for Native Child and Family Resilience, Environmental Scan, 2019– (AI/AN factors are indicated with symbol). Note that research in this area is broad and continuously developing. Domains and examples are a sample of the areas demonstrated across literature, research, and reports. See the Appendix for additional protective factors.

## Chapter 3: Key Points

- By identifying risk factors associated with truancy, prevention programs can direct energy and attention to addressing root issues that affect youth truancy rates. Risk factors associated with truancy are generally categorized into *family factors*, *economic influences*, *school factors*, and *student variables*.

- Increasing protective factors may contribute to truancy prevention and reduction by addressing present and known risk factors. Protective factors can be strengthened and shaped to promote healthy behaviors.

- Prevention strategies for AI/AN youth, programs may include protective factors that address and are specific to AI/AN youth needs and promote healthy family engagement. Especially important are interventions that increase positive cultural identity and spirituality—including traditional values, customs, activities, and ceremonies.

Notes:

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_____

**Stop and Reflect**

Review the previously listed protective factors that may impact healthy behaviors. What existing resources are there within the local community that can support the implementation of protective factors within your truancy prevention program? Utilize the simple asset mapping template provided to assist with identification of community resources. This initial asset map may be utilized to begin a conversation within the team and community regarding partnerships and referral services that can increase protective factors for Tribal youth.

## Exercise: Develop a Simple Asset Map

Simple Asset Map: In each of the boxes list the known resources for the subject matter or topic. Work to identify community supports that can be utilized as part of the services to be offered to youth within the program. In what ways will these services support increased protective factors?

| | |
|---|---|
| **Tribal Community Leadership** | **Cultural Leaders, Elders, and Spiritual Guides** |
| **Community Volunteers/ Nonprofit Programs** | **Tribal Departments and Services** |

| | |
|---|---|
| **Youth Leadership/ Student Associations/Peer Learning/Support Groups** | **Family/Social/Community Agencies** |
| **Healthcare Providers/Resources** | **Physical Resources (Parks, Buildings, Clubs, Sports Facilities)** |

# Chapter 4: Attendance Achievement Program Design and Strategies

*"We must not romanticize the past- everything was not perfect. But if we want to truly exercise self-determination, there is no better place to start than with an effort to give our children an inheritance too many generations of American Indians were outright denied or have struggled mightily to maintain: identity within tribal cultures we were actively engaged in, as opposed to existence within a culture of indoctrination facilitated most effectively through U.S. government education programs." –D. Wildcat*

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## Attendance Achievement- Developing Effective Truancy Prevention and Diversion Programs

Truancy prevention and diversion programs may operate in a variety of ways, but are "typically grouped by setting: school-based programs, community-based programs, programs offered in both school and community-based settings, court-based programs, and programs offered in other settings."[212] Tribal communities differ and will have unique strengths, needs, relationships, and available services. Therefore, it is important to note that a Tribal truancy prevention program may occur in any of these recognized settings or may exist as a hybrid or variation of typical settings found in truancy prevention literature. Tribal truancy prevention programs may be singular or multisite and may serve a broad target age range based on the capacity, services, curriculum, or modality of the program. Programs may operate in urban, suburban, and/or rural settings and may implement or adapt curriculum or interventions to support youth participants. Programs may operate with limited staff or may have partners and supports that increase the number of individuals who are able to engage with youth participants.

In many communities, programs may be focused entirely on truancy prevention. "Across the nation, there is growing recognition that juvenile court is not the appropriate venue for behavioral issues such as truancy. Research and best practices indicate that involvement with the juvenile justice system has more negative impacts on youth."[213] For communities that are working to implement a truancy prevention program, consideration might be given to the fact that "over the last decade, courts, probation, and juvenile corrections agencies nationwide have shifted, in at least some respects, toward a more developmentally appropriate, positive youth development approach. These reforms have included the decriminalization of truancy in approximately half of all states."[214]

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[212] Dembo et al., "Truancy Intervention Programs," 2009.
[213] Connecticut State Department of Education, Catalog of Truancy Intervention Models, March 2018, https://portal.ct.gov/-/media/SDE/Truancy/TruancyInterventionCatalog_FINAL.pdf?la=en
[214] Weber et al., at 13.

## Tribal Truancy Prevention and Diversion Program Design

- **School-Based Programs:** Delivery or provision of the program components are administered within the school setting. Programs may be staffed within the local school and may provide coordinated services with youth, families, and in conjunction with educators and administrators. These programs can operate as part of tribal and non-tribal schools through a network of partnerships and collaboration.

- **Tribal Community-Based Programs:** Delivery or provision of the program components are administered through service providers, organizers, and program designers within the local community. Tribal program provides coordinated services with youth and families, and may partner with local school districts for referral to program services. These programs generally include coordinated services through Tribal education, youth, family, and other social services programs.

- **Court-Based Programs:** Delivery or provision of the program components are administered through the Court either pre-adjudication or post-adjudication. These programs may be diversion or court-alternative programs. Generally, court-based truancy programs provide youth an opportunity to access needed services and redirect them away from formal processing in the juvenile justice system, while still holding them accountable for their actions. Tribal truancy courts are often combined with delinquency and/or dependency courts depending on the age of the youth.[215] Tribal court systems may also collaborate with neighboring jurisdictions to support youth referral tribal court-based or community-based service programs.

- **Hybrid Programs:** Delivery or provision of the program components may be administered through a hybrid of settings and services. Program components may be provided collaboratively through mutual partnership of Tribal staff, volunteers, departments, local school districts, courts, and other cooperative agencies. These programs may also utilize community members as volunteers, and may provide mentorship opportunities or adapted curriculum to meet AI/AN youth-specific needs.

"Research has looked at the characteristics of successful truancy reduction programs and found that important commonalities include:"[216]

- Implementation of effective and relevant consequences for truancy.
- Motivational strategies used to bolster attendance.

[215] Sekaquaptewa et al., "Tribal Legal Code Resource: Juvenile Justice Guide for Drafting or Revising Tribal Juvenile Delinquency and Status Offense Laws," *Tribal Law and Policy Institute and Educational Development Center, Inc*., June (2015).
[216] Safety, Opportunity, & Success (SOS): Standards of Care for Non-Delinquent Youth, Truancy, Coalition for Juvenile Justice, News and Resources. https://www.juvjustice.org/our-work/safety-opportunity-and-success-project/national-standards/section-ii-efforts-avoid-court-1

- Truancy reduction services offered in the school and accessible community locations.
- Schools partnering with other social service providers and systems to implement truancy reduction initiatives.
- Families being meaningfully engaged in meetings, services and other interventions.

## Determining the Truancy Program-Setting Exercise

| Review the program settings in the preceding text and complete the following table. What setting seems to be the best fit for your community? What settings could be developed as your project grows or evolves? | | |
|---|---|---|
| Program Setting | What partnerships currently exist to support this setting or could be leveraged to support this setting? | What partnerships should be developed to support a program in this setting? |
| School-Based | *For example, Tribe has an existing MOU with local school district* | *For example, local school district* |
| Tribal Community-Based | | |

| | | |
|---|---|---|
| Court-Based | | |
| Hybrid Model | | |

## Truancy Prevention and Diversion Program Strategies

Teams may engage a variety of strategies and interventions to promote student attendance. The following are examples of program strategies designed to promote regular school attendance.

| Examples of programs/strategies designed to promote regular school attendance: [217] |
|---|
| ◆ Court Alternative/Diversion Programs<br>◆ Mentoring Programs<br>◆ Collaborative Law Enforcement Programs<br>◆ Parent Engagement Programs<br>◆ Truancy Awareness Campaigns<br>◆ Strategies That Increase Teacher/Parent Communication |

The research report *Fifteen Effective Strategies for Improving Student Attendance and Truancy Prevention,* from the National Dropout Prevention Network, notes four basic student-centered strategies that provide dynamic and meaningful learning opportunities in alternative, traditional, and community settings, designed to keep students in school and on a path toward graduation. The student-centered strategies were identified including those with[218]

- School community perspective;
- Early interventions;
- Basic core strategies; and
- Making the most of instruction.

Within these categories critical strategies serve as a baseline for a comprehensive program, including "systemic renewal, school-community collaboration, and safe learning environments."[219] The report further indicated core strategies that had an impact at all school levels and were appropriate for middle and high school. These included:[220]

- Mentoring/tutoring;
- Service-learning;
- Alternative schooling; and
- Afterschool opportunities.

There are a number of prevention program strategies that may be implemented within a Tribal community. One Minnesota program works to support Native youth with an individualized approach. "An attendance workgroup formed by the Metropolitan Urban Indian Directors includes staff from several entities and plots out how to promote attendance through positive

[217] Development Services Group, Inc., "Truancy Prevention."
[218] Jay Smink et al., "Fifteen Effective Strategies for Improving Student Attendance and Truancy Prevention," Research Report, National Dropout Prevention Center/Network (2005).
[219] Id.
[220] Id.

reinforcement and community outreach. The group addresses the issue of student absenteeism through several avenues, all focused on considering each person as an individual and the factors that may play into their attendance issues."[221] Tribal communities may choose to implement or adapt evidence-based truancy intervention models, or may consider practice-based or promising approaches to support truancy reduction. The adaptation of interventions, curriculum, or promising approaches is generally centered in targeting the effective components of western-based intervention models and integrating specific protective factors known to support AI/AN youth. The selected truancy intervention model should suit the unique strengths and needs of the local community. Programs may choose to review model programs and implement aspects of these models in a way that serves AI/AN youth most effectively.

**School and Tribal Partnerships**- "The Willamina School District partnered with the Confederated Tribes of Grande Ronde and the Oregon Department of Education to address chronic absenteeism in their area. The project is focused on improving attendance for tribal youth, and has an impact on the student body as a whole. The program emphasizes trust building between the student, family and educators. A family advocate position is the key to engaging families."[222]

**Cultural Adaptation of Curriculum**

An example of adaptation to support local needs can be found within the Lac Court Oreilles Band of Lake Superior Chippewa Indian's Comprehensive Truancy Prevention Project. "Under the project, schools on and near the Lac Courte Oreille reservation implemented a specialized curriculum-Social Responsibility Training (SRT®) designed to engage at-risk and habitually truant students and empower them to address the challenges in their lives that contribute to truancy."[223] In an effort to appeal to Tribal youth, program staff contacted developers of the curriculum and requested permission to change the name of the program to "Mastering the Journey." The truancy program utilized an intensive and collaborative approach to deliver the curriculum to students referred to the program.[224]

[221] Lawrence, Drake, "Affirming Native Student Attendance in Minneapolis, Robert H. Humphrey School of Public Affairs, University of Minnesota, March 9, 2021. Retrieved May 26, 2022 https://www.hhh.umn.edu/news/affirming-native-student-attendance-minneapolis

[222] Willamette Education Service District, "Willamina Schools Take on Absenteeism," News Archive, https://www.wesd.org/Page/825 Retrieved May 26, 2022.

[223] Comprehensive Truancy Prevention Project, Program Profile, Tribal Access to Justice Innovation, http://www.tribaljustice.org/places/juvenile-justice/comprehensive-truancy-prevention-project-2/

[224] Ibid.

## Truancy Prevention Programs: Critical Components

A literature review by the Colorado Foundation for Families and Children[225] and research findings regarding innovative truancy programs[226] indicate that effective truancy prevention programs integrate the following critical components:

- Parent/guardian involvement, or whole family involvement.
- Continuum of support, including meaningful incentives for good attendance and consequences for poor attendance.
- Collaboration among community actors such as law enforcement, mental health workers, mentors, and social service providers, in addition to educators. A comprehensive approach that addresses every factor that affects truancy, including transportation, mental health, family setting, and school climate.[227]
- Ongoing Evaluation: Concrete and measurable goals for program performance and student performance. Good record keeping and ongoing evaluation of progress toward those goals.

Chapter 5 of this document expands upon each of the four critical components shared in Chapter 4- noted as *"Key Components"* and will use case studies to help illuminate factors unique to Tribal youth and AI/AN communities. Additionally, there are program activities that accompany each section of material. Your team may utilize the included exercises as is beneficial and supportive of your program planning and development. There is an emphasis on the additional components that contribute to program effectiveness for Tribal communities. As discussed in Chapter 1, a majority of Tribal youth are enrolled in non-Tribally controlled schools, therefore program staff may take a lead role in the formation of partnerships that allow for referral to program services, advocacy for youth within the local education system, and consistent review of all program processes to support enhancement and development of the available services.

> *Community-driven, culturally grounded prevention interventions, derived from the beliefs and values of a given tribe or culture, has become more acceptable and potentially more effective for native youth- Prevention and Recovery, 2015*

[225] Overview of Truancy Programs, Components of Effective Truancy Reduction Programs, National Center for School Engagement, https://www.ncjrs.gov/pdffiles1/pr/217271.pdf

[226] Dembo and Gulledge, Truancy Intervention Programs: Challenges and Innovations to Implementation, *Criminal Justice Policy Review* 20(4) (December 2009): 437–56, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2805010/#:~:text=In%20its%20review%20of%20promising,consequences%20and%20support%2C%20(3) and Overview of Truancy Prevention Programs, Components of Effective Truancy Reduction Programs, National Center for School Engagement. https://www.ncjrs.gov/pdffiles1/pr/217271.pdf

[227] Lieu and Scheffler, "Truancy Prevention Efforts in School-Community Partnerships," at 5, http://www.promoteprevent.org/sites/www.promoteprevent.org/files/resources/Truancy%20Prevention%20Efforts%20in%20School_0.pdf

## Chapter 4: Key Points

- Tribal truancy prevention and diversion programs may be singular or multisite and may serve a broad target age range based on the capacity, services, curriculum, or modality of the program. Programs may operate in urban, suburban, and/or rural settings and may implement or adapt curriculum or interventions to support youth participants.

- Core strategies that had an impact at all school levels and were appropriate for middle and high school. These include mentoring/tutoring, service-learning, alternative schooling, and afterschool opportunities.

- Communities can implement programs that support youth at an individualized level and can also partner with local school districts to implement system-wide responses that create and build trust and buy-in from youth and parents. Programs may wish to adapt non-tribal curriculum to best fit the local needs of youth.

Notes:

# Chapter 5: Community-Focused Programs Planning and Implementation

*"In the tribal setting, communities are the producers of education. At least they were in the past, and we can make them so today. When communities produce education, the groupings of the community reflect the charisma, wisdom, and activities of the various parts of the community. The respective activities can be viewed in relation to their importance in the community. In that way the sacredness of the community can be protected and developed."*
*– Vine Deloria, Jr.*

## I: Key Component 1- Parent, Caregiver, and Family Involvement

Family or caregiver involvement is a core component of many prevention programs, and most certainly a necessary component of an effective truancy prevention program. Defining family involvement in Tribal communities may include expanding the term family beyond a mainstream definition of "nuclear" family (parent/siblings), for example, into a term that would include grandparents, aunts, uncles, cousins, elders, stepparents, and friends of family. For example, there are terms in many Tribal languages that convey a broader sense of extended family. Those who can engage positively in the life of the youth can play an important role as a caregiver/parent/family member for the youth participant. Program staff may work with the youth to identify members of the family or community that can play a supportive role in the life of the youth participant.

"Historically, education policies and practices deliberately excluded parents and communities from participating in children. As a result, they may not have models for active participation in school."[228] Additionally, "[M]any Native American adults had negative experiences with their own schools; the intergenerational pattern can compound feelings of alienation. Parents may continue to perceive schools as hostile and culturally insensitive."[229] Programs and planning teams should consider the importance of parent and family engagement as a truancy program or initiative is planned and development. A Montana study indicated that parent involvement was the most important factor in high academic achievement for Native American students,

[228] Mae Ackerman-Brimberg, "Achieving Equal Educational Opportunities for Native American Youth: Lessons from Communities Working for Change," National Center for Youth Law, https://youthlaw.org/publication/achieving-equal-educational-opportunities-for-native-american-youth-lessons-from-communities-working-for-change/
[229] Ibid.

outweighing teaching, leadership, and curriculum.[230]

> *In the past the education system was used as a tool of genocide against the Native peoples. To this day, there is still a great deal of distrust. The education system is still seen by many American Indians as trying to make us less Native, and more like the mainstream, and that makes for a complicated relationship. In addition, poorly understood educational neglect and truancy laws can also lead to misunderstandings and distrust by families. In Hennepin County, 30 percent of educational neglect referrals result in out-of-home placements for American Indian kids. No wonder our families are very sensitive to talking about attendance! They're really scared you're going to take their kids away.[231] — Danielle Grant, Director of Indian Education for Minneapolis Public Schools*

Tribal truancy programs are in a unique position to support AI/AN youth and families as they navigate complex and sometimes challenging systems. Programs can work to support youth through education and advocacy that builds and increases mutual respect, collaboration, and engagement between AI/AN parents and education providers.

The National Indian Child Welfare Association, Family Engagement Toolkit notes some foundational approaches when engaging tribal families.[232]

- Build Trust- A focus on building trust is a key component to a working relationship.
- Be flexible- Families are unique and require specific support, response and attention.
- Remain non-judgmental- Families have different living styles, remain neutral.
- Be Realistic- Keeping expectations realistic on family outcomes.
- Celebrate little victories- Every success whether small or large should be celebrated.
- Highlight Strengths- Too often we focus on deficits. Work to focus on youth and family strengths.

## AI/AN Youth and the Extended Family

Family and extended family support is an important and powerful protective factor for AI/AN adolescents (Henson et. al., 2017). In leveraging familial protective factors, intervention designs must recognize that AI/AN definitions of family and kinship may differ from Euro-American definitions and family structures may look different differ from one AI/AN community to the next (Whitbeck et al., 2001).

[230] Ibid.
[231] Cecilia Long, Chronic Absence and Native American Students: Unique Challenges, Attendance Works, Blog, April 18, 2014, https://www.attendanceworks.org/chronic-absence-native-american-students-unique-challenges/
[232] National Indian Child Welfare Association, Tribal Best Practices, A Toolkit with Best Practices, Research, and Resources, 2018

## Dually-Involved Youth and Out-of-Home Placement

In some instances, parent engagement may be challenging due to circumstances such as out-of-home placement. Dually involved youth is a term that refers to youth who are involved in both the child welfare and juvenile justice systems. The Center for Juvenile Justice Reform (CJJR) indicates three subgroups that are often used to refer to this population and further identifies the subgroups with more specific circumstances of youth involved in multiple systems:[233]
*Crossover Youth:* A youth who has experienced maltreatment and engaged in delinquency.
*Dually Involved Youth:* A subgroup of crossover youth who are simultaneously receiving services, at any level, from both the child welfare and juvenile justice systems.
*Dually Adjudicated Youth:* A subgroup of dually involved youth, encompassing only those youths who are concurrently adjudicated by both the child welfare and juvenile justice systems.

Dually involved youth may be in out-of-home placement if they have been determined to be a child in need of services by the judicial system, may be currently adjudicated within both child welfare and delinquency courts, or may not yet have been adjudicated as a delinquent, but may be receiving services from multiple systems and agencies. In these instances, caregivers, program providers, and collaborative partners may assume a role-model and/or mentorship role within the youth's life. Program staff may wish to work in concert with behavioral health, law enforcement, or other providers address and refer complex family situations and build on strengths to assist youth in overcoming challenges.

**To support crossover youth the CJJR recommends that child welfare and juvenile justice agencies:[234]**

- Provide strong and consistent family engagement throughout life of case.
- Align mission and vision of the Child Welfare and Juvenile Justice agencies.
- Implement specific policies to address the needs of crossover youth.
- Improve system engagement through management functions.
- Track crossover youth data at all levels of the organization.
- Provide cross-system training to improve agency knowledge about other system functions and processes.
- Develop mechanisms to support continuous quality improvement across systems.

[233] Center for Juvenile Justice Reform, *The Crossover Youth Practice Model–An Abbreviated Guide*, Georgetown University McCourt School of Public Policy, 2015.
[234] Id. at 3.

**Case Study #1**

Tribal Community A has a truancy prevention program that operates as a blended community/school-based program model. A resource coordinator works in the local school three days a week and provides afterschool tutoring, mentoring, and youth activities. The school utilizes a phone and web-based notification system for student absence. Youth who have been truant or have been noted to have chronic absence are referred to program services as part of an informal referral. Most youth involved in the program are ages 10–15. All youth regardless of truancy or chronic absence are invited to participate in the program.

The Tribe is located in a rural area with a considerable amount of youth living below the poverty line. The resource coordinator often hears parents complain about various school policies related to "mandatory" participation in the program. Likewise, the resource coordinator often hears teachers discuss the lack of parent participation in activities and student events. Many parents utilize the program as afterschool care while working multiple part-time jobs. The program coordinator is often busy supervising children at pick-up times. The program has several volunteers that share life skills, arts, language, and other youth engagement activities on a regular basis. Some older youth participate as "youth-guides" for the younger youth as part of voluntary spring and summer break camps.

*Case studies are for illustrative purposes only.*

## Reflect and Respond

- *Is this a typical school-/community-based program (yes or no)? Does this program resemble your current or planned truancy program in any way(s)?*

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- *What elements of this program seem to work well?*

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- *What additional services could be offered to improve the program?*

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- *In what ways could this program provide services that increase parent engagement?*

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| **Case Study #1: Review Strategies to Support Parent and Caregiver Engagement** | |
|---|---|
| Program Issue | Strategy to Improve Parent/Caregiver Engagement |
| Community-/School-Based/Part-Time | Consider extending program services to five days a week utilizing volunteers or support from program leadership to expand/deliver a full week of program services. Deliver weekly updates/reports on program activities and student progress. |
| Informal Program | The program could initiate some program standards that increase parent communication and engagement, including meeting with the program coordinator one-on-one outside of the program "activity" time. Contact by phone and offer flexible check-in times to support parent/family schedules. |
| Lack of Parent Participation | Support parent knowledge of school events and activities through shared calendars. Promote parent participation and offer transportation through Tribal transit programs or voucher systems for gas/mileage. Incentivize participation through positive responses/encouragement. |
| Parent Perceptions and Attitudes Related to School Policy/Teacher Perceptions on Parent Participation | Offer education activities and parent/teacher conferencing. Assist teachers with understanding of individual parent/family culture, community, and work obligations. Initiate outreach to parents inviting extended family/others to engage in school programs/activities. Encourage teachers to reach out through interpersonal communication and make direct contact with parents regarding grades, absences, and ongoing school activities. |
| Lack of Time to Engage | Implement home visits where/when possible to increase one-to-one engagement with families, build trust, and refer to other appropriate services as needs are identified. Set aside flexible times for parent interaction and/or program-wide special events. |

## Suggested Practices to Support Parent Engagement

Programs can take several steps to work collaboratively with parents and caregivers. The strategies mentioned in the following text are offered as suggestions only. Each community should assess the program services that are most supportive of the current needs and strengths of the local community. "True participation means that parents/guardians are sought after for their advice, experience and expertise in the community, as clients of our public systems of care and as experts in the lives of their children. This means engaging parents/guardians as a natural course of events, not just when things are not going well."[235]

## Suggested Practices

- Develop parent-specific resources that provide a description of the services and resources that are available through the program. Such resources should be written in simple, easy-to-understand language.
- Provide an orientation to parents and youth who are referred to the program to review program resources. Offer flexible times and ways in which to connect (in person/virtual conference, etc.).
- Develop necessary consent forms and agreements with parents and ensure families understand the ways in which information will be shared within and outside the program.
- Provide weekly/monthly schedules with activities that are required or voluntary. Schedules may be delivered electronically, through mail, or in person with a program representative.
- Develop assessment processes and provide needed services to youth and their families at the earliest point in which problem behavior is identified.[236]
- Support parent involvement that is both home-based (parent involvement occurring outside the school) and school-based (parent involvement that establishes a direct relationship with the school).[237]
- Work collaboratively with parents to develop goals for the family and for the youth participants within the program.
- Implement restorative approaches that focus on accountability and trust building and are solution focused.
- Support parent participation in local school events, activities, awards, or other ceremonies.[238] Provide calendars, share announcements, and check in with parents to

[235] Kaki Dimock, "Truancy Prevention in Action: Best Practices and Model Truancy Programs, Executive Summary," National Dropout Prevention Center, National Center for School Engagement (2005), https://www.ncjrs.gov/pdffiles1/pr/217271.pdf

[236] Dembo et al., "Truancy Intervention Programs."

[237] Khadijah N. Cyril, "The Parent Involvement Needs Assessment for Schools: Item Development, Refinement, and Utility," Masters Theses, University of Rhode Island (2018), https://digitalcommons.uri.edu/cgi/viewcontent.cgi?article=2325&context=theses

[238] Van Eck et al., "How School Climate Relates to Chronic Absence: A Multi-Level Latent Profile Analyses," *Journal of School Psychology* (2017): 89–102, http://www.attendanceworks.org/wp-content/uploads/2018/04/How_School-Climate_relates_to_chronic-absence_attendance_works_1-s2.0-S0022440516300607-main.pdf

see if transportation or other support may be necessary for parents to be included in school events.

- Support implementation of parenting practices to improve attendance and invite community members to speak to parents on topics impacting school attendance.[239]
- Provide opportunities for parents to engage with peers through parent/caregiver talking circles, parent/caregiver-only group activities, culturally relevant parenting courses, or through engagement with community mentors and guides.

| **Stop and Reflect** |
| --- |
| Which strategies will your team utilize to engage parents, caregivers, and extended family members within your truancy intervention program? Review the list and select three priority practices that could be implemented within your program. |
| 1.<br><br>2.<br><br>3. |

[239] Id.

## Key Component 1: Parent, Caregiver and Family Involvement- Quick Review

- Family or caregiver involvement is a core component of many prevention programs, and most certainly a necessary component of an effective truancy prevention program. Defining family involvement in Tribal communities may include expanding the term family beyond a mainstream definition of "nuclear" family (parent/siblings), for example, into a term that would include grandparents, aunts, uncles, cousins, elders, stepparents, and friends of family.

- For dually-involved youth or youth in out-of-home placement program staff may wish to work in concert with behavioral health, law enforcement, or other providers address and refer complex family situations and build on strengths to assist youth in overcoming challenges.

- Programs can take several steps to work collaboratively with parents and caregivers. The strategies mentioned in the following text are offered as suggestions only. Each community should assess the program services that are most supportive of the current needs and strengths of the local community.

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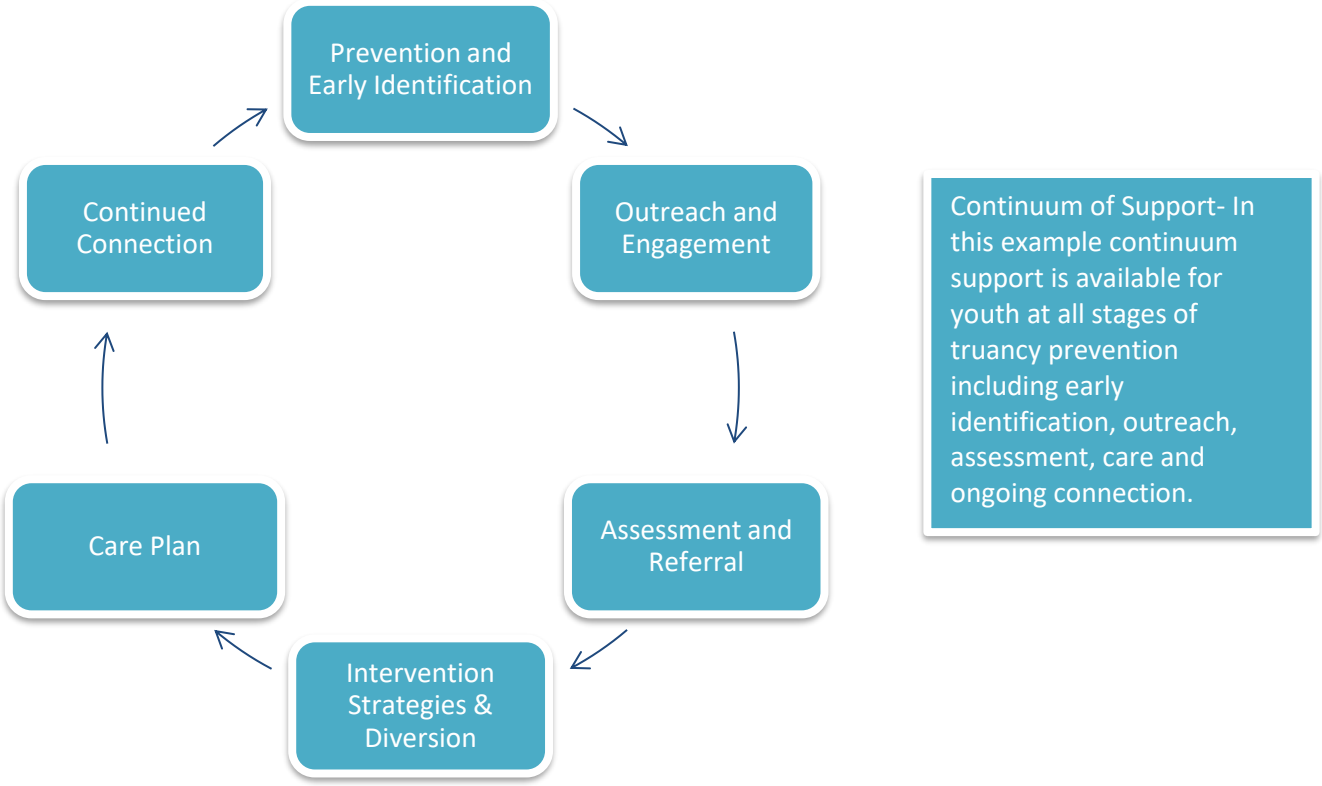
## II. Key Component #2: A Continuum of Support

As part of planning and development, teams can consider how their services will be provided as part of a "continuum of care."[240] "A continuum of support/care includes strong universal and prevention practices, with additional supports added as needed, based on data and student voice."[241] Practically, programs can support a continuum of service through early identification of youth in need of services, prevention or intervention services, and referral to partners and other agencies.




[240] National Center for School Engagement, "Overview of Truancy Programs, Components of Effective Truancy Reduction Programs," Colorado Foundation for Families and Children, https://www.ncjrs.gov/pdffiles1/pr/217271.pdf

[241] Student Services Prevention and Wellness, "Best Practice Approaches to Truancy Reduction, Information for School Attendance Officers," Wisconsin Department of Education. Retrieved Mary 27, 2022, https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/Best_Practice_Approaches_to_Truancy_Reduction.pdf.

**Challenges in the Continuum**

"A critical limitation in many truancy programs is the lack of a continuum-of-care. Most programs provide one-shot or short term services, with little tracking of youths and their families over time."[242] Limitations can sometimes impact this continuum in tribal communities and this important element may be limited or absent in Tribal prevention programming for numerous reasons including, but not limited to

- Challenges faced in developing collaborative relationships with local school districts.
- Lack of parent/caregiver trust in local administration or with individual educators.
- Delayed identification which impacts timely assessment and referral to beneficial services.
- Limits in the amount of time that staff are able to dedicate to the provision of services due to funding and/or staffing challenges.
- Limited partnerships due to rural community or community that does not have established partnerships.

## Considerations for Tribal Communities

Providing a continuum of services within a court-based intervention framework may involve the complex development of program partnerships and services. "Jurisdictions should also evaluate the most appropriate and effective roles and responsibilities for the juvenile justice, education, and other youth-family services systems, as well as community service providers, for keeping youth engaged in school and supporting long-term educational outcomes."[243]
Court-based programs should provide training or coordination to allow for assessment of youth participants and referral to treatment or other needed and appropriate services. Providing a continuum of care may prove difficult for court-based programs that are limited in scope or duration due to jurisdictional or policy considerations.

Strategies to support court-based programs include the development of memorandum of understanding (MOU) with schools, counties, and local programs to ensure a continuum of services. Court-based programs should engage within the local community to identify partnerships that will assist with long-term support for youth and their families. In Tribal community-based programs, MOU and partnership agreements can be developed to engage youth in a "system of care" approach. Programs may track youth experiences throughout the duration of their involvement in the program and may also develop partnership agreements with schools to track the long-range impact of the intervention.

## Individual Approaches to Support Youth Behavior Change

Both states and Tribes continue to utilize juvenile justice system referrals and citations to address truancy. Recent research indicates that juvenile justice system involvement, and harsh or punitive responses to truancy and chronic absence are not helpful for youth—and in fact

[242] Dembo et al., "Truancy Intervention Programs."
[243] Weber at 16.

may cause further negative outcomes. The Council of State Governments reports in Rethinking the Role of the Juvenile Justice System: Improving Youth's School Attendance and Educational Outcomes that kids involved in the juvenile justice system in South Carolina not only didn't experience attendance improvements but also their attendance became worse.[244]

***How can truancy prevention and diversion programs promote youth accountability, without imposing harsh and punitive penalties*?** "Many jurisdictions have reinvested resources to build school, family, and community capacity to address truancy, moving kids away from the juvenile justice system."[245] Some strategies that have been utilized include embracing positive incentives in lieu of retributive responses to truancy, partnering with families as allies, and developing community truancy boards that address truancy without legal action.[246] These strategies show promise in working with youth and families and diverting lower-risk youth from the juvenile justice system.

## Assessing Fines, Fees, and Costs in a Court-Based Truancy Programs

Fines, fees, and costs are still used widely within the juvenile justice system. Fines can be assessed as part of sanctions and fees and costs can be applied as part of court processes to support ongoing administration, assessments, evaluation, and probation or supervision.[247] In consideration of the needs of the families to be served, teams may wish to review the circumstances under which fines, fees, or costs will be assessed. "Too often, the inability to pay pushes the young person deeper into the juvenile justice system and exacerbates the family's economic distress."[248] The inability to pay fines can contribute to cyclical negative interactions within the juvenile justice system. "For young people, the consequences of costs and fines can be particularly devastating.

Youth and families who cannot pay fees face criminal contempt, civil judgments that follow them into adulthood, probation violations, additional fees, incarceration, property liens and ineligibility for expungement."[249] In 2018, the National Council of Juvenile Family Court Judges issued a Resolution Addressing Fines, Fees, and Costs in Juvenile Courts and encouraged courts to work toward reducing and eliminating fines, fees, and costs by considering youth and their family's ability to pay prior to imposing financial obligations.[250]

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[244] Josh Weber, "New Report Reveals South Carolina Student Absences Got Worse When Juvenile Justice Systems Stepped In," *Juvenile Justice, The Council of State Governments*, September 2020, accessed January 2021, https://csgjusticecenter.org/2020/09/16/new-report-reveals-south-carolina-student-absences-got-worse-when-juvenile-justice-systems-stepped-in/

[245] Alexandra Ricks and Sino Esthappan, "States Are Looking beyond the Juvenile Justice System to Address Truancy," *Urban Institute, Crime and Justice*, August 2018, https://www.urban.org/urban-wire/states-are-looking-beyond-juvenile-justice-system-address-school-truancy

[246] Id.

[247] Juvenile Law Center, "Juvenile Justice Fines and Fees," accessed January 2021, https://jlc.org/juveniles-justice/juvenile-justice-fines-fees

[248] Feierman et al., "Debtors Prison for Kids? The High Cost of Fines and Fees in the Juvenile Justice System," *The Juvenile Law Center*, 2016, http://debtorsprison.jlc.org/documents/jlc-debtors-prison.pdf

[249] Id.

[250] National Council of Juvenile and Family Court Judges, "NCJFCJ Resolves to Eliminate Fines, Fees, and Costs, in Juvenile Courts," Resolution, April 2018, https://www.ncjfcj.org/news/ncjfcj-resolves-to-eliminate-fines-fees

For Tribal courts that continue to implement fines and other penalties for families in response to truancy, consideration may be given for the types of consequences that are ordered, including the amounts of penalties, fines, or costs, and the period in which fines/costs must be paid. Courts may also consider options such as community volunteerism in lieu of fines or flexible payment plans to avoid consequential events such as failure to pay fines or failure to appear in court.

Courts can take additional steps to protect youth and families by implementing tiered responses to behavior and requiring prerequisites to the filing of further citations or referrals that that will impact youth and families. An example of such prerequisite conditions are those found in the Tribal code of the Lac du Flambeau Tribe. Under the ordinance, a number of elements must be met prior to the filing of any child welfare petition based upon truancy including the conditions that

- The child, parents, and caregivers have been provided a warning that a meeting has been conducted to discuss the child's truancy or an attempt has been made with refusal to meet;
- The purpose of the meeting includes a plan to develop an Individual Attendance Plan;
- An opportunity for educational counseling has been provided and a determination in the curriculum and consideration for modifications; and
- If needed, an evaluation for learning problems with appropriate action and referral is provided.[251]

See "Precondition to Subsequent Citation or Child Welfare Petition," Lac du Flambeau Tribal Code, Chapter 35, Truancy Ordinance, Chapter III Enforcement and Penalties, Section 35.304.

## Review Boards and Alternative Approaches for Court- and Community-Based Programs

Student Attendance Review Boards (SARB) have been implemented in jurisdictions across the country. These boards are "composed of representatives from various youth-serving agencies, help truant students and their parents or guardians solve school attendance and behavior problems through the use of available school and community resources."[252] This model along with other responsive strategies can support meaningful engagement with youth and families to address truancy and root issues occurring with the home. The SARB model addresses attendance and provides comprehensive services to high-risk youth. "A Community Truancy Board may exist within a school, school district, or through the juvenile court to divert students from having a formal truancy order established against them. There is no set template for what a community truancy board looks like, or how they operate."[253]

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[251] Lac du Flambeau Tribe, Tribal Court Ordinances, Chapter 35, Truancy, § 35.304 Enforcement and Penalties, https://www.ldftribe.com/pages/23/Court-Ordinances/

[252] California Department of Education, "School Attendance Review Boards, Attendance Improvement," accessed January 2021, https://www.cde.ca.gov/ls/ai/sb/

[253] ACLU of Washington Foundation and Team Child, "Defending Youth in Truancy Proceedings: A Practice Manual for Attorneys," ACLU, 2008, https://www.aclu.org/sites/default/files/pdfs/defendingyouthintruancyproceedings.pdf

## Indigenous and Restorative Approach to Student Review Boards

In addition to these models, a framework that may resonate with Tribal communities is the Restorative Attendance Review Board (RARB) model, this model is embedded in restorative principles and supports youth and families through a restorative lens. The RARB seeks support for youth accountability within the community; increases connectedness to mentors, leaders, and guides; and identifies needed resources for the youth and family. In Yellow Medicine County, Minnesota the RARB is a community-directed process in partnership with school systems, family services, law enforcement, treatment centers, and public health departments within the county that work together to create a collaborative effort to address incidents of truancy.[254] The RARB emphasizes accountability as an indisputably important element in the process, achieved through building trust and valuing honesty. Participants strive for honesty with themselves and others, along with other RARB values of respect, humility, compassion, spirituality, and decision making by consensus.[255]

## Family Group Decision Making

"The origins of Family Group Decision Making (FGDM) stem from New Zealand's child welfare policies and practices, some of which aimed to assimilate Māori families through the removal of children from their communities- the process came in response and draw[s] upon traditional Māori practices of identifying and utilizing extended family networks, cooperation, and mutual support while also honoring traditional beliefs and customs."[256] In the western context, FGDM is a generic term that includes a number of approaches in which family members are brought together to make decisions about how to care for their children and develop a plan for services. Different names used for this type of intervention include family-team conferencing, family team meetings, family group conferencing, family team decision-making, family unity meetings, and team decision-making.[257]

There has been widespread international application of FGC/FGDM and related family engagement strategies in more than 22 countries and 35 states.[258] The FGC/FGDM model is a culturally respectful and strength-based process that honors the inherent value of involving family, extended family, and community voice in the decision making about children/youth who are in need protection, care, and guidance within a school, social service, or justice system setting. The FGC/FGDM process harnesses the capacity and wisdom of those closest to the child/youth and provides a process for the family to work in tandem with service providers to

[254] Yellow Medicine County, "Restorative Attendance Review Board, Restorative Justice," accessed January 2021, https://www.co.ym.mn.gov/?SEC=9C904ACC-66EF-42C9-B595-9CC0425DBE5B
[255] Id.
[256] Marcynyszyn et al., "Family Group Decision Making (FGDM) with Lakota Families in Two Tribal Communities: Tools to Facilitate FGDM Implementation and Evaluation," Child Welfare Journal, Volume 91, No. 3.
[257] Child Welfare Information Gateway, Family Group Decision-Making, accessed May 27, 2022, https://www.childwelfare.gov/topics/famcentered/decisions/#:~:text=Family%20group%20decision%2Dmaking%20is,develop%20a%20plan%20for%20services.
[258] P. Nixon et al., "A Survey Of International Practices, Policy & Research on Family Group Conferencing and Related Practices," *National Center on Family Group Decision Making*, American Humane Association (2015).

examine what is at the root of the issues(s) and develop a wraparound service plan for the child/youth and family that can promote restoration and healing.[259]

The FGC/FGDM model and process can be viewed through many lenses, including evidence-based practice, advocacy, cultural best practices, relationship building, and family and community strengthening. Children/youth, families, and school staff that participate in the pre-FGC/FGDM, the FGDMC, and the post-FGC/FGDM processes that are implemented and facilitated with fidelity will often experience the rebuilding of relationships and trust and develop a strength-based family plan to address and resolve school and family related issues.

**Benefits Family Group Decision Making[260]**

- Family as Decision-Makers- The family is the primary decision-maker, as they are aware and know best the circumstances and considerations for the given situation.
- Families Direct Planning- Families engage in planning- the agency or program merely serves as a guide.
- Awareness and Collaboration- The conference allows extended family members, friends or referral sources and providers to stay on the same page.
- Limits Agency/Program Action- FGDM supports an accelerated process that can limit extended program involvement with the family.

## Supporting AI/AN Youth Resiliency through Trauma/Healing-Informed Approaches

In support of a continuum of care, programs that are in the process of development should consider ways in which the organization will support youth who experience risk factors such as exposure to violence, abuse, neglect, or other victimization. The program may wish to adopt a trauma-informed/healing-centered approach.[261] "Trauma-informed care involves the closely interrelated triad of understanding, commitment, and practices, organized around the goal of successfully addressing the trauma-based needs of those receiving services."[262]

***Why is it important to consider youth trauma?*** Although tribal data is often lacking, "available evidence suggests that AI/AN youth experience high rates of all ACE indicators: physical, sexual and emotional abuse, intimate partner violence, household substance abuse, household mental

[259] Ted Wachtel, "Defining Restorative-Family Group Conference or Family Group Decision Making," *International Institute of Restorative Practices* (2016), https://www.iirp.edu/

[260] Prevention Network, Benefits of Family Group Decision Making, https://thepreventionnetwork.org/family-group

[261] Note on terminology *healing-centered engagement:* "The emerging field of positive psychology offers insight into the limits of only 'treating' symptoms and focuses on enhancing the conditions that contribute to wellbeing. Without more careful consideration, trauma informed approaches sometimes slip into rigid medical models of care that are steeped in treating the symptoms, rather than strengthening the roots of well-being." Suggests the term "healing-centered engagement" expands how we think about responses to trauma and offers more holistic approach to fostering well-being. Dr. Shawn Ginwright, "The Future of Healing: Shifting from Trauma Informed Care to Healing Centered Engagement," Medium.com, May 31, 2018.

[262] Gordon R. Hodas, "Responding to Childhood Trauma: The Promise and Practice of Trauma Informed Care," Pennsylvania Office of Mental Health and Substance Abuse Services (2006).

illness, parental separation/divorce and incarcerated household member."[263] "An estimated 46 million of the 76 million children currently residing in the United States are exposed to violence, crime, and abuse each year."[264] Compared to their non-Indian peers, AI/AN children are 2.5 times more likely to experience trauma.[265] The impact of this exposure can lead to behaviors such as withdrawal, risk-taking, mistrust, and social anxiety. By addressing and supporting youth who have experienced trauma, teams can ensure that they are appropriately responding to the specific and individual needs of AI/AN youth. The National Child Traumatic Stress Network notes that a trauma-informed perspective will:[266]

- Routinely screen for trauma exposure and related symptoms;
- Use evidence-based, culturally responsive assessment and treatment for traumatic stress and associated mental health symptoms;
- Make resources available to children, families, and providers on trauma exposure as well as its impact and treatment;
- Engage in efforts to strengthen the resilience and protective factors of children and families impacted by and vulnerable to trauma;
- Address parent and caregiver trauma and its impact on the family system;
- Emphasize continuity of care and collaboration across child-service systems; and
- Maintain an environment of care for staff that addresses, minimizes, and treats secondary traumatic stress as well as that increases staff wellness.

[263] Bigfoot et al., "Honoring Children: Treating Trauma and Adverse Childhood Experiences in American Indian and Alaska Native Communities, Culturally Enhanced Treatment for ACEs," Adult Development & Aging News, 2018.
[264] Dorgan et al., "Attorney General's Advisory Committee on AI/AN Children Exposed to Violence: Ending Violence So Children Can Thrive," Report, November 2014 at 37.
[265] National Indian Child Welfare Association, "Trauma-Informed Care Fact Sheet," Child, Adolescent and Family Branch, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 2014, https://www.nicwa.org/wp-content/uploads/2016/11/2014_TraumaInformedCare_FactSheet.pdf
[266] National Child Traumatic Stress Network, "What Is a Trauma Informed Child and Family Service System," *Substance Abuse and Mental Health Services Administration* (2016), https://www.nctsn.org/resources/what-trauma-informed-child-and-family-service-system

**Trauma Informed Care (TIC)** provides an environment created on a foundation of safety, empowerment, collaboration, trust, and respect.[267] Through the implementation of TIC prevention program staff and collaborators can support youth resiliency. Resiliency is a positive adaptive response in the face of significant adversity.[268] Resilience can exist naturally, be built, or erode.[269] Truancy prevention programs can support youth resiliency by supporting the enhancement of resiliency factors in the lives of the youth that are served through the program. Review the chart on page 40 and see the following table for additional factors to support AI/AN youth resilience.

| Factors that can contribute to youth resilience:[270] |
|---|
| ▸ **Optimistic temperament**<br>▸ **Intellectual aptitude**<br>▸ **Social competency**<br>▸ **Secure attachments**<br>▸ **Self-esteem**<br>▸ **Internal locus of control**<br>▸ **Sense of purpose/future**<br>▸ **Humor**<br>▸ **Living in supportive families**<br>▸ **Peer support**<br>▸ **Self-efficacy** |

[267] Precious Skinner-Osei et al., "Justice Involved Youth and Trauma Informed Interventions," Center on Juvenile and Criminal Justice, 16 *Justice Policy Journal* 2 (2019), http://www.cjcj.org/uploads/cjcj/documents/justice-involved_youth_and_trauma-informed_interventions.pdf

[268] National Scientific Council on the Developing Child, "Supportive Relationships and Active Skill-Building Strengthen the Foundations of Resilience: Working Paper No. 13," *Center on the Developing Child, Harvard Universit*y (2015), https://developingchild.harvard.edu/resources/supportive-relationships-and-active-skill-building-strengthen-the-foundations-of-resilience/

[269] Maegan Rides at the Door, "Understanding How Trauma Affects Youth Development," *National Native Children's Trauma Center, National Wellness Enhancement Training*, Presentation September 2020.

[270] Ibid.

## Case Study #2

Tribal Community B offers a court-based truancy intervention program. The target range for services is grades 7–12. Youth are referred to the program by the local school truancy officer after the administration has recorded eight unexcused absences. As part of the program, youth are offered the opportunity to participate in a predisposition diversion program that is supervised by the local Tribal prosecutor and truancy program coordinator. Youth who enter into the diversion program must check in with the program coordinator at least once a week. The program coordinator reviews weekly attendance, checks-in with parents by phone, and provides monthly reports to the Tribal juvenile judge. As part of the program youth engage 10 hours of voluntary public service and are able to participate in language classes once a month. Youth are assessed court costs for an initial assessment. Violations of the program can result in fines starting at $50.00 per violation.

The program generally lasts about six months, but can be extended. Once youth complete the program requirements, their juvenile case is usually dismissed. After dismissal, youth and families are no longer required to check in with the program coordinator. There are other resources that are available within the community—an afterschool tutoring program, a behavioral health clinic, and a school social worker that can provide a basic assessment and informal counseling, but the court does not currently have any written partnership agreements in place with any of the providers.

*Case studies are for illustrative purposes only.*

## Reflect and Respond

- *Is this a typical court-based program framework (yes or no)? Does this program resemble your current or planned truancy program in any way(s)?*

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- *What elements of this program seem to work well?*

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- *What additional services could be offered to improve the program?*

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- *In what ways could this program provide services that operate along a continuum?*

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| **Case Study #2: Review Strategies to Support a Continuum of Care** | |
|---|---|
| Program Issue | Strategy to Improve Services along a Continuum |
| Court-Based Programs | According to a 2015 OJJDP Literature review, most youths who engage in status and other minor offenses never progress to more serious behavior, While court-based programs may be necessary to support youth who are experiencing issues that expand beyond habitual truancy and involve further delinquency, these programs should focus on developing partnerships with community partners that can support diversion of youth from continued juvenile justice system involvement. |
| Target Range for Services is Grades 7–12 | Implement earlier intervention through monitoring in younger grades. Support community-wide outreach related to the value of student participation and attendance in school. |
| Youth Referred after Eight Unexcused Absences | Implement earlier notification and referral systems. School officer or administration could refer for both excused and unexcused absence as chronic absence and truancy can be rooted in similar issues and cause harmful outcomes for youth. |
| Predisposition Program and Fines | In this example it is unknown if youth are offered post-disposition opportunities to engage in a similar program. To support all youth access to the program both a pre- and/or post-disposition track could be offered. Fines could become difficult to pay for some families. Court could consider alternative sanctions. |
| Voluntary Public Service and Tribal Language Courses | Increased cultural and community connections are protective factors for AI/AN youth. These components along with increasing other protective factors could be considered as part of the overall program strategies. Program coordinator could provide youth with a “valued privilege” as a reward for program participation and completion. The most effective consequences are those that |

| | |
|---|---|
| | are “meaningful”; public service should be something meaningful to the youth participant. |
| Program Period | The program ends after a period of 6–9 months. To extend services, program could coordinate with community-based or school-based services to continue necessary services and address youth and family needs. “After-care” options could be implemented to support reduced truancy and long-term success in school. |

## Key Component 2: A Continuum of Support- Quick Review

- A continuum of support includes strong universal and prevention practices, with additional supports added as needed, based on data and student voice As programs are developed, teams can take into consideration the opportunities available to engage in activities that will impact broad systemic change and avoid short-term intervention.

- Many jurisdictions have reinvested resources to build school, family, and community capacity to address truancy, moving kids away from the juvenile justice system. Some strategies that have been utilized include embracing positive incentives in lieu of retributive responses to truancy, partnering with families as allies, and developing community truancy boards that address truancy without legal action.

- In support of a continuum of care, programs that are in the process of development should consider ways in which the organization will support youth who experience risk factors such as exposure to violence, abuse, neglect, or other victimization. The program may wish to adopt a trauma-informed/healing-centered approach. Models like Family Group Decision Making can empower families and invite them to lead in decision making for their children.

Notes:

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## III. Key Component 3: Collaboration Among Community Actors

Collaboration is an essential component of prevention and intervention programs. Collaboration within a truancy program is especially important as it will contribute directly to the continuum of services. In many Tribal prevention programs, Tribal service providers must develop collaborative partnerships with local school districts and/or agencies to establish notification and referral services for youth that are identified as chronically absent or truant. Without collaboration, tribal truancy programs may face barriers to providing timely and effective services to their youth. These barriers can cause delays in services, and can inhibit collaborative processes that allow youth to access needed resources and services.

As communities work to develop truancy prevention programs it is important to involve and engage community stakeholders throughout program planning and implementation process. Collaboration can contribute to community buy-in and support for the program's vision, mission, and goals. Partnerships can be recognized and confirmed by letters of support, Memorandum of Understanding, or other intergovernmental/cooperative agreements. MOU and intergovernmental agreements are helpful tools for programs because they can:

- Clarify the role and responsibilities of the partner agencies;
- Memorialize the agreement and mutual understanding of the partners;
- Contribute to long-term sustainability and longevity of program services;
- Include stipulations to local or regional laws, ordinances, or required assurances; and
- Recognize sovereign and inherent rights of Tribes to govern and ensure the welfare of their community's children.

In communities that are located in states with Public Law 83-280[271] statutes, youth may be subject to the laws of both the state and the Tribe for status offenses[272] such as truancy and other juvenile delinquency court matters. In these communities, it is especially important to

[271] "*The term mandatory Public Law-280 (18 USC 1162(a) refers to the six states in which Congress conferred Indian country criminal jurisdiction to: Alaska, California, Minnesota (except Red Lake reservation), Nebraska, Oregon (except Warm Spring Reservation) and Wisconsin. Optional Public Law 280 jurisdictions include certain reservations in Arizona, Florida, Idaho, Iowa, Montana, Nevada, North Dakota, South Dakota, Washington- Some Tribes have retroceded in both mandatory and optional states. See also National Institute of Justice, "Public Law 280 and Law Enforcement in Indian Country- Research Priorities," U.S. Department of Justice, Office of Justice Programs (2005),* https://www.ncjrs.gov/pdffiles1/nij/209839.pdf

[272] The Annie E. Casey Foundation notes that the five most common juvenile status offense examples include skipping school; drinking while underage; running away; violating curfew; and acting out (also known as ungovernability, incorrigibility or being beyond the control of one's parents). See What Are Status Offenses and Why Do They Matter, Annie E. Casey Foundation, April 6, 2019. https://www.aecf.org/blog/what-are-status-offenses-and-why-do-they-matter

consider the implications of concurrent jurisdiction. Teams may wish to consult with local county partners and agencies to establish services that are complementary. Further, Tribes may coordinate the development of diversion programs that transfer tribal youth truancy matters from the state court into Tribal court for referral to tribal community-based programs, so that focused intervention and appropriate services can be provided to Tribal community youth.

## Collaborative and Community-Oriented Services

"Collaboration involves creating a broad-based multidisciplinary partnership between the agencies and organizations whose involvement impacts truancy directly (i.e. schools, juvenile courts, and law enforcement agencies)."[273] Youth who are engaged in truancy may be experiencing a range of risk factors. "Without a program based on a continuity-of-care model, interventions fall short of addressing the complex network of problems associated with truant behavior."[274] Community-based programs "recognize that truancy is not an individual or family problem alone, but that chronic truancy is a community problem that can best be addressed by collaboration among the various systems within the community."[275] Tribal school, community, and/or court-based programs may have multiple layers of collaborators internal to the Tribal community and also external partners within the local or surrounding community. These collaborators can work to develop youth-focused processes that are derived from the expertise and resources of the contributing partners.

[273] National Center for Mental Health Promotion and Youth Violence Prevention, "Truancy Prevention Efforts in School–Community Partnerships" (2012), http://crisisresponse.promoteprevent.org/publications/prevention-briefs/truancy-prevention-efforts-school-community-partnerships
[274] Dembo et al., "Truancy Intervention Programs."
[275] Development Services Group Inc., "Truancy Prevention," https://www.ojjdp.gov/mpg/litreviews/Truancy_Prevention.pdf

## Youth-Centered Collaboration

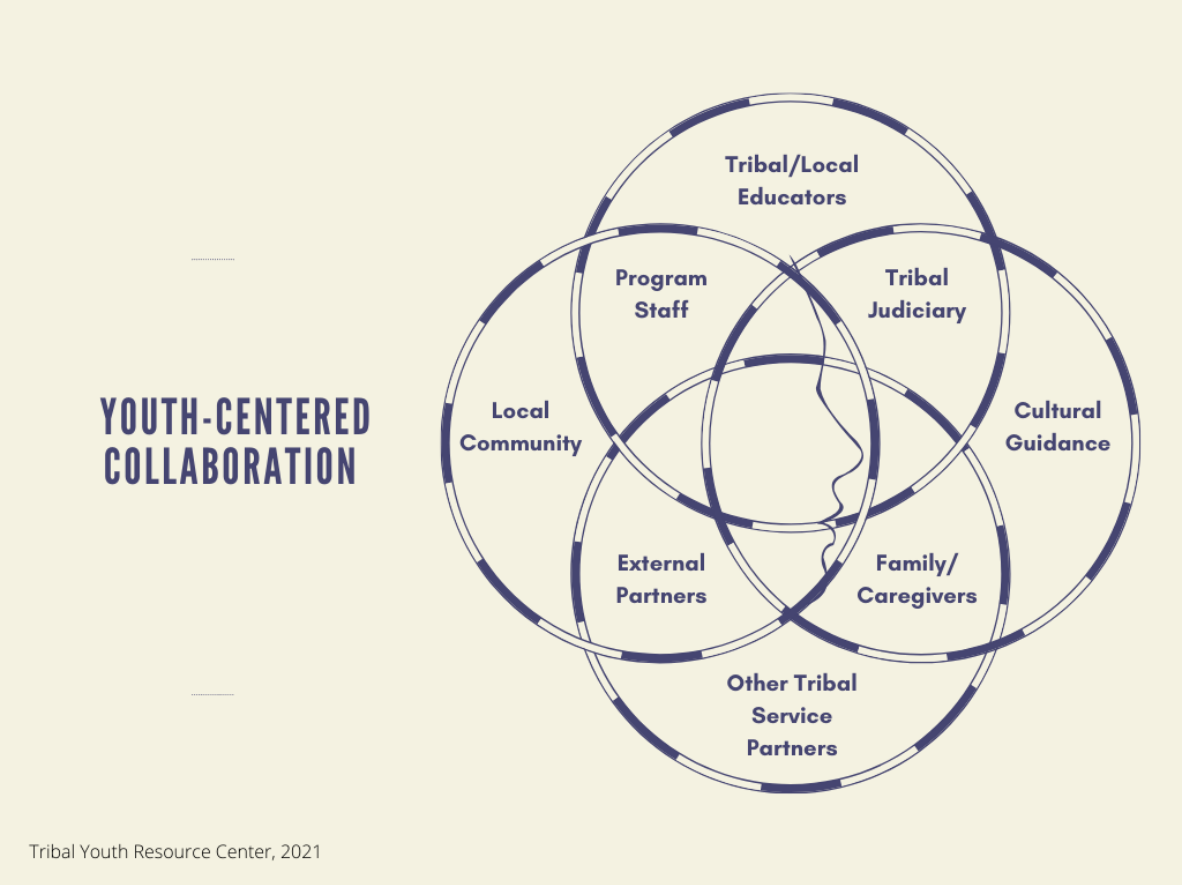


*Diagram 2: Youth-Centered Collaboration*

## Addressing Barriers to Collaboration

While the benefits of collaboration are evident, some Tribal communities may face significant barriers to external collaboration with state and county partners. This may be especially true in programs where youth primarily attend schools that are non-Tribally controlled or where there is a significant amount of jurisdictional overlap. Barriers to collaboration may be rooted in the lack of understanding of the unique characteristics of each other's systems, disagreements over process, or confusion over interpretation and application of federal laws.[276] Moreover, historically conflictual relationships, local dynamics, and, in some cases, overt racism can collapse efforts toward enhancing the lives of local youth. Working through the lack of trust can be difficult, but there are numerous Tribes across the country both in the lower 48 and Alaska that are working to mend, understand, and build relationships with state and county partners. Walking on Common Ground is an ongoing initiative to promote and facilitate tribal, state, and

[276] Murdock et al., "Walking on Common Ground: Pathways to Equal Justice–Findings of the 2005 National Gathering for Tribal-Federal-State Court Relations," *Bureau of Justice Assistance and Fox Valley Technical College* (2005), http://walkingoncommonground.org/files/WOCG_Draft%20Report%20FVTC.pdf

federal collaboration that provides several solution-focused strategies to support communities and partners in developing and enhancing relationships.
Some strategies that may be implemented in support of the development of Tribal/county/state partnerships within truancy prevention program include:[277]

- Enlist the support of the following agencies to help create change: tribal court associations, state administrative office of the course, chief judges' associations, and any judicial councils.
- Protect tribal sovereignty: communicate on a government-to-government level to establish meaningful dialogue that supports the aims of both sovereigns.
- Present concrete solutions at the state leadership level.
- Encourage and support continued judicial education.
- Advance government-to-government relations at all levels especially encouraging local tribal judges to make contact with local state counterparts with the end goal of promoting public trust and confidence in all justice systems.
- Locally, support the development and use of MOUs/Memorandum of Agreements (MOAs) with state agencies to support programs and courts in Tribal communities.

***On Tribal/State Collaboration***

*The benefits of collaboration are so vast and too significant for other justice systems to ignore. Allied state and tribal courts have the advantage of leveraging scarce resources, promoting lifelong healing while protecting public safety and eliminating the "us versus them" attitude common in many locales. This is a way to strengthen families and delve into funding sources that may not previously have been available. Strong coalition courts work to improve the lives of the people in their communities.* The New Face of Justice: Joint Tribal-State Jurisdiction, *Walking on Common Ground, 2008*

## Supporting AI/AN Youth in School-Based Programs

For school-based programs, collaboration with educators is integral to the development of comprehensive services to support AI/AN youth. Educators and prevention staff should consider the fact that students can perceive when processes are implemented collaboratively. The Student Listening Project at the University of New Mexico Center for Education Policy Research recommended in a 2017 report that, in response to truancy, "there was apparent recommendation by students to encourage parents and the school to work together collaboratively to support students in understanding why it was important to attend school and also to assure strict and appropriate policies were implemented. There was also encouragement by students for schools to consider what home factors might be impacting

[277] Christine Folsom-Smith, B. J. Jones, Lisa Jaeger, "Walking on Common Ground: Tribal-State-Federal Justice System Relationships," National Meeting Executive Summary, Bureau of Justice Assistance (2008), https://www.judges.org/wp-content/uploads/2020/03/wocg2-pub1209.pdf

student attendance that would include shelter, food, transportation and other potential factors."[278] "Native and non-Native faculty/teachers play a critical role in Native student academic persistence, particularly when they seek to understand the concerns and issues that Native students face and demonstrate their support for and connection with Native students."[279]

## Developing and Enhancing Local Policy to Support AI/AN Youth

Additional advocacy for AI/AN youth may include participation at levels of local school policy development. This includes participation and active engagement within the local school settings. Program staff may serve as members of parent or education committees, boards, or other organizational entities tasked with the development or support of the local school district. Tribal community leaders can engage districts to consider policies that specifically impact AI/AN youth.[280] This may include addressing policies that do not account for students' differing cultural and religious backgrounds and participation in traditional holidays, family celebrations, and/or important community gatherings.[281] "Many schools penalize students for attending important cultural and spiritual activities such as fishing, dances, and funerals, leading students who attend those events to accrue truancies or fall behind in schoolwork."[282] Further, "Studies demonstrate that schools that are inclusive, intolerant of racism, and supportive of Native American culture and heritage improve school behaviors, motivation, academic outcomes, and overall learning of Native American Students."[283]

[278] Hughes et al., "Listening Circles Tell Our Stories of Our Native Youth in New Mexico: The Native Student Listening Project," at 22, https://webnew.ped.state.nm.us/wp-content/uploads/2018/01/IED-Native-Listening-Project-Final-1.pdf

[279] Id. at 3.

[280] See Chapter 3- *School Policies and Consideration for Traditional/Cultural Activities*

[281] ACLU of Washington Foundation and Team Child, "Defending Youth in Truancy Proceedings: A Practice Manual for Attorneys," ACLU, 2008, https://www.aclu.org/sites/default/files/pdfs/defendingyouthintruancyproceedings.pdf

[282] Mae Ackerman-Brimberg, "Achieving Equal Educational Opportunities for Native American Youth: Lessons from Communities Working for Change, National Center for Youth Law, https://youthlaw.org/publication/achieving-equal-educational-opportunities-for-native-american-youth-lessons-from-communities-working-for-change/

[283] Ibid.

***On Tribal juvenile jurisdictional complexity and the issue of overlapping jurisdiction:*** *"It is important to carefully consider areas for improvement in the treatment of Native juveniles in state and federal courts and how best to ensure that tribes are treated as the primary authority, with federal and state authority supplementing, rather than undermining, tribal authority.[284]"- Addie Rolnick*

[284] Untangling the Web: Juvenile Justice in Indian Country, New York University Journal of Legislation and Public Policy, Vol. 19, Issue 1, at 110.

## Case Study #3

Jane Deer, a Tribal youth, is a seventh grade student at a non-Tribally controlled middle school. Jane has a younger brother in fourth grade and two additional siblings that are ages three and one. Jane is a good student, but she recently started missing school at least once a week. Her mom started a new job that requires her to work overnight. Her aunt stays over when she can, but there are times when Jane is the only one available to supervise the other children while her mother is away. Two mornings a week her mother's work schedule ends later than the start time of the school morning. Jane is responsible for helping her younger brother get dressed and for walking him to the school bus stop.

After four unexcused absences Jane's mother received a notice from the school truancy officer that Jane would be referred to in-school suspension if she missed any additional days of school within the month. The notice was sent by e-mail. After an additional unexcused absence, Jane was notified during her homeroom period that she would need to go to the school office. Jane was surprised to find out from the vice-principal that she would need to report to the in-school suspension room. The room supervisor asked Jane if she needed any school supplies and gave Jane a list of missing assignments from each of her classes. The school required Jane to report to the suspension room until all of Jane's missing assignments were completed and submitted. Jane's mother received a notice by mail that Jane would receive a $50.00 citation and referral to the county juvenile court after eight unexcused absences.

*Case studies are for illustrative purposes only.*

## Reflect and Respond

- *What aspects of this scenario seem typical for a school-based truancy program?*

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- *What elements of the program work well? What does not work well?*

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- *What additional services could be offered by a Tribal truancy prevention program or initiative? How could collaboration assist with expanding services and supports for Jane and her family?*

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- *In what ways would collaboration among community actors support the protective factors in Jane's story? What risk factors can be identified and how could they be addressed?*

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| **Case Study #3: Review Strategies to Support a Collaboration** | |
|---|---|
| Program Issue | Strategy to Improve Services along a Continuum |
| School-based program, unclear if partnership or resources available for AI/AN youth. | Program supports could include identification of AI/AN status and referral to local Tribal community education or social services department. Establish MOU to support program collaboration between Tribe and school. |
| Notices of absence are sent using e-mail. | Parents may not have access to computers or technology access to online notification systems. Referrals could be sent in written format that provides clear information about absences and school policies. *See Attendance Works, "Writing Notices That Can Improve Attendance,"* https://www.attendanceworks.org/writing-truancy-notices-that-can-improve-attendance/ |
| Jane is unaware of the school policies. This could be a lack of collaboration within school administration related to student awareness of attendance policies. | School could provide a collaborative approach wherein the truancy officer and the vice-principal communicate with Jane and her mother in-person about the school policies and accrued absences. Direct contact from teachers may also support increased awareness of the attendance policies. |
| Jane is a good student but is required to report to a suspension room until all her missing work is caught up. | In this example, Jane is sent to a restrictive environment. No facts indicate that Jane's behavior is disruptive to the learning environment. This approach seems punitive rather than prioritizing student's strengths and needs. Strategies for collaboration could include teacher/truancy officer intervention to support Jane, assignment of an advocate to engage with Jane and her family with home visits, and/or implementation of afterschool support such as tutoring, resources, and transportation. |
| No assessment or review of the circumstances contributing to Jane's absence. | No indication of any assessment to discern the root issues of Jane's absence. School truancy officer could provide assessment and referral to resources. If a collaborative partnership is developed with Tribal truancy prevention program other resources or interventions could be offered. *See "Model Programs—Community Advocates,"* Smink et al. (2005), https://files.eric.ed.gov/fulltext/ED485683.pdf |

## Key Component 3: Collaboration Among Community Actors- Quick Review

- Collaboration is an essential component of prevention and intervention programs. Collaboration within a truancy program is especially important as it will contribute directly to the continuum of services.

- Community-based programs recognize that truancy is not an individual or family problem alone, but that chronic truancy is a community problem that can best be addressed by collaboration among the various systems within the community. Tribal school, community, and/or court-based programs may have multiple layers of collaborators internal to the Tribal community and also external partners within the local or surrounding community.

- For school-based programs, collaboration with educators is integral to the development of comprehensive services to support AI/AN youth. Educators and prevention staff should consider the fact that students can perceive when processes are implemented collaboratively. Collaboration with non-Tribal partners may take additional work involving leadership and other helpful stakeholders.

Notes:

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## IV. Key Component 4: Develop Concrete and Measurable Goals for Program Performance, Student Performance, and Ongoing Evaluation

### Planning the Prevention Program

Developing the project goals and objectives should be a youth-focused and community-guided process. Because truancy programs may range in settings and scope, a foundational question involved with the planning and development process is *"Who should be involved?"* A comprehensive tribal truancy program will involve the services of numerous departments and agencies. Who is a stakeholder? Generally, a stakeholder is any person (or group of people) who[285]:

- Is responsible for key agreements or final decisions.
- Is in position to implement the decisions [being made].
- Has expertise, wisdom, knowledge, or information that is crucial in realizing the desired outcomes.
- Is likely to be affected by the outcome.
- Will need to be informed of the outcomes.
- Can advise against decisions.

The community's resources, identified needs, and project goals can assist with the identification of the key collaborators. Tribal prevention program staff may wish to select advisory group members from various sectors of the community such as:

| **Developing the Advisory Group: Considering Key Stakeholders for Tribal Truancy Prevention Initiatives** |
|---|
| ▶ Governance/Leadership<br>▶ Education<br>▶ Social Services/Family Services<br>▶ Law Enforcement<br>▶ Tribal Courts<br>▶ Families/Youth<br>▶ Cultural Leaders/Elders/Language<br>▶ Behavioral Health/Mental Health<br>▶ Substance Use Prevention Program<br>▶ Local Boards of Education<br>▶ Local Educators/Administrators<br>▶ County/State Law Enforcement<br>▶ Truancy/Probation/School Resource Officer<br>▶ Municipal/County/State Courts/Juvenile Justice System Actors |

[285] Adapted from "Which Stakeholders Should We Involve in Our Decisions and How?" GeoFunders.org, https://www.geofunders.org/resources/which-stakeholders-should-we-involve-in-our-decisions-and-how-654

## Implementing Processes to Assess Current Needs

Planning teams and community organizers can work together to organize in the early planning stages and build upon known data and information to support the design for the truancy intervention program.

There are many processes that communities can engage to assess community data:

- Community needs assessment,[286]
- Community readiness assessment,[287]
- Youth and community focus groups,[288]
- Gathering of Native Americans/Alaska Natives (GONA/GOAN), and[289]
- Other community and locally guided forums, meetings, and processes.

In addition to these assessment and information-gathering processes, communities may also wish to utilize recently completed assessments or base efforts upon community knowledge and shared information. Collected data and information can then be utilized by the advisory group to develop a responsive action plan that will address identified needs and contribute to implementation of the intervention. Advisors and organizers will note that most structured assessment processes will recommend adopting a process to follow up on the initial assessment processes conducted. "Community needs can change, and [teams] want to be sure they know if, when, and how they do."[290]

## Addressing and Prioritizing Critical Issues

*See the **Appendix F** for more on the S.M.A.R.T. Goal-Setting Process*

Community needs assessments may result in the identification of an array of concerns to address. Strategic planning can support the prioritization of activities to address the most urgent or critical needs. Goals for the program should be meaningful and defined within the context of the local community. Processes such as GONA/GOAN (mentioned in the preceding text) can support both assessment and planning. There may be other locally developed processes that will reflect the community's values,

[286] The Community Toolbox, "Assessing Community Needs and Resources," Center for Community Health and Development, University of Kansas, accessed January 2021, https://ctb.ku.edu/en/table-of-contents/assessment/assessing-community-needs-and-resources

[287] E. R. Oetting, B. A. Plested, R. W. Edwards, P. J. Thurman, K. J. Kelly, and F. Beauvais, "The Community Readiness Model," an expanded manual is available Community Readiness Handbook, Tri-Ethnic Center for Prevention Research, Colorado State University, https://tec.colostate.edu/wp-content/uploads/2018/04/CR_Handbook_8-3-15.pdf

[288] Thomas et al., "Identifying Community Needs and Resources in a Native Community: A Research Partnership in the Pacific Northwest," *Journal Mental Health and Addiction* 8(2) (April 2010): 362–73, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3487410/.

[289] GONA is a culture-based planning process where community members gather to address community-identified issues. Gathering of Native Americans Fact Sheet, Substance Abuse and Mental Health Services Administration, (2015), https://www.samhsa.gov/sites/default/files/gona-goan-toolkit.pdf

[290] Berkowitz et al., "Conducting Needs Assessment Surveys," Community Toolbox, Center for Community Health and Development, University of Kansas, accessed January 20, 2021, https://ctb.ku.edu/en/table-of-contents/assessment/assessing-community-needs-and-resources/conducting-needs-assessment-surveys/main

beliefs, and resources. If needed, communities can also utilize other known framework for goal-setting such as the S.M.A.R.T. goals process. Regardless of the goal-setting methodology utilized, clear and measurable goals are integral to program implementation. The Colorado Foundation for Families and Children notes that concrete and measurable goals for program performance and student performance are components of effective truancy programs.[291] Concrete and measurable goals will include the "who, what, where, when, why, and how" of the program's activities. They should also include a time frame in which the program hopes to accomplish the stated goal. A plan that is developed by a committed group of people enhances the potential for successful project implementation. By developing a project plan your team is:[292]

- Developing a living document that can be reviewed on an ongoing basis as the framework for project decision making;
- Designing a road map for realizing the team's goals and objectives for the Tribal truancy prevention program; and
- Building a foundation to support positive outcomes as part of a community or grant-funded initiative and for future team-initiated evaluation processes.

## Developing a Program Logic Model

A logic model can help you define and refine your program's goals, objectives, and activities while serving as a concise communication document in sharing your program's information with families, Tribal leadership, other Tribal programs, and community members.

*See the **Appendix E** for a sample Tribal Truancy Prevention Program Logic Model*

It helps you assess whether or not:

- The resources you have are sufficient to carry out the activities you want to implement.
- The activities you plan to implement will achieve your goals.
- Your goals will have the impact you expect them to have.

### Indigenous and Culturally-Based Logic Models

Logic models come in many formats, but are generally linear in expression. Indigenous communities may desire to create and develop logic model formats that represent relational ideals and those factors that are most representative of the community's knowledge, perspectives and hoped-for outcomes. An example of a Traditional or Indigenous Logic Model is the Qasgiq Model- a Yup'ik cultural logic to deliver strengths-based intervention for Yup'ik youth. The framework encompasses both an Indigenous knowledge (IK) theory-driven intervention implementation scheme and approach to knowledge production.[293]

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[291] National Center for School Engagement "Overview of Truancy," in Toolkit for Creating Your Own Truancy Reduction Program, National Center for School Engagement, accessed January 20, 2021, https://www.ncjrs.gov/pdffiles1/pr/217271.pdf

[292] Tribal Youth Resource Center, "Strategic Planning Guide," Tribal Law and Policy Institute (2019).

[293] Rasmus et al. "The Qasgiq Model as an Indigenous Intervention: Using the Cultural Logic of Contexts to Build Protective Factors for Alaska Native Suicide and Alcohol Misuse Prevention, Cultur Divers Ethnic Minor Psychol. 2019 Jan; 25(1): 44–54.

**Components of a Program Logic Model (Linear)**

- Priority statement: A priority statement states the intent or rationale for your initiative. The problem you will solve. What are the issues that you have identified that are specific to your community?
- Inputs: Inputs are all the resources you have available to the program. They include people, financial, and technological capital. They are often tangible goods. What resources can be used to affect the issue you have identified? Think about the changes you want to see.
- Activities: Activities are the ways in which the program is using the inputs you identified. They include processes, tools, events, and actions.
- Outputs: Outputs are the direct result of or product of an activity, such as a trained individual or the number of people educated and influenced by a campaign.
- Outcomes: These are the specific changes in behavior, knowledge, skills, status, and level of functioning that result from the program. They are sometimes divided into short- and medium-term outcomes.
- Impact: The outcome is the overarching goal(s) or purpose of the program and should lead to a change at the community or society level. Impact is a measure of that change.

## Local Level Data Collection

A Native nation's data are any facts, knowledge, or information about the nation and about its citizens, lands, resources, programs, and communities.[294] Data governance is the exercise of a nation's broad right to control all of this information.[295] Many Native communities express frustration with gaps in data and the lack of meaningful inclusion of AI/AN populations in research and other data collection efforts. "Indigenous governance systems have been undergoing processes of reclamation of self-rule and increased self-determination over the last fifty years. This movement has been referred to as Native Nation rebuilding. It occurs as tribes 'enhance their foundational capacity' to make and implement strategic decisions about their own affairs. It is a comprehensive effort to rebuild Indigenous societies that work on Indigenous nations' terms in the continued wake of colonization. This includes political, economic, social, and cultural development that requires accurate and relevant tribal data."[296] Communities are leading new efforts in the area of accurate, meaningful, and timely data collection. These efforts will surely contribute to the continued knowledge, growth, and evaluation of tribal programs.

[294] Stephanie Carroll Rainie, Desi Rodriguez-Lonebear, Andrew Martinez, "Policy Brief (Version 2): Data Governance for Native Nation Rebuilding," Native Nations Institute (2017), http://nni.arizona.edu/download_file/view/1120

[295] Id.

[296] Carroll, S.R., Rodriguez-Lonebear, D. and Martinez, A., 2019. Indigenous Data Governance: Strategies from United States Native Nations. *Data Science Journal*, 18(1), p.31. DOI: http://doi.org/10.5334/dsj-2019-031

From the National Congress of American Indians[297]:

> "There is a critical need for accurate, meaningful, and timely data collection in American Indian/Alaska Native (AI/AN) communities. Federal agencies are charged with collecting data in AI/AN communities, as well as from the general US population, in order to determine budget requests; support and strengthen budget justifications; allocate resources; provide services; conduct strategic planning; and comply with statutory and regulatory reporting processes. Accurate data collection and community-based planning captures true needs, and thus can drive larger programmatic investments resulting in a cost-effective use of tribal, federal, and private resources. Without quality data, policymakers and community planners cannot set policy goals, monitor implementation, measure impact, or plan for demographic shifts in an effective way."

## Data Collection and Program Evaluation

There are numerous reasons that communities develop data-collection plans. Reasons to develop data-collection processes may be for the purposes of meeting grant or other reporting requirements, communicating with tribal members, supporting ongoing service delivery, and determining tribal priorities and strategic goals.[298]

**Data collection can be used to:**

- Support current and relevant decision making;
- Identify current needs of the participants;
- Assist leaders and stakeholders in the development of responsive policy;
- Increase ongoing program improvements through analysis: the team can quickly identify the strengths and weaknesses of the program;
- Provide the foundation for program evaluation; and
- Meet programmatic data-collection requirements.

Data can be used to draw conclusions to important questions such as: *Are we serving youth and families? Are we getting people into treatment quickly? Are traditional cultural components being implemented? Is our program successful, based on our own tribally defined success?* Your team can develop data-collection processes that support the core services within the truancy prevention program and can also meet requirements for data-collection/reporting purposes.

## What Kinds of Data Will the Truancy Prevention Program Collect?

- Data can be quantitative: Data that is numerical, for example, number of participants, number of days in school, number of days with unexcused absences, and percent of youth who are engaged in truant behavior.

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[297] National Congress of American Indians, "Data Disaggregation," NCAI Policy Research Center, https://www.ncai.org/policy-research-center/research-data/data

[298] National Congress of American Indians, "The State of Tribal Data Capacity in Indian Country: Key Findings from the Survey of Tribal Data Practices," Policy Research Center, October 2018, http://www.ncai.org/policy-research-center/research-data/prc-publications/Tribal_Data_Capacity_Survey_FINAL_10_2018.pdf

- Data can be qualitative: Data that is made up of stories and not numerical. For example, youth participant reasons for skipping school, youth behavior toward families, how and why youth engage with mentors, and what types of incentives do youth prefer.

## What Are the Ways to Collect Data?

- Use existing data collection repositories, for example, school data and monitoring systems, court database, law enforcement database, or family services databases.
- School records can provide data on outcome measures such as grades, class credits, disciplinary referrals, and attendance, which can be correlated with more specific demographic factors.[299]
- Participant data may be collected through screening, intake, and assessment processes.
- Tribal community data may be collected through one-to-one interviews, community surveys, focus groups, community forums, and resource mapping.
- Local or regional data may be available by visiting websites or other publicly available data repositories. Information-sharing agreements may be developed with local, regional, or other state agencies as needed.

## How Do We Share and Store Data?

Data collection storage and sharing plans are important. Many tribes maintain databases for local court, family services, and law enforcement data. These networks may have moderate to high capability for access and sharing. The team should develop processes to access, retain, and store data in a way that provides security, confidentiality, and safety, as well as access to relevant and pertinent information when needed. Sharing agreements, privacy consents, and other documents may need to be developed to support informed and effective communication with local schools and educators. Aside from processes that support trust-building with youth, families and within the community, there are additional considerations related to the Family Educational Rights and Privacy Act (FERPA) which restricts to whom and the circumstances under which schools, local educational agencies (LEAs), and post-secondary institutions can disclose a student's personally identifiable information (PII) from education records without the parent's or eligible student's consent.

There are a number of training videos from the U.S. Department of Education that can be accessed to learn more about student privacy and data sharing.

- Visit https://studentprivacy.ed.gov/content/online-training-modules for free training videos.
- Download and read the Data Sharing Toolkit for Communities https://www2.ed.gov/programs/promiseneighborhoods/datasharingtool.pdf

[299] National Center for School Engagement, "How to Evaluate Your Truancy Reduction Program," 2005, https://www.ncjrs.gov/pdffiles1/pr/217271.pdf

## Program Evaluation

Evaluation is not about judgment, evaluation is about telling the program's story—where you've been, where you're going, and how you're going to get there. Indigenous and Tribal people have always used evaluation. They needed to evaluate where the best hunting and fishing places were, where the best and safest place to camp, and how they were going to ensure their teachings were passed on to others.[300]

**Key questions for evaluation planning include:**

*The Tribal Roadmap for Evaluation suggests four concepts that are fundamental to Tribal evaluation mapping including "appreciation for those using the program services being evaluated, self-determination, high standards for evaluations, and generosity."[301] Additional questions that can assist with data collection and evaluation planning include but are not limited to:*

- *What is the purpose of our evaluation?*
- *What data do we collect?*
- *What data needs to be collected?*
- *Who needs to know what and when?*
- *What outcome in our logic model do we want to focus on in our evaluation?*
- *How will we engage stakeholders in our evaluation plan?*
- *What resources do we have to commit to evaluation planning and implementation?*

## Suggested Practices to Support Effective Tribal Youth Program Evaluation

- Set goals for the evaluation process, answer the key questions listed in the preceding text as a team.
- Develop an evaluation working group, establish a team lead, and identify specific roles and responsibilities within the working group.
- Engage stakeholders in the evaluation process and ensure that program evaluation considers the individual stakeholders' perspectives and in what ways they are engaged with the program.
- Establish an evaluation methodology and process. Ensure the methodology and process is aligned with local community values and perspectives.

[300] Ethleen Iron Cloud-Two Dogs, "Strategic Planning Guide," Tribal Youth Resource Center, Tribal Law and Policy Institute (2019).

[301] Tribal Evaluation Workgroup, "A Roadmap for Collaborative and Effective Evaluation in Tribal Communities," Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services, September 2013.

## Consider the Type of Evaluation Needed

- Process Evaluation: looks at the way in which a program is set up and operating. Relevant for adaptations of programs, lends itself to both qualitative and quantitative data.[302]
- Outcome Evaluation: Measures the effects of a program once it has been established. Generally, programs will not be ready for an outcome evaluation until they have been established for some time (a year or more). If begun too early, an outcome evaluation will likely show no results and may unnecessarily dampen enthusiasm for a potentially good program.[303]
- Cost-Benefit Analysis: Compares the cost of a program as measured in dollars to the outcomes of that program, also measured in dollars. If benefits are greater than costs, then the program may be said to pay off. Sometimes it is difficult to put a price on benefits; cost-effectiveness analysis may be used to compare the cost of a program as measured in dollars, to benefits measured in something other than dollars. For example, how many additional high school credits are earned as a result of a $50,000 truancy reduction program? Cost-effectiveness analysis is most useful when comparing multiple programs.[304]

Evaluation is an opportunity to share your program's story and ensure the teachings get passed on to others.[305] Many programs plan evaluation around required grant performance measures, however, "satisfying requirements of program funders is critical, but should not take precedence over the primary goal of gaining information that can be directly used by the community. Evaluation should support decision making about whether a particular program is a good fit for the community, whether it is effective in the community, and specific steps for program improvement."[306] By prioritizing community needs, teams can ensure that their evaluation processes will contribute to ongoing program improvement, services, and outcomes for Tribal community youth.

**On Tribal Program Evaluation**

*Evaluation should be tailored to the cultural context of the community and responsive to cultural ways of life, including cultural values for parenting and child well-being.*

(A Roadmap for Collaborative and Effective Evaluation in Tribal Communities, 2013)

[302] National Center for School Engagement, "How to Evaluate Your Truancy Reduction Program," 2005, https://www.ncjrs.gov/pdffiles1/pr/217271.pdf
[303] Ibid.
[304] Ibid.
[305] Ethleen Iron Cloud-Two Dogs, Strategic Planning Guide, Tribal Youth Resource Center, 2019.
[306] A Roadmap for Collaborative and Effective Evaluation in Tribal Communities, Child Welfare Research and Evaluation Tribal Working Group, Children's Bureau, September 2013 at 23.

**Case Study #4**

Tribal community C recently began the process of planning a truancy prevention program. The program is currently planned to be a community- and family-based initiative that will engage within the local non-Tribally controlled school. A coordinator for the program was recently hired and has background experience working as a teacher's aide at a middle school. The program will be housed at a local youth resource center that is near the middle school. The program's activities will include an afterschool tutoring component, cultural and life skills/connection building, and family engagement activities. Youth can be referred to a local behavioral health clinician if they have behavioral health needs and are registered patients at a local Tribal clinic. Data will be saved in a Tribal database used in the family services department.

The coordinator has planned a meeting with the local superintendent. At the meeting, the superintendent seems interested in the resources that will be offered, but informs the coordinator that she doesn't have much time to engage in planning. She asks the coordinator to follow up with a local middle school administrator. The middle school administrator provides a list of documents that will need to be completed to access school and student data. She also notes that the program will need to complete parent consent forms for all students who would like to participate in the program. The tribal coordinator is concerned that most of the forms that have been provided are technical and have legal considerations related to data sharing and student information. There is a local school board that must approve all school-based programs.

## Reflect and Respond

- *What are some of the barriers that have been presented as part of the illustration? Would stakeholder involvement improve the collaborative process in this illustration (yes or no)? Why?*

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- *In what ways would a community assessment support community-guided program planning?*

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- *What collaboration strategies could support buy-in of the local school board?*

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- *What are some of the concerns related to student data, sharing, and Tribal access to school data? What are some of the considerations related to data-sharing agreements?*

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| **Case Study #4: Review Strategies to Support Measurable Goals for Program and Student Performance** | |
|---|---|
| Program Issue | Strategy to Improve Services along a Continuum |
| Coordinator begins the planning processes but stakeholders are not included. | Collaborative planning should involve a cross-section of stakeholders. Stakeholders can support collective planning, support program goal development, and support the identification of helpful activities. An advisory group for a school-based program could include Tribal leadership, Tribal program staff, community leaders, educators, parents, families, and youth. *See the Appendix for Dos and Don'ts related to State-Tribal-Local Collaboration.* |
| Coordinator and superintendent initial meeting covers the activities and resources that might be included in the Tribal program but does not seem to address the critical issues or the overall goals of the program. | Developing a program logic model can assist with a one-page overview of the program's overall intended outcomes, planned inputs, activities, and short- and long-term anticipated outcomes. The coordinator could present this logic model to a group of collaborators for feedback on program design, support buy-in for the short- and long-term objectives, and enhance the program action plan. |
| Data-sharing agreements are complex and language is unfamiliar to the coordinator. | Data access is integral to the success of the truancy program as the coordinator and team will be unable to discern quantitative progress such as grades, attendance, and the measurement of longitudinal data for long-term outcome evaluation. It is important for the coordinator to work with local Tribal community protocols and requirements related to data sharing and also important to comply with external state or federal guidelines pertaining to information sharing. Coordinator may wish to seek support from advisors or counsel to solidify data-sharing agreements. Tribes should review the Family Educational Rights and Privacy Act related to access and academic achievement of students in Tribally controlled schools. See https://www.bie.edu/topic-page/family-education-rights-and-privacy-act. See also the Education Data Checklist for Tribes, Tribal Leaders Toolkit, National Congress of American Indians. |

## Key Component 4: Program Implementation- Quick Review

- Developing the project goals and objectives should be a youth-focused and community-guided process. Because truancy programs may range in settings and scope, a foundational question involved with the planning and development process is *"Who should be involved?"* A comprehensive tribal truancy program will involve the services of numerous departments and agencies.

- Logic models come in many formats, but are generally linear in expression. Indigenous communities may desire to create and develop logic model formats that represent relational ideals and those factors that are most representative of the community's knowledge, perspectives and hoped-for outcomes

- Data can be used to draw conclusions to important questions such as: *Are we serving youth and families? Are we getting people into treatment quickly? Are traditional cultural components being implemented? Is our program successful, based on our own tribally defined success?* Your team can develop data-collection processes that support the core services within the truancy prevention program and can also meet requirements for data-collection/reporting purposes.

- The team should develop processes to access, retain, and store data in a way that provides security, confidentiality, and safety, as well as access to relevant and pertinent information when needed. Sharing agreements, privacy consents, and other documents may need to be developed to support informed and effective communication with local schools and educators.

Notes:

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## More Than Attendance-Reinforcing Values and Sustaining Impact

As noted in the Introduction, attendance achievement through prevention and intervention is not a new endeavor in Indian country, nor is the planning and development of unique and innovative initiatives to support AI/AN youth success in educational settings. Many communities hold fast to beliefs that spur these ongoing efforts: *Our children are deeply valued—they are gifts given by the creator to be cherished*. These values were held long before the impact of Western education and the historically deleterious education laws and policies that stripped communities of their most beloved. Over decades, communities have resoundingly engaged in a unified voice, that while the challenges have been and are many—*we remain*. Therefore, it is more important than ever to continue the critical work of continued AI/AN youth empowerment and diversion from the justice system.

> *"Educating the Native student requires the acknowledgment and application of emotional, intellectual, physical, familial, mental, environment, spiritual, and relational connections instead of simply increasing academic performance."*[307]

Attendance achievement is more than truancy prevention, it is addressing the needs of youth at an individual level and working to develop their unique strengths as a respected member of the community.

[307] National Indian Education Association, "Building Relationships with Tribes: A Native Process for ESSA Consultation," 2016, https://tribaleddepartmentsna.files.wordpress.com/2016/12/niea-building-relationships.pdf

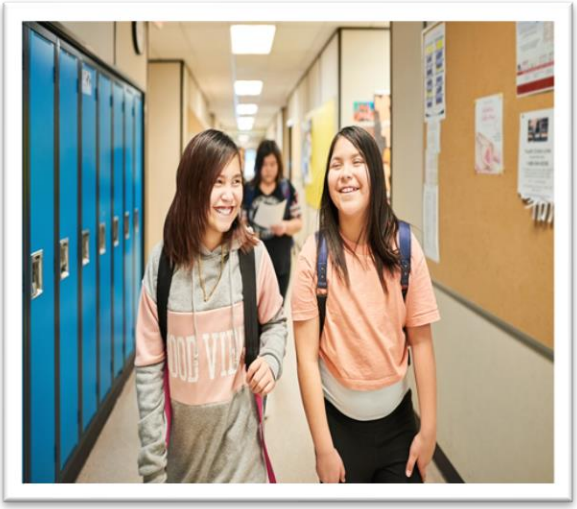
*"There has been too much blaming and shaming about attendance. We need to focus on the positive message of why attendance is important."*[308]

Many communities have begun the process of consulting and collaborating within their own community schools or in partnership with local school districts to reduce AI/AN truancy and referral to the juvenile justice system. These programs and their staff are in a unique position to support AI/AN youth through the implementation of a range of services that can impact youth individually through early diversion, the development of education plans and referral to supportive services. Staff can further work to engage parents and caregivers and local educators, thus contributing to efforts that impact sustained community change and set youth on a trajectory of renewed hope and possibility.

*"You treat them as if they didn't belong to you; they belonged to the Creator."*[309]

[308] Interview of Danielle Grant (Turtle Mountain Ojibwe), Director of Indian Education for Minneapolis Public Schools, in "Chronic Absence and Native American Students: Unique Challenges," Attendance Works Blog, April 18, 2014, https://www.attendanceworks.org/chronic-absence-native-american-students-unique-challenges/

[309] Betty Laverdure (Ojibwe) quoted in Angelique EagleWoman (Wambdi A. WasteWin) and G. William Rice, "American Indian Children and U.S. Indian Policy," *Tribal Law Journal* 16(1) (2016), University of New Mexico School of Law, https://digitalrepository.unm.edu/tlj/vol16/iss1/2/



## Selected Program Profiles

As indicated in Chapter 4 of this document, truancy prevention programs may be implemented in a variety of settings.[310] The following programs are included for reference and demonstrate the diversity of approach by Tribal communities to address the issue of truancy and chronic absenteeism. The profiles include a summary of demographic information and also provide an overview of the truancy prevention program services. When available, links are included to local truancy codes/ordinances. As part of study of the included profiles, readers may wish to consider the earlier mentioned critical components of truancy prevention programs[311] listed below.

- Parent/guardian involvement, or whole family involvement.
- Continuum of support, including meaningful incentives for good attendance and consequences for poor attendance.
- Collaboration among community actors such as law enforcement, mental health workers, mentors, and social service providers, in addition to educators. As well, a comprehensive approach that addresses every factor that affects truancy, including transportation, mental health, family setting, and school climate.[312]
- Ongoing Evaluation: Concrete and measurable goals for program performance and student performance. Good record keeping and ongoing evaluation of progress toward those goals.

[310] See page 51: Truancy Prevention Program Settings.
[311] Overview of Truancy Programs, Components of Effective Truancy Reduction Programs, National Center for School Engagement, https://www.ncjrs.gov/pdffiles1/pr/217271.pdf
[312] Lieu and Scheffler, "Truancy Prevention Efforts in School-Community Partnerships," at 5, http://www.promoteprevent.org/sites/www.promoteprevent.org/files/resources/Truancy%20Prevention%20Efforts%20in%20School_0.pdf

## Community Highlights: The Choctaw Nation ABC (Attendance! Believing in Choctaw Youth) Program

**Tribe:** Choctaw Nation of Oklahoma
**Location:** Spans 11 counties in Southeastern Oklahoma
**Community:** Approximately 223,000 members, with around 85,000 living in Oklahoma.
**Program Target Age Range**: Kindergarten through twelfth grade.
**Entry:** Informal/collaborative/parents voluntarily enter the program through consent to program services.
**Program Overview:**

The Choctaw Nation of Oklahoma's ABC (Attendance! Believing in Choctaw Youth) is a project to reduce chronic absenteeism among Choctaw K–12 youth. The program works with partnering school districts in rural southeastern Oklahoma and is provides culturally responsive services and guidance for youth and families.

The ABC program is designed to support early identification of chronically absent or truancy Choctaw youth. Early identification is made possible through direct staff monitoring of school attendance using a student database. If attendance issues become apparent, ABC project staff are able to reach out to youth and families, identify root cause of absences at an early stage, and refer to appropriate services within the Choctaw Nation and local community. The ABC program can then continue to monitor student attendance as the youth and family access needed resources and collaborative services. If further intervention is needed, the program can refer youth directly to other appropriate services within the Tribal community.

## Community Highlights: The Pascua Yaqui Tribe Attendance Achievement Program

**Tribe:** Pascua Yaqui Tribe
**Location:** Pascua Yaqui Indian Reservation, Tucson, Arizona
**Community:** Reservation with approximately 19,000 members, 4,000–5,000 members living on the reservation.
**Program Target Age Range**: All Pascua Yaqui youth who have received truancy citation in Tribal court or through referral and voluntary participation.
**Entry:** Formal (Court Citation) or Informal (Referral/Diversion) Program seeks to divert youth to informal process wherever/whenever possible.
**Program Overview:**

The Pascua Yaqui Tribe's Attendance Achievement Program has a mission to identify root obstacles to school attendance and harmonizes resources to engage and enrich Yaqui families to enhance overall well-being and advancement in education. The program staff works with Yaqui families to identify strengths and challenges, create a family-driven achievement plan, and support and navigate services to the family as they achieve their goals.

Youth entry to the program may be formal or informal. Program staff access needed services through assessment of the existing individual and family risk factors. The team proactively works with the family to set self-identified goals, connects with the school to develop behavior plans, and supports diversion from formal processing to keep youth in the learning environment. Youth accountability and empowerment are encouraged through a restorative approach that builds trust and changes negative perceptions of the education system.

**Pascua Yaqui Truancy Code:** Title V, Chapter 7, Subchapter J.
*See: https://www.pascuayaqui-nsn.gov/_static_pages/tribalcodes/*

## Community Highlights: The Hannahville Indian Community Truancy Prevention Program

**Tribe:** Hannahville Indian Community, Band of Potawatomi
**Location:** Michigan Upper Peninsula
**Community:** Approximately 891 members
**Program Target Age Range**: Fifth grade through twelfth grade
**Entry:** Informal (School-Based) and Formal (Citation/Referral)
**Program Overview:**

The Hannahville Indian Community Truancy Prevention Program is school-based program that supports student attendance through monitoring of unexcused absences and collaboration with school administrators. The program works to provide early intervention as unexcused absences are identified or youth become chronically absent. A Tribal truancy officer works to identify root issues, provides coaching and advice to students, and, when needed, will provide referral to additional services. The truancy officer works collaboratively with the family, a school liaison, school administration, and various Tribal services to support the identification of student needs. If necessary, referral can be made to the Tribal prosecutor in the instance that a student becomes habitually truant. The truancy officer will then work more intensively with the student and family.

The program promotes school-wide attendance through consistent outreach and messaging using letters and resources for parents. Throughout the school year, good attendance is encouraged and rewarded through drawings, class-wide rewards, and more significant term and semester rewards. The program also offers a family-attendance incentive program for fifth through twelfth grades. This community-wide incentive increases whole family engagement in the program and encourages whole family participation.

**Hannahville School Attendance Ordinance**: Title III, Chapter 1. See http://www.hannahville.net/wp-content/uploads/2019/09/Title-3-Chapter-1-School-Attendance-2019-1.pdf

# Appendices

# Appendix A: Tribal Truancy Courts and Sample Truancy Tribal Codes

The Tribal Law and Policy Institute has made available a Guide for Drafting and Revising Tribal Juvenile Delinquency and Status Offense Laws. See "Tribal Legal Code Resource: Juvenile Justice, Guide for Drafting or Revising Tribal Juvenile Delinquency and Status Offense Laws," Tribal Law and Policy Institute (Revised 2021, Forthcoming).

**Truancy Courts**[313]

Truancy courts are often combined with delinquency and/or dependency courts depending on the age of the truant. Truancy among young children is most often seen as the responsibility of parents and guardians. Among adolescents, truancy may or may not be the responsibility of the parent or guardian. Additionally, the courts may respond to truancy citations (violations that charge the parent or guardian and/or youth as the offender) to parent/guardians and/or the youth.

The main goal of these courts is to reduce truancy, improve the school performance of the youth, and support their continued education. The court can and will explore the issues of the youth, attempting to identify the reasons the youth is habitually truant and possible remedies. It may also look at the school's support system and determine where there may be deficits. Both the school and the youth are required to participate in truancy court and remediation plans may involve the youth, family, and the school support team.

**Truancy- Tribal Juvenile Court Family in Need of Services Process**[314] The Sault Ste. Marie statute contains a subchapter making school attendance compulsory and prohibiting truancy. Under the Sault Ste. Marie statute at Section 36.501 it is "a violation of this Chapter for a child to . . . commit a violation of subchapter . . . VI." Subchapter VI at Section 36.603 prohibits truancy: "Truancy by a tribal child living on the tribal lands is prohibited." The Sault Ste. Marie statute at Section 36.502 (1) further adopts the 1989 BIA Tribal Juvenile Justice Code requirements for making a request or filing a petition with the Juvenile Court:

> "Requests stating that a *juvenile has committed a status offense* (emphasis added) pursuant to this subchapter may be submitted. A request stating that a child is habitually and without justification absent from school may also be submitted by an authorized representative of a local school board or governing authority of a private school."

Section 36.606 brings truancy within the status offense jurisdiction of the Juvenile Court (as opposed to the "juvenile offender" jurisdiction): "The Juvenile Division shall have jurisdiction over cases brought to enforce this subchapter. Proceedings shall be conducted in accordance with the provisions of subchapter V." Subchapter V, entitled "Status Offenses," sets out the court process of youth alleged to be status offenders.

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[313] Tribal Law and Policy Institute, "Tribal Legal Code Resource: Juvenile Justice Guide for Drafting or Revising Tribal Juvenile Delinquency and Status Offense Laws," Revised 2021 Forthcoming at 28

[314] Id. at 429

**Sample Tribal Truancy Code[315]**

Sault Ste. Marie Tribal Code
CHAPTER 36: JUVENILE CODE
SUBCHAPTER VI: COMPULSORY SCHOOL ATTENDANCE
36.601 School Enrollment Requirement.

Except as excused under the state compulsory attendance law, any person having control [of] a tribal child living on the tribal lands shall enroll the child in school.

36.602 Requirement to Attend School.

Except as excused under the state compulsory attendance law, or under a school policy governing school attendance, any person having control of a tribal child living on the tribal lands age six (6) or older shall cause the child to attend the school in which the child is or should be enrolled.

36.603 Truancy Prohibited.

Truancy by a tribal child living on the tribal lands is prohibited.

36.604 Enforcement Officers.

(1) Any Tribal Law Enforcement Officer or school attendance officer may enforce the provisions of this subchapter.

(2) Any person authorized to enforce the provisions of this subchapter may stop and question any person upon reasonable belief that the person has violated this subchapter.

(3) If, during school hours, a person authorized to enforce this subchapter has probable cause to believe that a tribal child is truant, the person shall take the child into custody and transport the child to school and deliver the child to school authorities.

36.605 Cooperation with School.

Each school is encouraged and authorized to contact the Tribal Law Enforcement Department on a daily basis and provide the names, ages and custodial information regarding truant tribal children for that day.

36.606 Enforcement Procedure.

The Juvenile Division shall have jurisdiction over cases brought to enforce this subchapter. Proceedings shall be conducted in accordance with the provisions of subchapter V.

[315] Code Resource at 419

Sample Tribal Truancy Code-
BIA Model Indian Juvenile Code
Ficcaglia and Whitener
Chapter 4: Truancy—Selected Sample Statutes

**BIA Model Indian Juvenile Code**

**CHAPTER 1 GENERAL PROVISIONS**

**1.02 DEFINITIONS**

**1.02.110 Definitions**

[Some definitions have been omitted.]

(p) Truant: The term "truant" as used in this title means a child who has had:
  (1) three (3) unexcused absences from school within a single month; or
  (2) six (6) unexcused absences from school within a single school year.

(q) Unexcused Absence: The term "unexcused absence" as used in this title means:
  (1) the child has failed to attend the majority of hours or periods in a school day, or has failed to comply with a school district policy establishing more restrictive attendance requirements; and
  (2) the absence does not fall within one of the exceptions to compulsory school attendance set forth in § 4.01.110(a), and is not an excused absence as defined by school district policy.

**CHAPTER 4 TRUANCY**

**4.01 COMPULSORY SCHOOL ATTENDANCE**

**4.01.110 Compulsory School Attendance**

(a) Every Indian child under eighteen (18) years of age residing or domiciled on the [Reservation] shall attend a public or tribal school full-time when school is in session, unless:
  (1) the child is attending a private school certified by [the state or other certifying jurisdiction];
  (2) the child is receiving home-based instruction as defined in subsection (c); or
  (3) the superintendent of the school district in which the child resides has excused the child from attendance because the child:
    (A) is physically or mentally unable to attend school;
    (B) is attending a residential school certified by [the state or other certifying jurisdiction] to meet the needs of the child;
    (C) is detained in a secure juvenile detention facility or other correctional facility;
    (D) has been temporarily excused upon the request of his or her parent, guardian or custodian for purposes agreed upon by the school authorities and the parent; or
    (E) is sixteen (16) years of age or older and:

(i) is regularly and lawfully employed, and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with applicable law; or

(ii) has already met graduation requirements in accordance with state board of education rules and regulations.

(b) The parent, guardian or custodian of any Indian child under eighteen (18) years of age residing or domiciled on the [Reservation] shall ensure that the child complies with the requirements set forth in subsection (a).

(c) For the purposes of this chapter, instruction shall be home-based if:

(1) the instruction consists of planned and supervised instructional and related educational activities established by [the state or other certifying jurisdiction]; and

(2) such instruction is provided by a parent who is:

(A) instructing only his or her child, under the supervision of a person certified for such instruction by [the state or other certifying jurisdiction]; or

(B) deemed sufficiently qualified to provide home-based instruction by the superintendent of the school district in which the child resides.

**4.01.130 Compulsory School Attendance – Notice**

(a) The Tribe shall provide annual notice of the compulsory education requirements set forth in § 4.01.110 to:

(1) every Indian child under eighteen (18) years of age residing or domiciled on the [Reservation]; and

(2) the parent, guardian or custodian of every such child.

(b) The notice requirement set forth in subsection (a) may be satisfied:

(1) by posting the required notice on the Tribe's web site;

(2) by publishing the required notice in a tribal newsletter or newspaper which is freely available to families residing on the [Reservation];

(3) by similar measures reasonably calculated to provide actual notice of the compulsory attendance requirements set forth in § 4.01.110.

**4.04 SUPERVISORY CONDITIONS**

[Some sections have been omitted.]

**4.04.110 Least Restrictive Alternatives**

(a) When a child is subject to supervisory conditions under the provisions of this chapter, the Juvenile Court shall order only the least restrictive conditions consistent with the best interests of the child.

(b) Whenever the Juvenile Court enters an order imposing supervisory conditions under the provisions of this chapter, the order shall include a statement of the Juvenile Court's reasons for rejecting less restrictive alternatives.

**4.04.130 Supervisory Conditions**

(a) The Juvenile Court may impose supervisory conditions in accordance with the

provisions of this section if:

(1) a truancy petition has been filed in accordance with [the provisions of this chapter];

(2) there are reasonable grounds to believe the child is a truant; and

(3) the child:

(A) continues to accumulate unexcused absences; or

(B) fails to appear before the Juvenile Court after being so ordered:

(i) repeatedly; or

(ii) as the result of circumstances posing a substantial risk to the health, welfare, person or property of the child or others.

(b) Supervisory conditions imposed by the Juvenile Court in accordance with the provisions of this section may include:

(1) a court-imposed curfew;

(2) a requirement that the child or the child's parent, guardian or custodian report to the Juvenile Case Coordinator at specified intervals;

(3) an order requiring the child to remain at home at all times when the child is not:

(A) in the presence of the child's parent, guardian or custodian;

(B) attending school or participating in other activities approved by the Juvenile Court; or

(C) legally required to be elsewhere;

(4) community supervision; and

(5) other reasonable conditions calculated to ensure the child's regular school attendance and appearance at future hearings.

(c) Supervisory conditions imposed by the Juvenile Court in accordance with the provisions of this section shall not include:

(1) bail;

(2) electronic home monitoring or similarly intrusive measures; or

(3) any out-of-home placement of the child.

**4.05 INFORMAL TRUANCY PROCEEDINGS**

[Some sections have been omitted.]

**4.05.110 Initial Action Upon Child's Failure To Attend School**

Upon determining that a child has had three (3) unexcused absences within any single month, or six (6) unexcused absences in the current school year, the Juvenile Case Coordinator:

(a) shall immediately notify the child's parent, guardian or custodian, in writing or by telephone;

(b) shall inform the child's parent, guardian or custodian of the potential consequences of additional unexcused absences; and

(c) shall, within five (5) business days, and subject to the provisions of [this chapter], conduct an attendance review conference with the child and the child's parent, guardian or custodian.

**4.05.130 Attendance Review Conference – Purpose and Conduct**

(a) The purpose of the attendance review conference shall be:
(1) to review the causes for the child's unexcused absences; and
(2) to discuss steps to improve the child's school attendance, which may include:
(A) obtaining more individualized or remedial instruction;
(B) adjusting the child's educational program or school or course assignment;
(C) enrolling in appropriate vocational courses or seeking appropriate work experience;
(D) enrolling the child in an alternative school or educational program;
(E) assisting the child and the child's parent, guardian or custodian to obtain services or resources that might eliminate or ameliorate the causes for the child's unexcused absences; or
(F) referring the child to a tribal truancy board.

(b) At the conclusion of the attendance review conference, the Juvenile Case Coordinator shall:
(1) together with the child and the child's parent, guardian or custodian, develop an informal attendance plan in accordance with the provisions of § 4.05.170; or
(2) within ten (10) business days of the attendance review conference, and subject to the provisions of § 4.05.230, convene a tribal truancy board in accordance with the provisions of § 4.05.190.

**4.05.170 Informal Attendance Plan**

An informal attendance plan developed pursuant to the provisions of this chapter shall set forth, in writing:

(a) a plain statement of the compulsory education requirements set forth in § 4.01.110;
(b) the rights of the child and the child's parent, guardian or custodian under the provisions of this title;
(c) an acknowledgment that participation in the informal attendance plan is otherwise voluntary, and neither the child nor the child's parent, guardian or custodian is obligated to comply with the informal attendance plan;
(d) the anticipated course of action to be taken if the child continues to accumulate unexcused absences;
(e) the causes of the child's unexcused absences, and any perceived barriers to regular school attendance by the child;
(f) the specific services and resources available to assist the child and the child's parent, guardian or custodian to ensure regular school attendance by the child;
(g) a comprehensive plan for ensuring that the child and the child's parent, guardian or custodian obtain the services and resources needed; and
(h) the specific actions to be taken by the child and the child's parent, guardian or custodian in accordance with the plan, including the frequency and location of appointments for services and contact with the Juvenile Case Coordinator.

**4.05.190 Tribal Truancy Board – Requirement**

(a) Subject to the provisions of [this chapter], ]the Juvenile Case Coordinator shall convene a tribal truancy board:
  (1) if the Juvenile Case Coordinator, the child, and the child's parent, guardian or custodian cannot agree on an informal attendance plan;
  (2) if the Juvenile Case Coordinator determines that an informal attendance plan will be inadequate to ensure regular school attendance by the child; or
  (3) if the child accumulates more than one (1) unexcused absence following the attendance review conference and the implementation of an informal attendance plan.

(b) Where counsel has not already been appointed or retained to represent the child, the Juvenile Case Coordinator shall notify the Juvenile Advocate prior to convening the tribal community truancy board.

**4.05.210 Tribal Truancy Board – Composition and Purpose**

(a) The composition of the tribal truancy board shall be based on the particular needs of the child and the child's parent, guardian or custodian, and may include:
  (1) an official from the tribe's education department or the child's school;
  (2) a juvenile mental health professional;
  (3) a substance abuse treatment professional;
  (4) tribal elders or community leaders;
  (5) service providers;
  (6) a family counselor or mediator;
  (7) trained and responsible peer or youth representatives;
  (8) other professionals or community members requested or recommended by:
    (A) the child;
    (B) the child's parent guardian or custodian;
    (C) the Juvenile Case Coordinator; or
    (D) other members of the tribal truancy board.

(b) The tribal truancy board shall meet with the child and the child's parent, guardian or custodian:
  (1) to identify and discuss the particular needs of the child and the child's parent, guardian or custodian, with the goal of ensuring regular school attendance by the child;
  (2) to assist the child and the child's parent, guardian or custodian in obtaining services and resources that might eliminate or ameliorate the causes for the child's unexcused absences; and

(3) to consider, where appropriate, recommending to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or other public or private educational program.

(c) At the conclusion of the child's first meeting with the tribal truancy board, the tribal truancy board shall, together with the child and the child's parent, guardian or custodian, develop a truancy remediation plan in accordance with the provisions of § 4.05.250.

**4.05.250 Truancy Remediation Plan**

A truancy remediation plan developed pursuant to the provisions of this chapter shall set forth, in writing:

(a) each of the items required for inclusion in an informal attendance plan under § 4.05.170; and

(b) a schedule for reviewing the effectiveness of the plan.

**4.06 TRUANCY PETITION**

[Some sections have been omitted.]

**4.06.110 Recommendation for Truancy Petition**

(a) The Juvenile Case Coordinator shall recommend that the Juvenile Presenting Officer file a truancy petition in accordance with [the provisions of this chapter]:

(1) if the child's parent, guardian or custodian declines to meet with a tribal truancy board;

(2) if the tribal truancy board, the child, and the child's parent, guardian or custodian cannot agree on a truancy remediation plan;

(3) if the child accumulates more than two (2) unexcused absences following the implementation of a truancy remediation plan developed in accordance with [the provisions of this chapter]; or

(4) if the child is in imminent danger of losing credit or being required to repeat a grade level as the result of the child's unexcused absences.

(b) The Juvenile Case Coordinator and the tribal truancy board shall diligently attempt to prevent the filing of a truancy petition.

(c) The Juvenile Presenting Officer shall not file a truancy petition except upon the recommendation of the Juvenile Case Coordinator.

**4.06.170 Truancy Petition – Dismissal and Refiling**

(a) Prior to adjudication, the Juvenile Court shall enter a written order dismissing the truancy petition, without prejudice, upon a showing by the child that, following the child's most recent unexcused absence, the child has accumulated sixty (60) days of regular school attendance without another unexcused absence.
(b) Following the dismissal of a truancy petition in accordance with the provisions of subsection (a):
(1) the Juvenile Presenting Officer may refile the petition if the child accumulates one (1) or more unexcused absences during the school year in which the order was entered; and
(2) the Juvenile Court shall otherwise amend the written order entered in accordance with the provisions of subsection (a) to dismiss the petition with prejudice at the end of the school year in which the order was entered.

**4.08 ADJUDICATION**

[Some sections have been omitted.]

**4.08.150 Adjudication Hearing – Burden of Proof**

The Tribe shall bear the burden of showing, by clear and convincing evidence, that the child is a truant.

**4.08.170 Adjudication Hearing – Conduct**

(a) The Juvenile Court shall conduct the adjudication hearing without a jury and, to the fullest extent practicable, in language the child will easily understand.
(b) At the adjudication hearing, the Juvenile Court may consider any evidence, including hearsay, which the Juvenile Court finds to be:
(1) relevant to the determination of whether the child is a truant; and
(2) sufficiently reliable to satisfy the requirements of due process.

**4.08.190 Finding on Adjudication**

(a) If, upon hearing all evidence properly admitted at the adjudication hearing, the Juvenile Court finds that the child is a truant, the Juvenile Court shall enter its finding in writing and:
(1) proceed immediately to a disposition hearing, to be conducted in accordance with [the provisions of this chapter]; or
(2) if the Juvenile Court finds good cause to continue the disposition hearing, set the matter for disposition in accordance with the time limits set forth in [this chapter].
(b) If the Juvenile Court does not find that the child is a truant, it shall enter a written order dismissing the petition and releasing the child from any obligations or conditions previously imposed in connection with the truancy proceedings.

## 4.10 DISPOSITION

[Some sections have been omitted.]

### 4.10.130 Disposition Hearing – Purpose

The Juvenile Court shall conduct the disposition hearing for the purpose of determining:
(a) what services and resources are most likely to ensure regular school attendance by the child; and
(b) the appropriate disposition of the matter.

### 4.10.190 Disposition Options

(a) Pursuant to [the provisions of this chapter concerning orders on disposition], the Juvenile Court may enter written orders including any of the following, as best suited to the needs of the child and the child's parent, guardian or custodian:

(1) an order requiring the child to maintain regular attendance at the child's current school;
(2) an order requiring the child to attend another public school, an alternative education program, a skill center, a dropout prevention program, or other public program which can provide appropriate educational services for the child;
(3) an order referring the child or the child's parent, guardian or custodian to educational, social, community, or tribal services or resources appropriate for addressing needs or issues which contributed to the child's adjudication;
(4) an order referring the child or the child's parent, guardian or custodian to a tribal elders panel or other body capable of addressing needs or issues which contributed to the child's adjudication;
(5) an order requiring the child and the child's parent, guardian or custodian to meet with a tribal truancy board and participate in the development of a truancy remediation plan; or
(6) an order requiring the child's parent, guardian or custodian to participate in an educational or counseling program designed to contribute to their ability to care for and supervise the child, including but not limited to parenting classes;
(7) an order requiring the child to undergo a medical, psychological, or psychiatric evaluation, in accordance with [the provisions of this chapter];
(8) an order requiring the child to undergo medical, psychological, or psychiatric treatment, where such treatment is:
(A) recommended by a qualified medical, psychological, or psychiatric professional; and
(B) necessary to address conditions which contributed to the child's adjudication.

(b) Disposition orders entered by the Juvenile Court under subsection (a) shall not include any out-of-home placement of the child.

**4.10.230 Disposition Orders – Duration and Termination**

(a) Disposition orders entered by the Juvenile Court shall continue in force for not more than six (6) months, unless they are extended in accordance with [the provisions of this chapter].

(b) The Juvenile Court may terminate a disposition order prior to its expiration if it appears to the Juvenile Court, following a hearing conducted upon its own motion or the motion of any party, that the purposes of the disposition order have been accomplished.

(c) The Juvenile Court shall enter an order terminating all disposition orders affecting the child, and discharging the child from any further obligations in connection with the truancy proceedings, upon a showing by the child that:

(1) at the end of the most recent school year, and following the child's most recent unexcused absence, the child has accumulated sixty (60) days of regular school attendance without another unexcused absence;

(2) the child has graduated from high school; or

(3) the child has completed an alternative course of study resulting in the achievement of a high school diploma or the equivalent.

(d) All disposition orders affecting the child shall automatically terminate, and the child shall be discharged from any further obligations in connection with the truancy proceedings, when the child reaches eighteen (18) years of age.

# Appendix B: Protective Factors for AI/AN Adolescents (General)

| Protective factors for AI/AN Adolescents. List adapted from findings in "Identifying Protective Factors to Promote Health in American Indian and Alaska Native Adolescents: A Literature Review," Henson et al. (2018). |
|---|
| Individual Protective Factors |
| • Current and Future Aspirations<br>• Personal Wellness<br>• Positive Self Image<br>• Self-Efficacy |
| Relationship Protective Factors |
| • Influential Relationships<br>• Nonfamilial Connectedness<br>• Family Connectedness |
| Community |
| • Role Models<br>• Parent Prosocial Behavior Norms<br>• Positive Adult Role Models<br>• Modeling of Sobriety<br>• Peer Prosocial Behavior Norms<br>• Parent Prosocial Behavior Norms |
| Multilevel |
| • Cultural Connectedness<br>• Involvement in Traditional Activities<br>• Identification with AI/AN Culture, Ceremonies, Dances, and Traditional Activities<br>• Involvement and Importance of Traditional Spirituality<br>• Enculturation<br>• Transmission of Cultural Expectations and Values<br>• Interconnectedness<br>• Tribal Language |

# Appendix C-1: AI/AN Youth Protective Factors Related to Academic Success and Low Delinquent Behavior

| | |
|---|---|
| **Academic Success** | High Self-Esteem |
| | Maternal Warmth |
| | Enculturation |
| | Participation in Youth and Other Organized School Activities |
| | Self-Efficacy in Social Relations |
| Low Delinquent Behavior | Tribal Language |
| | Participation in Ceremony or Powwow |
| | Mentors and Role Models |
| | Parental Support |
| | Religion/Sense of Spirituality |
| | Motivation to Succeed in Life |

Whitbeck L., Hot, D., Stubben, J., LaFramboise, T. 2001. "Traditional culture and academic success among American Indian children in the upper Midwest." Journal of American Indian Education 40(2): 48–60, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5313316/#R33; Mmari, K., Blum, R., Teufel-Shone, N. 2010. "What increases risk and protection for delinquent behaviors among American Indian youth? Findings from three tribal communities." Youth & Society 41(2): 382–413, https://journals.sagepub.com/doi/abs/10.1177/0044118X09333645; Native American Center for Excellence, "Environmental Scan Summary Report," November 2008, https://www.samhsa.gov/sites/default/files/programs_campaigns/tribal_training/nace-environmental-scan-summary.pdf.

# Appendix C-2: Prevention Program Strategies to Support American Indian and Alaska Native Youth

| **American Indian and Alaska Native Prevention Program Strategies—*Inclusion and Promotion of Protective Factors*** |
|---|
| Increase positive cultural identity and spirituality[316] including traditional values, customs, activities, and ceremonies.[317] |
| Support measures to increase parental monitoring and support. [256] |
| Support enculturation—learning about one's culture and resilience.[257] |
| Promote positive family and social connections.[318] |
| Provide alternative academic environments.[319] |
| Integrate peacemaking[320] and restorative justice[321] approaches. |
| Student resiliency and positive school influence.[322] |

[316] Mckay et al., "Stories of Change among Justice-Involved American Indian Youth: Cross-Site Evaluation of OJJDP's Tribal Green Reentry Program," *RTI International,* July 2013, https://www.rti.org/sites/default/files/resources/8498_report_ojjdp_storiesofchange.pdf

[317] Development Services Group, Inc., "Tribal Youth in the Juvenile Justice System." Literature review. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2016, https://www.ojjdp.gov/mpg/litreviews/Tribal-youth-in-the-Juvenile-Justice-System.pdf

[256] Id. At 4.

[257] Id. At 5.

[318] McKay et al., at 10.

[319] Id. at 7.

[320] "The Kids Aren't Alright: An Argument to Use the Nation Building Model in the Development of Native Juvenile Justice Systems to Combat the Effects of Failed Assimilative Policies," Seelau, https://repository.arizona.edu/bitstream/handle/10150/631497/Seelau_Ryan.pdf?sequence=1

[321] Eid et al., "A Roadmap for Making Native America Safer," *Indian Law and Order Commission Report* (2013), at 172.

[322] Eric Banatoa, "Educational Resilience: The Relationship between School Protective Factors and Student Achievement," PhD diss., San Diego State University, 2011, https://files.eric.ed.gov/fulltext/ED521456.pdf

# Appendix D: Peer-Led and Community-Guided Processes

| Peer-Led and Community-Guided Processes to Support Truancy Intervention | |
|---|---|
| Teen Courts | School-based truancy or youth courts may help address truancy while avoiding court involvement.[323] Youth courts support youth understanding of the juvenile justice system, engage positively with adult mentors, and increase connections with their peers. Youth or "Teen" courts can be implemented in a school-based or community/judicial environment. Youth courts (also called teen, peer, and student courts) are diversion program in which youth are sentenced by their peers for minor crimes, offenses, and/or violations.[324] |
| Youth Peacemaking | A traditional-culture alternative to Anglo-American justice practices. Peacemaking emphasizes healing, restitution, and community and focuses on relationships and resolution to community and individual conflicts.[325] Example programs are the Navajo Nation Peacemaking Program, utilizing Diné wisdom, custom, and practices to resolve disputes. The program seeks justice for everyone involved by engaging the skills and perspectives of community members to come to a mutual solution.[326] |
| Circle Peacemaking | Historically, communities utilized the circle process for many things with different methods, names, and protocols. The circle is recognized as a traditional practice to engage in the healing process, address and resolve conflicts, and use as a supportive tool in engaging with youth.[327] Circle Peacemaking involves the participation of individuals and groups who rarely come together under Western systems of justice: the offender, the victim, families, friends, church representatives, police, substance abuse counselors, and concerned or affected community members. Participants, who may number from 6 to 60, sit in a circle while a Keeper of the Circle facilitates the discussion. Discussions always begin and end with a prayer, and negative comments are strictly |

[323] Coalition for Juvenile Justice, "Truancy, Safety, Opportunity, and Success: Standards of Care for Non-Delinquent Youth," News and Resources, accessed January 20, 2021, https://www.juvjustice.org/our-work/safety-opportunity-and-success-project/national-standards/section-ii-efforts-avoid-court-1

[324] U.S. Department of Justice, "Youth/Teen Court Diversion Programs," Office of Justice Programs, Special Feature, accessed January 20, 2021, https://www.ojp.gov/feature/youthteen-court-diversion-programs/overview

[325] Center for Court Innovation, "Peacemaking Today: Highlights of a Roundtable Discussion among Tribal and State Practitioners."

[326] Tribal Access to Justice Innovation, "Navajo Nation Peacemaking Program, Bureau of Justice Assistance, Office of Justice Programs," accessed January 21, 2020, http://www.tribaljustice.org/places/traditional-practices/navajo-nation-peacemaking-program/

[327] The Resource Basket, "Circle Peacemaking," Training/Workshops, accessed January 20, 2021, https://www.resourcebasket.org/circle-peace-training/

| | |
|---|---|
| | forbidden. Circle discussions are kept entirely confidential, and the Keeper encourages participants to speak from their hearts.[328] |
| Mentors | Mentoring programs assign a mentor, tutor, or advocate for truant youth and/or their families to act as a guide and monitor their attendance. These programs are particularly appropriate for students who do not have a close relationship with their parents or are from a household that does not value education.[329] Mentoring programs and mentors should be aware of the unique experiences of the mentees that they serve, community engagement and involvement is essential, and in many cases, tribal elders can play a vital role in ensuring the success and continuation of effective programming.[330] Learn more about best practices to recruit, match, and sustain mentor program services in "Best Practices: Mentoring Native youth," Boys and Girls Club of America. |

[328] Government Innovators Network, "Kake Circle Peacemaking," Ash Center for Democratic Governance and Innovation, Harvard Kennedy School, accessed January 20, 2021, https://www.innovations.harvard.edu/kake-circle-peacemaking

[329] Anna O'Connor et al., "Truancy Reduction: Strategy Brief," Building and Sustaining Student Engagement, Barkley Center, University of Nebraska–Lincoln, March 2014, https://k12engagement.unl.edu/strategy-briefs/Ttruancy%20Reduction%203-11-2014%20Print.pdf

[330] Boys and Girls Club of America, "Best Practices: Mentoring Native Youth," Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, http://naclubs.org/images/PDF/Best_Practices_Mentoring_Native_Youth.pdf

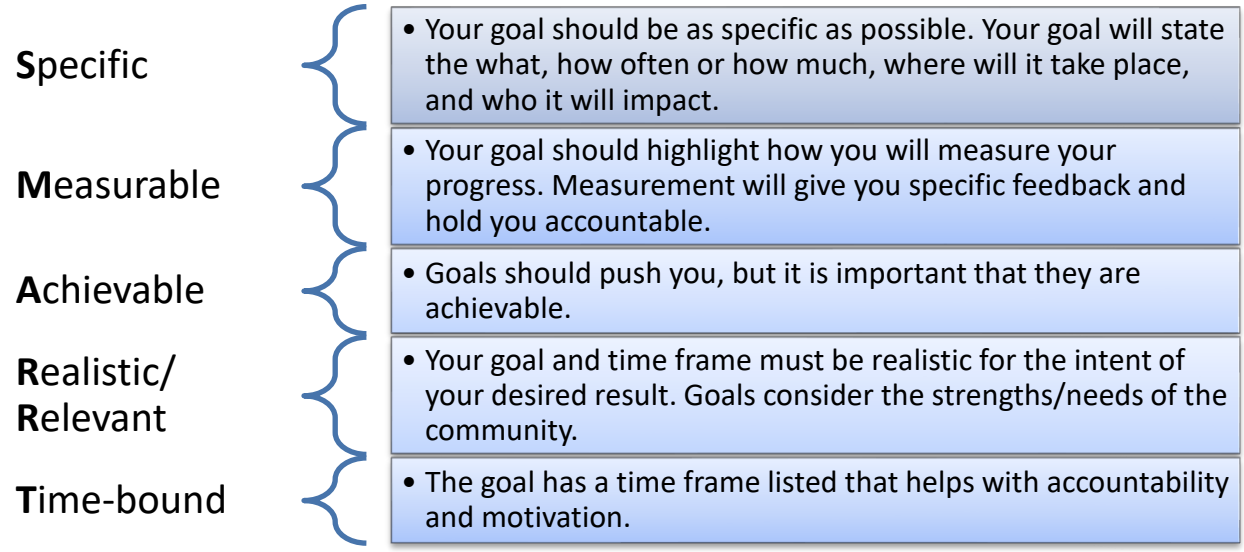
# Appendix E: Tribal Truancy Prevention Program Sample Logic Model

| Program Logic Model: This is an example Truancy Prevention Program Logic Model. Your logic model should include your local program inputs, activities, and expected outcomes and impact. | | | | |
|---|---|---|---|---|
| Priority/Issue Statement: *Tribal community youth are found to have higher rates of truancy and chronic absence among youth in grades 6–12. Tribal community has tracked a decrease in graduation rates over a period of five years. Note: If there is specific data, percentages, or rates, those should be included here and in the program outputs/impact sections.* | | | | |
| Overarching Goal | | | | |
| Goal 1: To implement a truancy prevention program that supports Tribal community youth through a collaborative approach with the local school district educators through early intervention and referral to program services that will integrate both a school- and family-based approach. | | | | |
| Program Inputs | Program Activities | Program Outputs | Short-Term Outcomes (1–3 years) | Long-Term Impact (5+ years) |
| Staff<br>Students<br>Partners<br>Existing Program Models<br>Time<br>Financial Support (Grant Dollars, Contributions, Donations)<br>Equipment<br>Access to School and Tribal Database<br>Research and Community Assessment Data | Student Referral<br>Parent Consent to Program Services<br>Monitoring of Attendance<br>Parent Meetings/Support<br>Referral to Family Services<br>Afterschool Activities<br>Language/Life Skills<br>Student/Teacher Conferencing<br>Rewards/Consequences<br>Data Collection | Students with access to needed resources.<br>Parents with increased knowledge of available resources and connection to Tribal resources.<br>Increased student/teacher interaction<br>Increased student knowledge and cultural skills.<br>Data and information on student progress. | Increase in average student attendance rages.<br>Increase in average student grade point average.<br>Increase in parent/teacher engagement with Tribal youth.<br>Increased partnership agreements with local school districts/counties. | Higher attendance rates for Tribal community youth.<br>Increased graduation rates for Tribal community youth.<br>Decrease overall of chronic absence of Tribal youth.<br>Long-term increase in parent/education involvement. |

# Appendix F: The S.M.A.R.T. Goal-Setting Process

S.M.A.R.T. is a several decades–established process to support goal setting. See the diagram that follows to review the components of the S.M.A.R.T. process for goal setting. S.M.A.R.T. goal setting can be utilized to support strategic planning for grant-funded projects that are limited in duration and/or scope. As noted in Chapter 4, the S.M.A.R.T. goal-setting process can also assist communities with prioritizing and addressing critical needs to support local youth.

Diagram: Developing S.M.A.R.T. Goals



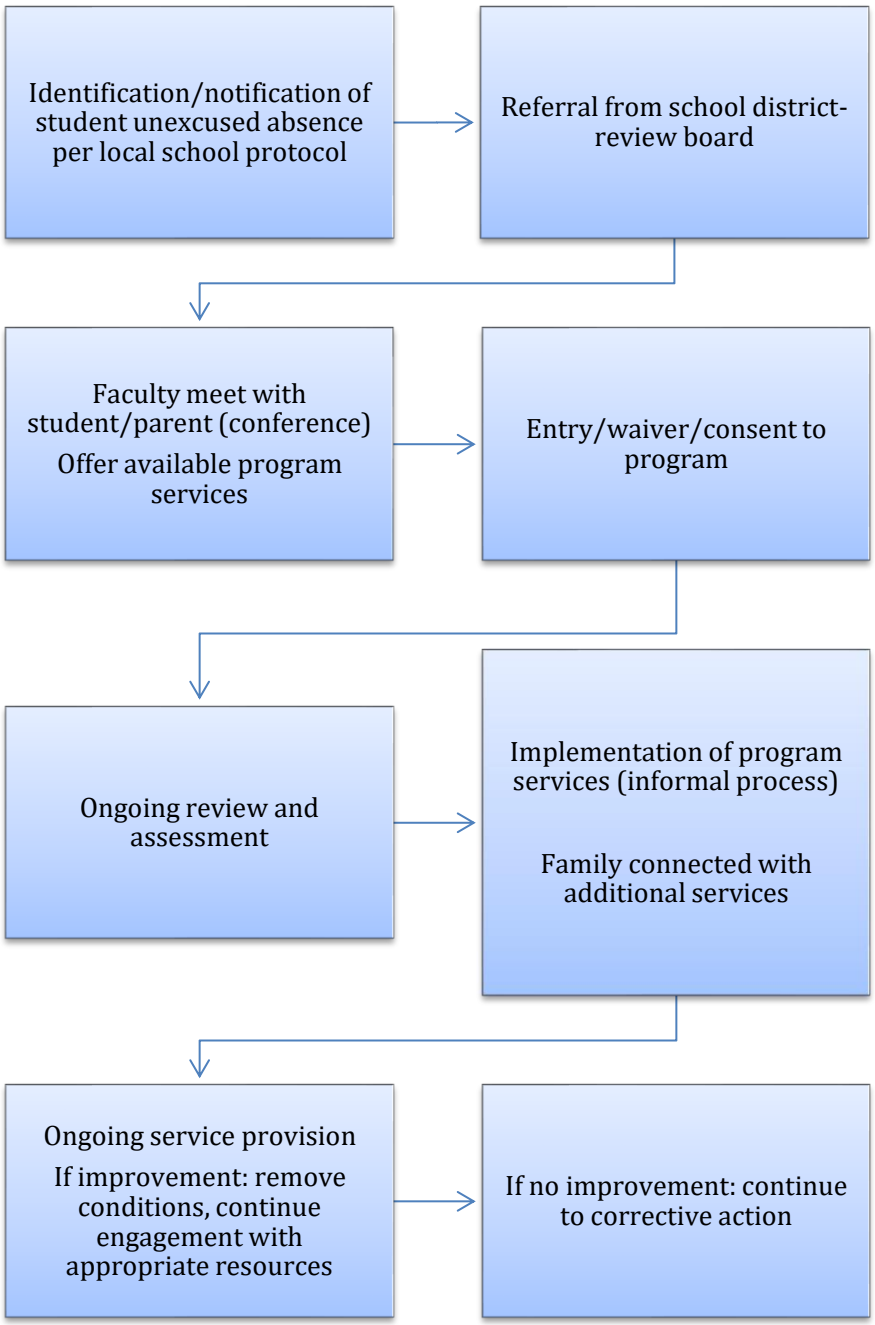

| Example of the S.M.A.R.T. Process |
|---|
| Example Goal before S.M.A.R.T Process: Start a truancy prevention program to support community youth. |
| *Notice that while the example goal is clear, it is lacking specificity, a time line, and no clearly measurable outcomes are included.* |
| Example Goal after S.M.A.R.T. Process: *Within 18 months, implement a school-based afterschool truancy prevention program that will integrate tutoring, mentoring, and a culturally adapted life-skills curriculum to support up to 25 AI/AN youth per semester in grades 5–7.* |
| Notice the goal is written in S.M.A.R.T. format. Those observing the goal can ascertain with specificity the "who, what, what, where, and when." The goal also includes realistic, relevant, and measurable outcomes that are time-bound. |

# Appendix G: Sample Local-Level Data-Collection Table

| Local-Level Data: Work with the team to identify local-level data. Data collection will support program goals, activities, quality improvement, and future sustainability planning. Developing a program flow chart may assist you with identifying key points for which data can be collected. | | | | |
|---|---|---|---|---|
| Key Questions*:* What methods will you use to collect the data? Where is the data? How often will the data be collected? Who will assist program coordinator in collecting the data? How will you organize, manage, and store the data? | | | | |
| Data to collect: | Where is data and how will it be collected? | Who is responsible for collecting data? | Target date(s) for data collection | How will data be stored? |
| Example: Number of Tribal Youth Truancy Referrals to Dependence Court | Local District Court and Juvenile Probation Office | Program Coordinator | Monthly Review of Youth Arrests | Data Received by Program Partners Will Be Stored on Shared Electronic Records Sheet |
| | | | | |
| | | | | |

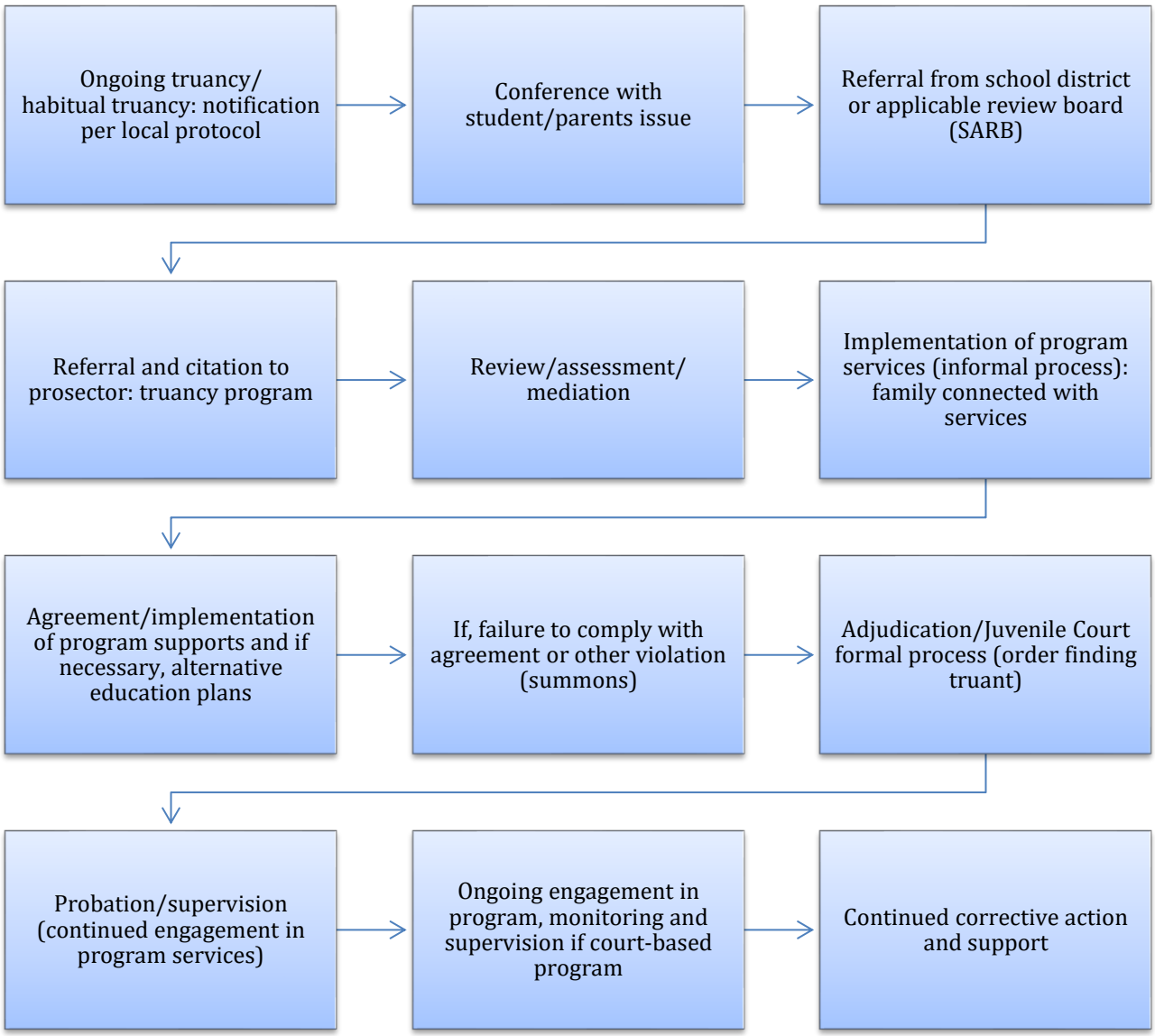
# *Appendix H: Sample Truancy Prevention Program Informal Process—Example Case Flow*

This case flow process is for sample purposes only, local policy and applicable ordinances will determine the manner in which youth are referred within the local juvenile justice system. See OJJDP for a Juvenile Justice System Structure and process case flow at https://www.ojjdp.gov/ojstatbb/structure_process/case.html



# Appendix I: Sample Truancy Prevention Program Formal Case Process–Example Case Flow

This case flow process is for sample purposes only, local policy and applicable ordinances will determine




the manner in which youth are referred within the local juvenile justice system.

See OJJDP for a Juvenile Justice System Structure and process case flow at

https://www.ojjdp.gov/ojstatbb/structure_process/case.html

# Appendix J: Resources for Tribal/Education Memorandum of Understanding

- Beesley et al., "Profiles of partnerships between tribal education departments and local education agencies," National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences (2012). https://sites.ed.gov/whiaiane/files/2012/04/Profiles-of-Partnerships-Between-Tribal-Education-Departments-and-Local-Education-Agencies.pdf

- Lac Court Oreille Band of Lake Superior Chippewa and Wisconsin Department of Public Instruction Memorandum of Understanding. https://dpi.wi.gov/sites/default/files/imce/statesupt/pdf/mou-lco.pdf

- Lower Elwha Klallam Tribe and the Port Angeles School District #121—Memorandum of Understanding. https://www.wssda.org/wp-content/uploads/2019/11/Lower-Elwha-Tribe-PASD-MOU.pdf

- O'Conner et al., "Developing agreements between local education agencies and American Indian nations and tribal communities: A Wisconsin perspective," 2017. https://static1.squarespace.com/static/52cf1070e4b048ae22d972b2/t/5a9716afec212db2d0a38dff/1519851189083/MOU+Document_7-31-2017_version.pdf

- Redcliff-Bayfield County-School Memorandum of Understanding—An MOU by and between the Red Cliff Band of Lake Superior Chippewa and the Bayfield School District .http://www.bayfield.k12.wi.us/community/Red%20Cliff-%20Bayfield%20County-Bayfield%20School%20MOU%204-5-12.pdf

- Suquamish Tribe and the North Kitsap School District Memorandum of Understanding. http://www.nkschools.org/UserFiles/Servers/Server_419503/File/Our%20District/Board%20of%20Directors/Agendas%20and%20Minutes/Agendas%20and%20Minutes%202013-14/April%2010,%202014/FINAL%20Suquamish-NKSD%20MOU%202012.pdf

## Appendix K: Tribal-State-Local Collaboration Dos and Don'ts

The benefits of collaboration are many—better services, increased amount or range of resources, increased insight, and regional solutions to problems that do not recognize jurisdictional boundaries.[331] The following is a summary list of Dos and Don'ts included in the broader resource, Crossing the Bridge: Tribal-State-Local Collaboration, developed by William Thorne and Suzanne Garcia, Tribal Law and Policy Institute, 2019. This resource and many others on Tribal-State-Local collaboration are available as part of Walking on Common Ground resources for promoting and facilitating Tribal-State-Federal collaborations.

Membership:

- DO select members from diverse perspectives who have demonstrated interest, expertise, or experience in addressing Indian law issues.
- DON'T select forum members based only on their position within a particular department or elsewhere.

Mutual Respect:

- DO acknowledge differences between tribal and state systems and seek ways of cooperating consistent with those differences.
- DON'T characterize either system as better or worse or more or less sophisticated than the other.

Scope:

- DO proceed in phases with predetermined time frames, including a study phase in which issues are identified, before implementing recommendations.
- DON'T devote resources to implementation until a consensus is reached concerning priority issues and recommendations.

Persistence

- DO design a process that invites broad-based participation in identifying issues and making recommendations.
- DON'T be discouraged by lack of participation and lack of progress.

Performance

- DO assign manageable tasks to team members or subcommittees to be accomplished within established time frames.
- DON'T delay too long before dividing the work of the team into tasks that can be accomplished within the time frames established.

[331] Thorne and Garcia, "Crossing the Bridge: Tribal-State-Local Collaboration," Tribal Law and Policy Institute, 2019 at 2, http://www.walkingoncommonground.org/files/Crossing%20the%20Bridge%20BJA%20Approved%20Final%20cc%202_19_19.pdf

Solutions

- DO emphasize creative solutions to issues that are consistent with the rights of the parties, sovereignty, and judicial independence.
- DON'T emphasize jurisdictional limitations.

Communications

- DO emphasize person-to-person communication and education to address issues.
- DON'T seek to address issues solely through large-scale change in the law or legal systems.

# Appendix L: Education Legislation and State Toolkit Samples

- Every Student Succeeds Act (ESSA) —Every Student Succeeds Act was signed by President Obama on December 10, 2015and reauthorizes the 50-year-old Elementary and Secondary Education Act (ESEA), the nation's national education law and long-standing commitment to equal opportunity for all students.[332] https://www.ed.gov/essa?src=policy

- Elementary and Secondary Education Act (ESEA)—Fifty years ago, President Lyndon B. Johnson signed the Elementary and Secondary Education Act of 1965. The law represented a major new commitment by the federal government to "quality and equality" in educating our young people.[333] https://www.ed.gov/category/keyword/elementary-and-secondary-education-act-esea

- Family Educational Rights and Privacy Act (FERPA) —The Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."[334] (https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html) See also Protection of Pupil Rights Amendment (PPRA): https://studentprivacy.ed.gov/content/ppra.

- Title VII—Indian, Native Hawaiian and Alaska Native Education—Title VII, Part A—Indian Education supports the efforts to meet the unique educational and culturally related academic needs of AI/AN students to assist them in meeting the same challenging state student academic achievement standards as other students.[335] https://www2.ed.gov/policy/elsec/leg/esea02/pg98.html

- Title 25 Code of Federal Regulations (CFR) Part 273- Johnson–O'Malley—The Johnson–O'Malley Program is authorized by the Johnson–O'Malley Act of 1934 and the implementing regulations are provided in Part 273 of Title 25 of the Code of Federal Regulations. As amended, this act authorizes contracts for the education of eligible Indian students enrolled in public schools and previously private schools. This local program is operated under an educational plan, approved by the BIE, which contains

[332] U.S. Department of Education, Every Student Succeeds Act, https://www.ed.gov/essa?src=rn
[333] Brenchley, "What Is ESEA?," Homeroom Blog of the U.S. Department of Education, April 8, 2015, https://blog.ed.gov/2015/04/what-is-esea/
[334] U.S. Department of Education, Family Educational Rights and Privacy Act (FERPA), https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html
[335] Bureau of Indian Education, Supplemental Title Programs, Summary Purpose of NCLB Programs, https://www.bie.edu/topic-page/supplemental-title-programs#:~:text=Title%20VII%2C%20Part%20A%20%2D%20Indian,achievement%20standards%20as%20other%20students

educational objectives to address the needs of the eligible AI/AN students. The Johnson–O'Malley Supplemental Indian Education Program Modernization Act (JOM Modernization Act) became Public Law 115-404 on December 31, 2018.[336] https://www.bie.edu/topic-page/johnson-omalley

- BIE Title I Homeless Education and McKinney Vento Programs—The purpose of the BIE Title I Homeless Education and McKinney Vento Programs is to provide educational opportunities and support to its homeless youth and children. Homelessness exists within the reservations that the BIE serves and impacts enrollment, attendance, and academic success of children and youth in this situation. All schools within the BIE must provide services to homeless youth and children and the BIE receives McKinney Vento Homeless Education Grant to support this effort.[337] https://www.bie.edu/topic-page/title-xc-mckinney-vento-homeless-education-act

## State Policy and Toolkit Samples

- State of Oregon—Tribal Consultation Toolkit Guide 1.0—A guide for Local Educational Agencies (LEAs), Tribal leaders, and Tribal communities. https://www.oregon.gov/ode/students-and-family

- Catalog of Truancy Intervention Models, Connecticut State Department of Education, (2018), https://portal.ct.gov//media/SDE/Truancy/TruancyInterventionCatalog_FINAL.pdf?la=en

- Collaboration for Success Parent Engagement Toolkit, Michigan Department of Education—a comprehensive research-based resource that includes pertinent and practical information, proven strategies to assist parent engagement efforts (2015). https://www.michigan.gov/mde/0,4615,7-140-81376_51051-262889--,00.html

- Pennsylvania School Attendance Improvement and Truancy Reduction Toolkit—designed to provide resources and strategies for educators, child welfare professions, and court personnel to effectively address truancy in their local community. https://www.education.pa.gov/Schools/safeschools/resources/Pages/Pennsylvania-School-Attendance-Improvement-and-Truancy-Reduction-Toolkit.aspx

- State Policy Approaches to Reducing Truancy, Education Commission of the States, Dinah Frey (2011). http://www.ecs.org/clearinghouse/92/31/9231.pdf

- State of California Truancy Toolkit—a toolkit created by the California Attorney

[336] Bureau of Indian Education, Johnson–O'Malley, https://www.bie.edu/topic-page/johnson-omalley
[337] Bureau of Indian Education, Title XC McKinney-Vento Homeless Education Act, https://www.bie.edu/topic-page/title-xc-mckinney-vento-homeless-education-act

General's Office, the Ad Council, and the California Endowment, in partnership with leaders fighting to reduce chronic absenteeism in California. https://oag.ca.gov/truancy/toolkit

- Advancing Student Success by Reducing Chronic Absence, Attendance Works—A national and state initiative that pushes for better policy and practice to improve school attendance. https://www.attendanceworks.org/Appendix M: Additional Resources

## General Information and Overviews

- American Indian/Alaska Native Education: An Overview, https://www2.nau.edu/jar/AIE/Ind_Ed.html
- Education in Indian Country, Obstacles and Opportunity, Education Week, https://www.edweek.org/leadership/education-in-indian-country-obstacles-and-opportunity
- Indian Health Service—Key Areas for Native Youth, https://www.ihs.gov/nativeyouth/keyareas/
- National Center for Education Statistics, Compulsory School Attendance Laws—Minimum and Maximum Age, https://nces.ed.gov/programs/statereform/tab5_1.asp
- NCAI Policy Research Center—AI/AN in the Juvenile Justice System: A Guide to the Data, http://www.ncai.org/policy-research-center/research-data/prc-publications/NCAI_Policy_Research_Center_AIAN_Juvenile_Justice_Data_FINAL_1_2020.pdf
- National Institute of Justice (NIJ): School Crime and Safety, https://nij.ojp.gov/topics/crime/school-crime-and-safety
- U.S. Department of Education Office for Civil Rights, "Civil Rights Data Collection—Data Snapshot: School Discipline Issue Brief," March 2014, https://www.niea.org/s/2-CRDC-School-Discipline-Snapshot.pdf
- Culture Is Prevention, https://www.samhsa.gov/sites/default/files/nc-oy1-task-3-culture-is-prevention-final-2018-05-31.pdf
- Witnessing Inter-Parental Violence at Home: Adolescents and School Achievement, http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1030&context=sociologydiss
- AI/AN Native Youth, https://youth.gov/youth-topics/american-indian-alaska-native-youth

## Truancy Reduction Resources

- Standards of Care for Non-Delinquent Youth, https://www.juvjustice.org/our-work/safety-opportunity-and-success-project/national-standards/section-ii-efforts-avoid-court-1
- School Attendance, Truancy, and Chronic Absenteeism: What Parents Need to Know, https://www.healthychildren.org/English/ages-stages/gradeschool/school/Pages/School-Attendance-Truancy-Chronic-Absenteeism.aspx
- Toolkit for Creating Your Own Truancy Reduction Program, National Center for School Engagement, Colorado Foundation for Families and Children

https://www.ncjrs.gov/pdffiles1/pr/217271.pdf

- Trauma Informed Schools, How Native American Children Benefit from Trauma-Informed Schools, https://www.yesmagazine.org/health-happiness/2018/08/10/how-native-american-children-benefit-from-trauma-informed-schools/
- Tribal Education Departments National Assembly, Tribal Education Departments Report, 2011, This report summarizes the programs and services of seven tribal education departments. https://www.narf.org/nill/resources/education/reports/tednareport2011.pdf
- Truancy Prevention Literature Review, Office of Juvenile Justice and Delinquency Prevention, a project of the model programs guide, December 2010, https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/truancy_prevention.pdf
- Truancy Prevention Efforts in School-Community Partnerships, National Center for Mental Health Promotion and Youth Violence Prevention, 2012, http://crisisresponse.promoteprevent.org/publications/prevention-briefs/truancy-prevention-efforts-school-community-partnerships
- Working Collaboratively with Public Schools, Tribal Education Department National Assembly, Presentation, https://tedna.org/wp-content/uploads/2015/10/step-niea-workshop-oct
- U.S. Department of Education, Chronic Absenteeism in the Nation's Schools, A Hidden Educational Crisis, Revised 2016, https://www2.ed.gov/datastory/chronicabsenteeism.html#two2015-00066381x9d7f5.pdf

## Related Resources

- Tribal Youth Resource Center, https://www.TribalYouth.org
- National Native Children's Trauma Center, https://www.nnctc.org
- Center for Native American Youth, https://www.cnay.org/
- Substance Abuse and Mental Health Services Administration, https://www.samhsa.gov/
- National Congress of American Indians, https://www.ncai.org/
- National Indian Education Association, https://www.niea.org/
- Bureau of Indian Education, https://www.bia.gov/bie, U.S. Department of the Interior
- BIE Schools Directory: https://www.bie.edu/schools/directory
- Youth.Gov, https://youth.gov

# Appendix M: Glossary of Terms

**Aftercare:** Aftercare, or continuing care, is the stage following primary treatment (which may include group and individual counseling, psycho-educational programming, etc.) when the participant no longer requires services at the intensity required during primary treatment.[338]

**Assessment (or clinical assessment):** A process for defining the nature of a problem and developing specific treatment recommendations for addressing the problem. A basic assessment consists of gathering key information and engaging in a process with the participant that enables the counselor to understand the participant's readiness for change, problem areas, any diagnoses, disabilities, and strengths.[339]

**Chronic Absenteeism:** Chronic absenteeism can be defined as missing significant portions of an academic year for any reason (both excused and unexcused). Experts and a growing number of states define chronic absenteeism as missing 10 percent (or around 18 days) during a school year.[340] This definition may apply more broadly to younger children as they are referred to as "chronically absent" rather than truant because it is presumed that they cannot miss school without their parents' knowledge.[341]

**Chronic Truancy:** Chronic truancy may refer to students who have been disciplined according to procedure after meeting the criteria for habitual truancy, but continue to accumulate unlawful absences despite court or school mandate.[342]

**Community-Based:** Used to describe an activity that is organized and takes place locally.

**Crossover Youth:** Any youth who has experienced maltreatment and engaged in delinquency (regardless of whether he or she has come to the attention of the child welfare and/or delinquency systems).[343]

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[338] Tribal Healing to Wellness Courts, The Key Components, 2nd Ed., 2014.
[339] Ibid.
[340] School Attendance, Truancy, and Chronic Absenteeism: What Parents Need to Know, HealthyChildren.org, accessed July 2019, https://www.healthychildren.org/English/ages-stages/gradeschool/school/Pages/School-Attendance-Truancy-Chronic-Absenteeism.aspx
[341] http://crisisresponse.promoteprevent.org/publications/prevention-briefs/truancy-prevention-efforts-school-community-partnerships
[342] K. Seeley (2006). Guidelines for a National Definition of Truancy and Calculating Rates. National Center for School Engagement.
[343] Center for Juvenile Justice Reform, *The Crossover Youth Practice Model: An Abbreviated Guide*, Georgetown University McCourt School of Public Policy, 2015.

**Dually Adjudicated Youth:** A subgroup of dually involved youth, encompassing only those youth who are concurrently adjudicated by both the child welfare and juvenile justice systems.[344]

**Dually Involved Youth**: A subgroup of crossover youth who are simultaneously receiving services, at any level from both the child welfare and juvenile justice systems.[345]

**Habitual Truancy:** Habitual truancy can be defined as unexcused absences from school by a minor that exceed the number of such absences allowed under state (and/or Tribal) law. Each state (or Tribe) has its own school attendance laws, which specify the age the child must go to school, the age at which a youth may legally drop out of school, and the number of unexcused absences that constitute truancy under the law.[346]

**Healing-Centered Engagement*:*** The emerging field of positive psychology offers insight into the limits of only "treating" symptoms and focuses on enhancing the conditions that contribute to well-being. Without more careful consideration, trauma-informed approaches sometimes slip into rigid medical models of care that are steeped in treating the symptoms, rather than strengthening the roots of well-being. Suggests the term "healing-centered engagement" expands how we think about responses to trauma and offers more holistic approach to fostering well-being.[347]

**Indicated Prevention:** Programs that address students who exhibit persistent challenges and who are not responsive to interventions at the universal or selective levels. These interventions target a few students.[348]

**Jurisdiction:** Legal authority. The geographical area within which a court (or a public official) has the right and power to operate; the person about whom and the subject matters about which a court has the right and power to make decisions.

**Lay Advocate:** A person who is a non-lawyer and who has been qualified by the Court to serve as an advocate on behalf of a party.

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[344] Ibid.
[345] Center for Juvenile Justice Reform, *The Crossover Youth Practice Model*.
[346] Truancy Prevention, OJJDP Literature Review, Model Program Programs Guide, December 2010, https://www.ojjdp.gov/mpg/litreviews/truancy_prevention.pdf
[347] Dr. Shawn Ginwright, "The Future of Healing: Shifting from Trauma Informed Care to Healing Centered Engagement," Medium.com, May 31, 2018.
[348] Ibid.

**Probation Officer:** A person appointed to supervise court-involved persons who are on probation or under the supervision of the court.

**Prosocial Behavior:** Voluntary behavior that is intended to benefit another.

**Prosecutor:** Person, especially a public official, who institutes legal proceedings against someone.

**Selective Prevention:** Programs that include targeted supports for students who are at risk of becoming habitual truants. These efforts are for some students who are identified to be at higher risk.[349]

**Social Work:** Work carried out by trained personnel with the aim of alleviating the conditions of those in need of help or welfare.

**Student Attendance Review Board:** A board that reviews student attendance, truancy, and/or student behaviors. Generally, SARBs operate to support youth diversion from juvenile justice system contact and set forth protocols to address student absences, truancy, or other behaviors impacting student achievement.

**Superintendent:** A person who manages or superintends an organization or activity.

**Truancy:** There is not a singular definition for truancy. However it may be defined as absent from school or activity without permission of the parent/guardian or missing a class without permission of the teacher or administrator in charge.[350]

**Universal Prevention:** Universal prevention efforts are for all students. These prevention efforts are generally district or school-wide and may promote a values-based or pro-attendance culture.[351]

[349] Ibid.
[350] National Center for Mental Health Promotion and Youth Violence Prevention, citing K. Seeley (2006).
[351] http://www.promoteprevent.org/sites/

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**Tribal Youth Resource Center: www.TribalYouth.org**