

Testimony Prepared for the
House Education Committee

DATE; January 14, 2025

By: Lynn Flieth, RSR Human Service Zone Director

RE: HB 1129: Relating to a study of student attendance and absenteeism

Chair Heinert, and members of the House Education Committee, my name is Lynn Flieth. I am the Director for the RSR Human Service Zone, which includes the counties of Ransom, Sargent and Richland. In addition, I am a member of the North Dakota Human Service Zone Director Association. I am here today to provide testimony in support of studying student attendance and absenteeism.

Human Service Zones are mandated to provide economic assistance and child welfare services, including child protection, foster care, in home case management and more recently receive CHINS (Child In Need of Services) referrals. The RSR Human Service Zone is the employing entity for the statewide CHINS (Children In Need of Services) Unit.

I would like to provide some background on the legal changes which lead to the creation of the CHINS Unit as it relates to truancy. We are growing to understand adolescent behavior through a new lens, to include social, emotional, physical and cognitive development. Since the 2021 Legislative Session, many of the Juvenile Justice reforms have been implemented. Research indicates that treating youth who do not commit crimes, in a criminal model leads to increased involvement in the adult juvenile justice system and other negative long-term outcomes. NDCC 27-20 was updated to define CHINS behaviors (formerly “unruly”) to include 4 specific behaviors: truancy, running away, disobeying the reasonable commands of a parent, and smoking/vaping under the age of 14. Additionally, the law fully removed the Juvenile

Court's jurisdiction related to the CHINS population. Instead, referrals are directed to Human Service Zones. There was no fiscal note attached to this law change.

On August 1, 2022, the statewide CHINS Unit became operational. The Unit includes a total of 8 team members, including 1 Supervisor. In the first year of operation, the unit received 2,491 referrals, 516 of them were truancy referrals. In the most recent year, the unit received 2,117 referrals, with 413 of them being truancy referrals. (See attached CHINS Data handout)

CHINS Specialists reach out to families to offer support and information, with the guiding principles being to engage, educate and empower parents and/or caregivers. Specialists complete an assessment to best determine what the most significant needs are, and work to engage with families to locate services to address the problematic behaviors. CHINS Specialists collaborate with community partners to develop a plan which supports the family in meeting the behavioral health needs of the identified youth.

A youth who is solely exhibiting one of the 4 CHINS behaviors, cannot be referred to the juvenile court. Frequently community partners and referral sources express frustration with CHINS having "no teeth." By law, CHINS involvement is voluntary. It is unclear what consequences should be for youth truancy, or parental failure to ensure school attendance. Human Service Zone Directors strongly oppose consideration of removing children from the parental home and placing them in foster care on the basis of not attending school. There is an existing law, which allows for parents to be charged and fined for failing to ensure their child attends school. Anecdotal evidence indicates that this is also not an effective strategy in most cases, and there are concerns with adding additional cases to an already backlogged criminal judicial system.

Over the past 2 years, I, along with local CHINS Specialists, and HHS representatives have met with dozens of schools to help clarify the law, roles and expectations. We are often told that truancy rates and absenteeism are increasing dramatically. The inception of CHINS

is often cited as the catalyst to the perceived increase or change. In viewing the attendance, chronic absenteeism and dropout rates posted on the Department of Public Instruction's Insights data dashboards, there does not appear to have been significant changes in the last 3 school years. While I would love to stand before you and report that truancy rates are dramatically decreased, the available data does not show this. Nor does the available data show that attendance and absenteeism are dramatically increased.

Many anecdotal theories speculate that school attendance concerns may be attributed to the following:

- Decriminalizing truancy (creation of CHINS)
- While the numbers of truant/absent students may not have increased the number of days missed has become more extreme;
- Some families seeking to avoid systems involvement exploit current home school laws by completing the Intent to Home School, but then do not provide any form of education, or follow other state laws pertaining to home education;
- Child and/or parent mental health limiting the ability or motivation to comply with school attendance laws;
- Lack of transportation to/from school;
- Parental work schedules which don't allow for a parent to be home to ensure the child gets to school;
- Child and/or parent disengagement from school; bullying at school;

This is by no means an exhaustive list and has not been captured in a formal or comprehensive way. Rather, the above are frequently cited to CHINS Specialists as contributing factors to poor school attendance. Most of these circumstances are complex, and are not simply resolved by any single entity or 3rd party consequences, but rather require a concerted and

coordinated community response that is balanced with compassion, creativity and accountability.

Because each school is governed locally, there are wide variances in practice, policy and tolerance. Variances even by school building exist within larger districts, further compounding the ability to have a consistent response to poor school attendance. Schools have increased staff to address student behavioral health needs, while providing mandated education. However the behavioral health supports are limited in availability, and are utilized in a variety of ways. Some schools and communities simply do not have ANY supports in this area.

In the 24 years that I have worked in the child welfare field, I can honestly tell you that poor school attendance (educational neglect for younger students and truancy for older students) is the area where our agency has made the least significant impact. Providing In Home Case Management, pressures from social services or juvenile court have not proven to resolve the issues of poor attendance. At best, they may provide temporary improvement in attendance, until the cycle begins all over with the next school year. Not surprisingly, those with poor attendance in the early grades frequently are those exhibiting truant behavior in middle and high school. Poor school attendance can have negative life-long impacts to individuals, communities and society as a whole. Earlier interventions and engagement are factors in improving school attendance. We strongly support allocating research and resources into evidence-based practices to assist communities to collaboratively approach this complex issue.

Thank you for consideration of my testimony. I stand for any questions from the committee.

CHILDREN IN NEED OF SERVICES (CHINS)



BACKGROUND

As part of Juvenile Justice Reform efforts in North Dakota, the 2021 Legislature approved changes to NDCC 27-20.3 for services to be provided by the child welfare system so that children in need of services who have not committed crimes can be served in the community and be maintained outside of the Juvenile Court system.

CHINS PROGRAM GOALS

- Connect children and their families to appropriate services in the community;
- Focus on prevention, treatment services and support; and
- Divert individuals from entering the foster care and juvenile justice system.

CHILD BEHAVIORS APPROPRIATE FOR THE CHINS PROGRAM

- Truancy from school
- Regularly disobeying their parents
- Using and possessing tobacco and related products
- Running away

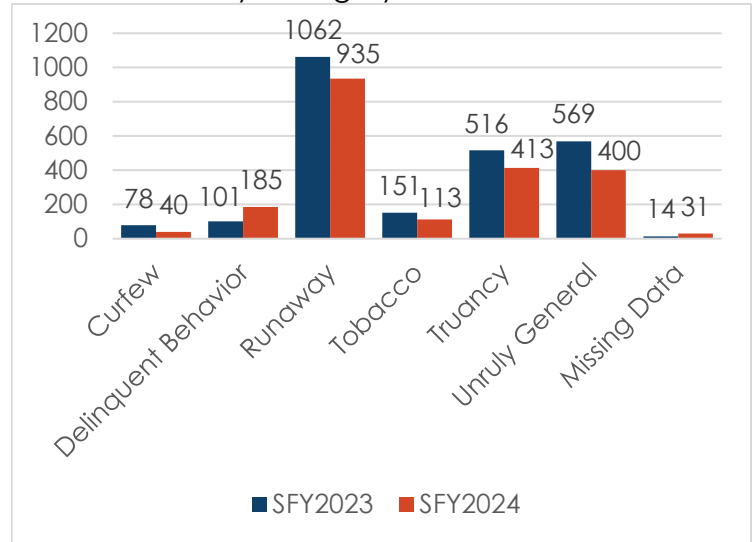
TO REFER TO THE CHINS PROGRAM

Parents, guardians, law enforcement officers, and school officials can refer children to the CHINS Team, staffed statewide by Human Service Zone professionals.

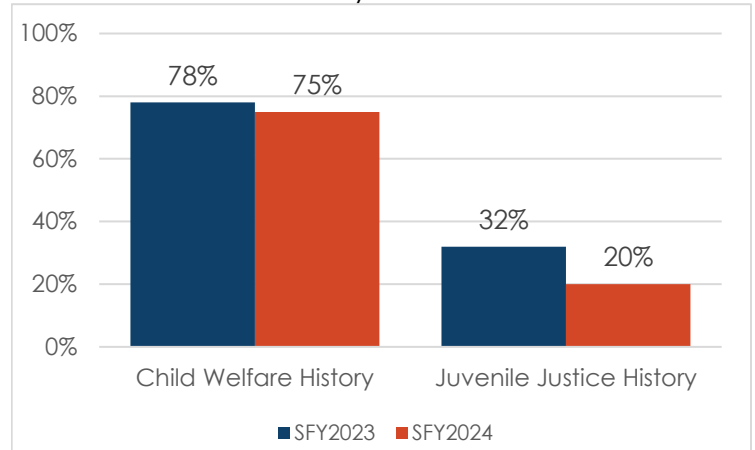
1. Complete a [CHINS Referral Form](#).
2. Submit the Referral Form
 - o Fax: (701) 328-0104

	SFY2023	SFY2024
Total Referrals	2,491	2,117
Total Children	1,493	1,452
Median Age	14 Years	15 Years
Top Living Situation	In Home (89%)	In Home (91%)
Top Referral Source	Law Enforcement (67%)	Law Enforcement (67%)

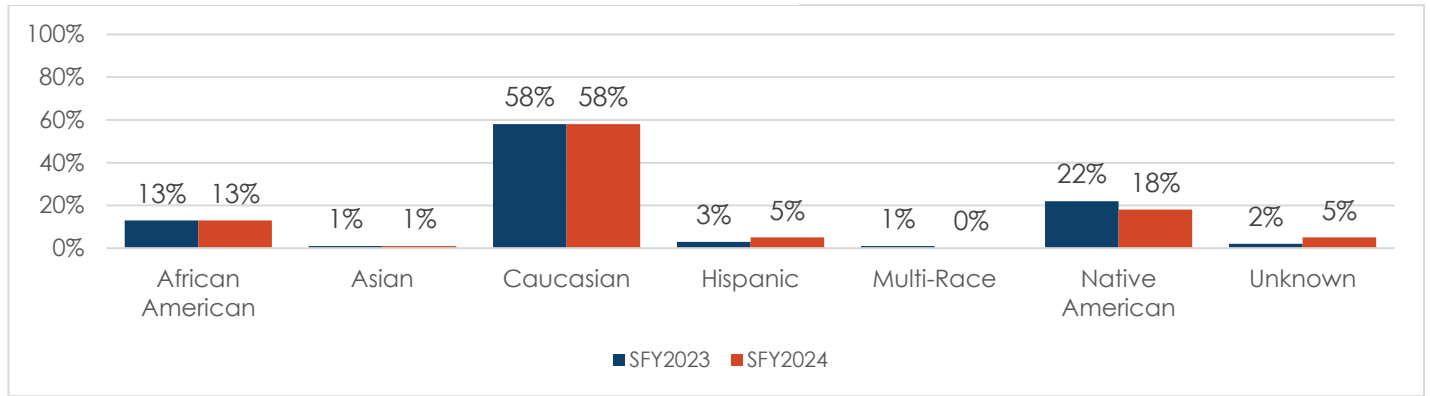
Total Referrals by Category



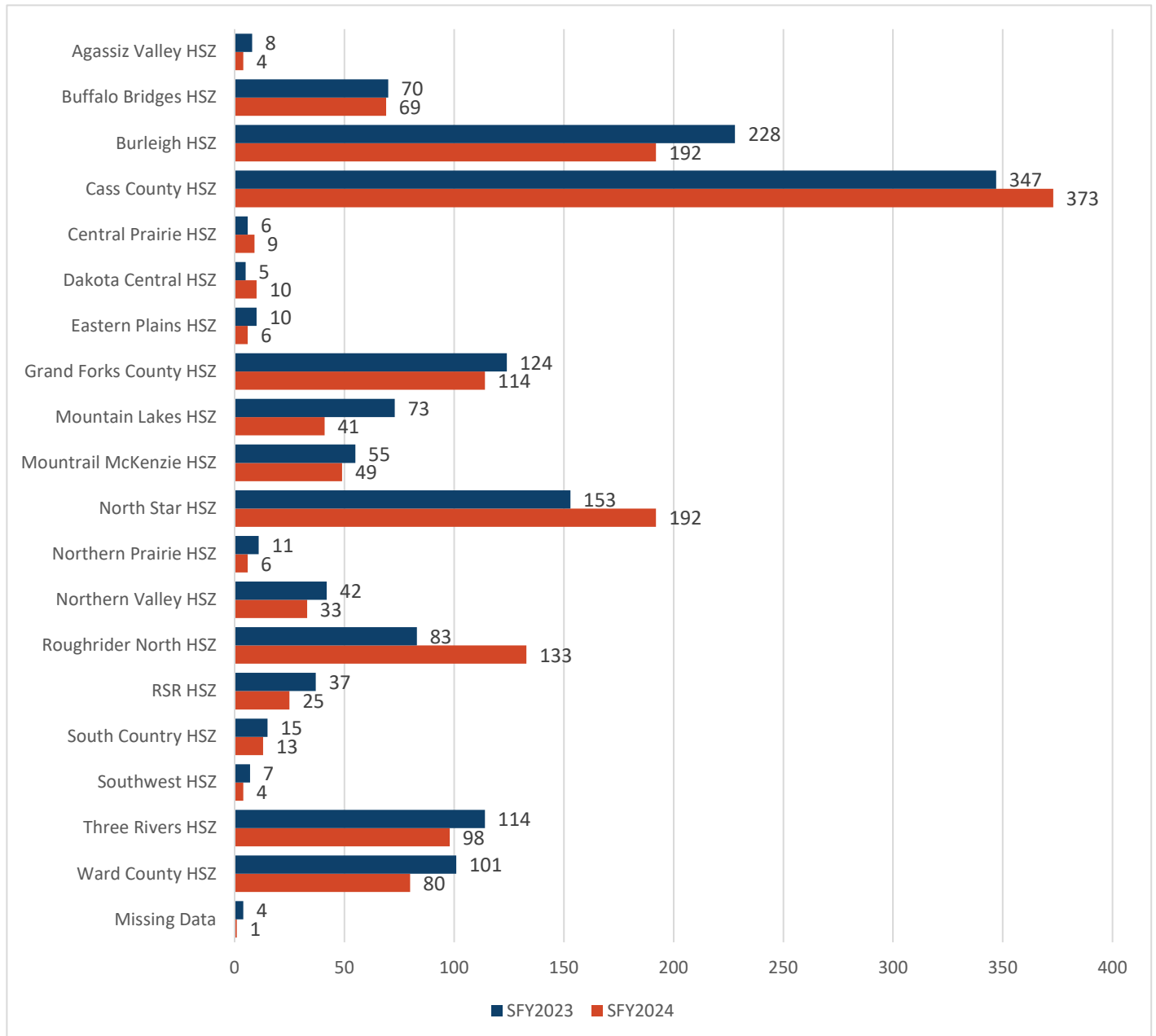
Percentage of Children with Child Welfare or Juvenile Justice History



Total Children by Race



Total Children by Human Service Zone



Children and Family Services Section

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