



1785 NE Sandy Blvd #300
Portland, OR 97232
youthrightsjustice.org
(503) 232-2540

To: Senate Committee on Education
From: Jennifer McGowan, Supervising Attorney

Re: **SB 48**

Dear Chair Dembrow, Vice-Chair Weber, and Members of the Committee,

Founded in 1975, Youth, Rights & Justice is Oregon's only non-profit juvenile public defense firm. Each year, we provide holistic, client-centered representation to around 1000 children, youth, and parents in Oregon's juvenile court system. Additionally, we provide early defense advocacy to keep families together and educational advocacy so children can attend, graduate, and succeed in school. In 2021, we launched our juvenile expunction clinic.

Through our advocacy for Oregon's children, youth, and parents, we often see the same systemic problems and we work to change the policies that contribute to these problems. One glaring systemic problem is that Black, Indigenous, Latinx people and other people of color are overrepresented in child welfare and juvenile justice systems.

YRJ opposes SB 48 as written and is neutral on the -2 amendment.

For the past 20 years, Youth, Rights & Justice has run a successful educational legal advocacy program, SchoolWorks, that serves foster children and young people involved in the juvenile justice system. Through SchoolWorks, we provide educational stability and supports, and the majority of our clients come from underserved and marginalized populations. SchoolWorks is the only program of its kind in Oregon.

Truancy Laws are Ineffective and Harm Low-Income and BIPOC Communities

Referrals to the court for truancy are not effective in increasing graduation and attendance rates. According to a 2011 Washington State Center for Court Research four-year study, referrals to the court system had less favorable outcomes than truant students who were not referred to the court, as shown in the graphic below.

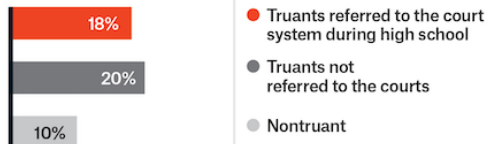
Outcomes for Truant Students

A four-year case study in Washington state

GRADUATED



STILL ENROLLED



KEY

- Truants referred to the court system during high school
- Truants not referred to the courts
- Nontruant

DROPPED OUT



0% | 20% | 40% | 60% |

Source: Washington State Center for Court Research, 2011

Source: Goldstein, Dana, *Inexcusable Absences*, The New Republic, March 6, 2015

Criminalization is not the answer to truancy. Families that are already struggling to survive would only be further stressed by the imposition of criminal penalties and fines. According to a 2010 study, low-income students are 60 percent more likely to be chronically absent and experience poor academic performance as a result of poor attendance.¹ In addition to the collateral consequences that accompany a criminal record, the imposition of fines and fees increases the financial strain on low-income families and disproportionately affects communities of color.²

Criminal Penalties for Truancy Further Exacerbate the School to Prison Pipeline

Punitive approaches to truancy often push youth deeper into the justice system and negatively impact their education. Research shows that an arrest, court involvement, and system supervision for youth who are truant or commit other low-level offenses actually decreases their likelihood of attending school and completing high school.³

¹ Balfanz and others, "Building a Grad Nation." <https://files.eric.ed.gov/fulltext/ED597661.pdf>

² LESLIE PAIK & CHIARA PACKARD, IMPACT OF JUVENILE JUSTICE FINES AND FEES ON FAMILY LIFE: CASE STUDY IN DANE COUNTY, WI (2019), <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-dane-county.pdf>.

³ The Council of State Governments, "Rethinking the Role of the Juvenile Justice System: Improving Youth's School Attendance and Educational Outcomes." file:///C:/Users/jmcgowan/Downloads/download.pdf

As we have learned through our two decades of educational advocacy through SchoolWorks, what students and families need are resources and supports, not punishment. Our program has a proven track record of re-engaging students with education, reducing absence rates, and improving students' academic performance. In the 2021-22 school year, among our current and former foster care clients in Portland:

- 100% of those disengaged from education were re-enrolled or re-instated in school
- 81.8% had reduced absence rates
- 94.4% had fewer disciplinary referrals & interventions
- 96.5% established special education plans
- 92.3% demonstrated academic improvement

The answer to truancy is not punishment, but investment in resources for children and families.

Thank you for your consideration of this important issue.

Sincerely,

Jennifer McGowan
Supervising Attorney, SchoolWorks