

Memorandum of Understanding
for
Interagency Collaboration to Reduce Truancy
The Department of Education/Public School districts, Department of Services for
Children, Youth and Their Families, and the Justice of the Peace Court

I. Introduction

A. Purpose

The MOU between DOE, DSCYF, and the JP Court has been jointly developed for the following purposes:

1. Establish lines of communications.
2. Understand roles of the parties and how the parties will work together to reduce the incidence of truancy among school age youth, in particular to coordinate implementation of HB 213.
3. Promote standardized practices throughout the state on reporting, record-keeping, timelines for enforcement, referral process to DSCYF.
4. Develop a uniform process for all Delaware schools to report truancy.

In addition, to meet the needs of the three organizations, the MOU will:

1. Define the responsibilities of each organization.
2. Establish joint training among the organizations.
3. Establish a liaison procedure for promoting problem-solving and communications.
4. Establish a steering committee to oversee implementation of the MOU.
5. Promote communication with the General Assembly on truancy issues.

B. Authority

1. Authority under Del. Code Title 14, Chapter 27 is granted to the Department of Education/Public School Districts to enforce mandatory attendance laws and to the Justice of the Peace Court to adjudicate cases brought before the Court.
2. Authority under Del. Code Title 14, Chapter 1, Section 153 is granted to the Department of Education/Public School Districts to enforce the requirements of student accountability.
3. Authority under Del. Code Title 29, Chapter 90 is granted to the DSCYF to provide services to children and youth who are abused or neglected, those who have mental health or substance abuse problems, as well as those who have been adjudicated by the Family Court.

II. Roles and Responsibilities

A. Department of Education/Public School Districts

1. Provide free and appropriate public school education to all children who are residents of the state and are of the ages required for attendance in public schools.
2. Enforce the attendance requirements of Title 14, Chapter 27.
 - a. Provide notice to parents or guardians of school attendance requirements.
 - b. Conduct truancy conferences.
 - c. File criminal complaints with JP Court.
 - d. Testify at court hearings.
 - e. Follow up with court case reviews as needed.
3. Develop standards for reporting truancy.
4. Provide training and support in the implementation of the standards in coordination with the other participating agencies.
5. Designate liaison to support effective communication and implementation of the MOU.

B. Justice of the Peace Court

1. Receive and process criminal complaints.
2. Schedule and conduct hearings.
3. Make referrals to appropriate agencies as part of the conditions of bail or after adjudication.
4. Compile statistical data.
5. Send conditions of bail and disposition documents to DSCYF for those children and youth who are being referred for services.
6. Notify affiant of final disposition of case.
7. Develop a uniform procedure for processing truancy cases across the state.
8. Provide training and support in the implementation of uniform procedure in coordination with the other participating agencies.
9. Designate liaison to support effective communication and implementation of the MOU.

C. Department of Services for Children, Youth and Their Families

1. The Division of Family Services will investigate families with children between the ages of five and twelve when those families have been referred by the JP Court because the Court has determined that those families are non-compliant with the request to return their children to school within five school days.
2. The Division of Child Mental Health Services will provide assessment and clinically-indicated treatment for children up to age 18 referred by the

Court for behavioral health assessment/treatment when families do not have other assessment/treatment resources, such as insurance or Medicaid coverage.

3. The Division of Youth Rehabilitative Services will provide services to youth who have been referred by the Family Court as a result of their adjudication for criminal contempt for failure to comply with the stipulations of the JP Court order to attend school.
4. Provide training to the JP Court on the services provided by the department and how to make referrals in coordination with DOE.
5. Train DSCYF staff on the requirements for school attendance and HB 213.
6. Collect data and make quarterly reports to the State Budget Office and the Controller General's Office on the numbers of children served bases on referrals from the JP Court.
7. Designate liaison to support effective communication and implementation of the MOU.

III. Referral Procedure from the JP Court to DSCYF

- A. JP Court clerks in each county or Truancy Coordinator will send facsimiles of the conditions of bail and final disposition documents to DSCYF Court Liaisons for those families or youth who are being referred for services.
- B. DSCYF Court Liaisons in each county will receive the documents from the JP Court clerks and send them to the appropriate divisions to which the referral is being made. Court liaisons will distribute the documents as follows:
 1. Final dispositions for which a DFS investigation is required as per Section II.c.1. of this agreement will be sent to DFS.
 2. The conditions of bail documents will be sent to DCMH immediately if the family is being told to obtain an assessment and treatment for their child for mental health or substance abuse presenting problems. When families request assistance from DCMH, DCMH will refer to the documents received from the JP Court.
 3. Final dispositions for those youth that have been referred to Family Court for criminal contempt for failure to comply with stipulations of the JP Court order in the adjudication of their truancy will be sent to DYRS.

IV. Administration of MOU

- A. DOE, DSCYF, and JP court will appoint representatives to carry out the following:
 1. Ensure adherence to the MOU procedures.
 2. Develop and maintain positive interagency relationships.
 3. Mediate conflict resolution.

4. Identify training needs and encourage and assist in the development of cross-training efforts.
- B. DOE, DSCYF, and JP Court will establish a steering committee to be chaired by DOE to meet on a schedule determined by the committee but no less than annually to accomplish the following:
1. Oversee implementation of the MOU.
 2. Recommend and make changes as needed in the MOU.
 3. Address policy issues that may arise in implementation.
 4. Maintain communications with General Assembly on truancy matters.