

File ID Number: 14-0969
Introduction Date: 5-14-14
Enactment Number: 14-0804
Enactment Date: 5-14-14
By:

OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Superintendent of Schools

May 14, 2014

To Board of Education

From: Gary Yee, Ed.D.
Curtiss Sarikey

ACTION REQUESTED

Adoption by Board of Education of Resolution No. 1314-1126 - Supporting School Attendance and Truancy Bills: AB 1643, AB 1672, AB 1866, AB 2141, and SB 1107.

DISCUSSION

The overall package of bills supports improvements such as: a common definition of chronic absence (the Local Control Funding Formula does not define it), data collection and reporting systems at the local and state levels, and strengthening coordination of supports and services by key partners/agencies to students experiencing issues with attendance. In general they are worthy of support with the recognition of the need for resources to implement some of the recommendations.

AB 1643 mostly refers to the County level purpose, function and oversight of local district School Attendance Review Boards (SARB). This bill updates current Education Code to emphasize coordination of services and SARB membership. AB 1672 provides for improved reporting through the SARB. AB 1866 adds attendance to CALPADS.

FISCAL IMPACT

These bills will create additional work and cost to our Information Technology and Quality Accountability and Analytics departments to update our data systems. It is recommended that the bills' sponsor recognize the local impact on work and cost and provide resources at least for the initial year, and then assess ongoing capacity needs for subsequent years.

RECOMMENDATION

Adoption by Board of Education of Resolution No. 1314-1126 - Supporting School Attendance and Truancy Bills: AB 1643, AB 1672, AB 1866, AB 2141, and SB 1107.

Attachments:

Resolution No. 1314-1126

Fact Sheets and Legislation:

AB 1643- Pupil Attendance: School Attendance Review Boards

AB 1672 – Pupil Attendance: Truancy

AB 1866 – Pupil Attendance: California Longitudinal Pupil Achievement Data System

AB 2141 – Pupil Attendance: Truancy Referrals for Prosecution

SB 1107 – Pupil Attendance: Attorney General Report

RESOLUTION
OF THE
BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT

Resolution No. 1314-1126
Supporting School Attendance and Truancy Bills
AB 1643, AB 1672, AB 1866, AB 2141 and SB 1107

WHEREAS, named Members of the California State Legislature are sponsoring the numbered bills herein at the request of State Attorney General Kamala Harris, in her official capacity, that address school attendance and truancy issues pertaining to California youth; and,

WHEREAS, these bills have individual, separate and distinct parts and address specific issues and may imposed certain mandates, collectively they have the intent of improving school attendance for and learning opportunities of California Youth resulting in better educated residents; and,

WHEREAS, AB 1643 (Buchanan), if enacted, as currently drafted, will require every county in the state to establish a School Attendance Review Board (SARB), so that the benefits of having a functioning SARB so that schools, counties and law enforcement better coordinate resources and services used to prevent truancy and to address chronic absence from school attendance of school-age youth; and,

WHEREAS, AB 1672 (Holden), if enacted, as currently drafted, will required that local SARB's report specified data to the county superintendent of schools, so that more effective steps may be considered and implemented by said superintendents in facilitating school aged children, who are chronically absent from schools, to attend classes; and

WHEREAS, AB 1866 (Bocanegra), if enacted, as currently drafted, will require school districts to submit attendance-related data to the California Longitudinal Pupil Achievement Data System (CALPADS), the state's student database maintained by the California Department of Education; and

WHEREAS, AB 2141 (Hall and Bonta), if enacted, as currently drafted, will enhance communications and collaboration regarding truancy cases referred from school districts to district attorneys for prosecution and/or mediation; and

WHEREAS, SB 1107 (Monning), if enacted, as currently drafted, will require the California Attorney General to report annually on truancy and chronic absenteeism in elementary schools, grades K-5, and

WHEREAS, one or all of the measures stated herein, if enacted, is expected to have a positive effect on addressing California youth school attendance and truancy issues,

NOW, THEREFORE, BE IT RESOLVED, the Board of Education supports, as currently drafted, separately and collectively, School Attendance and Truancy Bills: AB 1643, AB 1672, AB 1866, AB 2141 and SB 1107; and

BE IT FURTHER RESOLVED, that the Board requests, if one or more of the Bills stated herein is enacted, that the Legislature provide the necessary resources to effectively carry-out the intent of the legislation.

Passed by the following vote:

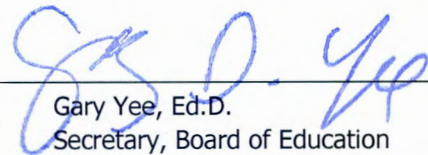
AYES: Jody London, Jumoke Hinton Hodge, Anne Washington, Roseann Torres,
Christopher Dobbins and Vice President James Harris

NOES: None

ABSTAINED: None

ABSENT: President David Kakishiba

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held May 14, 2014.



Gary Yee, Ed.D.
Secretary, Board of Education

File ID Number: 14-0969
Introduction Date: 5-14-14
Enactment Number: 14-0804
Enactment Date: 5-14-14
By:

Attorney General Kamala D. Harris 2014 Sponsored Truancy Prevention Bill Proposal
REQUIREMENT THAT ALL COUNTIES IN CALIFORNIA ESTABLISH
A SCHOOL ATTENDANCE REVIEW BOARD (AB 1643-Buchanan)

County SARBs can also help districts identify a broad base of community resources, such as mental health or social service agencies, to provide applicable referrals for families and students. County SARBs can encourage local SARBs to maintain a continuing and expanding inventory of resources and coordinate and improve county-level services.

Furthermore, County SARBs can form local SARBs to conduct hearings, and adopt rules and regulations that will assist the schools or districts to ensure that students who need referrals are identified and referred to the appropriate resources. (Ed. Code, §§ 48321, 48324.)

Finally, County SARBs can ensure that the tone of the local SARB process is positive – rather than punitive or remedial – so that students and families feel welcomed and comfortable with the process.

Not All Districts or Counties have SARBs

In preparing its report, the Attorney General’s Office learned that not all counties have SARBs, and that many districts likewise do not have local SARBs to hear cases regarding students with irregular attendance or behavioral problems. For counties with districts that do have local SARBs, the creation of a county SARB is essential because it can provide advice and, if necessary, hearing services to districts. In at least one county that we interviewed, for example, the county SARB accepts hearing referrals from districts within the county that have no SARBs. In August 2013, Superintendent of Public Instruction Torlakson and Attorney General Harris, on behalf of the State SARB, conducted a survey of counties and learned that only 14 of the 22 counties that responded had a county SARB. That same survey revealed that 6 out of the 22 counties that responded had no local SARBs. And according to the California Department of Education, there are at least four counties, and likely more, that have no local or county SARB. In other counties, county SARBs provide valuable expertise and uniformity in attendance-related policies to the local SARBs.

SOLUTION

This bill proposal will provide a crucial truancy prevention and intervention tool to all counties within the state. County SARBs serve a key role in our education system by establishing rules and regulations regarding the handling of attendance matters and providing training and guidance to local SARBs within the county. SARBs are vitally important because they usually serve as the last intervention for a truant student before a referral is made to law enforcement for mediation or, as a last resort, prosecution. In the long run, SARBs are a cost-effective means to solving the truancy epidemic in California.

SUPPORT

Attorney General Kamala D. Harris (Sponsor)

OPPOSITION

None Known

CONTACTS

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Jill Habig, Special Assistant Attorney General, (415) 703-1008, jill.habig@doj.ca.gov



California
LEGISLATIVE INFORMATION

AB-1643 Pupil attendance: school attendance review boards. (2013-2014)

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY APRIL 02, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

ASSEMBLY BILL

No. 1643

Introduced by Assembly Member Buchanan

February 11, 2014

An act to amend Section 48321 of the Education Code, relating to pupil attendance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1643, as amended, Buchanan. Pupil attendance: school attendance review boards.

Existing law authorizes the establishment of county and local school attendance review boards that may promote the use of alternatives to the juvenile court system if available public and private services are insufficient or inappropriate to correct school attendance or school behavior problems, and specifies the membership of each school attendance review board. Existing law provides that any minor pupil who is a habitual truant, is irregular in attendance at school, or is habitually insubordinate or disorderly during attendance at school may be referred to a school attendance review board. Existing law requires the county superintendent of schools, if a county school attendance review board exists, to convene a meeting of the county school attendance review board at the beginning of each school year, as provided.

This bill would require, rather than authorize, the establishment of a county school attendance review board in each county, and would authorize a county school attendance review board to accept referrals or requests for hearing services from one or more school districts within its jurisdiction. The bill would set forth the purposes of a county school attendance review board to include, among other things, to develop guidelines, policies, or programs to administer the county and local school attendance review boards, and to provide oversight over local school attendance review boards, as specified. The bill would add ~~a representative~~ *representatives* from at least one county district attorney's office *and one county public defender's office* to both ~~a~~ county and local school attendance review ~~board,~~ *boards,* as specified. The bill would require a county school attendance review board to meet at the beginning of the school year to develop guidelines and policies and adopting plans, as specified, and to meet at least 3 additional times each school year for specified purposes including, among others, assessing the effectiveness of services and supports provided by its school attendance review boards. The bill would specify that, for purposes of conducting hearings, the county school attendance review board is required to meet as needed, and would further authorize the county school attendance review board to determine the members needed at those hearings, as specified. The bill would specify that its provisions do not prohibit any 2 or more counties from forming a school attendance review board consortium or partnership. By

imposing new duties on local officials, the bill would impose a state-mandated local program. The bill would also make conforming and nonsubstantive changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 48321 of the Education Code is amended to read:

48321. (a) (1) A county school attendance review board shall be established in each county. The primary purpose of the county school attendance review board shall be to develop guidelines, policies, or ~~programs~~ *programs, consistent with Section 48320 and subdivision (a) of Section 48325*, to administer the county and local school attendance review boards and adopt plans to promote interagency and community cooperation ~~and to reduce the duplication of services provided to youth in order to address pupil attendance and behavioral problems.~~ *in order to address attendance and behavioral problems, improve the coordination and level of community and school-based programs provided to pupils and their families, and prevent entry into the juvenile justice system.* The county school attendance review board may accept referrals or requests for hearing services from one or more school districts within its jurisdiction, pursuant to subdivision (f). Nothing in this section prohibits any two or more counties from forming a school attendance review board consortium or partnership.

(2) For purposes of developing guidelines and policies specified in paragraph (1), the county school attendance review board shall include, but need not be limited to, all of the following:

- (A) A parent.
- (B) A representative of school districts.
- (C) A representative of the county probation department.
- (D) A representative of the county welfare department.
- (E) A representative of the county superintendent of schools.
- (F) A representative of law enforcement agencies.
- (G) A representative of community-based youth service centers.
- (H) A representative of school guidance personnel.
- (I) A representative of child welfare and attendance personnel.
- (J) A representative of school or county health care personnel.
- (K) A representative of school, county, or community mental health personnel.
- (L) A representative of the county district attorney's office. If more than one county is represented in a county school attendance review board, a representative from each county's district attorney's office may be included.
- (M) A representative of the county public defender's office. If more than one county is represented in a county school attendance review board, a representative from each county's public defender's office may be included.*

(3) Notwithstanding paragraph (2), for purposes of conducting hearings, the chairperson of the county school attendance review board is authorized to determine the members needed at a hearing, based on the needs of the pupil, in order to address attendance or behavioral problems.

(4) The school district representatives on the county school attendance review board shall be nominated by the governing boards of school districts and shall be appointed by the county superintendent of schools. All other persons and group representatives shall be appointed by the county board of education.

(5) (A) A county superintendent of schools shall, at the beginning of each school year, convene a meeting of the county school attendance review board for the purpose of developing guidelines and policies and adopting plans pursuant to paragraph (1). A county school attendance review board shall meet at least three additional times each school year to assess the effectiveness of services and supports that its school attendance review boards provide to youth and their ~~families~~ *families, and to assess whether the local school attendance review boards subject to its oversight are improving the attendance and educational outcomes for pupils.*

(B) Notwithstanding subparagraph (A), for purposes of conducting hearings, a county school attendance review board shall meet as needed.

(b) (1) Local school attendance review boards may include, but need not be limited to, all of the following:

(A) A parent.

(B) A representative of school districts.

(C) A representative of the county probation department.

(D) A representative of the county welfare department.

(E) A representative of the county superintendent of schools.

(F) A representative of law enforcement agencies.

(G) A representative of community-based youth service centers.

(H) A representative of school guidance personnel.

(I) A representative of child welfare and attendance personnel.

(J) A representative of school or county health care personnel.

(K) A representative of school, county, or community mental health personnel.

(L) A representative of the county district attorney's office. If more than one county is represented in a local school attendance review board, a representative from each county's district attorney's office may be included.

(M) A representative of the county public defender's office. If more than one county is represented in a county school attendance review board, a representative from each county's public defender's office may be included.

(2) Other persons or group representatives shall be appointed by the county board of education.

(c) A county school attendance review board may elect, pursuant to regulations adopted pursuant to Section 48324, one member as chairperson with responsibility for coordinating services of the county school attendance review board.

(d) A county school attendance review board may provide for the establishment of local school attendance review boards in any number as shall be necessary to carry out the intent of this article. Local school attendance review boards shall be bound by the rules and regulations established pursuant to Section 48324.

(e) A county school attendance review board shall provide oversight and coordinate activities of, and may provide consultant services to, local school attendance review boards. The county school attendance review board shall ensure that local school attendance review boards comply with the policies and procedures established by the county school attendance review board pursuant to Section 48324.

(f) If the county school attendance review board determines that the needs of pupils as defined in this article can best be served by a single board, the county school attendance review board may then serve as the school attendance review board for all pupils in the county, or, upon the request of any school district in the county, the county school attendance review board may serve as the school attendance review board for pupils of that school district.

(g) Nothing in this article is intended to prohibit an agreement on the part of counties to provide these services on a regional basis.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Attorney General Kamala D. Harris 2014 Sponsored Truancy Prevention Bill Proposal
REQUIREMENT THAT DISTRICTS SUBMIT ATTENDANCE-RELATED DATA TO CALPADS
AND THAT THE CDE ENHANCE CALPADS TO INCLUDE FIELDS FOR THIS DATA (AB 1866-Bocanegra)

SUMMARY

This bill proposal would amend Education Code section 60901 and require the creation of fields for attendance-related data in the California Department of Education's (CDE) student tracking system, the California Longitudinal Pupil Achievement Data System (CALPADS), and would require districts to submit this information to CALPADS on at least a quarterly basis.

Specifically, Education Code section 60901 will be amended to require the addition of the following fields in CALPADS, for each student's individual school record:

- Number of excused absences;
- Number of full-day unexcused absences;
- Number of partial day unexcused absences; and
- Whether the student has been designated as a habitual truant, within the meaning of Education Code section 48262.

This bill proposal would require districts to submit this information to CALPADS on at least a quarterly basis.

BACKGROUND

Truancy and chronic absenteeism have reached epidemic proportions in California. However, our ability to examine these problems carefully and design thoughtful and effective strategies to solve them is hampered by the lack of statewide reporting of student attendance records.

School attendance records are an essential foundation for efforts to reduce truancy and chronic absence. They allow teachers and school administrators to identify students at risk of academic failure or of dropping out of school. Despite the vital role of this empirical evidence in understanding and addressing truancy and chronic absence, the collection and use of school attendance records in California is deficient.

NEED FOR THE BILL

In September 2013, Attorney General Kamala D. Harris issued a report, entitled "In School + On Track," which examined the attendance crisis currently affecting California's youth. The findings from this report were sobering, and highlight the need for legislation that will continue to shine the light on California's truancy and chronic absenteeism rates and pave the way for improved policies and procedures to address this problem.

California is one of only four states in the country that does not collect individualized student attendance records at the state level. Even at the local level, only half of the school districts that responded to an Attorney General survey were able to confirm that they track student absence records longitudinally – *i.e.* year after year. The failure to collect, report and monitor real-time information about student attendance renders our most at-risk children – including English learners, low-income (free and reduced-price lunch students), and foster children – invisible.

Even small improvements in a school or district's truancy reduction efforts – such as phone calls and meetings with guardians – can pay big dividends in increased attendance. Truant elementary school students whose attendance improves over time are at a much lower risk for dropping out than students whose truancy continues or increases later into their academic careers. These findings underscore the importance of intervention at the earliest possible point in a truant student's academic career.

Statewide collection of attendance data will achieve two goals: (1) foster more consistent collection and use of attendance data at the local level, which is a starting point for any effective early warning system and intervention program; and (2) allow for a statewide perspective on the scope of the attendance crisis and what intervention strategies are most effective, so that districts can learn from and adopt best practices.

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AND THAT THE CDE ENHANCE CALPADS TO INCLUDE FIELDS FOR THIS DATA (AB 1866-Bocanegra)

Neither School Districts Nor the State are Required to Collect Chronic Absenteeism Data

California tracks only two measures of attendance statewide: (1) truancy rates (percentage of students with three unexcused absences or tardies exceeding 30 minutes, which are collected by school districts and entered into California's basic educational data system (CBEDS)); and (2) average daily attendance (ADA) (percentage of students enrolled divided by the number of students who actually show up to school).

This state-level data is lacking in at least three important ways. First, it does not track students who are absent or tardy without an excuse more than three times. Second, it does not track excused absences at all. Studies show that even if an absence is excused, excessive or chronic absenteeism is damaging. Third, because ADA is based on average attendance at a school, it does not provide information on the range and variation in attendance rates for individual students.

Moreover, while school districts track individualized student attendance records at the district level, few track student-level records longitudinally. As a result, long-term trends in school attendance in California remain largely unmonitored. For example, the greatest predictor of a child's chronic absence is whether the child was chronically absent in the previous year.

In response to an Attorney General survey, only six out of 50 districts that responded were able to report chronic absence rates for the past five years. The lack of records poses a significant challenge to identifying students with a pattern of poor school attendance, and to designing prevention and intervention programs to target individuals and groups of at-risk students, such as English learners, foster children and free and reduced-price lunch/low income students. This challenge will become increasingly problematic as districts implement the Local Control Funding Formula (LCFF) and develop their Local Control Accountability Plans (LCAP), which must prioritize attendance rates and chronic absenteeism.

As districts overwhelmingly noted in our discussions with them, early intervention – even in severe cases – can get young children back on the right track. By collecting, maintaining and using attendance records to inform intervention strategies, districts can reach out early to families of at-risk children.

Education Code section 60901, as Currently Drafted, Has Not Been Implemented

In 2010, SB 657 (Steinberg) amended Education Code sections 48070.6 and 60901 to require that CALPADS include data "on a quarterly rate of pupil attendance" and be capable of including "rates of absence" and "chronic absentees" in reports issued periodically to local educational agencies. SB 657 also required this data, if available, to be included in the Superintendent of Public Instruction's annual report on high school dropouts and graduation rates. However, SB 657 has never been implemented because it was conditioned upon funding that was never granted.

California should ensure that student attendance records are included in the California Longitudinal Pupil Achievement Data System (CALPADS), the state's student database, in a form subject to regular reports at the district, school, and student levels to help prevent truancy and chronic absence.

The Attendance Crisis in California

In the 2011-2012 school year, the latest data available from CDE, 1.8 million K-12 students (or 29%) in California were truant. Of those truant students, 38%, or 691,470 students, were in elementary school. Shockingly, one in five elementary school students had at least three unexcused absences or tardies during the school year.

Because California does not currently track students who are chronically absent (defined by Education Code section 60901 as missing 10% or more of the school year whether excused or not), there are no official numbers regarding how many students are chronically absent. However, estimates provided to the Attorney General's Office by School Innovations & Achievement based on a representative sampling of California's elementary schools, reveal that in the last school year

Attorney General Kamala D. Harris 2014 Sponsored Truancy Prevention Bill Proposal
REQUIREMENT THAT LOCAL SARB REPORTS CONTAIN ADDITIONAL INFORMATION REGARDING TRUANCY
PREVENTION EFFORTS (AB 1672-Holden)

SUMMARY

This bill proposal would expand the information that local school attendance review boards (SARBs) are currently required to submit annually to county offices of education. Current law requires only the number and types of referrals to SARBs and requests for petitions to juvenile court be reported to the county superintendent.

This bill requires that local SARBs additionally report on the number of pupils referred to pre-SARB meetings, and the outcomes of those who were referred to SARBs (e.g., whether they improved their attendance or were referred to outside agencies, alternative education placement, or truancy mediation programs). It also requires SARB reports to contain basic attendance-related information regarding students in the district(s) the SARB serves, such as the number of chronic absentees and percentage of chronic absentees in the district(s).

Specifically, the proposed legislation would amend Section 48273 as follows:

- (1) Expand the information required to be reported by local SARBs to the county superintendent to include:
 - (a) Number of pupils enrolled in district(s);
 - (b) Number of chronic absentees in district(s);
 - (c) Percentage of chronic absentees in district(s);
 - (d) Number of students in district(s) referred to a school-level meeting, such as a Student Attendance Review Team (SART) or Student Success Team (SST);
 - (e) Number of students in district(s) referred to SARB;
 - (f) Number of students referred to SARB whose attendance improved by at least 50% during the following semester or trimester after attending the SARB;
 - (g) Number of students referred to SARB whose behavior improved afterwards (evidenced by no suspensions until the end of the school year);
 - (h) Number of students and/or parents or guardians referred to the district attorney, city prosecutor, or probation department for mediation or prosecution following SARB;

- (i) Number of students and/or parents or guardians referred to the community services that are referenced in Education Code section 48320 following SARB; and
- (j) Number of students referred to alternative education placement following SARB.

(2) Require that this information be disaggregated by grade level, gender, foster youth status, English learner status, and low income status; and

(3) Require the county superintendents to submit this information to the California Department of Education (CDE), and to make the information publicly available by, at a minimum, posting this information, by district, on the County Office of Education's website, if there is one. This information shall also be publicly available by request.

Reporting this information will ensure that schools, districts and counties can evaluate the efficacy of truancy intervention efforts and provide individualized attention to families who have been referred beyond the district or county level to the court system or alternative programs.

BACKGROUND

The California Constitution guarantees every child with the fundamental right to a public school education. California's compulsory education law requires everyone between the ages of six and 18 years of age to attend school, unless subject to an exception. Yet across our state, millions of school-aged children are denied that right because they never make it to the classroom. Although truancy and excessive absenteeism are not new problems, they cause costly, long-term problems for the students, schools, and the community.

Forty years ago, the Legislature created SARBs (Ed. Code, § 48320) to enhance the enforcement of compulsory education laws and to divert students with school attendance or behavior problems from the juvenile justice system until all available resources have been exhausted. It was the intent of the Legislature in

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enacting this code to provide “intensive guidance and coordinated community services . . . to meet the special needs of pupils with school attendance problems or school behavior problems.” (Ed. Code, § 48320.)

Under current law, local school districts may establish SARBs. SARBs help truant or recalcitrant students and their parents or guardians solve school attendance and behavior problems through the use of available school and community resources. If formed, local SARBs are required to report their activities to the county superintendent, but the information required to be reported is limited to the number and types of referrals to SARBs and requests for petitions to juvenile court. (Ed. Code, § 48273.) This information, while helpful, does not provide the full picture.

NEED FOR THE BILL

In September 2013, Attorney General Kamala D. Harris issued a report, entitled “In School + On Track,” which examined the attendance crisis currently affecting California’s youth. The findings from this report were sobering, and highlight the need for legislation that will continue to shine the light on California’s truancy and chronic absenteeism rates and pave the way for improved policies and procedures to address this problem. One recommendation from the Attorney General’s report was to establish an effective SARB.

An effective SARB functions as the nexus between schools, county services and law enforcement, providing an opportunity for stakeholders to collaborate and develop a pragmatic, tailored approach to preventing truancy and chronic absence. It is important to measure the results of these efforts.

Truancy and Chronic Absenteeism are Pervasive in California’s Schools

Changes to existing law are needed because California’s truancy and chronic absenteeism rates are too high, and current law is not adequately addressing the problem.

Absenteeism and truancy create ripple effects throughout society, affecting the public safety, health and well being of all Californians, and not simply truant and absentee children.

In the 2011-2012 school year, for example, 1.8 million students K-12 in California were truant (*i.e.*, had three unexcused absences or was tardy in excess of 30 minutes within a school year); the state’s overall truancy rate was 29%, or nearly 1 out of every 3 children. For elementary school students, the truancy rate was 20%.

More troubling, although chronic absenteeism is not currently tracked at the state level, estimates provided to the Attorney General’s Office by School Innovations & Achievement reveal that in the last school year (2012-2013), more than 250,000 elementary school students were chronically absent, *i.e.*, they missed 10% or more of the school year whether excused or not. Almost 83,000 elementary school students were chronically truant, *i.e.*, they missed 10 % or more of the school year for unexcused absences alone.

Educational, Economic and Societal Impact of Truancy

For public school districts that are already financially challenged, the impact of truancy and chronic absence is devastating. For example, Attorney General Kamala Harris’ 2013 report estimated that California school districts lost approximately \$1.4 billion due to absences.

Nor can truancy’s impact on California’s youth be ignored. Students who miss school at an early age are more likely to struggle academically and, in later years, to drop out entirely. Lacking an education, these children are more likely to end up unemployed and at risk of becoming involved in crime, both as victims and as offenders.

According to the California Dropout Research Project, high school dropouts disproportionately commit juvenile crime, and juvenile crimes committed by dropouts cost the state \$1.1 billion per year. Factoring in other costs, such as criminal justice costs, social and

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medical costs, lost income taxes and associated economic losses, one study estimates that high school dropouts cost the state \$46.4 billion a year.

An effective SARB helps to increase school attendance, which, in turn, improves public safety and saves taxpayer dollars. And comprehensive reporting of SARB statistics helps districts build on their successes.

Current SARB Reports Are Not Fully Effective in Identifying Trends in Truancy Prevention

The state SARB recommends that districts provide additional information in their reports, *i.e.* the extended SARB report, so that districts and counties can fully understand the scope of truancy in their jurisdictions and the effectiveness of the pre-SARB, SARB and post-SARB process. Because this additional information is not required, however, there are currently few districts that use the extended template the state SARB recommends.

Local SARBs that Report More Comprehensive Information Allow School Districts and County Offices of Education to Determine and Recommend Effective Intervention Strategies

Counties are not uniform in what they report regarding SARBs. According to the Attorney General's Office's research, the vast majority (76%) of SARBs provided either the minimal or less than minimal information currently required by law to county offices of education. Fewer than 25% used the extended template or a variation recommended by the state SARB.

Counties that receive more detailed information through local SARB reports have been able to identify both the scope of absenteeism issues and the effectiveness of various intervention strategies. For example, Los Angeles County, because it asks its districts to report on the number of cases referred to pre-SARB school-level meetings (SARTs or SSTs), by gender and grade level, is able to determine the effectiveness of the SART/SST process. In 2010-2011, for example, 4,280 elementary students were referred to SART/SSTs, but only 1,194 required further

intervention to SARB. And in 2011-2012, 5,624 elementary students were referred to SARTs/SSTs, but only 1,246 were referred to SARBs.

SOLUTION

Collecting more complete records on absences and intervention strategies will effectively help districts and counties to identify the effectiveness of its truancy programs at intervening in severe attendance cases.

This legislative proposal would require local SARBs to provide detailed information similar to that proposed by the state SARB. And, in an effort to identify those students most at risk – low income, foster, and English learners – the proposal requires that this information be reported by those subgroups, as well as gender and grade level.

SUPPORT

Attorney General Kamala D. Harris (Sponsor)

OPPOSITION

None Known

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California
LEGISLATIVE INFORMATION

AB-1672 Pupil attendance: truancy. (2013-2014)

AMENDED IN ASSEMBLY APRIL 24, 2014

AMENDED IN ASSEMBLY APRIL 07, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

ASSEMBLY BILL

No. 1672

**Introduced by Assembly Member Holden
(Coauthors: Assembly Members Bocanegra, Bonta, Buchanan, and Hall)
(Coauthor: Senator Liu)**

February 12, 2014

An act to amend Section 48273 of the Education Code, relating to pupil attendance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1672, as amended, Holden. Pupil attendance: truancy.

Existing law authorizes the establishment of county and local school attendance review boards, and authorizes a school district to refer a pupil to a school attendance review board or the probation department for, among other things, truancy. Existing law, under specified circumstances, authorizes a school attendance review board or probation officer to direct the county superintendent of schools to request a petition on behalf of the pupil in the juvenile court of the county. Existing law requires the governing board of a school district to adopt rules and regulations to require appropriate officers and employees of the school district to gather and transmit to the county superintendent of schools the number and types of referrals to school attendance review boards and of requests for petitions to the juvenile court.

This bill would instead require the governing board of each school district that has established a local school attendance review board to adopt rules and regulations to require appropriate officers and employees of the school district to gather and transmit that information for the prior school year to the county superintendent of schools and the Superintendent of Public Instruction, by September 15 of every year, and would expand the information required to be gathered and submitted to include, among other things, the number and percentage of chronic absentees in the school district, the number of pupils referred to a school attendance review board who improved their attendance, and the number of pupils and parents or guardians referred to community services, as specified. The bill would require the information to be disaggregated by specified subgroups, including gender, ethnicity, and foster youth status. The bill would require a county office of education to make available on its Internet Web site, if one is available, certain reports and information received from school attendance review boards. By imposing additional requirements on local educational agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 48273 of the Education Code is amended to read:

48273. (a) The governing board of each school district that has established a local school attendance review board shall adopt rules and regulations to require the appropriate officers and employees of the school district to gather and transmit to the county superintendent of schools and the Superintendent, by September 15 of every year, all of the following information for the prior school year:

- (1) The number of pupils enrolled in the school district.
 - (2) The number of chronic absentees, as defined in Section 60901, in the school district.
 - (3) The percentage of chronic absentees, as defined in Section 60901, in the school district.
 - (4) The number of pupils in the school district referred to a school-level meeting, such as a student attendance review team or a student success team.
 - (5) The number of pupils in the school district ~~referred~~ *referred, and the reason for the referral*, to a school attendance review board meeting.
 - (6) The number of pupils referred to a school attendance review board who improved their attendance by at least 50 percent during the following semester or trimester after attending the school attendance review board meeting.
 - (7) The number of pupils and parents or guardians referred to the district attorney, city prosecutor, or probation department for mediation or prosecution following a school attendance review board meeting.
 - (8) The number of pupils and parents or guardians referred to the community services referenced in Section 48320 following a school attendance review board meeting.
 - (9) The number of pupils referred to alternative education placement following a school attendance review board meeting.
 - (10) The number of petitions to the juvenile court requested pursuant to Section 48263.
- (b) The information listed in subdivision (a) shall be disaggregated and submitted by the following subgroups:
- (1) English learner status.
 - (2) Foster youth status.
 - (3) Gender.
 - (4) Grade levels.
 - (5) Low income status.
 - (6) Race or ethnicity.
 - (7) Disability status.

(c) The county office of education shall make available on its Internet Web site, if one is available, the contents of the school attendance review board reports it receives from local school attendance review boards, or that summarize the results of those reports, or that the county office of education creates, if the county school attendance review board accepts referrals. The information shall be made available in an anonymized format that is easy for the public to access and understand.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Attorney General Kamala D. Harris 2014 Sponsored Truancy Prevention Bill Proposal
REQUIREMENT THAT ALL COUNTIES IN CALIFORNIA ESTABLISH
A SCHOOL ATTENDANCE REVIEW BOARD (AB 1643-Buchanan)

SUMMARY

This bill proposal would amend California Education Code section 48321 to require that each county in the state establish a School Attendance Review Board (SARB). Specifically, this bill provides for the following:

- Creation of a SARB for each county;
- County SARB meetings four times each year;
- Clarifies that one or more counties may collaborate to form a county SARB;
- Requires that a representative from a district attorney's office be a member of the SARB board; and
- Clarifies that SARB meetings may be conducted with two-thirds of the members present.

BACKGROUND

The California Constitution guarantees every child the fundamental right to a public school education. Yet across our state, millions of school-aged children are denied that right because they never make it to the classroom.

California compulsory education law requires everyone between the ages of six and 18 years of age to attend school, unless subject to an exception. Even so, the rates of truancy and chronic absenteeism among California elementary school students have reached epidemic proportions.

Forty years ago, the Legislature created SARBs (Ed. Code, § 48320) to enhance the enforcement of compulsory education laws and to divert students with school attendance or behavior problems from the juvenile justice system until all available resources have been exhausted. It was the intent of the Legislature in enacting this code to provide "intensive guidance and coordinated community services . . . to meet the special needs of pupils with school attendance problems or school behavior problems." (Ed. Code, § 48320.) Education Code Section 48321 provides several organizational structures for SARBs at the local and

county level to create a safety net for students with persistent attendance or behavior problems. Although the goal of SARBs is to keep students in school and provide them with a meaningful educational experience, SARBs do have the power, when necessary, to refer students and their parents or guardians to court.

SARBs help truant or recalcitrant students and their parents or guardians solve school attendance and behavior problems through the use of available school and community resources. County SARBs are convened by the county superintendent at the beginning of each school year. Currently, the formation of county or local SARBs is voluntary. In any county where no county SARB exists, a school district governing board may elect to establish a local SARB, which shall operate in the same manner and have the same authority as a county SARB. In many counties, the county SARB provides consultant services to the local SARBs.

It is currently unknown exactly how many counties in California have a SARB. However, in January 2014, the Attorney General's Office conducted research that shows out of the 55 counties that could be confirmed, 18 counties do not have a county SARB.

NEED FOR THE BILL

In September 2013, Attorney General Kamala D. Harris issued a report, entitled "In School + On Track," which examined the attendance crisis currently affecting California's youth. The findings from this report were sobering, and highlight the need for legislation that will continue to shine the light on California's truancy and chronic absenteeism rates and pave the way for improved policies and procedures to address this problem. One recommendation from the Attorney General's report was to establish an effective SARB.

An effective SARB functions as the nexus between schools, county services and law enforcement, providing an opportunity for stakeholders to collaborate and develop a pragmatic, tailored approach to

Attorney General Kamala D. Harris 2014 Sponsored Truancy Prevention Bill Proposal
REQUIREMENT THAT ALL COUNTIES IN CALIFORNIA ESTABLISH
A SCHOOL ATTENDANCE REVIEW BOARD (AB 1643-Buchanan)

preventing truancy and chronic absence. Changes to existing law are needed because California's truancy and chronic absenteeism rates are too high, and current law is not adequately addressing the problem. Absenteeism and truancy create ripple effects throughout society, affecting the public safety, health and well being of all Californians, not simply truant and absentee children.

In the 2011-2012 school year, 1.8 million K-12 students in California were truant, *i.e.*, were tardy or absent without an excuse three times. The state's overall truancy rate was 29%, or nearly 1 out of every 3 children. For elementary school students, the truancy rate was 20%, which means that one in five students had three or more unexcused absences or tardies during the school year.

More troubling, although chronic absenteeism is not currently tracked at the state level, estimates provided to the Attorney General's Office by School Innovations & Achievement reveal that in the last school year (2012-2013), more than 250,000 elementary school students were chronically absent, *i.e.*, missed 10% of the school year, whether excused or not. Nearly 83,000 elementary school students were chronically truant, *i.e.*, they missed 10% or more of the school year for unexcused absences alone. And 20,000 elementary school students missed 20% of the school year – 36 days or more – for unexcused absences.

Economic and Societal Impact of Truancy

For public school districts that are already financially challenged, the impact of truancy and chronic absence is devastating. For example, Attorney General Kamala Harris' 2013 report estimated that California school districts lost approximately \$1.4 billion in the 2010-2011 school year due to absences.

Nor can truancy's impact on California's youth be ignored. Students who miss school at an early age are more likely to struggle academically and, in later years, to drop out entirely. Lacking an education, these children are more likely to end up unemployed and at

risk of becoming involved in crime, both as victims and as offenders.

According to the California Dropout Research Project, high school dropouts disproportionately commit juvenile crime, and juvenile crimes committed by dropouts cost the state \$1.1 billion per year. Factoring in other costs, such as criminal justice costs, social and medical costs, lost income taxes and associated economic losses, one study estimates that high school dropouts cost the state \$46.4 billion a year.

Research shows that a focus on the underlying causes of truancy is crucial to eliminating barriers that prevent a child from attending school on a regular basis. Early intervention – addressing the problem in elementary school, and before it becomes severe – can help to correct attendance issues and ensure that students graduate from high school.

An effective SARB helps to increase school attendance, which, in turn, improves public safety and saves taxpayer dollars. Recognizing the importance of SARBs, the California Department of Education annually honors the work of model SARBs across the state. And comprehensive reporting of SARB statistics helps districts build on their successes.

County SARBs Provide Valuable Assistance and Oversight to Districts and Local SARBs

Requiring that all counties form a SARB will fill a void that currently exists in many counties. County SARBs can provide training, guidance, and oversight to local SARBs within a county to ensure consistency and achievement of the SARB's core mission: improved attendance. A SARB or other formal attendance program should provide broad and effective collaboration with the SARB representatives from the groups identified in California Education Code section 48321, who can combine their expertise and resources on behalf of the students referred to them. County SARBs can work with and encourage collaboration among the local SARBs and agencies in the county.

Attorney General Kamala D. Harris 2014 Sponsored Truancy Prevention Bill Proposal
REQUIREMENT THAT DISTRICTS SUBMIT ATTENDANCE-RELATED DATA TO CALPADS
AND THAT THE CDE ENHANCE CALPADS TO INCLUDE FIELDS FOR THIS DATA (AB 1866-Bocanegra)

(2012-2013), more than 250,000 elementary school students missed 10% or more of the school year. Nearly 83,000 elementary school students were chronically truant, which means they missed 10% or more of the school year for unexcused absences alone.

Data Analysis is a Crucial First Step in Identifying and Addressing Truancy and Chronic Absenteeism

Interviews with private and public stakeholders, including numerous school districts, as well as studies regarding truancy prevention, all revealed that attendance-related data – at the individual pupil level – is a powerful tool in truancy prevention and intervention. Districts overwhelmingly noted that early outreach to at-risk students – including elementary school students – before absences piled up was highly effective in preventing students from accruing more absences. The only way to know if a student is at risk, however, is to track his or her attendance.

California’s inability to track chronic absenteeism rates for its students has severely shackled the state’s attempts to identify and intervene before that student’s attendance problem becomes habitual. Indeed, the state lacks any ability to track truancy statistics beyond the initial report of truancy. Similarly, with no statewide data collection, districts welcoming new students transferring from other parts of the state are often blind to their attendance history. Finally, at the state level, it is not currently possible to determine what kinds of local early intervention programs are most effective.

District-Level and State-Level Record Collection Are Necessary

The ability of school districts to develop targeted strategies to identify and reach out to at-risk students is significantly hampered because there is no consistency in the kind of attendance records they collect, how often they collect it and in the way they review, share and analyze attendance records.

Districts that regularly monitor records identify and address changes in attendance patterns for individual students, siblings and schools in a prescient manner. Such monitoring also builds a record of efforts to

address the attendance issue, which is essential in the most serious cases in which law enforcement must intervene.

Likewise, reporting this information to the state will enable policymakers and lawmakers to develop informed truancy prevention policies, including what resources to devote to the problem. In addition, as localities explore different ways of improving attendance pursuant to their duties under the LCFF, statewide data will provide a window into what strategies have been most effective and could be replicated in other parts of the state.

SOLUTION

Elementary school truancy and absenteeism impose enormous costs not just on the individual children denied an education, but also on school districts’ budgets, the state’s economic future, law enforcement efforts and the public’s safety.

The proposed amendments will ensure that districts, policy makers and lawmakers are able to identify students at risk of becoming truant, and to identify trends in truancy, chronic truancy, habitual truancy and chronic absence rates that will aid in preventing this serious problem.

SUPPORT

Attorney General Kamala D. Harris (Sponsor)

OPPOSITION

None Known

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California
LEGISLATIVE INFORMATION

AB-1866 Pupil attendance: California Longitudinal Pupil Achievement Data System. (2013-2014)

AMENDED IN ASSEMBLY APRIL 23, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

ASSEMBLY BILL

No. 1866

Introduced by Assembly Member Bocanegra
(Coauthors: Assembly Members Bonta, Buchanan, Hall, and Holden)
(Coauthor: Senator Monning)

February 19, 2014

An act to amend Section 60901 of the Education Code, relating to pupil attendance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1866, as amended, Bocanegra. Pupil attendance: California Longitudinal Pupil Achievement Data System.

(1) Existing law establishes the California Longitudinal Pupil Achievement Data System, as provided. Existing law requires the State Department of Education, in consultation with the Department of Finance and the Legislative Analyst's Office, *and* contingent upon the receipt of federal funds, to prepare the system to include data on pupil attendance, as specified. Existing law requires the system to support local educational agencies in their efforts to identify and support pupils at risk of dropping out and *that it* be capable of issuing periodic reports to local educational agencies that include district, school, class, and individual pupil reports on the rates of absence and chronic ~~absentees, as defined~~ *absentees*.

This bill would, among other things, instead require the State Department of Education to enhance the system, as provided. The bill would require the periodic reports to local educational agencies to ~~also~~ include reports on the rates of absence, rates of chronic absenteeism and the number of chronic absentees, rates of truancy and the number of truants, rates of habitual truancy and the number of habitual truants, and rates of chronic truancy and the number of chronic truants. *The bill would delete class information from the periodic reports.* The bill would ~~revise the definition of "chronic absentee" and~~ establish a definition for "rates of absence". The bill would delete the federal funding requirement on these provisions.

(2) Existing law, once the system is prepared to accept data on a quarterly rate of pupil attendance, authorizes a local educational agency to submit data to the State Department of Education on a quarterly rate of pupil attendance, and other indicators as identified by the department.

This bill would, once the system is enhanced to accept data on pupil attendance, *authorize a local educational agency to submit the specified data to the system at any time throughout the year that meets its needs, but would* require a local educational agency to, *at a minimum*, submit *and certify* the specified data, and other indicators identified by the department, to the ~~department system~~ *at least 4 times per the end of the school year or* on dates to be determined by the department. *The bill would authorize a local educational agency to*

receive reports with the specified data disaggregated as provided. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

(3) This bill would also make conforming and nonsubstantive changes.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(5) This bill would become operative only if legislation is enacted in the 2013-14 Regular Session that establishes an annual report on elementary school truancy and chronic absenteeism, that takes effect on or before January 1, 2015.~~

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 60901 of the Education Code is amended to read:

60901. (a) The department, in consultation with the Department of Finance and the Legislative Analyst's Office, shall enhance the California Longitudinal Pupil Achievement Data System established pursuant to Section 60900 to include data on ~~a quarterly rate of pupil attendance~~ *pupil attendance, as described in subdivision (b).* The enhancement shall include all of the following:

- (1) The addition of fields to facilitate the transfer of data.
 - (2) System development activities including any business rules and definitions that would be needed to improve the quality and consistency of the data.
 - (3) Processes for the transfer of data from local educational agencies.
 - (4) Consultation with organizations representing school, school district, and county office of education administrators, classified and certified staff, and parents in order to develop the criteria and frequency of reports on pupil attendance data and other indicators as may be submitted by local educational agencies.
- (b) The system shall support local educational agencies in their efforts to identify and support pupils at risk of dropping out and shall be capable of issuing to local educational agencies periodic reports that include, but may not be limited to, district, school, ~~class,~~ and individual pupil reports for pupils in kindergarten and grades 1 to 12, inclusive, regarding:
- (1) Rates of absence.
 - (2) Rates of chronic absenteeism and the number of chronic absentees.
 - (3) Rates of truancy and the number of truants, as defined in Section 48260.
 - (4) Rates of habitual truancy and the number of habitual truants, as defined in Section 48262.
 - (5) Rates of chronic truancy and the number of chronic truants, as defined in Section 48263.6.

(c) (1) For purposes of this ~~section and~~ *section*, subdivision (d) of Section 52060, *and subdivision (d) of Section 52066*, "chronic absentee" ~~refers to a pupil who is subject to compulsory full-time education or compulsory continuation education and who is absent for 10 percent or more of the school days in a school year, as measured from the date of enrollment to the date that the data is submitted to the California Longitudinal Pupil Achievement Data System;~~ *means a pupil who is absent on 10 percent or more of the schooldays in the school year when the total number of days a pupil is absent is divided by the total number of days the pupil is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays.*

(2) For purposes of this section, "rates of absence" means the following, to be calculated as of the date that a local educational agency submits the reports required pursuant to subdivision (e), with respect to each individualized pupil record:

(A) The number of ~~school days~~ *schooldays* enrolled.

(B) The number of ~~school days~~ *schooldays* on which the pupil had an unexcused absence of more than 30 minutes but less than a full day.

(C) The number of ~~school days~~ *schooldays* on which the pupil had a full day of unexcused absence.

(D) The number of ~~school days~~ *schooldays* on which the pupil had a full day of excused absence.

(E) The number of schooldays on which the pupil was absent for a full day due to being suspended pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27, excluding the number of days on which the pupil was assigned to a supervised suspension classroom pursuant to Section 48911.1. The number of schooldays on which a pupil was absent due to being suspended shall not be considered an excused or unexcused absence pursuant to this subdivision. The sum of the number of days absent pursuant to this subparagraph and subparagraphs (C) and (D) shall equal the total unduplicated number of schooldays on which the pupil had a full day of absence.

~~(E) Whether the~~

(F) Data to determine whether the pupil has been designated a habitual truant, as defined in Section 48262.

(3) Once available, the data listed in subdivision (b) shall be incorporated into the annual report on dropouts required pursuant to Section 48070.6 and the annual report on elementary school truancy and chronic ~~absenteeism required pursuant to Section 48070.7.~~ *absenteeism, if that report has been established.*

(d) It is the intent of the Legislature to support the development *and use* of early warning systems to enable ~~the identification and support of local school districts and schools to identify~~ individual pupils who are at risk of academic failure or dropping out of school. *It is the intent of the Legislature that school districts and schools will fully utilize these early warning systems to improve the provision of intervention, prevention, communication, and education services to pupils and their families rather than to punish pupils or families. It is further the intent of the Legislature that this section is not intended to encourage additional referrals to law enforcement, complaints, petitions, prosecutions, or other serious sanctions against pupils, without first exhausting available resources.* The systems shall encompass the following characteristics:

(1) The utilization of highly predictive indicators, including attendance, course grades or completion, performance on assessments of pupil achievement, suspensions, and expulsions.

(2) A thorough validation process to ensure the predictive reliability of the systems.

(3) Periodic reports that inform principals, teachers, and parents in a manner that enables timely identification and support of individual pupils who are at risk of academic failure or dropping out.

(e) ~~(1) Once the system established pursuant to Section 60900 is enhanced to accept data on pupil attendance, a local educational agency shall may submit the data specified in subdivision (b), and other indicators as identified by the department, to the department at least four times per school year, on dates to be determined by the department. It is the intent of the Legislature that schools identified on the list of persistently lowest-achieving schools will fully utilize the early warning systems described in subdivision (d).~~ *paragraph (2) of subdivision (c) to the system at any time throughout the year that meets its needs, but a local educational agency shall, at a minimum, submit and certify the data specified in paragraph (2) of subdivision (c), and other indicators as identified by the department, to the system at the end of the school year or on dates to be determined by the department. The report shall include the numbers and rates specified in subdivision (b).*

(2) A local educational agency may receive reports that reflect the numbers and rates specified in subdivision (b). A local educational agency shall be able to view the submitted data in a format disaggregated by subgroups, including race or ethnicity, gender, disability status, English learner status, foster youth status, and free or reduced-price meal status.

~~(f) A local educational agency that reports attendance data for pupils to the system established pursuant to Section 60900 may request, and the department shall provide, the early warning report described in subdivision (d) up to four times each school year.~~

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SEC. 3. This act shall become operative only if legislation is enacted in the 2013-14 Regular Session that establishes an annual report on elementary school truancy and chronic absenteeism that takes effect on or before January 1, 2015.~~

Attorney General Kamala D. Harris 2014 Sponsored Truancy Prevention Bill Proposal

COLLABORATION BETWEEN PROSECUTING AUTHORITIES AND ENTITIES MAKING TRUANCY REFERRALS (AB 2141-Hall & Bonta)

SUMMARY

This bill proposal would add a new statute to the California Education Code that would enhance communication regarding truancy cases referred for mediation and prosecution so that school districts, superintendents, School Attendance Review Boards (SARBs), the Superintendent of Public Instruction and the Attorney General can develop effective truancy prevention and intervention strategies by reviewing and analyzing the outcomes of these types of referrals. Specifically, it would:

- Provide the referring agency with the outcome of any referral for truancy-related mediation and/or prosecution;
- Require any referring agency to provide mediation and/or prosecution information to the county superintendent after completion of the truancy matter; and
- Require that information about truancy mediation and/or prosecution be made available (in anonymized format) to the Attorney General from the district attorney or probation officer upon request.

BACKGROUND

The California Constitution guarantees every child the fundamental right to a public school education. Yet across our state, millions of school-aged children are denied that right because they never make it to the classroom. California is facing an attendance crisis, with dire consequences for our economy, our safety, and our children. California's compulsory education law requires everyone between the ages of six and 18 years of age to attend school unless subject to an exception. Truancy and excessive absenteeism are not new problems and they cause costly, long-term problems for the students, schools, and the community.

Forty years ago, the Legislature created SARBs to enhance the enforcement of compulsory education and

to divert students with attendance or behavior problems away from the juvenile justice system until all available resources have been exhausted. Although the goal of SARBs is to keep students in school and provide them with a meaningful educational experience, SARBs also have the power, when all else fails, to refer truant students or parents to law enforcement for mediation, or, in the most severe cases, prosecution.

Teachers, schools, districts, and SARBs work hard to ensure that students with excessive absences are returned to the classroom. When all previous intervention steps have failed despite best efforts, referral to a district attorney or probation officer for mediation and even prosecution of the most severe cases of truancy can provide an effective forum in which to identify and remove barriers to attendance, including mental and physical health challenges, substance abuse, and housing and financial instability.

In all cases, district attorneys and probation officers should maintain a focus on finding and addressing the root causes of truancy and getting children back to school. Based upon our research, even after receiving a referral for prosecution, the most successful district attorney-led truancy programs use their legal authority as a tool to bring families to the table and work with them to ensure the pupil consistently attends school.

NEED FOR THE BILL

To ensure that each child is achieving the promise of a public education, legislation is necessary to enable the referring agency to track and evaluate the outcomes of the referrals it makes to law enforcement authorities in truancy cases, whether for mediation or the last resort of prosecution.

Economic and Societal Impact of Truancy

For public school districts that are already financially challenged, the impact of truancy and chronic absence is devastating. For example, Attorney General Harris'

Attorney General Kamala D. Harris 2014 Sponsored Truancy Prevention Bill Proposal
COLLABORATION BETWEEN PROSECUTING AUTHORITIES AND ENTITIES MAKING TRUANCY REFERRALS (AB 2141-Hall & Bonta)

2013 report "In School + On Track," estimated that California school districts lost approximately \$1.4 billion in the 2010-2011 school year due to absences.

In the 2011-2012 school year, 1.8 million K-12 students in California were truant (*i.e.*, had three unexcused absences or tardy in excess of 30 minutes during the school year). The state's overall truancy rate was 29%, or nearly 1 out of every 3 children. More troubling, although chronic absenteeism is not currently tracked at the state level, unofficial private estimates reveal that in the last school year (2012-2013), more than 250,000 elementary school students were chronically absent, *i.e.*, were absent 10% of the year, whether or not excused.

Truancy's impact on California's youth cannot be ignored. Students who miss school at an early age are more likely to struggle academically and, in later years, to drop out entirely. Lacking an education, these children are more likely to end up unemployed and at risk of becoming involved in crime, both as victims and as offenders.

Law Enforcement's Role in Truancy Reduction

According to the California Dropout Research Project, high school dropouts disproportionately commit juvenile crime, and juvenile crimes committed by dropouts cost the state \$1.1 billion per year. Factoring in other costs, such as criminal justice costs, social and medical costs, lost income taxes and associated economic losses, one study estimates that high school dropouts cost the state \$46.4 billion a year.

Law enforcement plays an important role in truancy prevention in a multitude of ways. For example, peace officers often conduct home visits, representatives from the law enforcement community and probation department serve on SARBs, and truancy cases are referred to mediation, diversion, and prosecution programs that are implemented by district attorneys and probation officers.

By staying in school – even for one additional year – a young person's risk of becoming involved in criminal activity decreases. A study by Fight Crime: Invest in Kids estimates that an increase in graduation rates by 10 percentage points would result in a 20% drop in violent crime, and prevent 500 murders and more than 20,000 aggravated assaults per year in California.

Criminal justice statistics from California underscore that truant students and high school dropouts are also much more likely to be the victims of crime:

- 94% of San Francisco's homicide victims under the age of 25 were high school dropouts.
- 76% of homicide victims aged 18-25 who attended school in San Bernardino County were high school dropouts.

Attorney General Harris' report further revealed that prosecutors' offices all over the state vary as to whether they conduct truancy mediations and/or accept truancy prosecution referrals at all, or limit referrals to older students. The goal is to convene families with children of all ages with educators and law enforcement to develop solutions to the underlying problem so that children can stay in school and on track from kindergarten through high school.

Data Collection is Essential to Evaluate Trends and the Efficacy of Referrals for Mediation and Prosecution

Currently, when a truancy case is referred for mediation or prosecution of a parent, guardian, or student, there is no obligation by the agency receiving the referral to provide information about the outcome of the referral.

In interviews conducted in preparation for the Attorney General's September 2013 report, several school districts reported that they are unable to determine what happened to the pupil after the student and/or parent was referred to one of these law enforcement agencies. Absent information, some districts assumed nothing was done with their referral, even though in many cases law enforcement engaged in significant intervention efforts. Districts further reported that

Attorney General Kamala D. Harris 2014 Sponsored Truancy Prevention Bill Proposal
COLLABORATION BETWEEN PROSECUTING AUTHORITIES AND ENTITIES MAKING TRUANCY REFERRALS (AB 2141-Hall & Bonta)

having this information would assist them in their future truancy prevention efforts, not just with that student, but also in evaluating the efficacy of their own truancy intervention programs, including whether the pupil's attendance has improved after law enforcement intervention.

Collecting this information at the county superintendent level can assist educators and law enforcement with developing a county-wide uniform system for truancy-related interventions. And, having information regarding outcomes at every level of the truancy prevention and intervention process will make it much easier to evaluate these efforts and develop best practices across the board.

The type of information provided by the prosecuting agency need not be overly detailed, but merely a "status report" to allow the referring agency to have a better understanding of what happens to a case after referral. As proposed, the information can be provided to the referring agency using the most cost effective method available such as in an email, a letter, or merely by forwarding a minute order from the court. In our discussions with some district attorneys, this practice is already implemented, at minimal cost to the district attorney's office. But this practice is not consistent throughout the state despite the great value to the referring agency in having this information.

Additionally, requiring county superintendents to collect information regarding truancy prosecutions on a county level would assist district attorneys in prosecuting cases. For example, one county office of education reported that it handles all of the truancy-related interventions from all of the local SARBs in order to ensure uniformity of the documentation sent to the district attorney. Additionally, some districts and county offices of education have banded together to fund truancy prosecutions and mediations conducted by the district attorney. In one county, the board of supervisors voted to allocate about \$170,000 to fund positions within the district attorneys' office to handle truancy matters from the SARB to prosecution levels.

Finally, it is important for the Attorney General to be able to collect data, in anonymized format, on law enforcement-related truancy interventions in order to evaluate them on a statewide level. The information will also assist the Attorney General in preparing future reports on truancy and chronic absenteeism and places no additional burdens on district attorneys or other prosecutors than that which is already required by California Const. Art. V, section 13 (prosecuting authorities must provide the Attorney General with any report requested regarding its prosecutions).

SOLUTION

This proposal will open the lines of communication between law enforcement agencies that mediate/prosecute truancy cases and the schools, districts, SARBs, or other agencies that refer the case for mediation/prosecution. In doing so, it will provide valuable information to help develop intervention and prevention strategies. Ideally, prosecutors will handle fewer cases each year because the intervention steps preceding mediation and prosecution would become more effective as better collaboration and information on intervention and prevention strategies are shared between these stakeholders.

SUPPORT

Attorney General Kamala D. Harris (Sponsor)

OPPOSITION

None Known

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California
LEGISLATIVE INFORMATION

AB-2141 Pupil attendance: truancy: referrals for prosecution. (2013-2014)

AMENDED IN ASSEMBLY APRIL 07, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

ASSEMBLY BILL

No. 2141

Introduced by Assembly Members Hall and Bonta
(Coauthors: Assembly Members Bocanegra, Buchanan, and Holden)
(Coauthor: Senator Monning)

February 20, 2014

An act to add Section 48297 to the Education Code, relating to pupil attendance.

LEGISLATIVE COUNSEL'S DIGEST

AB 2141, as amended, Hall. Pupil attendance: truancy: referrals for prosecution.

Existing law defines a truant as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse 3 full days in one school year, or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof. Existing law provides that a pupil who is required to be reported as a truant is subject to specified penalties for the first to 4th instances that a truancy report is issued to a pupil, and, under certain circumstances, he or she may be judged a ward of the juvenile court. Existing law provides that a parent, guardian, or other person having control of or charge of any pupil who is a truant or chronic truant is guilty of, among other things, an infraction and subject to specified penalties for the first to 3rd or subsequent convictions.

Existing law provides that any minor pupil who is a habitual truant, is irregular in attendance at school, or is habitually insubordinate or disorderly during attendance at school may be referred to a school attendance review board or to the probation department for services if the probation department has elected to receive these referrals. Existing law, under specified circumstances, authorizes a school attendance review board to notify the district attorney or the probation officer, or both, if the district attorney or the probation officer has elected to participate in a truancy mediation program, as specified. Existing law, under specified circumstances, also authorizes a school attendance review board or probation officer to direct the county superintendent of schools to request a petition on behalf of the pupil in the juvenile court of the county.

This bill would require a state or local authority conducting a truancy-related mediation or prosecuting a pupil or a pupil's parent or legal guardian pursuant to these provisions, among others, to provide the pupil's school district, school attendance review board, county superintendent of schools, probation department, or any other agency that referred the truancy-related mediation, criminal complaint, or petition with the outcome of each referral, as specified. The bill would require those agencies to, at the end of the school year, provide the county superintendent of schools with a report regarding the information they received. The bill would require a state

or local mediating or prosecuting authority to also provide the information in anonymized format to the Attorney General upon request. By imposing additional duties on local officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 48297 is added to the Education Code, to read:

48297. (a) (1) A state or local authority conducting a truancy-related mediation or prosecuting a pupil or a pupil's parent or legal guardian pursuant to Article 5 (commencing with Section 48260), this article, Section 48454, Section 270.1 or 272 of the Penal Code, or Section 601 of the Welfare and Institutions Code, as applicable, shall provide, using the most cost-effective method possible, including, but not limited to, by electronic mail or telephone, the school district, school attendance review board, county superintendent of schools, probation department, or any other agency that referred a truancy-related mediation, criminal complaint, or petition with the outcome of each referral. *For purposes of this section, "outcome" includes, but is not limited to, the act or action taken by a state or local authority with respect to a truancy-related mediation, prosecution, criminal complaint, or petition and the effect of that act or action on the pupil during the semester or trimester following the referral.*

(2) This subdivision shall apply to, but is not limited to, the referrals referenced in Article 5 (commencing with Section 48260), this article, Section 48454, Sections 270.1 and 272 of the Penal Code, and Sections 601, 601.2, and 601.3 of the Welfare and Institutions Code.

(b) A state or local agency conducting a truancy-related mediation or prosecuting a pupil or a pupil's parent or legal guardian pursuant to Article 5 (commencing with Section 48260), this article, Section 48454, Section 270.1 or 272 of the Penal Code, or Section 601 of the Welfare and Institutions Code, as applicable, shall, upon request, provide the Attorney General with the information specified in subdivision (a) in anonymized format.

(c) A school district, school attendance review board, probation department, or any other agency that refers a truancy-related mediation, a criminal complaint, or petition for prosecution pursuant to Article 5 (commencing with Section 48260), this article, Section 48454, Section 270.1 or 272 of Penal Code, or Section 601 of the Welfare and Institutions Code, as applicable, shall, at the end of each school year, provide the county superintendent of schools with a report regarding the information it receives pursuant to subdivision (a).

(d) It is the intent of the Legislature to determine the best evidence-based practices to reduce truancy. Nothing in this section is intended to encourage additional referrals, complaints, petitions, or prosecutions, or to encourage more serious sanctions for pupils.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SB 1107 (Monning)

TRUANCY PREVENTION: THE ATTORNEY GENERAL'S ANNUAL REPORT ON TRUANCY AND CHRONIC ABSENTEEISM IN ELEMENTARY SCHOOL SPONSORED BY CALIFORNIA ATTORNEY GENERAL KAMALA D. HARRIS

highlight the need for early interventions, before children have already missed out on years of schooling.

Statistics alone, however, are not enough to combat chronic absenteeism and truancy in elementary school and prevent high school dropouts. Districts and policymakers, and those in law enforcement trying to prevent truancy, need to learn about intervention strategies that are – and are not – working. There is currently no central depository for this information, and the Attorney General is in the unique position of being able to pull together truancy prevention best practices from the dual perspective of educators and law enforcement. The Attorney General's annual report would collect this information and make it available to the public and stakeholders to guide them in their truancy intervention and prevention policies.

CHRONIC ABSENTEEISM AND TRUANCY ARE PERVASIVE AMONG ELEMENTARY SCHOOL STUDENTS

The levels of truancy (three unexcused absences or tardies within a school year) and chronic absenteeism among California's elementary school children have reached epidemic proportions. In the 2011-2012 school year, for example, 1.8 million K-12 students in California were truant. 38% of those truant students, or 691,470 students, were in elementary school. The truancy rate for students K-12 in 2011-2012 was 29%. For elementary school students, the truancy rate was 20%. Most recently, the estimated truancy rate for elementary school students in California for the 2012-2013 school year was 29.6%.

Although chronic absenteeism is not currently tracked at the state level, estimates provided to the Attorney General's Office by School Innovations & Achievement reveal that in the last school year (2012-2013), more than 250,000 elementary school students were chronically absent. Nearly 83,000 elementary school students were chronically truant, *i.e.*, they missed 10% or more of the school year due to unexcused absences alone. Finally, 20,000 elementary school students missed 20% of the school year -- 36 days or more -- for unexcused absences.

TRUANCY AND CHRONIC ABSENTEEISM HAVE DEVASTATING CONSEQUENCES FOR INDIVIDUAL STUDENTS AND SOCIETY

Excessive absenteeism results in stunted academic achievement, higher dropout rates, increased crime, lost revenue for school districts, and economic losses for the entire state.

Truant and Chronically Absent Students are at Higher Risk of Dropping Out of School, Which Imposes High Costs on Society

Beyond the impact on academic achievement, chronic absenteeism in elementary school has a direct correlation to dropout rates. A 2012 study identified chronic absenteeism as one of the strongest predictors of dropping out, even more so than suspensions, test scores or whether a student is older than his or her classmates.

High school dropouts are both a financial drain and a public safety risk. High school dropouts disproportionately commit juvenile crime, and juvenile crimes committed by dropouts cost the state of \$1.1 billion per year, according to the California Dropout Research Project. Factoring in other costs, such as criminal justice costs, social and medical costs, lost income taxes and associated economic losses, the California Dropout Research Project estimates that high school dropouts cost the state \$46.4 billion a year.

Truancy Impacts Public Safety

The link between truancy, high school dropouts, and crime cannot be ignored. Indeed, according to the California Department of Education, truancy is the single most powerful predictor of juvenile delinquent behavior. Shockingly, 82 percent of prisoners in the United States are high school dropouts.

By staying in school – even for one additional year – a young person's risk of becoming involved in criminal activity decreases. A study by Fight Crime: Invest in Kids

SB 1107 (Monning)

TRUANCY PREVENTION: THE ATTORNEY GENERAL'S ANNUAL REPORT ON TRUANCY AND CHRONIC ABSENTEEISM IN ELEMENTARY SCHOOL SPONSORED BY CALIFORNIA ATTORNEY GENERAL KAMALA D. HARRIS

estimates that an increase in graduation rates by 10 percentage points would result in a 20% drop in violent crime, and prevent 500 murders and more than 20,000 aggravated assaults per year in California.

Criminal justice statistics from California underscore that truant students and high school dropouts are also much more likely to be the victims of crime:

- 94% of San Francisco's homicide victims under the age of 25 were high school dropouts.
- 76% of homicide victims aged 18-25 who attended school in San Bernardino County were high school dropouts.

Truancy Takes a Heavy Toll on School District Budgets

Finally, for public school districts that are already financially challenged, the impact of truancy and chronic absence is devastating. The state's attendance-based school funding formula means that districts with low Average Daily Attendance (ADA) lose millions of dollars every year in state funds. According to our estimates, school districts lost approximately \$1.4 billion in the 2010-2011 school year due to student absences.

THE ATTORNEY GENERAL IS UNIQUELY POSITIONED TO REPORT ANNUALLY ON TRUANCY AND CHRONIC ABSENTEEISM RATES AND INTERVENTION STRATEGIES

Truancy prevention has long been a focus of efforts by the Attorney General's Office to decrease crime and juvenile delinquency. Indeed, in 1983, then-Attorney General Van de Kamp brought together educators and staff members of the Department's Crime Prevention Center together as partners in an effort to reduce truancy. In addition to the Attorney General's longstanding efforts to encourage collaboration between the law enforcement community and schools, vital stakeholders in the state's truancy prevention efforts, the Attorney General has regularly reported on criminal justice statistics, including truancy offenses, as part of its annual reporting requirements. (See

<http://oag.ca.gov/sites/all/files/agweb/pdfs/cisc/publications/misc/jj11/preface.pdf>)

As California's chief law enforcement officer, the Attorney General is uniquely positioned to play a role in addressing California's attendance crisis, both because the law enforcement community plays a pivotal role in truancy prevention and intervention, and because the link between elementary school truancy and dropout rates, and the link between dropout rates and crime, cannot be ignored.

SOLUTION

As the chief law officer of the state, the Attorney General is in a unique position to study the impacts of truancy on crime rates and our criminal justice system; to collaborate with law enforcement, educators and other stakeholders throughout the state to develop long-standing and effective truancy prevention strategies; and to provide best practices that take into account all the various aspects of the truancy prevention spectrum.

SB 1107 would require the Attorney General to report on rates and prevention strategies at every stage in the truancy prevention process, from initial truancy notifications to the SARB referrals to district attorney led mediations and, when all else fails, prosecutions. This report will be a valuable resource for stakeholders seeking information on chronic absenteeism rates, as well as best practices and recommendations for improving intervention strategies at all levels.

SUPPORT

Attorney General Kamala D. Harris (Sponsor)

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SB 1107 (Monning)

TRUANCY PREVENTION: THE ATTORNEY GENERAL'S ANNUAL REPORT ON TRUANCY AND CHRONIC ABSENTEEISM IN ELEMENTARY SCHOOL SPONSORED BY CALIFORNIA ATTORNEY GENERAL KAMALA D. HARRIS

SUMMARY

SB 1107, authored by Senator Monning, would require the Attorney General to report annually on truancy and chronic absenteeism in California's elementary schools. Specifically, SB 1107 would require the Attorney General's Office to report on the following regarding pupils in grades K-5:

- Truancy, chronic truancy, and habitual truancy rates;
- Chronic absenteeism rates;
- Information regarding truancy prevention and intervention efforts at the school, district and county level, including truancy notifications to parents/guardians, referrals to school attendance review boards (SARs), referrals to outside community-based agencies and referrals to the district attorney for prosecution of truancy cases;
- Information regarding the outcome of prosecutions, mediation or diversion programs, or whether the prosecuting authority has declined to prosecute; and
- Trends, best practices and recommendations regarding truancy prevention policies.

BACKGROUND

The California Constitution guarantees every child the fundamental right to a public school education. Yet across our state, millions of school-aged children are denied that right because they never make it to the classroom. The rates of truancy and chronic absenteeism among California elementary school students have reached epidemic proportions.

As the chief law officer of the state, it is one of the Attorney General's Constitutional duties to see that all state laws are uniformly and adequately enforced, and that all Californians get the benefit of their rights. In September 2013, Attorney General Kamala D. Harris issued a report, entitled "In School + On Track," which examined the attendance crisis currently affecting California students. The findings from this report were

sobering, and highlight the need for legislation that will continue to shine the light on California's truancy and chronic absenteeism rates and pave the way for improved policies and procedures to address this problem.

The Attorney General's report marshaled data from school districts, counties, the California Department of Education, the law enforcement community and other public and private stakeholders regarding truancy rates in California's elementary schools. It also reported on numerous studies regarding the complex causes of truancy and chronic absenteeism, the deleterious effects truancy and chronic absenteeism have on individual students, and the effects on society as a whole, including district budgets, the state's economy, and public safety.

NEED FOR THE BILL

SB 1107 would compliment current law, which requires the Superintendent of Public Instruction to issue an annual report on dropout and graduation rates, which focuses on middle and high school. (Ed. Code, § 48070.6.)

The Attorney General's 2013 report was the first of its kind from a California state attorney general and highlighted the need for an ongoing analysis of truancy and absenteeism rates in elementary schools, as well as intervention strategies at every step of the truancy prevention process, including the important role of law enforcement to assist in the intervention process in order to prevent truancy and ultimately avoid prosecution. Critical analysis of the truancy and chronic absence problem involves compiling the truancy and chronic absentee rates of those students while in elementary school and the analyzing the complex family dynamics that negatively impact those rates. One of the most reliable predictors of whether a student will fail to graduate from high school is whether the student is chronically absent, *i.e.*, missing ten percent of the school year for any reason. Accordingly, the Attorney General's proposed annual report will study truancy and chronic absenteeism rates in elementary school to



California
LEGISLATIVE INFORMATION

SB-1107 Pupil attendance: Attorney General report: truancy. (2013-2014)

AMENDED IN SENATE APRIL 21, 2014

AMENDED IN SENATE APRIL 03, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

SENATE BILL

No. 1107

Introduced by Senator Monning

February 19, 2014

An act to add Section 48070.7 to the Education Code, relating to pupil attendance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1107, as amended, Monning. Pupil attendance: Attorney General report: truancy.

(1) Existing law authorizes the establishment of county and local school attendance review boards, and provides that any minor pupil who is a habitual truant, is irregular in attendance at school, or is habitually insubordinate or disorderly during attendance at school may be referred to a school attendance review board. Existing law requires the governing board of a school district to adopt rules and regulations to require the appropriate officers and employees of the district to gather and transmit to the county superintendent of schools the number and types of referrals to school attendance review boards and of requests for petitions to the juvenile court.

This bill would, subject to available funding, on or before September 30, 2015, and annually thereafter, require the Attorney General and the State Department of Education to jointly submit a report on elementary school truancy and chronic absenteeism in California public schools to the Governor, the Legislature, and to the State Board of Education, as specified. The bill would require the report to include information on pupils in kindergarten and grades 1 to 5, inclusive, including, among other things, attendance-related data and information regarding truancy prevention and intervention efforts by local educational agencies, as defined, or county or local prosecuting authorities, as specified. The bill would, upon the request of the Attorney General or the department, require county and local prosecuting authorities or local educational agencies, respectively, to provide the Attorney General or the department with specified information in anonymized format. By imposing additional duties on local agencies, the bill would impose a state-mandated local program.

(2) Existing law requires the Superintendent of Public Instruction to coordinate and administer a state school attendance review board, as provided. Existing law requires the Superintendent to convene the state school attendance review board at least 4 times during the year. Existing law requires the state school attendance review board to, among other things, make recommendations annually to the Superintendent, and to other state agencies as deemed appropriate, regarding the needs and services provided to high-risk youth, including youth with school attendance or behavioral problems, in the state public schools.

This bill would require the state school attendance review board to annually discuss the report jointly submitted by the Attorney General and the department at a regularly scheduled meeting. The bill would authorize the state school attendance review board to provide recommendations based on the report.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(4) This bill would specify the intent of the Legislature in enacting these provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *The Legislature finds and declares both of the following:*

(a) It is intent of the Legislature to determine the best evidenced-based practices to reduce truancy.

(b) Nothing in this act is intended to encourage additional referrals, complaints, petitions, prosecutions, or other serious sanctions for pupils.

~~SECTION 1.~~ **SEC. 2.** Section 48070.7 is added to the Education Code, to read:

48070.7. (a) Subject to available funding, on or before September 30, 2015, and annually thereafter, the Attorney General and the department shall jointly submit a report to the Governor, the Legislature, and the state board on elementary school truancy and chronic absenteeism in California public schools. The Attorney General and the department shall utilize data produced by the California Longitudinal Pupil Achievement Data System pursuant to Section 60900 and other available data in developing the report.

(b) The report required by subdivision (a) shall include, but is not limited to, all of the following ~~information~~ *information, if available*, regarding pupils in kindergarten and grades 1 to 5, inclusive, for the school year with the most recent available data, including comparisons with the prior school year:

(1) Attendance-related data, as described in subdivision (c) of Section 60901.

(2) Information regarding truancy prevention and intervention efforts by local educational agencies, or county or local prosecuting authorities, including, but not limited to, all of the following:

(A) Information regarding the notifications required by subdivision (a) of Section 48260 and Sections 48260.5 and 48261.

(B) Information regarding the activities of county and local school attendance review boards established pursuant to Section 48321.

(C) Information regarding the outcomes of prosecutions and mediation or diversion programs for pupils who are truant or who have irregular attendance, or whether the prosecuting authority declined to prosecute referrals of those pupils.

(3) An ~~analysis, if data is available,~~ *analysis* of whether local educational agencies are complying with the requirements of subdivision (a) of Section 48260 and Sections 48260.5, 48261, and 48273, as applicable.

(c) For purposes of this section, "local educational agency" means a school, charter school, county office of education, school district, or county or local school attendance review board.

(d) (1) Upon the Attorney General's request, county and local prosecuting authorities shall provide the Attorney General the information and analysis described in paragraphs (2) and (3) of subdivision (b) in anonymized format.

(2) Upon the department's request, local educational agencies shall provide the department the information and analysis described in paragraphs (2) and (3) of subdivision (b) in anonymized format.

(e) (1) The requirement for submitting a report imposed under subdivision (a) is inoperative on September 30, 2019, pursuant to Section 10231.5 of the Government Code.

(2) A report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(f) The state school attendance review board, established pursuant to Section 48325, shall annually discuss the report submitted pursuant to subdivision (a) during a regularly scheduled meeting. The state school attendance review board may provide recommendations based on the report, as appropriate.

SEC. 2. SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.