



Alameda County District Attorney's Truancy and Attendance Program



Alameda County District Attorney's Office

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The booklet is also available online at: atschool.alcoda.org

2014 - 2015

Welcome to the 2014/2015 school year. The District Attorney's Office creates this handbook at the start of each school year. We attempt to update the materials every year to keep current with any changes in the law and to reflect suggestions and input from our education partners.

As of the writing of this edition, multiple bills directly addressing aspects of the Education Code are pending in Sacramento. As changes are made in the law, the on-line version of this handbook will be corrected and updated

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WHAT IS NECESSARY TO FILE

In Alameda County, we have three distinct tracks for Truancy Cases:

Parent/Guardian Charged with an Education Code Infraction

Parent/Guardian Charged with a Misdemeanor Offense

Minor Placed in Truancy Mediation and/or Juvenile Court

For Ed. Code infraction cases filed in Adult or Juvenile cases placed into Juvenile Court, specific conditions must exist:

1. The minor is an “habitual truant” as defined in California Education Code Sections 48260, 48261 and 48262, and
2. The minor/parents/guardian failed to follow the directives of the School Attendance Review Board

Parent/Guardian charged with Misdemeanor

1. The minor is a “Chronic Truant” (as defined in California Education Code Section 48263.6) and is six years of age or older and in K-8.
3. The minor/parents/guardian failed to follow the directives of the School Attendance Review Board

WHAT HAPPENS WHEN THE CASE IS REFERRED TO THE DISTRICT ATTORNEY’S OFFICE

I. WHEN PARENTS VIOLATE THE COMPULSORY EDUCATION LAWS

Education Code Section 48293 violation is filed in Superior Court.

1. This charge is an infraction.
2. The parents are entitled to a court trial if they want to contest the charges.
3. The legal consequences to the parent include a fine up to \$500 and/or parenting classes and counseling.
4. There is no jail time for this violation.

OR

Penal Code Section 270.1 violation is filed.

1. This charge is a misdemeanor.
2. Procedures for Truancy Court established by P.C. sec 270.1 shall be adhered to.
3. The parent/defendant is entitled to a jury trial if they want to contest the charges.
4. The legal consequences to the parent include a fine not exceeding \$10,000 or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

II. WHEN SECONDARY SCHOOL STUDENTS ARE HABITUALLY TRUANT AND VIOLATE DIRECTIVES OF SARB

The student and parent will be ordered to attend a mediation hearing with representatives from the Probation Department and the District Attorney's Office.

1. The mediation will take place at the Juvenile Justice Center.
2. A Deputy Probation Officer and a Deputy District Attorney will be present.
3. Case Managers will be present when appropriate.
4. A Case Plan will be created and implemented that will include school visits, home visits, counseling, and/or tutoring as deemed appropriate.
5. The student's attendance will be monitored by Probation. The student and parent will return to the mediation hearing room for progress reports throughout the following year.

If the student continues to have poor attendance, a petition pursuant to Welfare and Institutions Code Section 601 will be filed in Juvenile Court and the student and parent will be ordered to appear. Once on formal probation, students will be monitored for a minimum of one school year by the Presiding Judge of Juvenile Court.

WHAT IS INVOLVED IN PROVING THE STUDENT IS AN "HABITUAL TRUANT"

The following must exist (for either Parent Truancy or Student Truancy cases):

1. The student was absent from school without a valid excuse for three days (E.C. 48260) (or was tardy or absent for more than any 30 minute period during one school day without a valid excuse on each of the three days, or any combination thereof.) The student is now deemed a truant. ("Truancy #1)
2. Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or guardian, by using the most cost-effective method possible, which may include electronic mail or a telephone call. (E.C. 48260.5)
3. The student who had once been reported as a truant and who was again absent from school without a valid excuse on one or more days, or tardy on one or more days (30+ minutes), shall again be reported as a truant. (E.C. 48261) (Truant Days 2 and 3).
4. The student who had been reported as a truant three or more times per school year is deemed an habitual truant. (E.C. 48262).
5. A "conscientious effort" was made to hold a conference with the parent and student (E.C. 48262)

Once 1 through 5 are established, then the student is an habitual truant within the definition of Education Code Section 48262.

The student and parent can then be referred to the SARB (see below)

NOTE: STEPS ONE THROUGH FIVE AS WELL AS THE SARB HEARING MUST TAKE PLACE WITHIN ONE SCHOOL YEAR!

WHAT IS NECESSARY TO PROVE THE STUDENT IS A “CHRONIC TRUANT”

1. The student was absent from school without a valid excuse for ten percent or more of the school days in one school year, from the date of enrollment to the current date, provided that the appropriate school district officer or employee has complied with EC sections 48260, 48260.5, 48261, 48262, 48263, and 48291.

WHAT IS INVOLVED IN PROVING THE STUDENT/PARENT FAILED TO FOLLOW THE DIRECTIVES OF SARB

The following must exist:

If the student and parent attended SARB:

1. SARB contract.
2. Violations after the date of the SARB hearing.

If the student and parent failed to attend SARB:

1. Copies of the notification letters of the SARB meeting(s).
2. Documentation or witnesses to show student/parent did not attend.
3. Violations after the SARB date.
- 4.

WE REPEAT THAT THE PROCESS, BEGINNING WITH THE FIRST NOTIFICATION OF TRUANCY THROUGH THE FINAL STEP OF THE SARB HEARING MUST TAKE PLACE WITHIN ONE SCHOOL YEAR IN ORDER FOR A CASE TO BE FILED IN COURT

WITNESSES NECESSARY FOR COURT

Person(s) who can testify from *first-hand* knowledge to the following:

1. The identity of the minor and/or the parent who is in court.
2. There were no valid excuses for any of the alleged unexcused absences.
3. Absences alleged were reported to the parents as mandated by the Education Code.
4. Efforts were made at the appropriate time to address the absenteeism.
5. SARB hearing and SARB directives.
6. All school and district level efforts have failed to correct the truancy problem.

REFERRAL DOCUMENTATION



DISTRICT ATTORNEY REFERRAL

Pupil: _____

School District: _____

School: _____

Interpreter required: _____ Spanish? _____ Other? _____

REQUIREMENTS

The items below are necessary for a referral to the District Attorney. The copies must be clear and legible.

- _____ District Attorney Truancy Referral
- _____ Narrative summary of problem
- _____ Letter sent on first truancy and all subsequent letters
- _____ Notification letters for SARB hearing and SARB contracts (even if unsigned)
- _____ Attendance printout – computer
- _____ Witness List (include all current addresses and phone numbers)

DISTRICT LETTERHEAD

Date _____

To: Alameda County District Attorney

From: _____ (District Contact Person)

Phone: _____

Student and Family Information

Name	DOB	Sex	Grade	School
Address (Number/Street/City/Zip)				
Father/Stepfather	DOB	Address		Phone
Mother/Stepmother	DOB	Address		Phone
Guardian	DOB	Address		Phone

Attendance Pattern and Summary

Current Year # days ____/180

Previous Year 180 days

Full days Attended	Partial days attended (tardy or left early)	Full Days absent w/excused reason	Full Days absent w/o excused reason		<i>Days Attended</i>	<i>Full Days Absent</i>	<i>Full Days Truant</i>

Truant and Habitual Truant Notification

	Date Truancy letter mailed/delivered
1 st truancy notification	
2 nd truancy notification	
3 rd truancy notification	
4 th truancy notification	

School Site Meeting With Parent/Guardian

Pursuant to E.C. 48262, a conference with the parent/guardian of the student and the student and an “appropriate district employee” was scheduled for _____

Date

Date and mode of notification to parent/guardian (i.e. letter, phone call etc.)

Outcome: Attended ____ Yes ____ No

School Attendance Review Board Findings

SARB Hearing held on: _____

Date

Date and mode of notification (i.e. letter, phone call etc.) _____

Outcome: Attended ____ Yes ____ No

Contract: Signed ____ Yes ____ No

I certify under penalty of perjury under the laws of the State of California that the foregoing information is correct.

Signature of SARB Chairperson

Date

SAMPLE—NARRATIVE SUMMARY #1

PREPARED BY _____

Referral Narrative Sample #1

Student Name: Mary Jones

Date of the Referral: XXXX

Mary Jones is a 2nd grade student at Innovation Elementary School. Mary's chronic truancy began as a 1st grade student missing 16 days unexcused and being tardy more than 30 minutes 4 times. As a second grade student Mary's chronic truancy has worsened by missing 21 days of school unexcused and leaving school more than 30 minutes early unexcused.

The issues surrounding Mary's truancy is the mother's, Ms. Sharon Jones, lack of communication with the school, the mother's inability to leave her daughter to school every day, on-time, and Ms. Jones' combative attitude towards attempts to find out why her children are not in school.

While Ms. Jones sometimes communicates with the school to excuse absences for medical reasons, there are numerous times when Ms. Jones fails to communicate with Innovation Elementary as to why her daughter is absent. On 2/9/2011, Ms. Bay, the school nurse, spoke with Ms. Jones to see if there were any serious medical conditions with Mary. According to the notes, Ms. Jones insisted that the student is only out due to medical reasons, however, she refused to sign a medical release of information form allowing the school nurse to communicate with the doctor to develop a plan for improved attendance.

During the SARB hearing on 4/10/2013, Ms. Jones never took responsibility for her daughter's attendance. Ms. Jones blamed the doctor's office saying that they should have faxed a doctor's absence note to the school. Ms. Jones blamed the school for not receiving the faxes and stated that saying she does call the school and leaves messages but the school does not record them. Ms. Jones even blamed Mary saying that the student is sickly. Several times during the hearing, Ms. Jones stated, "I'm leaving...I'm leaving I don't need to hear any of this," but was convinced by the SARB panel to stay.

On 6/11/13, CWA Outreach Worker had a conversation with Ms. Jones about the unexcused absences since the SARB hearing. Ms. Jones could not remember what dates and why her student was absent, but insisted that she did indeed call the school. On 6/13/2013, Mr. Richards called that attendance clerk at Innovation Elementary to ask if Ms. Jones had called since the SARB hearing to clear absences. The attendance clerk Ms. Thompson told Mr. Richards that Ms. Jones has not called to clear any absences since SARB. HUSD is unaware if Ms. Jones has sought counseling through HPD's Youth and Family Services.

Since intervention attempts by HUSD's SARB panel, HPD's Youth and Family Services and Innovation Elementary have not worked, Hayward Unified School District's Child Welfare and Attendance Office respectfully refers this matter to the District Attorney's Office so that Sharon Jones will take her daughter's education seriously.

Referral Narrative Sample #2
Student Name: Rene Gomez

Date of Referral: XXXX

Rene Gomez is a 2nd grader at Hayes Valley Elementary School who is struggling due to her truancy as well as her home life being in such turmoil. From what we understand she is passed from mother to grandmother quite frequently without must trust between either adult.

Mother has reported health issues which made it difficult to care for Rene, such as depression and a lump in her breast. She recently was divorced and faced eviction. Mom works nights in Fremont, therefore depended on grandmother to assist her in getting Rene to school. She would arrive home from work at 7:45am, and the first bell rings at Hayes Valley at 7:58am.

At the time of the SARB, mom was living with grandmother awaiting for assistance with housing. At this time, we understand that Ms. Gomez has housing in Oakland and grandmother is living in a shelter where Rene is not allowed to stay. As of now, mom is fully responsible for Rene's care and getting her to and from school. SARB suggested counseling for the family, but we do not feel this was followed up on. There have been numerous occasions when Rene has been left at school with no one to pick her up. Mother's voicemail was unavailable and she was unreachable. So grandmother was notified. Grandmother would often sit in the office with Rene and just wait to see when mom would arrive to pick Rene up from school.

The last known address we have for dad is in San Leandro. He has been called on an emergency basis when mom had neglected to pick Rebecca up from school. On March 6, 2012, office manager, Mrs.X, spoke to father on the phone to work with the mother in making sure that they both work toward improving attendance for their daughter. He works at a local bar and will run to pick her up, otherwise he really has no contact with the school. We have contacted him to inform him of his responsibility, but there has been no change. Per Mrs. X, there have been days that mom has not been seen and Rene has been left in the care of grandmother without notification or change of clothing, so she has kept her from school to wash her clothing.

Grandmother has made several attempts with the school office to insure that Rene is in school. She calls, or will just come to the office and sits to wait for her arrival or departure. She has not hesitated to inform Mrs. X what she feels is the issue with her daughter and what is going in with the care of her granddaughter, often monopolizing her time for over an hour. However, the things that she has reported are quite severe and then on the other hand, grandmother does not seem to be the most stellar adult either.

While she is concerned about Rene, she is also concerned about eroding her relationship with her daughter. She cannot have it both ways at this time. She has been advised that if she feels her granddaughter is in danger, she needs to make the necessary reports to keep her safe and protected. CPS was consulted by the school as well.

We believe this family is in need of services. Parents seem to be chemically dependent and Rene is not in a stable environment. Between mother and grandmother there is constant battle as to who is going to parent Rene, and Rene is the loser in the battle. They are living in Oakland at this time. We have not suggested to them to enroll in Oakland as we are not sure another upset would be beneficial to Rene, however, would be easier to get to school? We are very concerned for this young child.

PREPARED BY _____

Student Name:

Date of Referral:

Truancy summary:

Michaela Andrews, a 9th grader, has had difficulties with attendance since the first week of school. During 2010-2011 school year at _____ school, Michaela missed school so much that her grades have suffered. Her absences are a mix of cuts and illnesses called in by her mother. When she does make it to school, she is often tardy. This pattern is a continuance of middle school.

Michaela's truancy does not seem to be connected to drugs or other at risk behavior, but by a general lack of caring for school. Most recently on March 3, Michaela's mom called us to let us know that Michaela wasn't concerned with getting to school on time and instead cared more for painting her nails and fixing her hair. At another point, Michaela's parents had to literally drag her to school while she was kicking and screaming. Her parents were so concerned about her behavior that they immediately talked to the SRO on campus about how to handle Michaela.

Michaela's truancy is unfortunate and she seems to be wasting the innate intelligence that most of her teachers see in her. Michaela is very bright and capable as noted in her middle school grades and STAR scores. Some strategies we have used include, but not limited to, counseling, parent meetings involving SART and SARB, detentions, and Saturday school. Her parents have been very supportive of the school efforts to correct Michaela's attendance issues and have often initiated the contact with us.

Sincerely,

SAMPLE—RECORD OR CONTACTS
PREPARED BY JANE DOE, ATTENDANCE CLERK

September 30, 2010 John and Jane Doe were absent on 9/28. I called mom to verify absence and she said she had to go out of town on a medical emergency. I told her it would be an unexcused absence and she became angry because I was penalizing her children for her medical appointment.

The children have been tardy several times: 10/02, 10/03, and 10/10. Twice they came in with a note asking to have the children excused because of a family emergency. The children shrink when they come in. I can see they feel badly. On 10/10 the kids said mom had to go to the dentist.

October 16, 2010 Mr. Greeley had a conversation with Jane today to find out why the kids were arriving late. She said she now has an alarm clock and since she and her brother sleep together she will be responsible for getting them up on time.

I have sent both SARB letters already.

January 5, 2011

John and Jane were absent on January 4. I asked Jane why they had been absent and she shrugged her shoulders. I said "Jane, you weren't sick, were you?" She said, "No, but I will bring a note tomorrow. Mom called later that day to say the kids had been out sick.

January 19, 2011

Mom came in for me to fill out CalWORKS paperwork. The name of the social worker was not on the paperwork. Mr. Greeley happened to be in the front office at the time and we told her we needed the top part of the form filled out. She took it back to the social worker and brought it back. She did not want to wait for me to fill it out because she had an important appointment. The forms were on the desk for a good three weeks before she came to pick them up. When she came in she asked why I had not called her to tell her they were done. I told her it is the parent's responsibility to check on this.

March 14, 2011

I have had little contact with mom. Her phone is disconnected so it is more difficult to justify absences. The kids were both absent on 3/2 and 3/6. Jane had a doctor's appointment on the 6th and brought in the note from the doctor's office. She was the only one seen. John was absent. No reason was given. He unfortunately also missed his field trip to the farm because of this absence although mom had signed the permission slip. Both John and Jane's teachers are very concerned about their frequent absence and tardies.

April 10, 2011

The kids continue to come late to school fairly frequently. In questioning them, the most I can get out of them is a shrug and some looking at each other. Occasionally I get a note from mom that they were late because they weren't feeling well. Mom is very difficult to get a hold of.

SAMPLE DA UPDATE FOR COURT

Student Name: Amanda Smith

Date: 9/12/13

This is the first update in the 2013-2014 school year for Amanda Smith. So far this school year, Amanda has been absent two days without a valid reason and has been late less than 30 minutes twice.

Left early excused	1
Absent	2
Tardy less than 30 min	2

Student Name: Amanda Smith

Date: 10/3/13

Since requesting the truancy citation on 5/9/2013, Amanda Smith was tardy greater than 30 minutes one time, one tardy, and one unexcused absence. This was until the end of the school year that concluded on 6/13/13.

Community Elementary school is a year round school that began on 7/18/13. At the time of writing, Amanda has on record two unexcused absences, two tardies, and excused early from school one day. Currently, her school is off track until October 14, 2013.

Student Name: Amanda Smith

Date: 12/5/13

Community Elementary is a year round school. At the time of the last update on October 3rd, Community Elementary was off track until October 14, 2013. Since, the school reconvened Amanda has on record one unexcused absence on October 15. During the week of October 21-25:

- 1- Left early excised- went home ill
- 1- Verified medical with doctor's note
- 1- Excused tardy- first day back from being sick
- 1- Left early more that 30 minutes unexcused

Since October 28, she has only one tardy.

Student Name: Amanda Smith

Date: 2/27/2014

Since the last update on 12/5/2013, Amanda's attendance is as follows:

Absences-5

Tardies- 6

Ms. Smith has not excused the absences as she had been doing the previous trimester. Mom has been informed that her lapse in excusing her daughters' absences has led her to be truant. She has been reminded about our policy for excusing Amanda's absences.

Student Name: Amanda Smith

Date: 3/13/2014

Since the last update on 2/27/2014, Amanda has been to school on time and everyday. On 3/12/14, the Youth Services Coordinator for Community Elementary, Susan Johnson submitted a nomination to the Young African-American Student Awards given by HUSD. Amanda is nominated for the Improved Attendance Award. Ms. Smith has been communicating and meeting with school staff daily since last update.

Student Name: Amanda Smith

Date: 5/6/14

Since the last update on 3/13/14, Amanda has one absence and two medical absences. The Youth Services Coordinator for Community Elementary, Susan Johnson nominated Amanda for the Improved Attendance Award given by the Young African-American Student Awards hosted by HUSD. Amanda won the award at the ceremony on 4/30/14. Ms. Smith has been communicating well with the Youth Services Coordinator, Ms. Johnson, and the attendance clerk, Ms. Grace almost daily, since the last update. Amanda's teacher, Ms. Paulson shared that Amanda tested below average but she is making progress in class. Further, since her attendance has improved, she is demonstrating that she understands more of the material than she had been showing.

Attendance Worksheet (OPTIONAL)

Instructions: Complete as contacts are made or actions occur.

Name of Student:
Address:
Telephone:
School and District:

Contact by	Date	Method of Contact*	Indicate purpose of contact/action and briefly describe response (include comments made by person contacted)

*Method of Contact: telephone, correspondence, home visit, observed off campus, conference, agency contacts, SARB, other

Attendance Narrative (OPTIONAL)

_____ Total school days possible as of _____
(Date)

UNEXCUSED ABSENCES

(List dates absent)

UNEXCUSED TARDIES (Over 30 minutes)

(List dates tardy)

Optional SAMPLE
ATTENDANCE CLARIFICATION

Attendance record as of _____ is as follows:

Days of enrollment: _____

Days present: _____

Unexcused absences: _____

Excused absences: _____

Tardies over 30 minutes: _____

DATES OF UNEXCUSED ABSENCES

**DATES OF UNEXCUSED TARDIES
(OVER 30 MINUTES)**

List dates here

Today's date: _____

Total school days as of today: _____

Total unexcused incidents: _____

Percent of school missed: _____%

First Notification of Truancy or Excessive Absences

(Sample of required letter to parent or guardian; issue on school district letterhead.)

Please note: the school district is responsible for ensuring that the letter that is sent out is kept up to date and in compliance with the current *Education Code*.

Date: _____

Dear Parent/Guardian:

Our records indicate that your child, _____, in the _____ grade was absent for more than 30 minutes on: _____ without a valid excuse. **Therefore, your child is considered a truant according to California's legal definition below.**

Unexcused Absences

Education Code Section 48260—Any pupil subject to full-time education who is absent from school without valid excuse for more than 30 minutes on each of three days in one school year is a truant and shall be reported to the attendance supervisor of the superintendent of the school district.

Upon a pupil's initial classification as a truant, the school district is required to notify you, the pupil's parent/guardian, of the following (*Education Code* Section 48260.5):

48260.5 Contents of first truancy notice to parents or guardians

Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or guardian using the most cost-effective method possible, which may include electronic mail or a telephone call:

- (a) That the pupil is truant.
- (b) That the parent or guardian is obligated to compel the attendance of the pupil at school.
- (c) That parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27.
- (d) That alternative educational programs are available in the district.
- (e) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
- (f) That the pupil may be subject to prosecution under Section 48264.
- (g) That the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Section 13202.7 of the Vehicle Code.
- (h) That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

Excessive Excused Absences

If your child is absent due to a chronic illness or other unavoidable circumstances, please contact the school attendance clerk. Absences or excessive tardies for any reason affect your child's education and increase the chances for failure. Tardies also interrupt the classroom and interfere with the learning environment for all students. If the school attendance record is inaccurate, please inform the school attendance clerk.

Failure to improve your child's attendance will result in a conference with a representative from school.

Our goal is to assist you in educating your child. We can be successful if your child is in school every day and on time.

Sincerely,

Administrator's Signature

Date

Administrator's Name (typed or printed)

Second Notification of Truancy or Excessive Absences

(Issue on school district letterhead.)

Parent's name _____ Date _____

Student's name _____ School _____

Address _____ Student ID# _____

Dear Parent/Guardian:

This **SECOND LETTER** is to inform you that your child continues to have an attendance problem.

Number of excused absences _____ Number of

unexcused absences _____ Number of tardies

(31+ minutes) _____ **TOTAL**

1. The School Attendance Review Team (SART) has received a referral on behalf of your child regarding excessive excused absences, tardies, or unexcused absences.
2. An appointment has been made for you and your child to meet with SART to consider a proper plan for correcting this problem.
3. Both parents are requested to attend. Please bring your child.

YOUR SCHEDULED APPOINTMENT IS AS FOLLOWS: Date

_____ Time

_____ Location

Failure to appear will result in a referral for further action.

For unexcused absence or tardies:

Education Code Section 48261—Subsequent Report of Truancy. Any pupil who has been reported as a truant and who is again absent from school without a valid excuse one or more days, or tardy on one or more days, shall again be reported as a truant to the attendance supervisor or the superintendent of the district.

We appreciate your cooperation in being prompt for your appointment.

Principal or Designee: _____ Attachment: Copy of Attendance Record

cc: Cumulative folder/student's teacher(s)

Third Notification of Continued Truancy

(Issue on school district letterhead.)

(Note: Many districts omit this letter and go directly to the declaration of habitual truancy.)

Date _____

Dear _____:

Your child was last reported as a truant on _____. This **THIRD LETTER** is being handed to you personally to inform you that your child, _____, continues to have a school attendance problem.

Additional Dates of Truancies (at least one additional day):

Unexcused _____

Number of excused absences _____

Number of unexcused absences _____

Tardies _____

Number of tardies (31+ minutes) _____

Education Code Section 48261—Subsequent Report of Truancy: Any pupil who has been reported as a truant and who is again absent from school without a valid excuse one or more days, or tardy on one or more days, shall again be reported as a truant to the attendance supervisor or the superintendent of the district.

CalWORKS benefits may be sanctioned if your child continues to have attendance problems.

I, _____, have discussed this letter and the attached Attendance Contract Agreement and handed copies to each parent or guardian on this day of *(day, month, year)*. Further, I have informed the parent/guardian of the right to meet with appropriate school personnel and of alternative education programs available in the district.

Signature

Law Enforcement Agency

Date

Attachments: Release of Information Form

cc: Cumulative file Student's teacher(s)
Principal
District file
Attendance clerk

Fourth Notification of Truancy

(Issue on school district letterhead.)

(Note: Many districts use this notification to declare a student habitually truant and/or schedule a SARB hearing or other intervention.)

Date _____ Re: _____
(Student's name) Dear Parent/Guardian:

Your child was last reported as a truant on _____. This fourth letter informs you that your child is now considered a habitual truant.

Additional date(s) of truancies (at least one additional)

Unexcused _____ Tardies (31+ minutes) _____

History of attendance

Attendance record as of _____ is as follows:

Days of enrollment _____ Days present _____ Unexcused absences _____ Excused absences _____ Tardies _____

Education Code Section 48262—Habitual Truant: Any pupil deemed a habitual truant and has been reported as a truant three or more times per school year, provided that no pupil shall be deemed a habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself after filing of either of the reports required of *Education Code* Section 48260 or 48261.

The school has attempted to work with you to solve your child's attendance problems. These attempts have been unsuccessful. It will now be mandatory for you and your child to attend a School Attendance Review Board (SARB) hearing. Your scheduled appointment is as follows:

Date _____
Time _____
Location _____

You are required to attend this conference (*Education Code* Section 48321.5). **Failure to attend or reschedule will result in a referral to the District Attorney's Office.** If you need to reschedule this meeting please call the SARB Office at _____.

CalWORKS or probation referrals may result in Juvenile Court action. CalWORKS benefits may be sanctioned if your child continues to have attendance problems. A parent who fails to meet his/her obligation may be guilty of an infraction and subject to prosecution (*Education Code* Section 48290). Complaints filed with the District Attorney may go to court and result in fines and court-ordered parent education/counseling programs.

Signature of SARB Chairperson _____

____ Phone
____ Face-to-face
____ Other

Meeting confirmed with parent on _____
(Date)

By _____
(Case Manager)

Signature

cc: Cumulative file
Student's teacher(s)
Principal
Originator
District file

STATUTES THAT APPLY TO TRUANCY



STATUTES THAT APPLY TO TRUANCY

The following is a partial list of applicable statutes and definitions to assist in the understanding of truancy cases. For a full and easy to access listing of sections, please refer to the California Department of Education web site.

- Education Code § 48200 et. seq: This is the compulsory school attendance section, which mandates school attendance for youths between the ages of 6 and 18 years. It also mandates that parents of guardians send the pupil to school.
- Education Code § 48260 (a): Any pupil subject to compulsory full-time education or compulsory continuation education who is absent from school without a valid excuse three full days or tardy or absent more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or the superintendent of the school district.
- Education Code § 48260.5: Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or guardian, by using the most cost-effective method possible, which may include electronic mail or a telephone call:
- (a) That the pupil is a truant.
 - (b) That the parent or guardian is obligated to compel the attendance of the pupil at school.
 - (c) That parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27.
 - (d) That alternative educational programs are available in the district.
 - (e) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
 - (f) That the pupil may be subject to prosecution under Section 48264.
 - (g) That the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Section 13202.7 of the *Vehicle Code*.
 - (h) That it is recommended the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.
- Education Code § 48261: Mandates that the pupil who has been reported truant to the school district per Education Code § 48260 and is again absent one or

more days without valid excuse, shall again be reported to the school district.

- Education Code § 48262: Any pupil is deemed an habitual truant who has been reported as a truant three or more times per school year, provided that no pupil shall be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself, after the filing of either of the reports required by Section 48260 or Section 48261. For the purposes of this section, a conscientious effort means attempting to communicate with the parents of the pupil at least once using the most cost-effective method possible, which may include electronic mail or a telephone call.
- Education Code § 48263.6: Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for ten percent or more of the school days in one school year, from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate school district officer or employee has complied with *EC sections* 48260, 48260.5, 48261, 48262, 48263, and 48291.
- Education Code § 48264: Authorizes the arrest of truants.
- Education Code § 48264.5: Any minor who is required to be reported as a truant pursuant to Section 48260 or 48261 may be required to attend makeup classes conducted on one day of a weekend pursuant to subdivision (c) of Section 37223 and is subject to the following:
- (a) The first time a truancy report is required, the pupil may be personally given a written warning by any peace officer specified in Section 830.1 of the *Penal Code*. A record of written warning may be kept at the school for a period of not less than two years, or until the pupil graduates or transfers, from that school. If the pupil transfers, the record may be forwarded to any school receiving the pupil's school records. A record of the written warning may be maintained by the law enforcement agency in accordance with that law enforcement agency's policies and procedures.
 - (b) The second time a truancy report is required within the same school year, the pupil may be assigned by the school to an after school or weekend study program located within the same county as the pupil's school. If the pupil fails to successfully complete the assigned study program, the pupil shall be subject to subdivision (c).
 - (c) The third time a truancy report is required within the same school year, the pupil shall be classified a habitual truant, as defined in Section 48262, and may be referred to and required to attend, an attendance review board or a truancy mediation program

pursuant to Section 48263 or pursuant to Section 601.3 of the *Welfare and Institutions Code*. If the district does not have a truancy mediation program, the pupil may be required to attend a comparable program deemed acceptable by the school district's attendance supervisor. If the pupil does not successfully complete the truancy mediation program or other similar program, the pupil shall be subject to subdivision (d).

(d) The fourth time a truancy is required to be reported within the same school year, the pupil shall be within the jurisdiction of the juvenile court which may adjudge the pupil to be a ward of the court pursuant to Section 601 of the *Welfare and Institutions Code*. If the pupil is adjudged a ward of the juvenile court, the pupil shall be required to do one or more of the following:

(1) Performance at court-approved community services sponsored by either a public or private nonprofit agency for not less than 20 hours but not more than 40 hours over a period not to exceed 90 days, during a time other than the pupil's hours of school attendance or employment. The probation officer shall report to the court the failure to comply with this paragraph.

(2) Payment of a fine by the pupil of not more than one hundred dollars (\$100) for which a parent or guardian of the pupil may be jointly liable.

(3) Attendance of a court-approved truancy prevention program.

(4) Suspension or revocation of driving privileges pursuant to Section 13202.7 of the *Vehicle Code*. This subdivision shall apply only to a pupil who has attended a school attendance review board program, or a truancy mediation program pursuant to subdivision (c).

Education Code § 48265: Provides for the delivery of arrested truants to parents, school, or a nonsecure youth facility.

Education Code § 48291: Mandates referral to SARB of the parent or guardian, or other person with charge of child, who violates the compulsory education laws. If efforts by SARB fail, the school district shall request a criminal complaint. Should a criminal complaint not be filed, SARB is to be notified as to reasons for the rejection.

Education Code § 48292: Authorizes the school district to seek the filing of a criminal complaint against the parent or guardian who does not comply with compulsory education statutes.

Education Code § 48293 (a): Any parent, guardian, or other person having control or charge of any pupil who fails to comply with this chapter, unless excused or exempted there from, is guilty of an infraction and shall be punished as follows:

(1) Upon a first conviction, by a fine of not more than one hundred

dollars (\$100).

(2) Upon a second conviction, by a fine of not more than two hundred fifty dollars (\$250).

(3) Upon a third or subsequent conviction, if the person has willfully refused to comply with this section, by a fine of not more than five hundred dollars (\$500). In lieu of the fines prescribed in paragraphs (1), (2), and (3), the court may order the person to be placed in a parent education and counseling program.

Education Code § 48293 (b):

A judgment that a person convicted of an infraction be punished as prescribed in subdivision (a) may also provide for the payment of the fine within a specified time or in specified installments, or for participation in the program. A judgment granting a defendant time to pay the fine or prescribing the days of attendance in a program shall order that if the defendant fails to pay the fine, or any installment thereof, on the date it is due, he or she shall appear in court on that date for further proceedings. Willful violation of this order is punishable as contempt.

Education Code § 48293 (c):

The court may also order that the person convicted of the violation of subdivision (a) immediately enroll or re-enroll the pupil in the appropriate school or educational program and provide proof of enrollment to the court. Willful violation of an order under this subdivision is punishable as civil contempt with a fine of up to one thousand dollars (\$1,000). An order of contempt under this subdivision shall not include imprisonment.

Education Code § 48450:

Describes the duties of parents regarding students who attend continuation schools.

Education Code § 48452 & 48453:

Authorizes the seeking of a criminal complaint against parents or guardians who fail to comply with Education Code § 48450.

Education Code § 48454:

Parent, guardian, or person with charge of the child who fails to send their minor(s) to compulsory continuation school, per Education Code § 48450, may be guilty of a misdemeanor which is punishable as follows:

(1) First conviction: Fine of \$50 or five (5) days in jail.

(2) Second of subsequent convictions: Fine of not less than \$50 or more than \$500 or not less than five (5) days or more than 25 days in jail, or both.

Penal Code Section 270.1.

(a) A parent or guardian of a pupil of six years of age or more who is in kindergarten or any of grades one to eight, inclusive, and who is subject to compulsory full-time education or compulsory continuation education, whose child is a chronic truant as defined in Section 48263.6 of the *EC*, who has failed to reasonably supervise and encourage the pupil's school attendance, and who has been offered language accessible support services to address

the pupil's truancy, is guilty of a misdemeanor punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment. A parent or guardian guilty of a misdemeanor under this subdivision may participate in the deferred entry of judgment program defined in subdivision (b).

(b) A superior court may establish a deferred entry of judgment program that includes the components listed in paragraphs (1) to (7), inclusive, to adjudicate cases involving parents or guardians of elementary school pupils who are chronic truants as defined in Section 48263.6 of the *EC*:

(1) A dedicated court calendar.

(2) Leadership by a judge of the superior court in that county.

(3) Meetings scheduled and held periodically, with school district representatives designated by the chronic truant's school district of enrollment. Those representatives may include school psychologists, school counselors, teachers, school administrators, or other educational service providers deemed appropriate by the school district.

(4) Service referrals for parents or guardians, as appropriate to each case that may include, but are not limited to, all of the following:

(A) Case management.

(B) Mental and physical health services.

(C) Parenting classes and support.

(D) Substance abuse treatment.

(E) Child care and housing.

(5) A clear statement that, in lieu of trial, the court may grant deferred entry of judgment with respect to the current crime or crimes charged if the defendant pleads guilty to each charge and waives time for the pronouncement of judgment and that, upon the defendant's compliance with the terms and conditions set forth by the court and agreed to by the defendant upon the entry of his or her plea, and upon the motion of the prosecuting attorney, the court will dismiss the charge or charges against the defendant and the same procedures specified for successful completion of a drug diversion program or a deferred entry of judgment program pursuant to Section 851.90 and the provisions of Section 1203.4 shall apply.

(6) A clear statement that failure to comply with any condition under the program may result in the prosecuting attorney or the court making a motion for entry of judgment, whereupon the court will render a finding of guilty to the charge or charges pled, enter judgment, and schedule a sentencing hearing as otherwise provided in this code.

(7) An explanation of criminal record retention and disposition

resulting from participation in the deferred entry of judgment program and the defendant's rights relative to answering questions about his or her arrest and deferred entry of judgment following successful completion of the program.

(c) Funding for the deferred entry of judgment program pursuant to this section shall be derived solely from non-state sources.

(d) A parent or guardian of an elementary school pupil who is a chronic truant, as defined in Section 48263.6 of the *EC*, may not be punished for a violation of both this section and the provisions of Section 272 that involve criminal liability for parents and guardians of truant children.

(e) If any district attorney chooses to charge a defendant with a violation of subdivision (a) and the defendant is found by the prosecuting attorney to be eligible or ineligible for deferred entry of judgment, the prosecuting attorney shall file with the court a declaration in writing, or state for the record, the grounds upon which that determination is based.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the *Government Code*, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Welfare and Institutions
Code § 601(b):

Refers to the habitually truant minor who fails to respond to SARB wherein SARB determines available public or private services are insufficient, inappropriate or unable to correct the habitual truancy of a minor. 601(b) minors are not to be removed from the custody of parents except during school hours. This limits the consequences that can be imposed on 601(b) truants.

Welfare and Institutions
Code § 601.2:

Authorizes SARB to refer the parents or guardian for adult filing for violation of Education Code § 48293 or 48454.

Welfare and Institutions
Code § 601.3(a)(e)(f)

Authorizes the District Attorney's Office to establish truancy mediation program and mandates guidelines to be followed in conducting mediations with parent and their truant children. Subdivision (e) gives the District Attorney the power to file a 601 petition on a truant minor after mediation and after consulting with the probation officer.

- Vehicle Code § 13202.7: Authorizes the juvenile court to suspend or delay the driving privilege for one year of any minor 13-18 years old who is a § 601(b) ward. If the student does not yet have the privilege to drive, the delay in issuing the driving privilege is subsequent to the time the person becomes legally eligible to drive. For each successive time the minor is found to be a habitual truant, the court may suspend or delay the eligibility for the driving privilege for one additional year.
- Vehicle Code § 14607.6(c)(1): Authorizes a peace officer to impound a car wherein the driver is unable to produce a valid driver's license. This applies regardless of ownership.

Excused Absences

48205. Excused Absences;

(a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

- (1) Due to his or her illness.
- (2) Due to quarantine under the direction of a county or city health officer.
- (3) For the purpose of having medical, dental, optometric, or chiropractic services rendered.
- (4) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- (5) For the purpose of jury duty in the manner provided for by law.
- (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
- (7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board
- (8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.

(b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

NEW LEGISLATION

Senate Bill No. 1296

CHAPTER 70

An act to amend Section 1219 of the Code of Civil Procedure, and to amend Sections 207 and 601 of, and to add Section 213.3 to, the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor June 28, 2014. Filed with Secretary of State June 28, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1296, Leno. Juveniles: contemptuous habitual truants.

Existing law authorizes a court to punish for acts of contempt, including authorizing a court to direct the incarceration of a defendant until he or she complies with the court's order. Existing law prohibits a court from imprisoning or otherwise taking into custody the victim of a sexual assault or domestic violence crime for contempt of court if the contempt consists of refusing to testify about the sexual assault or domestic violence crime.

This bill would additionally prohibit a court from imprisoning, holding in physical confinement, as defined, or otherwise taking into custody persistently or habitually truant minors for contempt of court if the contempt consists of the minor's failure to comply with a court order to attend school. The bill would authorize a court, if those minors are found to be in contempt of court for that reason, to issue any other lawful order, as necessary, to secure the minor's attendance at school.

Existing law subjects a person who is under 18 years of age who engages in certain noncriminal behavior, including, among other things, persistent or habitual truancy or failure to obey the reasonable and proper orders or directions of school authorities to the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. Existing law prohibits a minor from being detained in a secure facility, as defined, if he or she is taken into custody solely upon the ground that he or she is a person described above or adjudged a ward of the juvenile court solely upon that ground, except as provided.

This bill would prohibit a minor from being detained in a secure facility, as defined, solely upon the ground that he or she is in willful disobedience or interference with any lawful order of the juvenile court, if the basis of the order of contempt is persistent or habitual truancy, and would authorize a court to issue any other lawful order, as necessary, to secure the minor's school attendance. The bill would make a related declaration of legislative intent.

DIGEST KEY

Vote: MAJORITY Appropriation: NO Fiscal Committee: NO Local Program: NO

BILL TEXT

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

SECTION 1.

Section 1219 of the Code of Civil Procedure is amended to read:

1219.

(a) Except as provided in subdivisions (b) and (c), if the contempt consists of the omission to perform an act which is yet in the power of the person to perform, he or she may be imprisoned until he or she has performed it, and in that case the act shall be specified in the warrant of commitment.

(b) Notwithstanding any other law, a court shall not imprison or otherwise confine or place in custody the victim of a sexual assault or domestic violence crime for contempt if the contempt consists of refusing to testify concerning that sexual assault or domestic violence crime. Before finding a victim of a domestic violence crime in contempt as described in this section, the court may refer the victim for consultation with a domestic violence counselor. All communications between the victim and the domestic violence counselor that occur as a result of that referral shall remain confidential under Section 1037.2 of the Evidence Code.

(c) Notwithstanding any other law, a court shall not imprison, hold in physical confinement, or otherwise confine or place in custody a minor for contempt if the contempt consists of the minor's failure to comply with a court order pursuant to subdivision (b) of Section 601 of, or Section 727 of, the Welfare and Institutions Code, if the minor was adjudged a ward of the court on the ground that he or she is a person described in subdivision (b) of Section 601 of the Welfare and Institutions Code. Upon a finding of contempt of court, the court may issue any other lawful order, as necessary, to secure the minor's attendance at school.

(d) As used in this section, the following terms have the following meanings:

- (1) "Sexual assault" means any act made punishable by Section 261, 262, 264.1, 285, 286, 288, 288a, or 289 of the Penal Code.
- (2) "Domestic violence" means "domestic violence" as defined in Section 6211 of the Family Code.
- (3) "Domestic violence counselor" means "domestic violence counselor" as defined in subdivision (a) of Section 1037.1 of the Evidence Code.
- (4) "Physical confinement" has the same meaning as defined in subdivision (d) of Section 726 of the Welfare and Institutions Code.

SEC. 2.

Section 207 of the Welfare and Institutions Code is amended to read:

207.

(a) A minor shall not be detained in any jail, lockup, juvenile hall, or other secure facility if he or she is taken into custody solely upon the ground that he or she is a person described by Section 213.3, or described by Section 601 or adjudged to be such or made a ward of the juvenile court solely upon that ground, except as provided in subdivision (b). If any such minor, other than a minor described in subdivision (b), is detained, he or she shall be detained in a sheltered-care facility or crisis resolution home as provided for in Section 654, or in a nonsecure facility provided for in subdivision (a), (b), (c), or (d) of Section 727.

(b) A minor taken into custody upon the ground that he or she is a person described in Section 601, or adjudged to be a ward of the juvenile court solely upon that ground, may be held in a secure facility, other than a facility in which adults are held in secure custody, in any of the following circumstances:

(1) For up to 12 hours after having been taken into custody for the purpose of determining if there are any outstanding wants, warrants, or holds against the minor in cases where the arresting officer or probation officer has cause to believe that the wants, warrants, or holds exist.

(2) For up to 24 hours after having been taken into custody, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian, with the exception of an out-of-state runaway who is being held pursuant to the Interstate Compact for Juveniles.

(c) Any minor detained in juvenile hall pursuant to subdivision (b) shall not be permitted to come or remain in contact with any person detained on the basis that he or she has been taken into custody upon the ground that he or she is a person described in Section 602 or adjudged to be such or made a ward of the juvenile court upon that ground.

(d) Minors detained in juvenile hall pursuant to Sections 601 and 602 may be held in the same facility provided they are not permitted to come or remain in contact within that facility.

(e) Every county shall keep a record of each minor detained under subdivision (b), the place and length of time of the detention, and the reasons why the detention was necessary. Every county shall report this information to the Board of Corrections on a monthly basis, on forms to be provided by that agency.

The board shall not disclose the name of the detainee, or any personally identifying information contained in reports sent to the Division of Juvenile Justice under this subdivision.

SEC. 3.

Section 213.3 is added to the Welfare and Institutions Code, to read:

213.3.

A person under 18 years of age shall not be detained in a secure facility, as defined in Section 206, solely upon the ground that he or she is in willful disobedience or interference with any lawful order of the juvenile court, if the basis of an order of contempt is the failure to comply with a court order pursuant to subdivision (b) of Section 601. Upon a finding of contempt of court, the court may issue any other lawful order, as necessary, to ensure the minor's school attendance.

SEC. 4.

Section 601 of the Welfare and Institutions Code is amended to read:

601.

(a) Any person under 18 years of age who persistently or habitually refuses to obey the reasonable and proper orders or directions of his or her parents, guardian, or custodian, or who is beyond the control of that person, or who is under the age of 18 years when he or she violated any ordinance of any city or county of this state establishing a curfew based solely on age is within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court.

(b) If a minor has four or more trancies within one school year as defined in Section 48260 of the Education Code or a school attendance review board or probation officer determines that the available public and private services are insufficient or inappropriate to correct the habitual truancy of the minor, or to correct the minor's persistent or habitual refusal to obey the reasonable and proper orders or directions of school authorities, or if the minor fails to respond to directives of a school attendance review board or probation officer or to services provided, the minor is then within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court. However, it is the intent of the Legislature that a minor who is described in this subdivision, adjudged a ward of the court pursuant solely to this subdivision, or found in contempt of court for failure to comply with a court order pursuant to this subdivision, shall not be held in a secure facility and shall not be removed from the custody of the parent or guardian except for the purposes of school attendance.

(c) To the extent practically feasible, a minor who is adjudged a ward of the court pursuant to this section shall not be permitted to come into or remain in contact with any minor ordered to participate in a truancy program, or the equivalent thereof, pursuant to Section 602.

(d) Any peace officer or school administrator may issue a notice to appear to a minor who is within the jurisdiction of the juvenile court pursuant to this section.

RELATED PENDING LEGISLATION

The following bills are currently pending in Sacramento. They are included for reference in this year's handbook. As they are acted upon by lawmakers and the Governor, the handbook will be updated online.

AB 2382 would amend Welfare & Institutions Code § 11253.5, the law that authorizes the county CalWORKS office to reduce a family's welfare grant if it is determined that a child is not "regularly attending school as required."

AB 1866 would enhance the state Department of Education's student record system to include fields on truancy and absenteeism.

AB 1672 would require that local SARBs report annually on referral rates to county offices of education and expand these reports to include information on student enrollment, absence and truancy rates, DA referrals and SARB intervention outcomes.

AB 1642 would require that every county create a SARB.

AB 2141 would require that when a parent or student is referred to the DA's Office or any other agency engaged in prosecution or charges are considered to enforce state school attendance laws, the prosecuting agency must provide a report on the outcome of the referral.



USEFUL RESOURCES





every day counts

ATTEND TODAY -

ACHIEVE TOMORROW!

Help Your Child Succeed in School:

Build the Habit of Good Attendance Early

School success goes hand in hand with good attendance!

DID YOU KNOW?

- ✓ Starting in kindergarten, too many absences can cause children to fall behind in school.
- ✓ Missing 10 percent of school (about 2 days a month or 18 days a year) makes it harder to learn to read.
- ✓ Students can still fall behind if they miss just a day or two days every few weeks.
- ✓ Being late to school disrupts the start of class and can make your child miss important lessons.
- ✓ Absences can affect the whole classroom if the teacher has to slow down learning to help children catch up.
- ✓ Good attendance will help children do well in high school, college, and at work.

Attending school regularly helps children feel better about school – and themselves. Start building this habit early so they can learn right away that going to school on time and every day is important.

WHAT YOU CAN DO

- ✓ Set a regular bed time and morning routine.
- ✓ Lay out clothes and pack backpacks the night before.
- ✓ Find out what day school starts and make sure your child has the required shots.
- ✓ Send your child the message that school is a fun place. Introduce your child to his/her teachers and classmates before school starts to help her transition.
- ✓ Bring your child to school unless he/she is truly sick. Keep in mind complaints of a stomach ache or headache can be a sign of anxiety and not a reason to stay home.
- ✓ If your child seems anxious about going to school, talk to teachers, school counselors, or other parents for advice on how to make him/her feel comfortable and excited about learning.
- ✓ Develop back-up plans for getting to school if something comes up. Call on a family member, a neighbor, or another parent for help.
- ✓ Plan medical appointments and extended trips when school is closed or not in session.
- ✓ Keep track of how many days your child has missed and how many times they've been late.

For more information, visit our website at: atschool.alcoda.org

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Establishing School-Wide Attendance Incentives

School attendance is a simple, easily understood measure of student performance. One strategy for improving attendance is engaging students, parents, educators and community members in a campaign that offers positive rewards for getting to school on time.

Overarching Issues to Consider:

- **Attendance incentives are most effective when part of a comprehensive approach** that includes outreach to families with more significant challenges to attendance. Incentives should be part of creating a school-wide culture and emphasis on attendance and accompanied by a deep commitment to ensuring students are engaged in the classroom once they show up.
- **Incentives don't need to be costly.** Simple rewards—recognition from peers and the school through certificates or assemblies, extra recess time, homework passes, even dancing in the hallways—go a long way toward motivating students. Ask students what they consider a meaningful incentive.
- **Interclass competition is a powerful motivator.** The sense of competition between classes (for example, a party for the class with the best monthly attendance) can be a powerful motivator. Such strategies encourage students to feel accountable to each other for attending class. To broaden awareness and involve more of the community, schools should also consider launching inter-school competitions for best attendance.
- **Avoid recognizing only perfect attendance.** Perfect attendance is not always the goal since it is not wise to encourage children to come to school when they're sick. Students should be rewarded for improved attendance, not just perfect records. Offering weekly perfect attendance awards can allow students to still have a chance to succeed the next week if they are absent.
- **Reward timeliness, not just showing up to school.** Since tardiness also has an adverse impact on learning, many schools only count on-time attendance toward rewards. Consider taking this approach to ensure children are arriving to class on-time.
- **Send home information highlighting both the value of attendance and incentives and the consequences of poor attendance.** Ensure families know about the incentive program, why school attendance matters for academic success and understand school policies when poor attendance results in failing a course or being retained. Sanctions should never be used without incentives.
- **Offer incentives for families, not just students.** Often, families appreciate access to resources such as food baskets, transportation passes, etc.
- **Implement incentives school wide.** In order to foster a culture of attendance, every classroom needs to participate!





Ideas for Incentives

Teachers can offer:

- Positive comments to children
- Positive notes home to parents
- Extra time at the computer or PE
- Free homework pass
- First-in-line privileges for lunch or dismissal
- Smoothie coupon
- Pencils, pens, stickers, posters, book covers, book marks, etc.
- Team certificate for the best record or most improved record
- Name on the "Attendance Wall" in the classroom
- Chance to act as teacher's assistant

Administration, PTAs and Boosters can provide:

- Recognition during morning announcements
- Certificate/award at student assembly
- Breakfast/lunch with the principal, superintendent, school board president, mayor, etc.
- School supplies, i.e. pencil with logo
- Food coupons redeemable in school cafeteria
- Food gift certificate for Jamba Juice, etc.
- Lunch/smoothie or movie party for class with best attendance
- "School money" for the school store
- Choice of donated products, like movie tickets, gift certificates, discounts and passes to local activities or venues
- Traveling trophy for grade-level classroom with the best monthly attendance
- Attendance T-shirts/hats/buttons
- Age-appropriate rewards for most improved attendance

Source: New York State Department of Education
Student Support Services

Promising Approaches

Good attendance helps kids succeed in school and bolster their self-esteem. Improving attendance requires a comprehensive approach that goes beyond sanctions and includes incentives. Here are some steps that schools are taking:

Brookfield Elementary School

Oakland, Calif.

Brookfield has dramatically improved its attendance, in part through an institutionalized system of incentives that has the buy-in of students, parents, and teachers. Elements of their incentive program include weekly movie parties for the class with the best attendance, a chance to be nominated for Popcorn with the Principal for students who have attended every day in a week, and even a yearly bike raffle.

Burton Elementary School

Grand Rapids, Mich.

When Burton students achieve perfect attendance for a month, they become a STAR (Studious, Thoughtful Accountable and Respectful) student. They earn a gold T-shirt saying, "I am a STAR student." Their picture is displayed on the television in the school lobby, and they join in an ice-cream social with the principal.

Julian Elementary School

San Diego County, Calif.

Julian has improved its on-time attendance with an interclass competition that promises a pizza party to the first class with enough days of perfect attendance to spell out the words "Perfect Punctuality."

Gladden Middle School

Murray County, Ga.

Gladden recognizes good attendance on a weekly, monthly and semester basis. Students who attend for a full week receive popcorn passes. The homeroom class in each grade level with the best attendance each month receives milk and doughnuts. Students with fewer than two absences can enter end-of-semester drawings for prizes.

For more information, visit our website at:
atschool.alcoda.org





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Getting in Touch with Hard-to-Reach Parents & Guardians

Often, it is difficult to make and maintain contact with the parent or guardian of students who are chronically absent. Here are some tips that may be helpful when trying to get in touch.

Keep Updated Records

- ✓ At the beginning of each school year, make sure a new emergency card is filled out AND that the updated information is recorded in your computer system.
- ✓ When meeting with parents at a conference, SST, SART or other setting, make it a practice to ask the parent if the address, phone number and e-mail address are current and update any changes with the school office.
- ✓ When parents fill out forms for the school (for free/reduced lunch; permission slips; after-school programs; sports programs, etc.) make note of the address, e-mail and phone number provided.

Try More Than One Method

Increasingly, communication can come in many forms. If letters are returned as undeliverable, don't give up!

- ✓ Try calling AND texting to all phone numbers provided by the parent. If a phone number is turned off the day you try calling, give it a try a few days later. Often cell phones will not accept calls if bills are overdue, but the number will be active again later in the week or month.
- ✓ Use e-mail and social media. Does the family have a Facebook page or Twitter account where you could send a message?
- ✓ Make a home visit to the last known address; often a landlord or neighbor will be a great source of information.

Be Creative in Who You Call; Cast a Wide Net

If all else has failed, you may want to think about other people who could help you contact the parent or guardian.

- ✓ Ask the student where he/she is living and if there is a working phone number
- ✓ Check to see if there are siblings in the school district and contact them
- ✓ Call all of the contacts listed on the emergency card
- ✓ Contact the student's doctor's office and ask for help in reaching the family
- ✓ Reach out to the school community—does the family attend a local church, participate in sports or other activities? Enlist the community to help you
- ✓ Does the parent receive public assistance? If so, a social worker may be able to help you locate the family.
- ✓ Speak to your school resource officer to find out if law enforcement can partner in contacting the parent.

For more information, visit our website at: atschool.alcoda.org





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Resources and Tips for School and Afterschool Staff

Too many Oakland students are missing so much school that their academic futures are at risk. As a member of the school or afterschool staff, you have a unique opportunity to send the message to students and families that regular school attendance is critically important and to help build a culture of attendance at our school.

Key Messages for All School and Afterschool Staff to Convey

Parents need to understand why they should care. Start by spreading the message that...

- ✓ Children can suffer academically if they miss just 10% of school days. This is just a couple days every month and can happen before you know it.
- ✓ Absences add up! Both unexcused AND excused absences represent lost time in the classroom and a lost opportunity to learn.
- ✓ Attendance matters as early as kindergarten. Children who miss too many days in kindergarten and first grade can struggle academically in later years and often are not reading at grade level by the end of third grade.
- ✓ Attending school regularly helps children feel better about school—and themselves. Start building this habit early so they learn that going to school on time, every day, is important.
- ✓ Good attendance will help children do well in high school, college, and at work.
- ✓ Too many absent students can affect the whole classroom, slowing down instruction. Getting to school late also disrupts class, and can lead to children missing important parts of the school day.

How and When Do I Get These Messages Across?

Ideas for Teachers

Teachers have a particularly important role in educating families about the importance of on-time attendance. Tips for reinforcing this message include:

- ✓ Welcome each student (and when possible, their parent) when they come into your classroom every morning. Notice when a child is absent and when they return, tell them you missed them and ask why they weren't at school.
- ✓ Make sure both students and families feel welcome and comfortable in your classroom. Relationship building is fundamental to any strategy for improving attendance.
- ✓ Incorporate daily and/or weekly rituals that celebrate attendance and being a part of the class community every day.
- ✓ Implement incentives in your classroom that celebrate good and improved attendance.
- ✓ Discuss the importance of attendance at parent teacher conferences and give parents an update on how many days their child has been absent. Let parents know that if they need to be away for extended periods of time, they should let you know beforehand to make sure their child can keep up as much as possible.





Ideas for School and Afterschool Staff

But teachers aren't the only ones who play a key role in building a culture of attendance. Other school and afterschool staff can reinforce messages about attendance through their daily interactions with families and students. In particular you can:

- ✓ Take advantage of Back to School events. Distribute flyers, put up posters, and advertise incentives to get families thinking about attendance from the start of the year.
- ✓ Reinforce the messages and incentive programs that teachers are incorporating into their classrooms. For afterschool staff, consider setting up attendance incentives in your own program.
- ✓ Get the community involved. Help your principal by distributing the Community Partner Flyers included in the Every Day Counts Attendance Toolkit.

What Advice Can I Offer to Parents and Families?

In some cases, working one-on-one with families is necessary for helping them break down the barriers to their children's attendance. But there are also general tips you can offer them to help strengthen their children's attendance. Make use of the Parent Flyer from the Every Day Counts Attendance Toolkit and make suggestions like...

- ✓ Set a regular bedtime and morning routine. Put out clothes and pack backpacks the night before.
- ✓ For older children, help set homework routines. Stay on top of academic progress to make sure your child is staying on track and encourage meaningful afterschool activities that will help your child feel more engaged in school.
- ✓ Plan medical appointments and vacations when school is closed or not in session.
- ✓ If your child seems anxious about school, talk to teachers, school counselors, or other parents for advice on how to make your child feel comfortable and excited about learning. Keep in mind that complaints of a stomachache or headache can be a sign of anxiety and isn't a reason to keep your child home from school.
- ✓ Develop back-up plans for getting to school if something comes up. Call on a family member, a neighbor, or another parent.
- ✓ Turn to the school and community agencies if you need help! Oakland schools offer services for the whole family often in collaboration with community partners.

For more information, visit our website at:
atschool.alcoda.org





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Joining Forces to Improve Student Attendance: How Community Partners Can Help!

As members of the Oakland community, we all have an interest in seeing our young people succeed in school. Each of us benefits when children thrive, and every one of us wants to see each student in our city attend school every day, graduate from high school and go on to a successful college or work experience. Yet, too many of our students miss school too often and too many fail to graduate. Experience tells us that if our schools can work together with families as well as the community, we can make a difference in the lives of the children living here.

Whether you are a sports coach, a local business owner, a librarian, a leader in the faith community or an outreach worker, you have a unique relationship with an opportunity to influence parents and students when it comes to going to school, every day and on time.

Please partner with us in sending the message—loud and clear—that every day counts. If students attend today, they will achieve tomorrow!

Here are some points that you can cover with parents of local students:

STUDENTS SUFFER SOCIALLY AND ACADEMICALLY WHEN THEY ARE ABSENT

- ✓ If students miss just 10% of the school year – even a few days every month—they will suffer academically and won't be able to keep up with their peers.
- ✓ Attendance matters as early as Kindergarten. Studies show that children who miss too many days in kindergarten and first grade are more likely to struggle academically in later years. Often, these students have trouble mastering reading by the end of third grade.
- ✓ When children come late to school on a regular basis, they often completely miss the morning lesson—which is often reading and/or math. Think about it—if a child comes 20 to 30 minutes late to school every day, he or she may never be present to learn how to read!
- ✓ When kids miss too much school, they are less likely to make friends, bond with their teachers or feel comfortable in a classroom setting.

STUDENTS THRIVE WHEN THEY ARE IN SCHOOL EVERY DAY!

- ✓ Attending school regularly helps children feel better about school--and themselves.
- ✓ Regular, on-time attendance is a good habit that is learned at a very early age, beginning in kindergarten or pre-school.
- ✓ Good attendance in the early years actually helps children succeed in high school, college and work.
- ✓ Students who are in school every day are less likely to become victims of crime, or to commit a crime themselves.





HOW YOU CAN HELP—MAKE IT YOUR BUSINESS!

We need your commitment, your voice and your partnership to make sure that the youngest citizens of our community are in school every day.

Whenever you find yourself in a position to speak with a parent about his or her child, touch on the topic of the importance of regular school attendance.

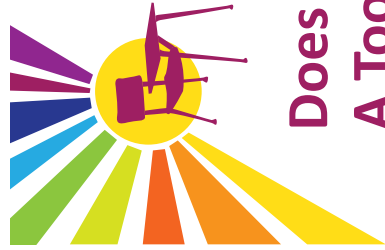
- ✓ Ask the parent how his/her children are doing in school. If you are told that a student is struggling, ask about attendance.
- ✓ You may be able to help a parent who is struggling to get his or her child to school on time.
- ✓ Get to know the kids who live in your neighborhood, play in your local parks, come to your library. Get to know their parents or guardians and their siblings, too.
- ✓ Talk to the kids—ask them if they miss a lot of school. Try to find out why—are there issues with transportation, safety, bullying, academic struggles? Identify what would help motivate them (for example, connecting better with their teacher, participating in sports or attending an afterschool program) to go to school more.
- ✓ Think about creating incentives, prizes or awards for kids with good or improved attendance.

Ask yourself: can you assist to organize a walking school bus, help in creating a safe route to school, or mentor or tutor a student?

If you would like to volunteer to work in an OUSD school contact:

Phone: (510) 273-1580
FAX: (510) 273-1581
E-mail: volunteers@ousd.k12.ca.us





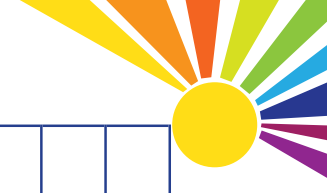
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Does Attendance Really Count in Our School? A Tool for Self-Assessment

	Strength	OK for Now	Could be Better	Urgent Gap	Don't Know	How do you know?
1.	Attendance is accurately taken and entered daily into the district data system in all classrooms.					
2.	Our school has a clear and widely understood attendance policy.					
3.	A team including the site administrator reviews attendance data on a regular basis to identify chronically absent students and monitor attendance patterns by grade, student sub-groups and classroom.					
4.	Our school offers rich and engaging learning activities, keeping students from not wanting to miss school.					
5.	Our school recognizes and appreciates good and improved attendance.					
6.	Our school informs parents about the importance of attendance and encourages parents to help each other get their children to school.					
7.	Our school identifies and reaches out to chronically absent students and their families in a caring manner to see how attendance could be improved.					
8.	Our school partners with community agencies that offer resources (pre-K, afterschool, health services, volunteer mentors, transportation) that can help engage students and their families and remove barriers to getting to school.					
9.	Individual learning plans are developed for high-risk students that address poor attendance along with low academic performance.					
10.	Our school discipline policy and practice ensure students do not miss instruction due to suspensions for non-violent behaviors.					
11.	Our strategies for supporting student attendance are reflected in our school improvement plan.					
12.	Our school has made use of the Every Day Counts toolkit and integrated the tools and materials into our standard practice.					
13.	Our school has communicated with surrounding businesses and community partners to engage them in supporting attendance.					

School Name: _____

(Note: Chronic Absence is missing= > 10% of school over a year including any type of absence; Satisfactory Attendance is missing= < 5% of school over a year)





Instructions for Conducting Self-Assessment with a Team

This self-assessment tool can be used by an individual to help gain a deeper understanding of what is and could be happening to improve attendance at their school. It is also an excellent tool for laying the foundation for a team of key stakeholders to begin working together to reduce student absences. Whether filled out individually or as a team, we recommend completing the exercise early in the year so that schools can identify priorities and have time to implement strategies.

Below are suggested guidelines for engaging a team. If possible, identify one person who will assume responsibility for facilitating this process and dialogue.

1. Bring together a team of key stakeholders in your school to complete this self-assessment. Participants should include the principal, attendance personnel, classroom teachers, staff from partnering community agencies, and if possible, active parents. Feel free to expand this list to include others that you think might have valuable insights to offer about student attendance in your school.
2. Ask each participant to spend 10 minutes completing the tool.
3. Hand out an extra copy of the tool and ask participants to add in their responses with a hatch mark. Make copies of the version with everyone's responses. (An alternative option is to put up an enlarged copy of the tool on the wall and ask participants to add their responses using a marker. This approach allows everyone to see the collective responses without the need for additional copies.)
4. As a group, review the collective results. Encourage participants to identify and explore where there appear to be differences in how stakeholders have ranked a particular element. Use this as an opportunity to find out why the other person might have different perspectives. Keep in mind that the goal is to deepen understanding of why the differences of opinion might exist; agreeing upon a rating is not essential.
5. After comparing results, participants should discuss what they see as the biggest gaps or priorities to address in the near future. If needed, use dots or take a hand vote to agree upon the top three next steps. For each one, discuss who needs to be involved in advancing this priority? What are immediate next steps? Who can take responsibility for ensuring follow-up occurs? Determine how to stay in communication with each other about progress on the next steps and decide whether a follow-up meeting is needed.

School Name: _____

For more information, visit our website at: atschool.alcoda.org

Adapted with permission from materials provided by Attendance Works (www.attendanceworks.org)





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Certificate of Achievement

FOR GOOD AND/OR IMPROVED ATTENDANCE THIS SEMESTER

Awarded on:



SAMPLE

CONGRATULATIONS LETTER

Date

Mrs. Jane Doe
123 Main Street
Anywhere, CA 94000

Dear Mrs. Doe:

We are writing this letter to thank you for your continued support and follow through of the agreement that you and your son, _____, signed in front of the School Attendance Review Board. _____ has been able to follow each and every item on the agreement. Your cooperation in working with you son and the school has sent a strong signal to _____ that school is important and that you will follow through.

Please give _____ our congratulations on his/her educational success thus far. The attendance agreement will remain in effect through _____'s graduation. We are pleased with his program thus far and hope that both you and _____ have benefited from this agreement.

You are welcome to contact our office at any time you feel that you need help or support.

Sincerely,

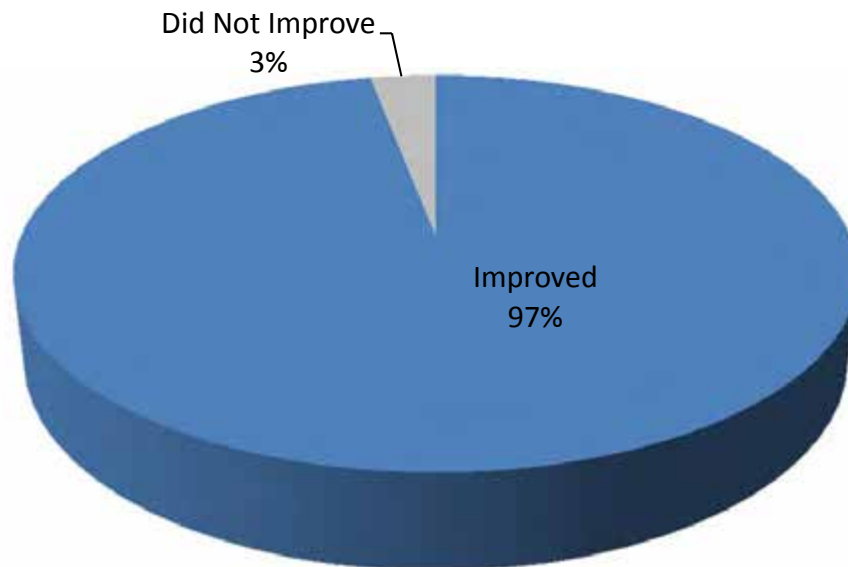
_____, Chairperson
School Attendance Review Board
Telephone: _____

cc: Principal

ALAMEDA COUNTY STATISTICS

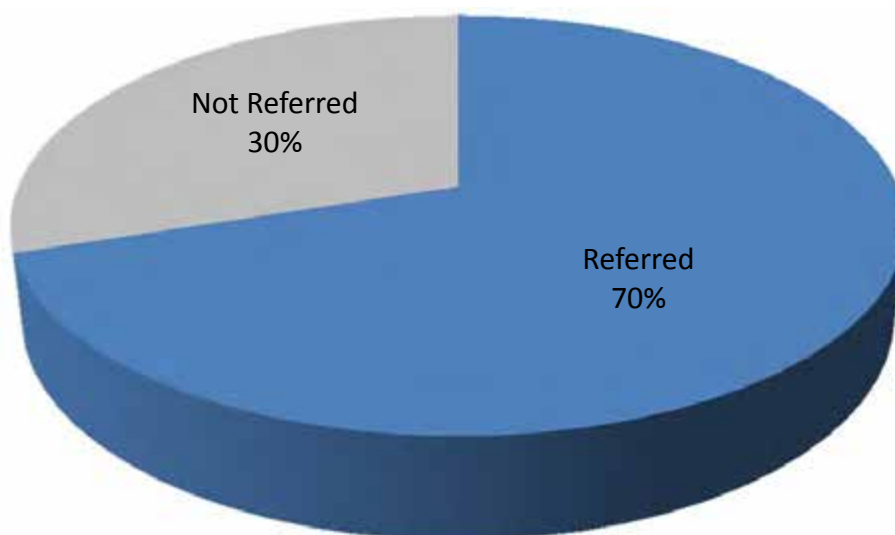


Changes in Attendance After Probationary Period in Parent Truancy Court



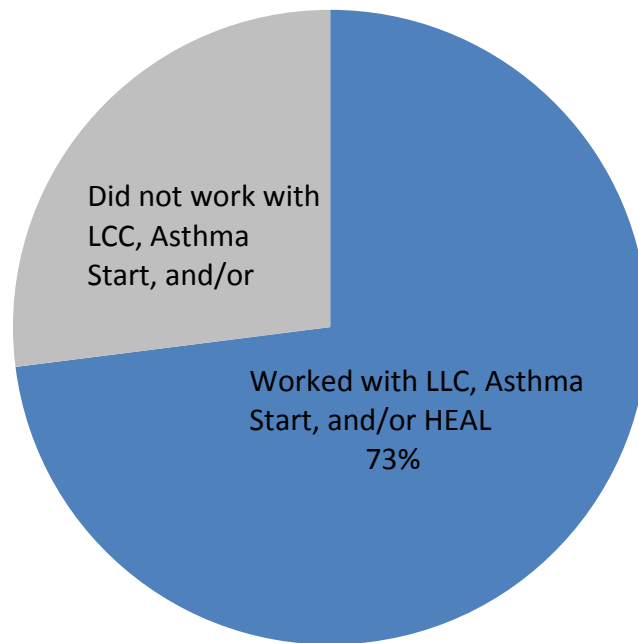
Sampling of 30 students whose parents/guardians appeared in Parent Truancy Court during the 2013-2014 school year.

Families Referred to the Lincoln Child Center (LCC)



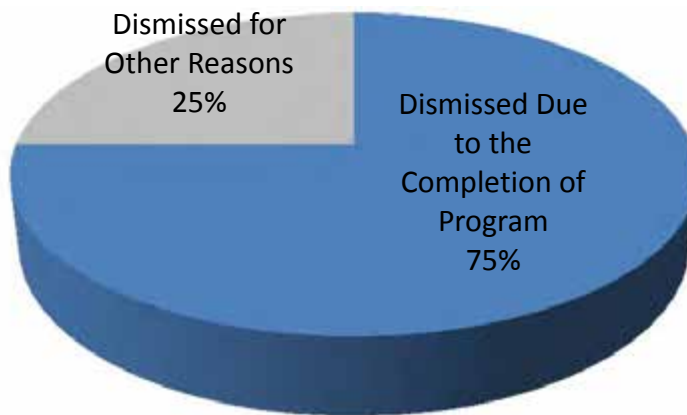
Sampling of 30 students whose parents/guardians appeared in Parent Truancy Court during the 2013-2014 school year.

Percentage of Families who did/did not work with the Lincoln Child Center, Asthma Start, and/or



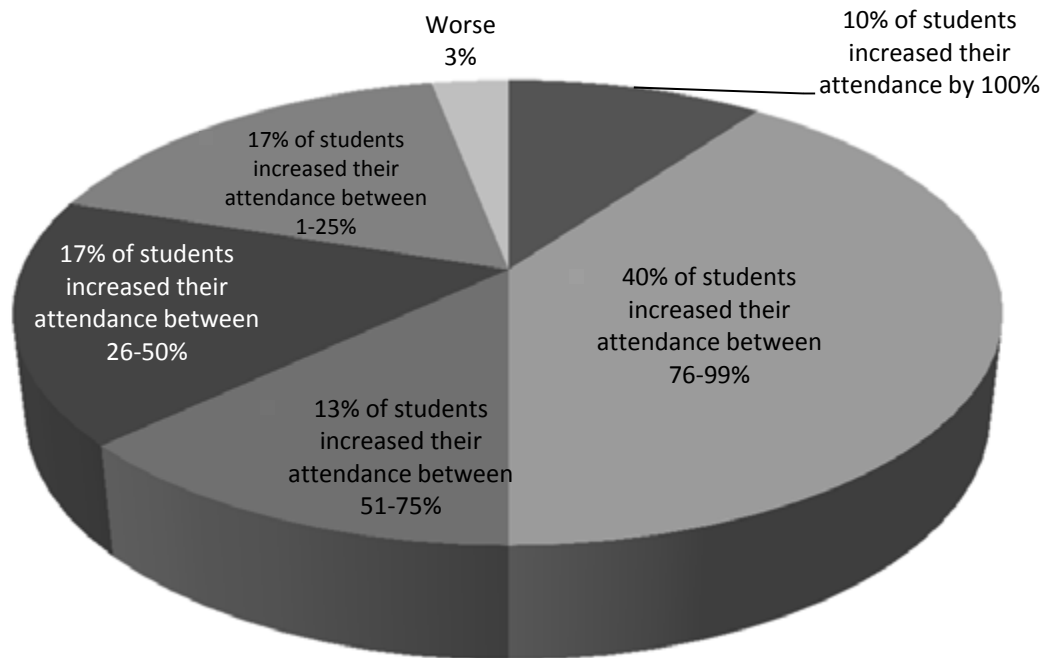
Sampling of 30 students whose parents/guardians appeared in Parent Truancy Court during the 2013-2014 school year.

Dismissal Reasons for Parent Truancy Cases



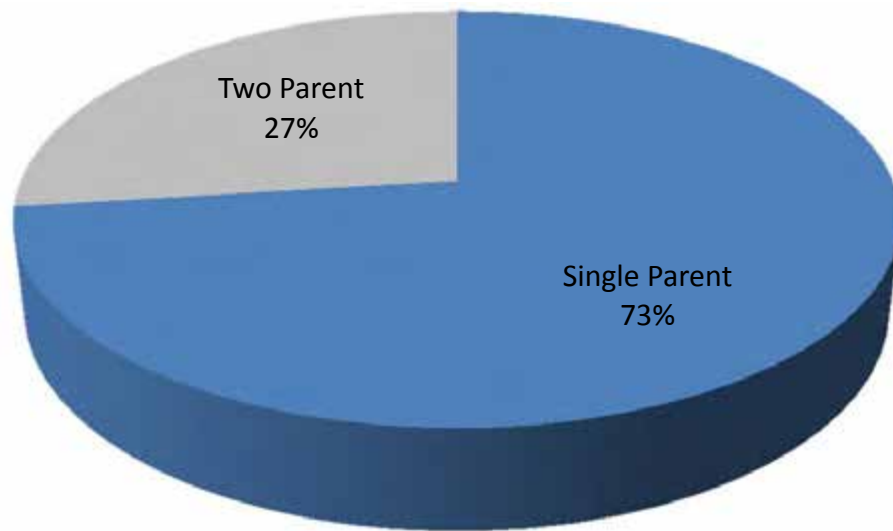
Sampling of 47 students whose parents/guardians appeared in Parent Truancy Court during the 2013-2014 school year. Of the active cases in the 2013-2014 school year, 75% were successfully dismissed due to the completion of the program. The majority of the cases that were dismissed for other reasons made significant positive advancements in attendance during the 2013-2014 school year, yet were dismissed based on varying circumstances.

Detailed Explanation of the Parent Truancy Cases- Full Day Attendance 2013-2014 S.Y.



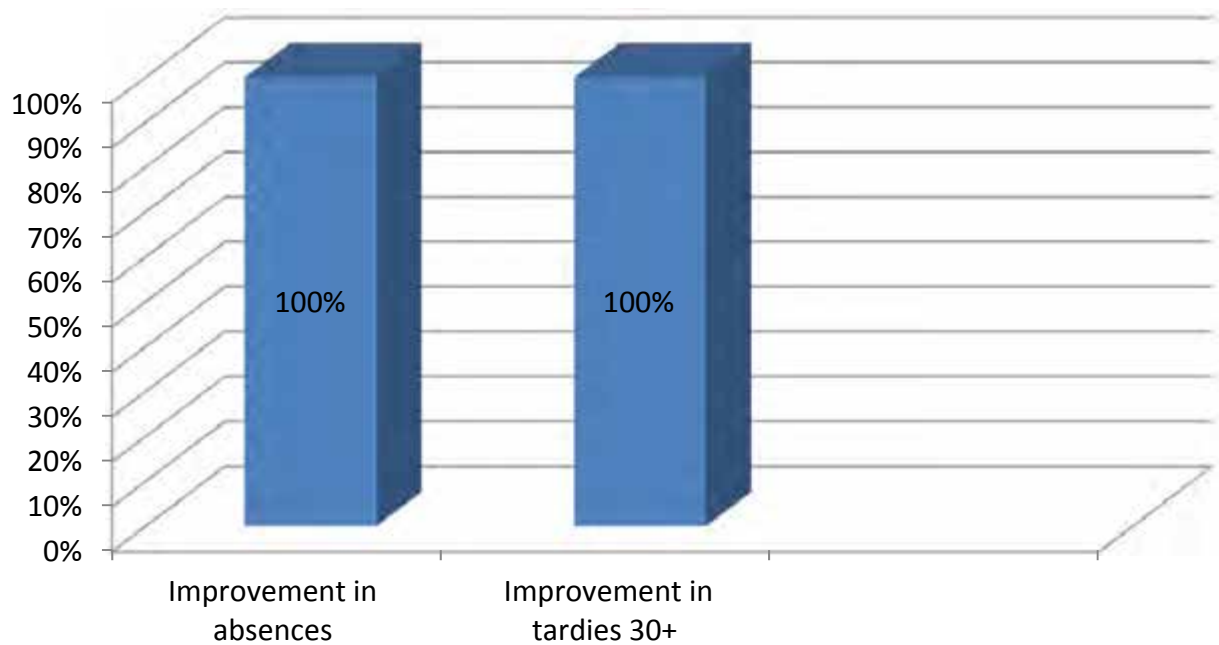
Sampling of 30 students whose parents/guardians appeared in Parent Truancy Court during the 2013-2014 school year.

Composition of Household

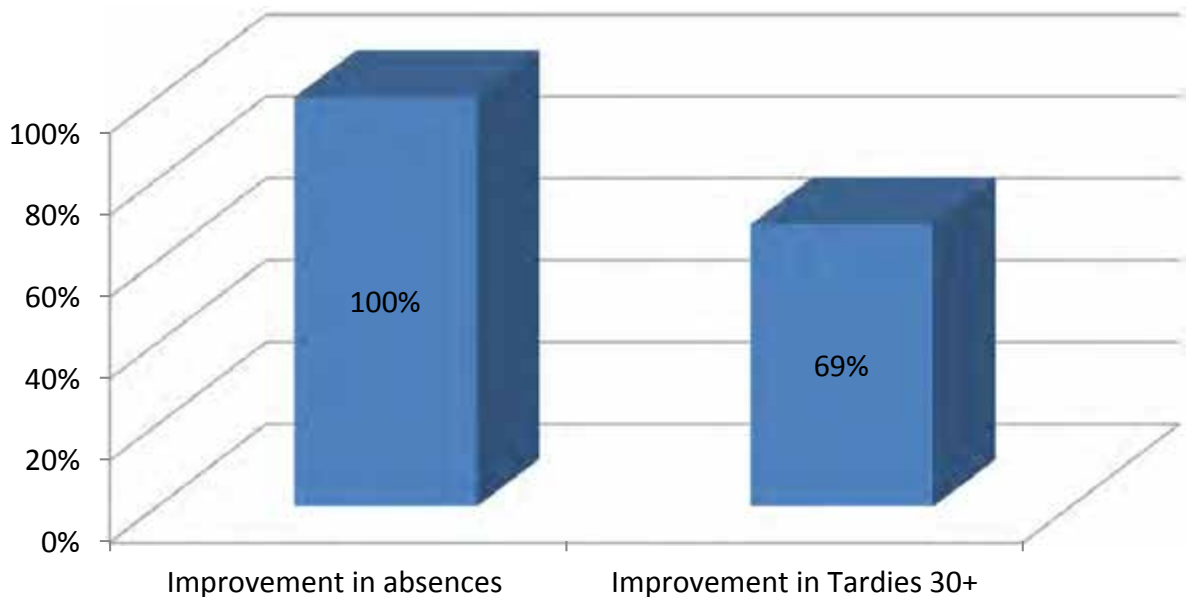


Sampling of 30 students whose parents/guardians appeared in Parent Truancy Court during the 2013-2014 school year.

Improvement in Absences and Tardies for Families who worked with either or both Asthma Start and/or HEAL

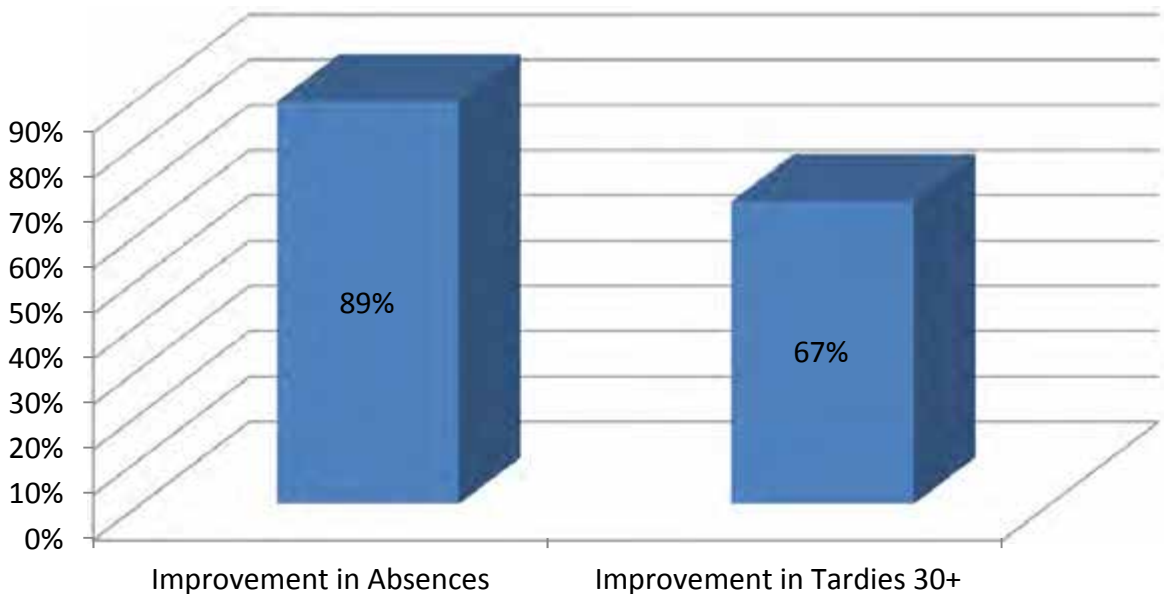


Improvement in Absences and Tardies for Families who worked with the Lincoln Child Center



Sampling of 16 students whose parents/guardians appeared in Parent Truancy Court during the 2013-2014 school year.

Improvement in Absences and Tardies for Families who were not referred to the Lincoln Child Center



Sampling of 11 students whose parents/guardians appeared in Parent Truancy Court during the 2013-2014 school year. Reasons for not being referred to LCC include: private health insurance, no Medi-Cal, and/or obtaining other support services from outside agencies.

Parent Truancy Court 2013-2014

Factors Contributing to Truancy

Transportation

Bullying

Child's Mental
Health

Parent's Health

Homelessness

Lack of
Effective
Parenting Skills

Child's Health

Parent's Mental
Health and/or
Substance Abuse

Community
Violence

MEDIA



Truancy court: Parents get support, kids get to school

Jill Tucker

Updated 8:32 am, Saturday, June 21, 2014

In the past two years, the parents of 30 Alameda County children were dragged into Superior Court and charged with violating state truancy laws.

Their children had missed weeks and weeks of school; in some cases, they had been absent nearly every day.

None of the typical interventions worked - meetings with teachers or principals, phone calls home, threats by the district. The parents, a summons in hand, stood often in fear before Judge Gloria Rhynes, a no-nonsense jurist who most days of the week metes out justice to murderers and other felons.

But truancy court is different. It's not about punishing parents. It's about helping them. "Certainly, I have to follow the guidelines of the law," she said. "But I see myself as an encourager."

On Friday, that encouragement paid off as Rhynes acknowledged the much improved attendance of all the students and then dismissed the criminal case against their parents.

"I came to the courtroom expecting the worst," said single mom Adrian Allen. "It was totally different."

Prosecuting parents for violating the state Education Code is a last resort and used in only the most difficult cases, Assistant District Attorney Teresa Drenick said. In the past 10 years, 740 parents have been prosecuted and charged with truancy infractions and 85 to 90 percent of their 1,000 children have shown improved attendance.

"I think it is a combination of the power of a courtroom and the justice system coupled with the assistance that's provided through all of the case management and health care providers plus the fact the parents are mandated to come back to court on a regular basis," she said. "What it shows is that the justice system, over and above everything else, is powerful and doesn't necessarily need to be punitive."

Overwhelmed with life

By far the biggest reason kids are chronically absent from school is that the parents are "overwhelmed with life," Drenick said.

Getting their kids up and out the door to school becomes secondary to other struggles.

There are often health issues, transportation problems, homelessness and family turmoil.

The program has increased the kinds of support offered to families over the past decade, with home visits by nurses now included as well as help registering for health insurance under the Affordable Care Act.

"That's one of the things that this court takes away is the ability to have an excuse," Drenick said. "Yeah, we get this is a really big problem in your life, but it can't stop you from getting your child to school."

Allen and her son, Isaiah, moved to Oakland from Modesto and the transition was hard.

Isaiah struggled to make friends and keep up academically.

"I was keeping him home because he was making himself physically sick," Allen said. "He was shutting down."

And then, after a house fire, they were homeless for a time.

Through the Alameda County district attorney's truancy program, a social worker was assigned to the family, helping guide Allen and her son through the troubles.

‘Totally the opposite’

That wasn't what Allen expected when she was charged and brought to court. She thought it would be sterile and punitive. "It was totally the opposite," she said. "It worked out extremely beyond what I expected."

The now-14-year-old had much better attendance this last school year.

For so many families, there had been a complete shift since their first court appearance and their last one on Friday, Rhynes said.

"These parents are parents who always loved their children. That's not the problem," she said in her chambers before the celebratory hearing. "But love is not just a feeling."

It's also about doing what's best for your child and that includes prioritizing an education, the judge said.

Just after 9 a.m., Rhynes asked for the first case of the day. Carlos Medina approached the bench with his 9-year-old daughter, Chloe.

"What a difference a year makes," Drenick said, as she made a motion for the judge to dismiss the case against Medina and his wife.

In the previous two years, Chloe had missed whole weeks of school and many days in between.

Her parents, who worked long hours, hadn't prioritized school given that Chloe was advanced academically.

With support from case workers and after several appearances before the judge, the family shifted priorities and Chloe recorded perfect attendance last year.

"I'll miss you, judge," Chloe said softly as she stood before Rhynes with her father.

The judge smiled.

"Where is my banger thing?" Rhynes said before grabbing her gavel and giving it a good whack on her bench.

"Case dismissed."

Jill Tucker is a San Francisco Chronicle staff writer. E-mail: jtucker@sfgate.com

San Francisco Chronicle

Truancy: Alameda County court educates families

Jill Tucker, Chronicle Staff Writer

Saturday, June 18, 2011



Paul Chinn / The Chronicle

Judge Gloria Rhynes hugs Jerome Hunter after he completed the truancy prevention program in Oakland. More than two dozen parents prosecuted for their children's truancy had their cases dismissed after the family completed a program and the students raised their school attendance records.

Third-grader Jerome Hunter walked into an Alameda County courtroom Friday with a shiny medal around his neck and held it up to the judge.

"It's for perfect attendance," he said.

Superior Court Judge Gloria Rhynes beamed as she pulled the Oakland 9-year-old in for a hug.

Just 10 months earlier, Jerome's mother, Doris Scott, had stood in the same spot before Rhynes, pleading guilty to a common crime, but one rarely prosecuted across California: truancy.

By state law, if a child is truant, a parent or guardian can be held legally responsible.

State law considers a child truant after six unexcused absences. All those prosecuted had children who missed much more, said Deputy District Attorney Teresa Drenick.

Last fall, about 100 Alameda County parents faced Rhynes for the same charge. The courtroom was the last-ditch effort in what had been an already long and legally mandated bureaucratic battle by school officials to address truancy.

The charge is an infraction of the state Education Code, on a legal par with a traffic ticket. The violation comes with a \$100 fine.

But officials aren't pulling parents into court only to penalize them, Drenick said.

The point is to get the kids back to class.

"It is not a court of punishment," she said. "We're doing everything we can to eradicate the barriers."

Reasons for missing class

With help from outside agencies, families are referred to counseling, health care and other services to overcome the obstacles leading to their children's truancy. Most of the students are in elementary or middle school.

On Friday, about 30 of those 100 families stood before Rhynes on the third floor of the René C. Davidson Courthouse in Oakland with a smile on their faces.

They were the success stories.

The causes of chronic absenteeism and truancy range from family health issues, homelessness, substance abuse and depression to transportation problems or even obesity.

A 280-pound third-grader, for example, didn't go to school in part because she couldn't fit into the elementary school seats, Rhynes said.

Drenick has heard it all.

"The baby has the flu, it's raining, and nobody went to bed until after midnight," she said. School can quickly take a backseat on the priority list, and one day missed quickly becomes 40.

"Sometimes just coming into court and the shock of it can wake people up from a stupor," she said.

One by one on Friday, the judge slammed her gavel on her bench, dismissing each case and erasing the minor convictions from the parents' record.

For Scott, it had been a long and stressful journey.

The previous year, Jerome missed 43 days of school - more than eight weeks of learning and almost one-fourth of the school year.

Stabilizing the family

Plagued with asthma, Jerome was often out ill, spending many nights at the hospital. Other family issues, including custody issues related to extended family, created increased instability.

With the legal case hanging over her head, his mother accepted the wide range of services and guidance offered by the court. Once a month, she appeared before Rhynes to give an update.

Her son's asthma improved. And Scott finally quit smoking.

"It was hard," she said. "I was trying to stop on my own."

And Jerome went to school - every day. He had the medal to prove it.

"Case dismissed," Rhynes said as she congratulated the mother and son.

Drenick prosecuted her first truancy case eight years ago. Other counties across the state have begun following her lead.

While about 425 Alameda County families have seen the inside of the courtroom for the violation since 2004, the problem is much greater. In Oakland, 1 out of every 7 children missed almost four weeks of schools - absences that were often excused for illness or other reasons.

Yet the vast majority of families who Drenick charged with the infraction eventually had their cases dismissed within a couple of years because their children's attendance improved.

But for some families, it was a steep journey to get back on track.

The child of one parent prosecuted was either late or absent 117 of the 180 school days in the 2009-2010 school year.

Family dysfunction took the form of irregular bed times, and the student was too tired to get up in the morning to go to school.

With the help of parenting classes and other services, the family turned it around.

This year, the girl didn't miss one day, a perfect attendance record that qualified her for a school raffle.

She won a bicycle.

Preventing future prisoners

While most district attorneys fight hard for convictions, Drenick is quite happy to see her cases dismissed.

With third-grade truancy rates used to predict future prison populations, the deputy district attorney is working to keep a case file from landing on her desk some years from now that features the mug shots of any of these children.

"We're trying to save these kids," she said. "You can't save the world, but we're trying to save the families that come before us."

This article appeared on page C - 1 of the San Francisco Chronicle

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San Francisco Chronicle

Truancy court in Oakland is for parents

Elementary school: When students repeatedly miss class, adults are charged

April 17, 2010 By Matthal Kuruvila, Chronicle Staff Writer



One by one, mothers stepped forward to face Alameda County Superior Court Judge Cecilia Castellanos and explain why their children have repeatedly failed to show up to elementary school.

One mom said she couldn't find her son's school. Another blamed traffic. One said her son was repeatedly tardy to class because he had difficulty opening his locker.

To each, Judge Castellanos said, "That's not an excuse," and ordered them back to truancy court for a follow-up.

Castellanos' court on the third floor of the René C. Davidson Courthouse in Oakland is where, every Friday, parents from cities throughout Alameda County are prosecuted for failing to get their children to elementary school and sometimes middle school. The children generally range in age from 6 to 15.

Under state law, a child is truant if he or she has three unexcused absences of 30 minutes or more at least three times a year. Schools do the early intervention. The truancy court generally sees parents whose kids have missed 20 or more days. Older children who miss school face truancy charges in Juvenile Court.

429 parents charged

Some 429 parents of mostly elementary school children were charged in this Alameda County truancy court between January 2004 and December 2010, said Deputy District Attorney Teresa Drenick. More than 85 percent of the parents greatly reduced their children's truancy by 75 percent or more.

Truancy is gaining greater attention locally and around the state as cities and counties find ways to get kids back in the classroom. In Richmond, city leaders last week approved a curfew that bans school-age kids from the streets during school hours.

In Oakland, Police Chief Anthony Batts says he believes that curbing truancy will help reduce crime. State lawmakers, meanwhile are considering two bills, including one by state Sen. Mark Leno, D-San Francisco, that would increase penalties for parents of truant children and allow districts to better track habitual truants.

The parents coming into Alameda County Superior Court on Fridays represent the promise and the limits of the truancy court.

One of them was Ericka Edwards.

Her daughter was enrolled in school for 174 days last year, when she was a first-grader. But she missed 79 days of school. Edwards' son, then a fourth-grader, had a similar record.

After Edwards pleaded guilty in truancy court in January and started her probation, neither child has had an unexcused absence, Drenick said.

Edwards said the court helped. She said she had struggled with depression, but the threat of arrest and fines of up to \$500 prompted change.

"Going to see the judge, you've got to get it together," Edwards said in an interview. "I figured this is the time, 'be strong now.' I guess it was something God was telling me to do and forced it upon me."

Truancy damages schools in a number of ways, said Troy Flint, a spokesman for the Oakland Unified School District. Lower attendance means less money for the schools. If the district were to increase its 94.5 percent attendance rate to the statewide average of 95.5 percent, that would mean an estimated \$1.4 million more in state funding.

'They can't learn'
But it's not just money.

"If students aren't in school, they can't learn," Flint said. And those who don't regularly attend bring social ills back to schools. "Students more likely to be involved with drugs and gangs are disenchanted with school."

Oakland police Lt. Michael Johnson said truant teens are often at the center of crime. Getting them back in school is vital. But government agencies can't be expected to handle truancy by themselves, he said.

"If you see somebody at a store, the store owner needs to call and help," he said. "It just can't be handled by the Police Department and the district. It takes the whole community."

Drenick said the majority of parents she's seen with truant children are single parents, particularly single mothers. Some have mental illnesses. She estimates that 20 to 25 percent of the mothers are victims of domestic violence.

Even though the court has largely succeeded with those who come in, Drenick knows the problem won't ever disappear. That hasn't diminished her faith in the court.

"For every little kid who we get an education for, that means we've won," said Drenick. "Just because this problem doesn't go away doesn't mean you give up on the individual kids."

http://articles.sfgate.com/2010-04-17/bay-area/20853623_1_truancy-court-parents-of-truant-children-habitual-truants/1

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