

# School Attendance Review Board



## **A Road Map for Improved School Attendance and Behavior**

Revised 4/14/2015

Prepared by the  
State School Attendance Review Board  
(State SARB)

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## Dedication

### Frank Raymond Valadez 1944 — 2014



We extend our deepest thanks and appreciation to our respected friend and colleague, for his amazing, spirit, dedication, and commitment.

Frank Valadez was a guiding force in Santa Clara County truancy abatement for more than 20 years. Through his efforts Frank imparted a clear understanding of truancy law, paired with a deep appreciation for the spirit behind them. Frank always saw the big picture, approaching truancy intervention with firmness and sensitivity. He never failed to go deeper to find the underlying cause of a problem and worked tirelessly to create interventions responsive to the needs of his students and their families.

Frank was a trusted leader and mentor to many colleagues across the state. He was passionate about child welfare and attendance, dedicating himself to reaching as many children in need as possible through collaboration on the community, county and state levels.

A military veteran, Frank began his career in education in 1974 as a school counselor at Gilroy High School. In 1998, Frank moved to the district office, serving as Attendance Officer, Homeless Liaison and At Risk Student Counselor for Gilroy Unified. That same year Frank was also named as co-chair of the Santa Clara County District Attorney's Office Attendance Collaborative for Educational Success (ACES). He continued in both roles until his death in 2014.

Frank was an active member and Past President of the California Association of Supervisors of Child Welfare and Attendance (CASCWA), Bay Section. Given his depth of knowledge and experience, Frank was tapped to be a member of the "Ask the Experts" team for CASCWA from 2005 to 2010.

In addition to all of these roles, Frank contributed to the welfare of children across the state through his eight year involvement as a member of the State School Attendance Review Board.

As an advocate for social justice, Frank consistently worked to create better outcomes for children and families in poverty, English learners, and persons of color. The Frank R. Valadez Award for Social Justice will be inaugurated in 2015 to carry forward his name and his work.

Frank Raymond Valadez was smart, savvy, committed and passionate. He embodied reason, compassion, professionalism and hope. He was an awesome man, wholly dedicated to bettering the lives of our children. He will be missed deeply.

## Acknowledgements

Sincere appreciation goes to all the members of the State School Attendance Review Board (State SARB) who have supported the revision of this handbook. Their dedicated work to improve the SARB process is a major contribution to youth in need of positive interventions that will guide them toward more successful futures.

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## CONTENTS

### **Chapter 1: [Foundation of the SARB Process:](#)**

Effective leadership creates the vision for high expectations, community partnerships, quality resources, and caring relationships. This chapter underscores the goal of an effective SARB, which is to provide the support pupils need to succeed in school. It also offers definitions of key attendance terms.

### **Chapter 2: [Prevention: The Best Solution:](#)**

One of the most important aspects of a model SARB is its potential to promote early intervention to build a culture of attendance throughout a school. Prevention efforts increase average daily attendance and the percentage of pupils attending school at least 95% of the time, reducing costs associated with referrals to SARB meetings.

### **Chapter 3: [Early Identification:](#)**

Early identification of pupils experiencing poor school attendance and/or school behavior problems is crucial to dropout prevention. Establishing an automated system for early identification is essential to ensure that no student is overlooked.

### **Chapter 4: [School Site Interventions:](#)**

The SARB process includes site-level interventions that pupils and families recognize as supportive rather than punitive or judgmental. These interventions help the pupils and families select services and resources to address school attendance and/or behavior problems.

### **Chapter 5: [SARB Procedures:](#)**

Accurate and current school attendance and/or pupil behavior data drive the procedures of a model SARB. Data analysis leads to appropriate referrals to SARB and provides the foundation for establishing long-range goals for improving school attendance and graduation rates. Effective case management, including pupil/family monitoring and follow-up after SARB, is required to ensure that SARB directives have been followed.

### **Chapter 6: [Mediation Programs:](#)**

These programs work in collaboration with the legal community to enforce the compulsory education law. The panel must include a law enforcement representative who participates in SARB decisions, policies and practices.

### **Chapter 7: [Enforcement of Compulsory Education Laws:](#)**

SARB's challenge is to identify pupils who have attendance problems and link the pupils and their families to all appropriate school and community resources. Effective SARBs collaborate with law enforcement, the judicial system, and the schools to enforce the compulsory education laws if SARB directives are continually and willfully disregarded.

### **Chapter 8: [Frequently Asked Questions \(FAQs\):](#)**

Answers are provided to many of the basic questions often asked by school officials and SARB members.

**Chapter 9: [Community Resources:](#)** Many resources are available in California to assist local or county SARBs, students, and families.

**Appendix A: [Sample Forms](#)**

Model SARBs use a variety of forms, letters, and other documents to seek involvement and collaboration of families to ensure the success of all children.

**Appendix B: [California Statutes and Regulations](#)**

Regulations from the state's Education Code, Government Code, WIC, Vehicle Code, Labor Code, and Family Code are frequently used by SARBs to ensure compliance with California's compulsory education laws. Although it is sometimes necessary for the SARB to direct the school district to make and file criminal complaints, SARBs should first attempt to build adequate bridges between school and family.

**Note: Readers who are viewing an electronic version of the handbook may access topics listed in the Road Map or Table of Contents by using the “control, click” feature.**

# CONTENTS

[Introduction](#)

[A SARB Scenario](#)

[Frequently Used Terms](#)

[Foundation of the SARB Process](#)

[Prevention: The Best Solution](#)

[Early Identification](#)

[School Site Interventions](#)

[SARB Procedures](#)

[Mediation Programs](#)

[Enforcement of Compulsory Education Laws](#)

[Frequently Asked Questions \(FAQs\)](#)

[Community Resources](#)

[Appendix A Sample Forms](#)

[Welcome to School Letter from Principal](#)

[Attendance Letter from District Superintendent](#)

[Chronic Absence Letter](#)

[First Notification of Truancy](#)

[Spanish Translation of Sample First Truancy Letter](#)

[Second Notification of Truancy or Excessive Absences](#)

[Spanish Translation of Sample Second Truancy Letter](#)

[Third Truancy Letter](#)

[Spanish Translation of Sample Third Truancy Letter](#)

[Notification Letter of Parent Meeting at District Office](#)

[Notification Letter of SARB Referral](#)

[Chronic Truant Letter](#)

[SARB Identification Stickers](#)

[Case Chronology Worksheet](#)

[Attendance Records and Summary of Action](#)

[Annual Summary Report](#)

[Extended School Attendance Review Board Report Form](#)

[Confidential SARB Referral Form](#)

[Subpoena for SARB Hearing](#)

[SARB Confirmation of Directives Letter](#)

[SARB Congratulations Letter](#)

[Sample Chronic Illness Verification Form](#)

[Sample Attendance Board Policy and Administrative Regulations Including Administrative Regulation for Excessive Excused Absences](#)

[Sample Bylaws for County SARBs](#)

[Model School Attendance Review Board Rubric](#)

## [Appendix B California Statutes and Regulations](#)

### [California \*Education Code\* Excerpts](#)

[SARB Statutes: Legislative Foundations](#)

[Compulsory Attendance Laws](#)

[Access to Student Records](#)

[Pupil Exemptions](#)

[Supervisors of Attendance](#)

[Excused Absences](#)

[Investigations and Enforcement of Compulsory Education Laws against Parents](#)

[Independent Study](#)

[Home and Hospital Instruction](#)

[Comprehensive School Safety Plans](#)

[Apportionment Formulas and Determination of Revenue Limits](#)

[Definition of Chronic Absenteeism](#)

### [California \*Evidence Code\* Excerpts](#)

[Hearsay Evidence](#)

[Business and Official Records](#)

[Caregivers and Caregiver's Authorization Affidavit](#)

[Caregiver's Authorization Affidavit](#)

### [Government Code Sections](#)

[Formal Procedures for SARB Meetings](#)

[Right to Record Open Session of SARB Meetings](#)

### [California \*Labor Code\* Excerpts](#)

[Requirement to Allow Certain Employees to Attend School Conferences](#)



## *Penal Code Excerpts*

Compulsory Education Penalties for Parents of Chronic Truants

Contributing to the Delinquency of a Minor

## California *Vehicle Code* Excerpts

Restricting the Driving Privilege

## California Welfare and Institutions Code Excerpts

Children within the Jurisdiction of the Juvenile Court

Status Offenses

Children in Families on Public Assistance

## California Code of Regulations

Verification of Absence Due to Illness and Other Causes

## Introduction

California compulsory education law requires everyone between the ages of six and eighteen years of age to attend school, except sixteen and seventeen year-olds who have graduated from high school or passed the California High School Proficiency Exam (CHSPE) and obtained parental permission to leave. Some students, however, violate compulsory education laws and have a pattern of unexcused absences. Although truancy and excessive absenteeism are not new problems, they cause costly, long-term problems for the students, school, and the community.

In 1974, the Legislature enacted California *Education Code (EC)* Section 48320 to enhance the enforcement of compulsory education laws and to divert students with school attendance or behavior problems from the juvenile justice system until all available resources have been exhausted. *EC* Section 48321 provides several organizational structures for School Attendance Review Boards (SARBs) at the local and county level to create a safety net for students with persistent attendance or behavior problems. Although the goal of SARBs is to keep students in school and provide them with a meaningful educational experience, SARBs do have the power, when necessary, to refer students and their parents or guardians to court.

This handbook presents effective practices, guidance and practical tools to support to individuals engaged in district and county efforts to improve student attendance, behavior and learning.

The SARB Handbook is a living document. Updates will be posted on the San Diego County Office of Education website, and linked to the California Department of Education's School Attendance Review Board webpage at <http://www.cde.ca.gov/ls/ai/sb/>.

## Frequently Used Terms

**School Attendance Review Board (SARB):** Composed of representatives from various youth-serving agencies, SARBs help truant or recalcitrant students and their parents or guardians solve school attendance and behavior problems through the use of available school and community resources. County SARBs are convened by the county superintendent at the beginning of each school year. In any county where no county SARB exists, a school district governing board may elect to establish a local SARB, which shall operate in the same manner and have the same authority as a county SARB. In many counties, the county SARB provides consultant services to the local SARBs.

**State SARB:** In addition to county and local SARBs authorized by *EC* Section 48321, *EC* Section 48325 established a State SARB for statewide policy coordination and training to:

1. Encourage the cooperation, coordination, and development of strategies to support county school attendance review boards in carrying out their responsibilities.
2. Assist in diverting pupils with serious attendance and behavioral problems from the juvenile justice system to agencies more directly related to the state public school system by developing a system for gathering and dispensing information on successful community-based and school-based programs.
3. Reduce duplication of the services of state and county agencies in serving high-risk youth, including youth with school attendance or behavioral problems.
4. Reduce the number of dropouts in the state public education system by promoting interagency cooperation among those agencies which have as their goals preventing students from dropping out, and increasing the holding power of the public schools.

The State Superintendent of Public Instruction (SSPI) extends invitations of participation to representatives of appropriate groups throughout the state. The State SARB makes annual recommendations to the SSPI regarding the needs of high-risk youth.

**Model SARB Recognition Program:** Operated by the State SARB, the Model SARB Recognition Program identifies outstanding results-based school attendance improvement programs that provide comprehensive services to high-risk youth with school attendance or school behavior problems. SARBs recognized through this program are honored with the designation of "Model SARB" for a term of three years.

**Average Daily Attendance (ADA):** This is commonly understood as the percentage of pupils who typically attend class each day, calculated by dividing the number of pupils present by the total number of enrolled pupils. However, in California, ADA also refers to the formula used to determine how much funding a school district should receive from the state. In this case, total ADA is defined as the total days of student attendance divided by the total days of instruction during which the student is enrolled.

**Chronic Absentee:** A student absent on 10 percent or more of the days, calculated by dividing total absences by the total number of school days the student is enrolled during

the school year. Unlike truancy, this measure includes all absences – including excused absences – and assumes excessive absence impedes learning. (*EC* Section 60901[c][1])

**Truant:** 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 for 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. (*EC* Section 48260[a])

**Habitual Truant:** A pupil is deemed to be an habitual truant if he or she has been reported as a truant on three or more occasions in a school year, provided that an appropriate district employee has made a conscientious effort to hold at least one conference with a parent or guardian and the pupil, after sending either of the notices required by Section 48260 or Section 48261. 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. (*EC* Section 48262)

**Chronic Truant:** 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, 48291, and *EC* Section 48263.6

**See Appendix B for complete text of referenced CA *Education Code* sections**

## **A SARB Scenario**

### **Diagnosing the Cause of an Attendance Problem**

A sixteen-year-old student was referred to SARB for excessive absences at the end of the first semester of the school year. After three attendance letters had been mailed to the home, a School Attendance Review Team (SART) meeting was held; the mother did not attend.

Following the SART meeting, absences in certain classes continued. A referral was then made to SARB. When the pupil and her mother arrived at the SARB meeting, which was located up a flight of stairs, members noticed the pupil limping and in obvious discomfort when she entered the room. When asked about this, she stated her hips were often sore, but the family had no medical insurance to pay for treatment. When asked about her daughter's condition, the mother said her daughter had some hip problems when she was a baby, but was treated before entering preschool.

Attendance records revealed a pattern of absences occurring at the same time during each school day. Further questioning revealed that it hurt the girl too much to go back and forth across a very large campus that included classrooms on the opposite side of a street. We encouraged her to go to a free clinic sponsored by a local hospital and stated we would meet in about a month to check on her progress. In the meantime, we asked the school to change her schedule so she did not have to go back and forth across the street.

When the pupil returned to meet with the SARB, there was a definite improvement in her walking ability. Her mother stated that her daughter had started on medicine for juvenile rheumatoid arthritis and was feeling much better. Her attendance was better as well. The school developed a 504 Accommodation Plan to support the student, and she has since graduated.

In such cases, the best approach would be to have someone talk with the student to find out the underlying cause for the absences, so that appropriate responses and an ultimate solution can be found, without the need for attendance letters or formal action. If this is not possible, the SARB hearing can become an opportunity to discover the underlying causes of the attendance problem by observing the student, asking appropriate questions, and developing a rapport with the student and family.

# Chapter 1

## Foundation of the SARB Process

While many factors contribute to success in school, regular school attendance and appropriate school behavior are fundamental to learning. Problems in either area provide clear warning signs indicating intervention and support are needed. When systems are not in place to identify and respond to these signs as soon as possible, pupils exhibiting poor attendance and/or behavior are likely to become more and more disengaged (or hostile), until they eventually disappear from school entirely, or are expelled.

The California legislature responded to the role irregular attendance and poor behavior play in lost learning, school dropout and juvenile delinquency with a number of laws written in the early 1970s. In 1974, School Attendance Review Boards (SARBs) were introduced in California Education Code [EC] Sections 48320–48325, as a part of a system of interventions intended to make maximum use of school district and community resources to reengage students, improve graduation rates and divert minors away from the justice system.

In essence, a SARB is a multidisciplinary team, composed of representatives from a broad array of youth and family service agencies. The goal is to create a SARB with expertise on the full spectrum of needs that youth and families encounter, together with a menu of resources necessary to make a difference. To foster this kind of collaboration EC 48321 provides the following membership pool for School Attendance Review Boards:

- A parent.
- A representative of school districts.
- A representative of the county probation department.
- A representative of the county welfare department.
- A representative of the county superintendent of schools.
- A representative of law enforcement agencies.
- A representative of community-based youth service centers.
- A representative of school guidance personnel.
- A representative of child welfare and attendance personnel.
- A representative of school or county health care personnel.
- A representative of school, county, or community mental health personnel.
- A representative of the county district attorney's office.
- A representative of the county public defender's office.
- Other persons or group representatives appointed by the board of education.

While many people are familiar with SARB's function as a "hearing panel", highly effective SARB programs develop three layers of support to improve student attendance, behavior and learning:

1. Prevention efforts focused on building positive school environments and improved school connectedness.

2. Early identification and immediate intervention to re-engage students with poor attendance (truancy or chronic absenteeism) and/or poor behavior.
3. Intensive intervention with pupils and families appropriate for attendance or behavior issues that are severe or entrenched.

It is important to note here that the stance of every school employee and SARB member should adopt when working with students and their families is one that emphasizes caring, compassion and partnership.

Education Code 48290 requires that parents and/or students who continually fail to comply with the laws related to school attendance, and who do not respond to school based efforts to correct the problem be referred to a SARB. A SARB is authorized to direct truant or recalcitrant pupils and their parents or guardians to use school and community resources it specifies. If the problem persists, Education Code 48291 requires the SARB refer the case for prosecution.

That being said, the focus through the process should be on intervention, re-engagement and support.

### **New Accountability and Opportunity for SARBs**

Enacted in 2013, the Local Control Funding Formula (LCFF) made dramatic changes to the method of funding for Local Education Agencies (LEA). Under the LCFF, all LEAs are required to prepare a Local Control Accountability Plan (LCAP), describing the actions they will take to accomplish annual goals they establish for all students with special attention to English Learners, children in foster care and low income students.

Each LCAP must include specific activities to address the eight state priorities identified in *EC* Section 52060(d). While positive student attendance is a factor influencing all of the priority areas, two stand out as being closely aligned with the mission of School Attendance Review Boards:

**Student Engagement:** As measured by all of the following, as applicable:

- School attendance rates.
- Chronic absenteeism rates.
- Middle school dropout rates.
- High school dropout rates.
- High school graduation rates.

**School Climate:** As measured by all of the following, as applicable:

- Pupil suspension rates.
- Pupil expulsion rates.
- Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.

The community oriented, multi-disciplinary, multi-agency make up of local SARBs makes them uniquely qualified to provide input into the development of goals and action plans to address LCAP priorities.

## Why Examining Data Matters

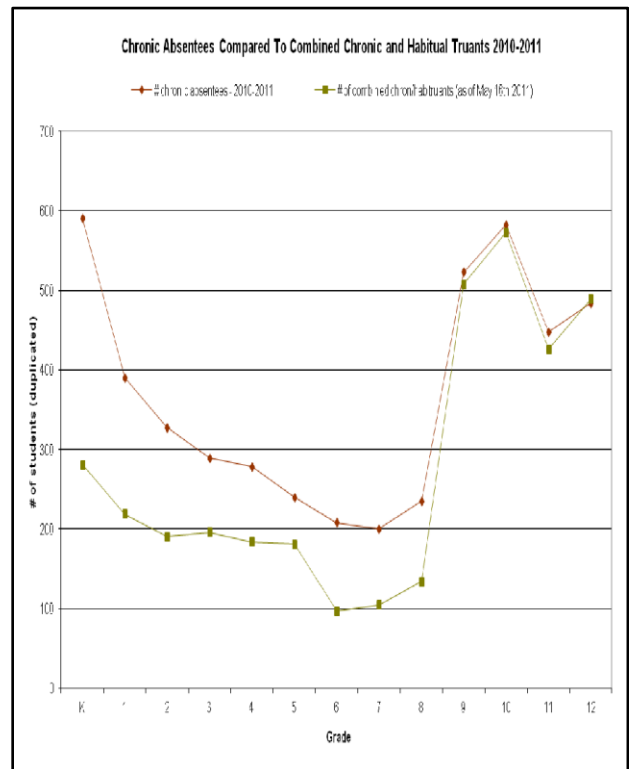
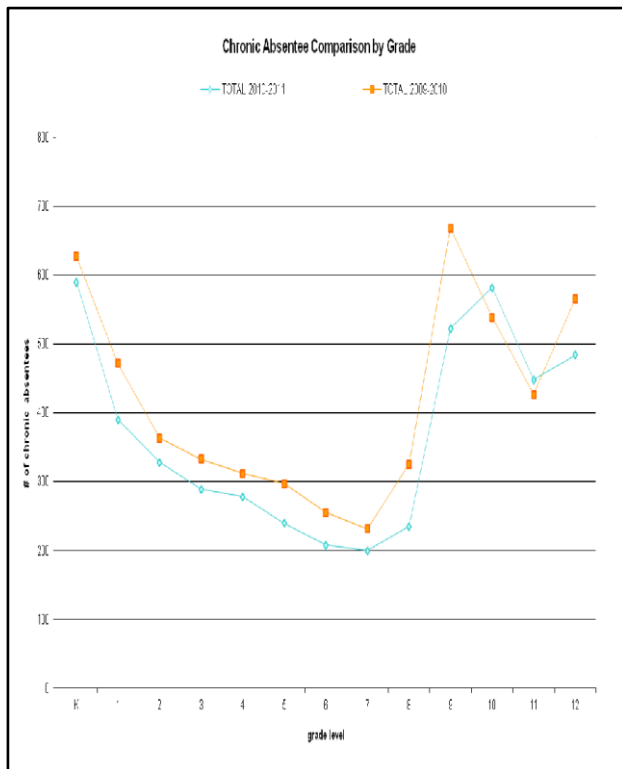
While gathering data for its annual SARB report, a modest-sized California school district decided to use an expanded SARB report to calculate the number and percentage of pupils missing 10 percent or more of school. As a result district discovered that nearly 25 percent of its kindergarten pupils had missed 10 percent or more of the days they were enrolled for that year – the rate defined as chronic absence.

It surprised district staff to learn that their kindergarten absence levels were even higher than it was for their ninth-graders, who had the second highest levels of chronic absence – 23 percent.

While the aforementioned scenario is hypothetical, it represents a troubling reality. Research now suggests chronic absence in kindergarten can have an adverse effect on reading by third grade – especially if it persists into first grade.

A less severe scenario was discovered in the San Francisco Unified School District (SFUSD), as shown in the graphs below. By looking at its data, the district discovered that chronic absences affected about 14% of the district’s kindergarteners.

(Graphs provided courtesy of Claudia Anderson, San Francisco Unified School District)



San Francisco Unified also discovered that calculating chronic absence helped them identify additional children, especially in the early grades, who were academically at risk



due to poor attendance, and who would not have been detected if the district had only monitored truancy.

Many California districts are likely to have data similar to SFUSD's. (Some may even see trends similar to those in the hypothetical scenario outlined at the beginning of this section.) Prevention and interventions efforts can improve attendance. Such efforts could include: 1) offering classroom incentives for pupils who have perfect attendance each week; 2) educating parents and pupils about the importance of attendance and the adverse consequences of chronic absence for third-grade reading and high school graduation; and 3) using early individualized outreach efforts to help chronically absent pupils get to school.

Data gathered throughout the student population may reveal the presence of two common barriers: 1) lack of access to health care – especially for children with asthma; and 2) lack of safe paths to school and reliable transportation. In response, districts can partner with city agencies to identify community resources that can be reallocated to address these needs.

Over time, schools that are diligent in implementing intensive efforts will experience increases in student attendance, and in most cases, increases in attendance based revenues that could help cover the costs of prevention and intervention activities.

An evaluation of disaggregated suspension and expulsion data also may reveal that a high rate of suspension among particular subgroups contributes to chronic absence in a school. If this is the case, the solution might include professional development that encourages less exclusionary disciplinary practices or the establishment of a supervised suspension classroom pursuant to *Education Code* Section 48911.1.

If data is available from the California Healthy Kids/School Climate/Parent Surveys (Cal-SCHLS) it could also be helpful in determining if school climate is having a negative impact on school attendance. For example, addressing a school bullying problem on campus could improve school attendance.

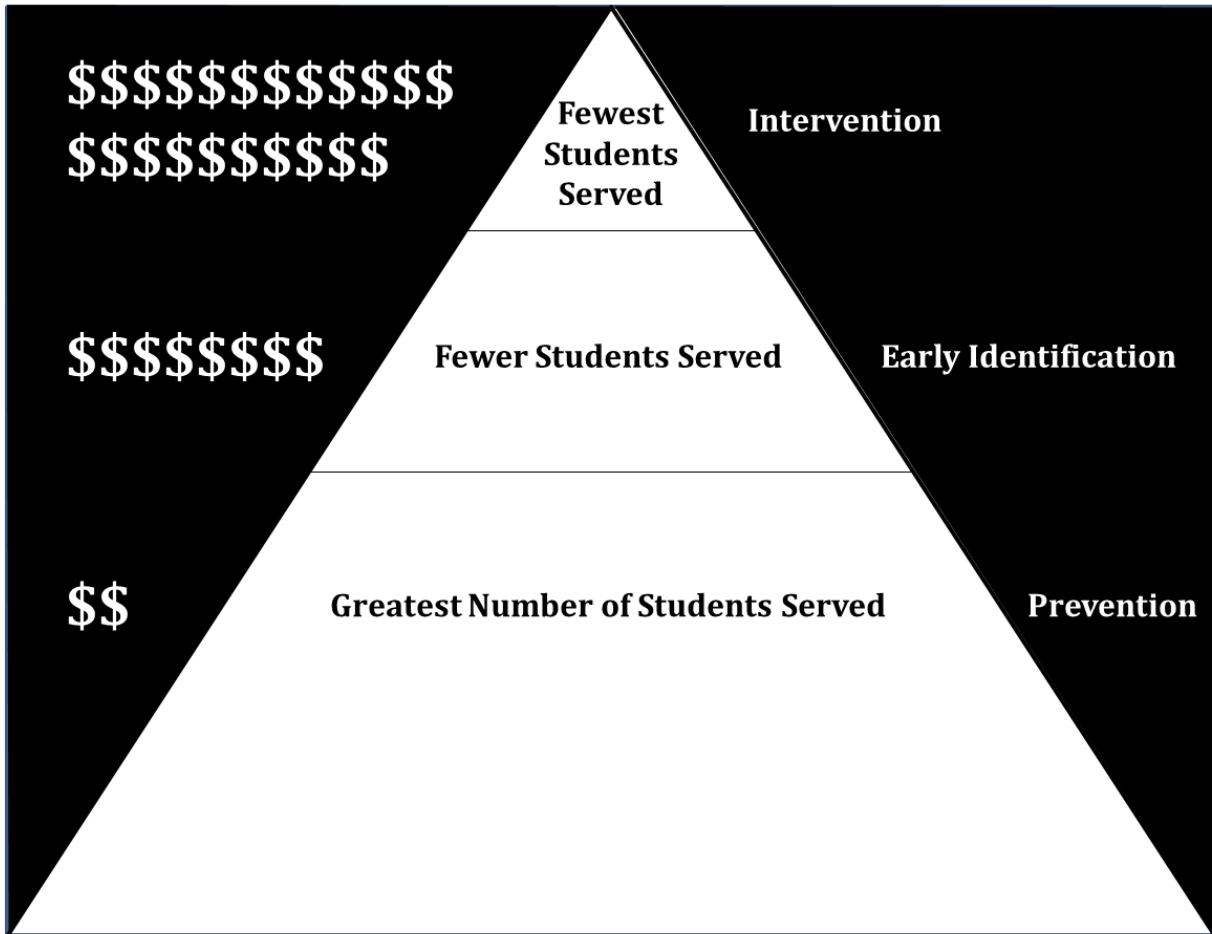
State Superintendent Tom Torlakson recognized the need to examine chronic absence data in his Chronic Absence Forum on May 19, 2011:

<http://www.cde.ca.gov/nr/sp/yr11/yr11sp0519.asp> When chronic absenteeism is identified, SARBs must take the lead in examining available data, finding the causes, and ultimately developing appropriate interventions.

## Chapter 2 Prevention: The Best Solution

The diagram below illustrates the relationship between the number of pupils served by SARB strategies and the cost of these services.

- Prevention costs the least and reaches the largest number of pupils
- Early identification costs more than prevention and serves fewer pupils
- Intervention costs the most and serves the smallest number of pupils



A good SARB process is directed at developing effective strategies responsive to all three areas. The following chapters detail this continuum in the SARB process.

All efforts to improve student engagement should be rooted in prevention. Prevention activities cultivate school connectedness, promote positive school climate, enhance school safety and set high expectations for accountability, all of which are essential to positive academic outcomes.

Research shows school absences can have a lasting impact on learning. One study on third grade reading level found the following:

- 64% of third grade students who missed nine days or fewer in both kindergarten and first grade were reading at grade level.
- Only 43 percent of third graders who missed more than nine days both years were reading at grade level.
- Only 41 percent of students who were absent 18 or more days in either kindergarten or first grade could read at grade level. (Chronic Absence)
- Of the students who missed 18 or more days both years, only 17 percent reading at grade level. (Chronic Absence)

All school absences have a negative impact on learning, the effects of which can be particularly hard to overcome for student with pre-existing barriers to learning. Students with disabilities, English Learners, students from low income families, students in foster care, homeless students and students who have experienced trauma are all likely to have incurred gaps in their learning. Absences from school, excused and unexcused, only add to these losses.

Among middle and high school pupils, poor attendance is one of the key early warning signs that a student is becoming disengaged from school and is at high risk for dropping out. One study found that a student who is chronically absent any year between eighth and 12th grade is 7.4 times more likely to drop out of school.

Unfortunately, many schools and school districts in California don't know if they have a problem with chronic absenteeism. Schools typically focus on Average Daily Attendance (ADA) figures and track truancy when children miss school due to unexcused absences. Both of these responses to absenteeism allow chronic absence to remain hidden. The following true story illustrates this point.

*With an enrollment of 2119 students, Example High School (EHS) had an Average Daily Attendance rate of 95% and the staff there felt pretty good about that.*

*In all, EHS students missed a total 20,598 days of school in 2011-12.*

*After hearing a presentation on Chronic Absenteeism, one of EHS's assistant principal's persuaded his IT department to help him identify all of the students in the last year that had a pattern of chronic absence. It wasn't easy. The student information system didn't have a built in capability for identifying chronically absent students or for calculating the school's rate of chronic absence. The fact that students move in and out of school throughout the year was also a complication.*

*In the end the AP discovered 341 of EHS' students had a pattern of chronic absence. As a group the chronic absentees were responsible for 11,162 of the school's absences. Just 16% of the students caused more than 54% of the school's absences.*

*Even more alarming, the members of this group averaged 32 absences a year, most of which were coded as excused.*

Procedures for responding to truancy miss many students who have excessive excused absences. The only way to address chronic absenteeism is through policies and procedures designed specifically to identify students with this pattern of attendance.

Prevention starts with adoption of an effective school district Board of Education policy and administrative regulation on attendance. These must include procedures for early identification of attendance problems and constructive intervention, well before the first formal SARB meeting with a student and his or her family is considered. The policy must reflect the philosophy that regular school attendance is critical. The policy and accompanying administrative regulations should also include a formal means of recognizing good attendance and holding schools accountable for attendance rates. A sample attendance supervision policy is located in the Appendix of this handbook.

A model board policy and administrative regulations should:

- Establish county or district SARB's, and acknowledge their role in preventing and addressing attendance and/or behavior problems, as well as coordinating community efforts.
- Allocate resources to attendance, including establishing Child Welfare and Attendance supervisors, community outreach, and a SARB.
- Ensure the monitoring and review of attendance data, ideally using the extended SARB report form available at:  
<http://www.cde.ca.gov/ls/ai/sb/documents/sarbformextend.xls>.
- Establish overall district and school goals for improving attendance and reducing chronic absence and truancy.
- Encourage development of a comprehensive and tiered approach to promote attendance by combining universal strategies that build a culture of attendance with early identification and targeted interventions.
- Encourage the collection of attendance data and analysis (including levels of chronic absence, truancy and chronic truancy) across schools, grades, and student sub-populations.
- Set a time frame for clearing absences.
- Set limits on the number of absences allowed before medical verification is required.
- Define the process for verifying absence due to illness; quarantine; medical, dental, optometric or chiropractic services; attending funeral services; jury duty; illness or medical appointment of a student's child; justifiable personal reason; or serving as a member of a precinct board.
- Specify a uniform time frame and format for all schools in the district for notifying parents of absences.
- Support the early identification of pupils at risk due to chronic absence (missing 10 percent or more of school for any reason over the course of an academic year).
- Recognize pupils who have excellent and improved attendance.
- Require schools with unusually high levels of chronic absence to develop plans to improve attendance and reduce chronic absence.
- Provide a process for receiving feedback on the impact of the SARB process on attendance, such as a school board member receiving periodic reports from the SARB.

- Consider alternatives for recovering lost attendance, such as establishing a mandatory weekend program for habitual truants pursuant to *EC Section 48262*.

Other elements of prevention include school-based activities that encourage a high rate of attendance, such as an attendance awareness month, teachers' and administrators' high expectations for attendance, recognition of pupils and classrooms that demonstrate high rates, and an analysis of classrooms, student subpopulations, and schools with low attendance rates. A list of prevention strategies also would include prompt notification of absences in the parent's home language, special field trips or prizes for perfect or improved attendance, and counseling for truants.

The SARB process also acknowledges the role of a positive school culture that is safe, secure, supportive, and peaceful. Good attendance rates are closely correlated to a positive school climate and a student's connection to school. Factors such as bullying, harassment, intimidation, victimization, or discrimination negatively impact school attendance.

Each school is required to annually update its comprehensive school safety plan (*EC 32282*). This plan must include a school site committee that addresses the prevention of bullying, cyberbullying, sexual harassment, drug and alcohol use, gang involvement, and other negative behaviors. Conversely, the committee and plan also should address factors that support the resilience of pupils as identified in the California Health Kids, Resiliency, and Youth Development Manual.

The safety strategies described in the plan promote school attendance by creating environments where pupils feel safe. Other strategies include increasing connections to school by offering a variety of extracurricular and student club activities, academic supports such as tutoring, and after school programs and service-learning. A key part of prevention is the development of a welcoming school climate for pupils, parents, and the community. Possible strategies to encourage parents to partner with the school on attendance and/or behavior issues include:

- Offering cross-age teaching or adult mentoring
- Developing an effective communication system through attendance cards, parent portals, or automated calling systems for emergencies/attendance
- Conducting orientation meetings for parents and other adults who care about the pupil where attendance and/or behavior is discussed
- Including high expectations for attendance and behavior in the student handbook
- Providing interpreters for meetings
- Ensuring that documents and signs are in multiple languages for families from linguistically diverse backgrounds
- Establishing education programs for parents and other key adults to encourage them to come to the school

Central to prevention in the SARB process is school leadership. School site and district leaders must commit to the creation of a culture of positive attendance. This culture should be about the overall welfare and success of pupils, rather than just focusing on school revenue and average daily attendance (ADA).

School leadership:

- Welcomes pupils, staff, and the community to school (Example of welcome letter available in Appendix A)
- Requires staff to take accurate daily attendance
- Holds staff accountable for classroom attendance
- Regularly reviews attendance and chronic absence data to identify at-risk pupils and identifies troubling patterns that require programmatic solutions
- Encourages staff to call absent pupils with, “We missed” and “We care” messages.
- Expects staff to have positive attendance
- Praises regular attendance of pupils and staff
- Arranges for trainings related to bullying and harassment
- Intervenes immediately when any bullying, harassment, or other violations of discipline policy and procedures occur
- Arranges for professional development related to cultural competency
- Arranges for professional development that encourages asset-based approaches to behavioral intervention and the reduction of exclusionary disciplinary practices, such as suspensions and expulsions

## Chapter 3

### Early Identification

From the time a student enters kindergarten, schools must work proactively to educate parents about the importance of having their child in school every day and on time. Because kindergarten is not compulsory until the age of six, parents may think regular attendance is not important. The abundance of research into school attendance shows clearly that students suffer academically if they miss 10% or more of school days, and can fall behind even if they miss just one or two days every few weeks. Chronic absence in kindergarten predicts chronic absence the following year, setting a potential detrimental habit of poor attendance. Research also shows that students who are chronically absent in kindergarten and 1<sup>st</sup> grade are far less likely to read proficiently by 3<sup>rd</sup> grade.

Parents need to understand their role in establishing a pattern of regular school attendance. Recommended practices include making parents feel welcome through frequent communications, such as meetings, student bulletins, and letters. Parents also need to be aware there are legal consequences for noncompliance.

Schools are in a key position to identify children with behavior and/or attendance concerns. Because early symptoms can lead to more serious problems later on, it is important that prevention strategies be implemented in the early year and early in the school year. Research now suggests that poor attendance in the first month of school is highly predictive of chronic absenteeism for the entire school year. A system should be in place for preventive work to begin immediately upon enrollment and should include intensive casework for irregular attendance and/or noticeable behavior issues. If possible, schools should develop partnerships with community agencies that can help pupils and families address the challenges that may be causing poor attendance.

It is important to use multiple measures to monitor attendance. Especially in early grades, monitoring chronic absence (missing 10 percent of school for any reason) helps identify children who are missing for extended periods of school, but are likely with their parents when it is happening. Monitoring truancy (pupils missing school three times without a valid excuse, or being late to class three times for more than 30 minutes) is better for helping identify older pupils whose parents may not be aware the pupils are missing school. Monitoring chronic or habitual truancy helps identify pupils who are at serious risk when skipping school has become a habit.

Common sense and research suggest that students are more likely to attend school when they feel connected to caring adults who notice whether they show up and help them overcome challenges to attendance. School site attendance and administrative personnel should monitor pupils' records and behavior frequently and should initiate appropriate intervention strategies as needed to address attendance or behavior patterns. Any intervention should focus on student and family strengths to help them assume responsibility for their behavior.

While unexcused absences tend to receive the most attention, excessive excused absences and/or tardiness from school also are an important consideration in a school's

attendance program. School staff must follow state regulations and local board policy to determine whether absences and/or tardiness are excessive, watching for patterns of irregular attendance, such as absences on Mondays and Fridays, exam days, certain class periods, the beginning of the school day, and the time before or after lunch.

Common reasons for class avoidance may include health complaints, learning disorders, bullying, peer conflicts, substance abuse, anxiety, depression, or other emotional issues.

If it is determined that a student has a chronic health condition, the school district may use a chronic illness form. This form requires the treating physician to provide a diagnosis and list symptoms that may or may not require another doctor's visit, but would require the student to remain home from school. Avoiding school could be an indicator of an undetected health condition or learning disability. This may require a referral for development of a Section 504 Accommodation Plan or Individualized Education Plan (IEP), following assessment by school specialists.

Each school district should have a Board policy with administrative regulations that address excessive absences due to illness. Many districts use a 10 percent rule/policy that a student who accrues absences due to illness, equal to or surpassing ten percent of the school days since enrollment that school year must have each subsequent absence verified by a physician, school nurse or other school personnel. Absences must then be cleared daily, unless other arrangements are made with the school principal or designee. Additional absences are recorded as unexcused, if the student fails to provide verification from the physician, school nurse or other school personnel. (See *California Code of Regulations*, Title 5, Section 421 in Appendix B.)

If authorized by district policy, the decision to place a student under the requirement of the 10 percent absence verification policy, or to remove the student from its requirements before the school year ends, should be left to the discretion of the school principal.

School personnel need to be alert to warning signs of possible mental health issues, learning disabilities, or signs that a student may have been abused. The symptoms may be temporary or may indicate the need for in-depth attention. Common symptoms requiring further assessment include the following:

- Difficulty in learning and failure to achieve
- Defiance of authority
- Excessive sensitivity to criticism
- Withdrawn behavior, nail-biting, frequent crying, constant tension or fears of unknown origin
- Frequent emotional outbursts, temper tantrums or obstinate behavior
- Extreme restlessness or impulsivity
- Speech, hearing, or vision difficulties



- Excessive dependence on adults, or anxiety at being separated from parents
- Immaturity, poor peer relationships
- Unhappiness or depression
- Frequent disruptive and/or aggressive behaviors in class
- Sleeping in class, disheveled appearance, or poor hygiene
- Bruises or evidence of physical trauma
- Sensitivity to being touched by another person
- Other mental health symptoms

School personnel should have ongoing training for early identification of behavior and/or attendance concerns to ensure that action can be taken quickly. These early efforts comply with the legislative intent for intensive guidance and coordinated community services to meet the needs of pupils with school attendance or behavior problems.

For more ideas, see the following toolkit from Attendance Works:

<http://www.attendanceworks.org/attendancemonth/count-us-in-toolkit/>

## **Chapter 4**

### **School Site Interventions**

When students begin missing school, early intervention is critical. The first step in this process is to ensure that student attendance, including both excused and unexcused absences, is routinely tracked and reviewed by school site personnel.

Implementing a tiered approach to attendance is consistent with other reform efforts and can be extremely beneficial at the school site. Tier 1 should involve universal strategies that are appropriate for all students and serve to ensure that the school and classroom is a place that both students and families feel welcome. These strategies utilized by teachers and other school staff have the potential to have a positive impact on student attendance.

#### **Examples of Tier 1 Strategies**

- Ensure the classroom and school climate is safe and supportive for all students
- Create engaging classroom environments
- Have high expectations for students to attend school every day, and communicate this message to students and families
- Share key messages with parents regarding the relationship between attendance and achievement
- Monitor daily attendance and note students who are missing school for any reason
- Recognize good and improved attendance
- Provide school based health supports
- Notice when a student does not attend, and attempt to find out the reason

When students begin to exhibit signs of chronic absenteeism, which can be as few as a couple of days per month, school staff should check in with the parent/guardian to find out the reason. This contact should be personal and positive, and include an offer to assist in addressing barriers and providing connections to appropriate supports. At this stage, it may be appropriate to involve a Student Study Team (SST) or a Student Attendance Review Team (SART) at the site level to involve relevant personnel who may be able to help diagnose issues and/or provide suggestions and assistance. Collaborating with community partners and agencies can be extremely helpful for schools to expand their access to resources.

#### **Examples of Tier 2 Strategies**

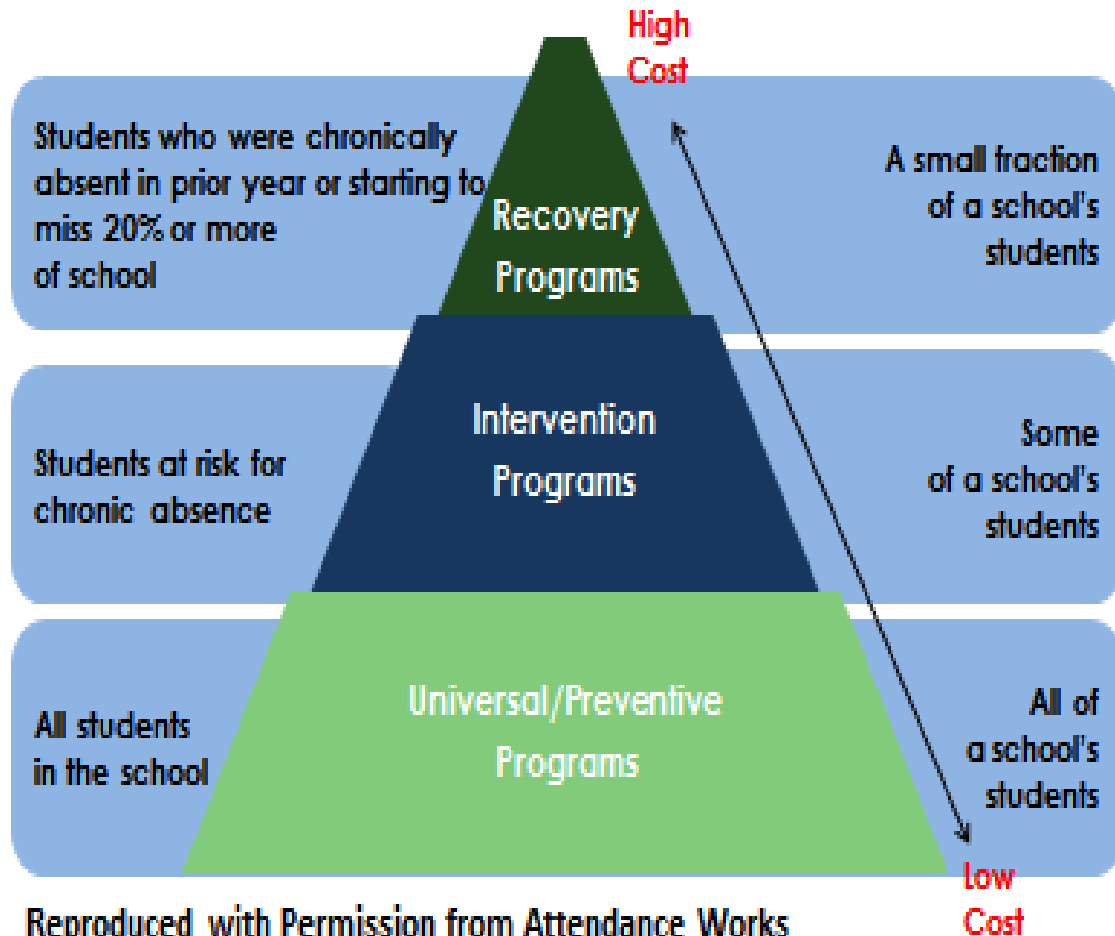
- Have a parent conference to determine the cause of the absence
- Conduct a home visit
- Hold an SST or SART meeting
- Identify barriers
- Refer students/families to appropriate resources to address issues related to poor attendance
- Create an attendance contract
- Follow up with families to monitor progress

If a student continues to be chronically absent or truant, it may become necessary to implement more intensive interventions. This could include a referral to a School Attendance Review Board (SARB); however, this should be utilized after all other interventions have been exhausted.

#### Examples of Tier 3 Strategies

- Case management and wrap-around services
- Referral to SARB
- Referral to truancy court

## Increased Attendance Involves a 3-Tiered Approach that Fits with Most Reform Efforts

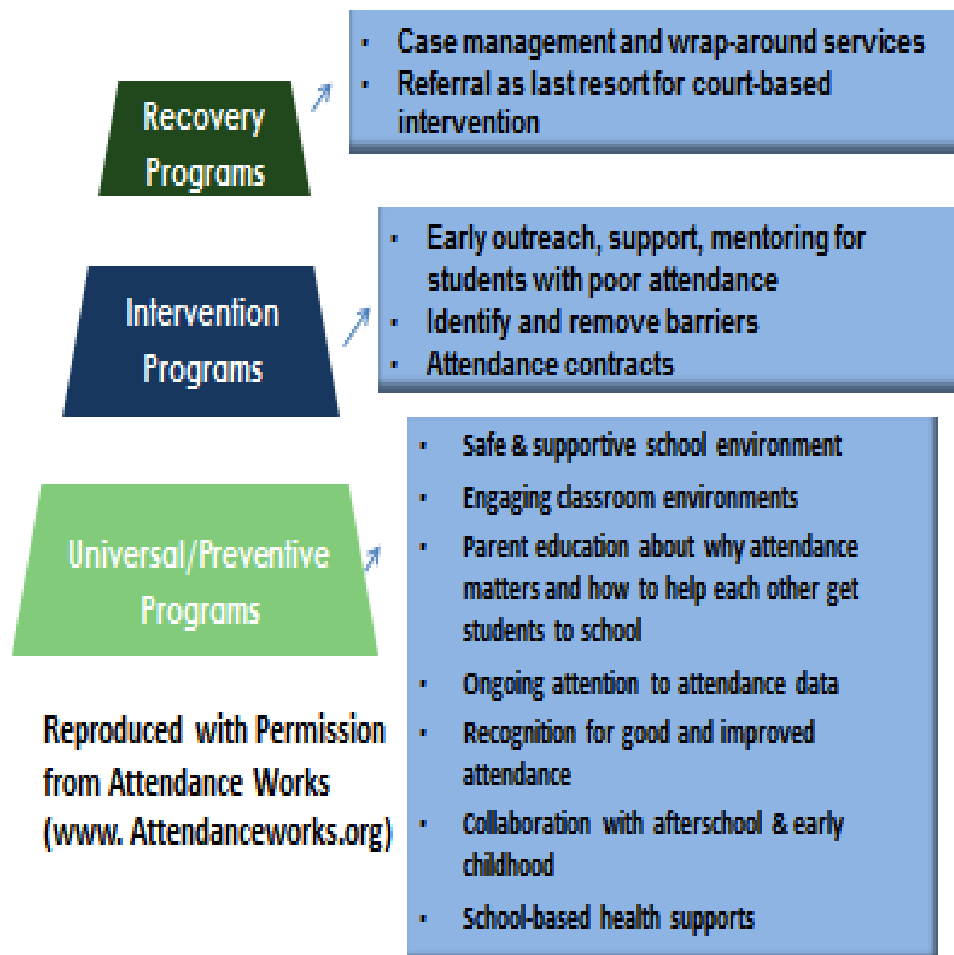


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(Adapted from Sprague and Walker 2004)

Courtesy of Hedy Chang, Director  
Attendance Works

## Examples of Strategies for 3-Tiered Approach



## Chapter 5

### SARB Procedures

A county SARB may be established in each county and that county SARB may accept referrals for hearing services from school districts within its jurisdiction. A county SARB may be operated through a consortium of a county with one or more school districts or between two or more counties. (*EC* Section 48321[A][1]).

A school district (or districts) planning to form a local SARB, If a county SARB exists, must contact their current county SARB chairperson to request permission, since the county SARB establishes the number of SARBs in the county (*EC* Section 48321[d]). The letter of request should include the name of the local district or consortium, the geographic area covered, the needs identified, the names of representatives available to serve, and the signature(s) of the local superintendent(s). After the county SARB chairperson or county consultant has reviewed the letter, the chairperson schedules a meeting with the superintendent(s) or designee(s) to discuss the needed steps to form the local SARB. The chairperson will submit the written request to the county SARB for discussion. If the request is approved, local SARB organizers may complete their plans to form the SARB.

If the school district is in a county without a county SARB, the school district's governing board may establish a SARB that operates in the same manner as a county SARB and holds the same authority as a county SARB (*EC* Section 48321[e]).

**Nomination or Appointment of SARB Representatives:** *EC* Section 48321 states that a County SARB shall and a local SARB may include, but need not be limited to, all of the following:

- Parent
- Representative of school district(s)
- Representative from the county probation department
- Representative from the county social services department
- Representative from the county superintendent of schools office
- Representative from law enforcement
- Representative from community-based youth service centers
- Representative from school guidance personnel
- Representative from child welfare and attendance (CWA)
- Representative from school or county health care personnel
- Representative from a school, county, or community mental health program
- Representative from the county district attorney's office
- Representative from the county public defender's office
- Other representatives as needed

**Recommended Criteria for Selecting SARB Representatives:** Dedicated volunteer SARB members are critical to a SARB's success. When forming a local SARB or recruiting new members, SARBs should select persons possessing the following qualities:

- Leadership ability
- Availability to attend meetings on a regular or as-needed basis
- Experience in dealing with problems associated with delinquency prevention and/or rehabilitation
- Knowledge of and experience with youth-serving public and private agencies
- An understanding of the prevention and diversion philosophy in the juvenile justice system
- An understanding of and respect for individual and group differences, individual and family rights and privacy, and appropriate confidentiality practices
- Ability to communicate and collaborate effectively

**Organizational Requirements:** If a county SARB exists, the county superintendent of schools shall convene a meeting of the county SARB to adopt plans to promote interagency and community cooperation and to reduce the duplication of services provided to youth with attendance and behavior problems. (*EC 48321 [a][4]*). A county SARB may also provide guidance to local SARBs. (*EC 48321[f]*).

Effective SARBs establish policies and procedures that clarify their purposes and promote the efficient conduct of business. When counties or districts organize a SARB, they must meet basic organizational requirements if they are to be effective. These requirements include the need to:

- Select a chairperson and arrange for clerical help.
- Establish tenure of membership to provide for continuity and include new perspectives.
- Establish a meeting schedule that identifies when, where, and how often the SARB will meet.
- Consider the location of SARB meetings for the convenience of all representatives, parents, and pupils.
- Determine which records are required for the local SARB, and develop a system for recordkeeping and storage. The SARB must maintain records in a manner that guarantees confidentiality and accessibility.
- Maintain records that track SARB referrals by type, grade level, gender, age, race/ethnic identification and disposition of the case. (*EC Section 48273*)

- Set annual measurable outcomes for improvement (e.g., one percent district-wide attendance improvement per year), both overall and for identifiable subpopulations.
- Identify and maintain a continuing inventory of community resources for student and family referrals and use. The resources should include alternative educational programs.
- Recommend appropriate modification of resources or programs as necessary.
- Create new resources where gaps exist.
- Provide for continuing evaluation of the effectiveness and appropriateness of services from community agencies.

**Rules and Regulations:** Local SARBs are governed by rules and regulations consistent with the rules and regulations formulated by the county SARB or by other legal requirements (*EC* Section 48324). In the absence of a county SARB, the local SARB has the same authority as a county SARB for setting rules and regulations.

**Referral to the Local SARB:** School staff can often work on solutions with the family in a Student Success Team meeting. If this approach has not proved to be successful, the staff may need to refer the student to SARB. After the referral is made, a designated SARB member reviews the case to determine whether the school has included sufficient documentation on the student's attendance or behavior strengths and concerns. School personnel attend a screening meeting with a designated SARB member or child welfare and attendance supervisor to determine if all SARB referral criteria have been met. If the SARB member considers the documentation and verification actions incomplete, he or she will remand the case to the school for further work. If the referral is complete, the SARB member will determine the need for special assistance from community or school personnel, and identify a date and location for the meeting.

Before the meeting, the SARB chairperson completes all required forms and notifies the parent or guardian in writing that a SARB referral has been made. The letter identifies the reasons for the referral, explains the SARB process, states that information from the pupil's records will be released to the SARB, and invites the parent or guardian to participate in a conference. The chairperson also sends a copy of the letter to the appropriate personnel in the school district.

**Preparation for Conference:** Before a local or county SARB meets with a student, parent(s) or caregiver(s), the chairperson has several tasks and responsibilities to complete. It is the role of the chairperson to do the following:

- Confirm the date, time, and place with the parent(s) or guardian(s), caregiver(s), and student. Determine whether the family will need transportation or child care, and give the family a telephone number to call in case of illness or emergency.
- Review documentation for its appropriateness to the meeting.



- Designate one SARB member to meet the parent(s) or guardian(s) and student outside the conference room and bring them in at the appropriate time.
- Verify that a quorum of SARB members will be present.
- Start the conference on time and conclude it on time.
- Ensure that the physical setting for the hearing reflects the importance of the meeting.
- Confirm that all the needed materials are available: nameplates for SARB members, case records, paper and pens for taking notes, a box of tissues.
- Provide simple refreshments, and resource and reference materials (e.g., the California *Education Code (EC)*, the *Welfare and Institutions Code*, and attendance bulletins).

**Elements of Effective SARB conferences:** Conducting a successful, productive conference requires skill, planning, and work. The chairperson sets the tone for the conference, which should be conducted with a level of formality that lies between an informal counseling session and a formal juvenile court hearing. SARB members must remember the purpose of the conference is to help, not punish, the student.

**The Role of the Chairperson:** The chairperson has a pivotal role in the SARB meeting. His or her opening remarks are very important in setting a positive tone for the conference. He or she establishes the goal of the conference and identifies the procedures for the conference. Participants must understand the emphasis on shared decision-making that makes SARB an effective tool. After the conference ends, the chairperson is responsible for making the necessary notations about the proceedings and forwarding the necessary information to the appropriate resource personnel.

**Appropriate Conference Techniques:** When a SARB conference is being conducted, the attitude of the members can have a major impact on the outcome. A formal, yet friendly demeanor seems to set the best tone. State SARB suggests the following techniques to facilitate the meeting:

- Use a consistent procedure when conducting meetings.
- Give concrete suggestions and provide specific resource listings for the parent and pupil.
- Give the parent(s) or guardian(s) a copy of the contract with written directives and detailed resource referrals.
- Take notice of the reactions of the parent(s) or guardian(s) and pupil.
- Give the pupil and parent(s) or guardian(s) an opportunity to discuss the case and indicate their understanding of the problem.

- Emphasize that all SARB members are united in their commitment to support the attempts of the pupil and parent(s) or guardian(s) to solve the problem.

**SARB Agreement or Directives:** At the meeting, members will identify the problem, assess contributing factors, discuss the school’s position, and recommend strategies for resolving the problems. The SARB usually formalizes the proposed solutions in a written directive to the student, signed by the student, parent(s) or guardian(s), SARB chairperson, and school district representative. The chairperson clarifies the directive agreements made, which should include an agreement that the student will attend school or improve classroom behavior, a statement of the responsibilities of all persons involved, specific referrals made to community services or agencies, and follow-up dates by which the school must report to the local SARB on the pupil’s progress in meeting the directive terms. The SARB may require that the student and/or parent or guardian provide satisfactory evidence of participation in available community services. (EC 48263) The SARB chairperson should send a letter to the parent or guardian to confirm the content of the agreement. (SARBs may find the sample School Site, Student and Parent Agreement in [Appendix A](#) of this handbook.)

**Referral to Alternative Educational Placement:** Students may be assigned to a different educational placement on the basis of action by a SARB. For two types of educational placement, there is specific authority in statute.

EC Section 48662(b) (4) provides that a student may be assigned to a community day school if he or she has been referred by a SARB.

EC Section 1981 has long provided for similar referral to a county community school. However, recent legislation (Senate Bill 1111, Chapter 837, Statutes of 2014, effective January, 2015), has added a number of new provisions, as follows:

1981. The county board of education may enroll pupils in a county community school who are any of the following:

...

(b)(1) Referred to a county community school by a school district as a result of the recommendation by a school attendance review board. A pupil shall not be referred to a county community school by a school district pursuant to this subdivision unless the school district and the county office of education determine all of the following:

(A) The county community school has space available to enroll the pupil.

(B) The county community school meets the educational needs of the pupil.

(C)

(i) The parent, guardian, or responsible adult of the pupil has not expressly objected to the referral based on one or more of the following reasons:

(I) Reasonable concerns related to the pupil’s safety.

(II) Geographic accessibility.

(III) Inability to transport.

(IV) The school does not meet the pupil's educational needs.

(ii) The school district may require the objection to be in writing if it has advised the parent, guardian, or responsible adult that they may object, in writing, for one of these reasons.

(2) If the county community school recommended pursuant to paragraph (1) is not geographically accessible to the pupil, the school attendance review board shall also include in its recommendation a school option for the pupil that is geographically accessible to the pupil and meets the criteria specified in paragraph (1).

(3) If the parent, guardian, or responsible adult of the pupil objects for any of the reasons described in sub-clauses (I) to (IV), inclusive, of clause (i) of subparagraph (C) of paragraph (1), the school district may either address the express objection or find an alternative placement in another comprehensive or continuation school within the school district. If the school district has offered the pupil all other options, the school district may refer the pupil to the county community school.

(4) The pupil has the right to return to his or her prior school or another appropriate school within his or her school district at the end of the semester following the semester when the acts leading to referral occurred. The right to return shall continue until the end of the pupil's 18th year of age, except that a pupil with exceptional needs, consistent with Section 56041 of this code and Section 1412(a)(1)(A) of Title 20 of the United States Code, shall have the right to return until he or she turns 22 years of age.

**Open Meetings and Confidentiality: The Brown Act:** County and local SARBs are established under the authority of *EC* Section 48321. Since members are appointed by county boards of education or district governing boards, they are bodies of a local agency and are subject to the requirements of the Brown Act open meeting law. (*Government Code* sections 54950–54963). <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=54001-55000&file=54950-54963>

Therefore, SARB agendas must be posted three days in advance of the meeting and members can act only on matters included on the agendas. SARBs may hold closed sessions when considering matters relating to individual pupils, unless the parent or guardian requests an open session in writing. Closed sessions need to be part of regular or special meetings for which notices and agendas are required.

**Confidentiality of Proceedings:** Under the Brown Act, agendas must contain a brief general description of each item to be transacted or discussed, including items to be discussed in closed session (*Government Code* Section 54954.5). The agenda should indicate that student referrals will be considered in closed session. Students' names do not appear on the agenda. One possible method is to assign a case number for each referral and list the appropriate case numbers on the agenda.

**Minutes from SARB Meetings:** SARBs should keep minutes of open sessions. The minutes are public record, subject to inspection by any person. The Brown Act does not require that minutes of closed sessions be kept. *Government Code* Section 54957.2 provides that a legislative body may keep a “minute book” of topics discussed and decisions made at closed sessions. The section states:

The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act and shall be kept confidential. The minute book shall be available only to members of the legislative body, or if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

Keeping minutes of the closed-session portion of a SARB meeting is an option, but is not recommended. If minutes are kept of closed sessions, they should be kept separately from the minutes of open sessions. Parents, whether custodial or not, should not be given access to the minutes of closed sessions. Whether or not names are used is a policy matter for the SARB and would depend on the purpose of the minutes. It is not necessary to summarize a discussion held on a particular matter in the minutes. However, it is necessary for the minutes to identify the items considered and report the action taken on any item. Minutes from a closed session are confidential and should not be released without a specific court order.

The basis for holding a closed session is primarily *EC* Section 49076(a)(1), which provides that SARBs have access to student records, but are precluded from permitting others access to the information without written consent of the student’s parent or guardian. The possibility of a SARB referring a student to juvenile court supports the practice of holding closed sessions.

**Juvenile Court Hearings:** The language of *Government Code* Section 54957.2 makes minutes of a closed session confidential and subject only to review by a court to determine whether a Brown Act violation has occurred. Therefore, closed session SARB minutes should not be used in a court hearing. *EC* Section 48263 provides that when a SARB refers a matter to juvenile court, the SARB “shall submit to the juvenile court documentation of efforts to secure attendance as well as its recommendations as to what action the juvenile court shall take in order to bring about a proper disposition of the case.” Therefore, the SARB should prepare and compile documentation, apart from the minutes, that may be used at a juvenile court hearing.

**Meeting notes written by SARB members:** Because any notes or information maintained from a meeting could be considered part of the student record, this information could later be subject to subpoena. SARB members need to be aware that parents have an absolute right to access any student record maintained by a school district.

**Electronic Recordings:** Electronic recordings can be treated as the minutes of a closed session. With regard to open meetings, the Brown Act gives anyone attending such a meeting the right to record it unless the SARB finds that such a recording will persistently disrupt its meeting (*Government Code* Section 54953.5).

**Progress Report:** The school representative is responsible for submitting follow-up reports to the SARB. These follow-up reports will prepare the SARB for possible next steps: time extension for contract completion; termination of the agreement, or follow-up conferences to determine the need to escalate interventions. If the school determines that the pupil needs additional time to meet all the conditions of the agreement, it may request that the SARB grant an extension of the agreement. SARBs usually will grant reasonable requests of this kind.

If the school's reports indicate acceptable improvement, the SARB may terminate the agreement and acknowledge the pupil's achievement in a final conference with the pupil and parent or guardian or in a letter to all concerned persons. However, if there has been inadequate progress, or the agreement has not been maintained by the student or parent or guardian, the school representative may request that the SARB consider scheduling another conference with the student, parent or guardian, or may decide to initiate legal action.

**Request for Legal Action:** The local SARB can take legal action based on its county's established procedures if the SARB determines the student's attendance or behavior problems persist after exhausting community resources. Legal action also can result if the pupil and family do not follow SARB recommendations, the student violates the terms of the SARB contract, or the student or family fails to cooperate with the local SARB. These legal actions can include several options:

- Directing the school district to request that the probation department investigate the matter on behalf of the minor (Copies of the request forms should be sent to the office of the county superintendent of schools.)
- Directing the school district to request that the Department of Social Services file a petition on behalf of the minor (*Welfare and Institutions Code* Section 300)
- Requiring the school district to file a complaint against the parent(s) or guardian(s) for violating *EC* Section 48291 and 48452 and *Welfare and Institutions Code* Section 601.2

**Annual Report:** Local and county SARBs must summarize their operations during the year in an annual report to their governing board and member organizations. Members can use the report to justify the time their personnel devote to SARB; the data provide a rationale for expanding or modifying SARB activities throughout the county and state. The report shall include, but is not limited to, the following information:

- Name of chairperson, name of each SARB member, and the organization each member represents
- Types and numbers of referrals (attendance and/or behavior)
- Total number of pupils referred to the SARB, including the number of pupils referred by grade level, gender, and race/ethnicity

- Disposition of referrals, including number of cases referred to the local district attorney

For a sample report form that is consistent with *EC* Section 48273 requirements, refer to **Appendix A of this handbook or visit the CDE Web page at <http://www.cde.ca.gov/ls/ai/sb/documents/sarbformextend.xl>**.

## **Chapter 6**

### **Mediation Programs**

The majority of Mediation programs in the State are run by the District Attorney of the County, and implemented and facilitated by the Deputy District Attorney(s) designated to handle Truancy matters. Additionally, some Mediation Programs are run by individual school districts.

There are almost as many variations of Mediation Programs as there are Counties and school districts participating. Some Mediations are held before SARB hearings, others are held after SARB, and yet others are held as a “hybrid,” with SARB and Mediation combined. All Mediation Programs, however, have been developed to provide opportunities for pupils and families to correct habitual truancy patterns through a Mediation process.

The following pages include examples of a variety of Mediation Programs offered throughout the State, along with contact information, should your school district want additional information regarding a particular program; how to implement it, etc.

Mediations are frequently a successful addition to any SARB / Truancy program, as authorized pursuant to Welfare and Institutions Code Section 601.3 and Educational Code Section 48263.5.

#### **SAN DIEGO TRUANCY COLLABORATION TEAM / MEDIATION** **San Diego County District Attorney’s Office**

In San Diego, there is only one D.D.A. handling all Truancy matters, including Mediation, and this D.D.A. is the Team Leader of the San Diego Truancy Collaboration Team, which includes: District Attorney, Public Defender, Probation, school districts, law enforcement, and community based organizations.

All Mediations are post-SARB. It is the position of the District Attorney, and collaboration members, that all referrals, resources, and interventions should be exhausted by the school sites and districts, before a family is referred to the D.A.’s Office for Mediation, diversion, or prosecution

Mediations are held in the Law Library at our several Regional County Courthouses. This impresses upon participants the seriousness of the situation, as they must enter a courthouse. This is also to change the site from where the SARB was held. Mediations have also been held at police stations, or at school or district sites, where transportation is an issue.

All school district in San Diego County may participate in the Mediation Program. Students must be 6-13 years old. Participating families are chosen by the school district. The only requirement is that the district believes the family is likely to come and participate. Despite this, we usually will give anyone a chance. We have taken some very difficult families, where they did come and

participate, and had success. The school district (not school site) representative also provides Notice of the Mediation to the family. Telephone follow up is also done the day and night before the Mediation; the morning of the Mediation, and even at the time of the Mediation, if they do not shown up. This follow up is mandatory for participation; families have other priorities and issues, and need to be reminded and urged to attend. (S.D. County school districts are very proactive. At least five (5) of our districts are Model SARB winners, with several winning Model SARB more than once.) Mediations are held on Tuesdays and Wednesdays, ordinarily from 11:30 a.m. – 5:00 p.m. First Mediations take an hour; follow up meetings are usually no more than 20 minutes. Each school district participating in the program has a specific day each month when their Mediation is held. (I.e. 1<sup>st</sup> Wednesday; 2<sup>nd</sup> Tuesday, etc.) Approximately five (5) families are seen at each set Mediation date.

Participants at the Mediation include: Deputy District Attorney, parent(s), student(s), district representative, and interpreter, if necessary. *School site representatives do not participate*, as we want a fresh start, with no ‘baggage,’ or perceived bad experiences from the school site, brought into the conversations. The school district rep brings a blank Mediation Agreement Form, and a Truancy Review Form, containing a running account of attendance, grades and behavior.

At Mediation, the D.D.A. explains who they are, that they work with all school districts, and many families and children with truancy issues; that it is a true Mediation, to “come to the middle,” and family is not there because they are in trouble, or we think they are bad people; that everyone, including the student, will have an opportunity to talk, to please be honest and they will not be in trouble, or make us angry, no matter what they say, as all facts are needed to find a solution. Also explained is that the D.D.A may ask questions or make comments while each is talking, and that the end everyone will make up an agreement; also, that both the family and the school district will have things in the agreement that they will have to follow through with. When everyone has spoken, we discuss the agreement and write it down. Much credence is given to the parent and the student. District reps know that they cannot be defensive about this. The process is very friendly, informal, and non-adversarial, and no mention of prosecution of student or parent is mentioned, unless after a series of meetings, there is no progress. The point of this protocol is to empower families as partners in the solution. It works.

Families return for a follow up after 30 days, and thereafter every 30 days, or longer, depending on progress. Even students with perfect attendance at the first review, will be asked to return. Any changes in the agreement, or problem areas, are addressed at the review. Families continue in the program until there is a significant track record of improved attendance. We have discovered that these families need the support, structure, and accountability -- which continued follow up Mediation meetings provide. Some families ask to continue in the program, even after significant improvement, because they believe it helps them.

Approximately 90% of students participating over the past 2 years have had perfect, or near perfect, attendance at the first 30 day follow up Mediation meeting.



## CONTACT INFORMATION

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### **Mediation Program- Napa Valley Unified School District (Model SARB 2011)**

The Napa Valley Unified School District deals with Elementary, Middle and High Schools in their SARB individual and mediation hearings.

Ideally the NVUSD SARB likes to meet individually in hearings with families and students; in order to better understand the unique family dynamics resulting in poor school attendance. They do this each Thursday. SARB hearings include the parents, students, SARB members, school site representatives, community resource agents and the County Assistant District Attorney. At the end of each meeting a SARB contract is signed by all parties. Each individual meeting is about 20 minutes. For elementary students, the SARB hearing contract is valid for two years. At the middle and high school levels, the SARB contract is valid until the student is 18.

Consequences are reviewed by the SARB board during the SARB hearing which include guidelines expected by the County. Parents and students are told they are all accountable to the SARB contract directly by the D.A... Consequences outlined by the D.A. for failing to follow through with the parent and student SARB contract include Truancy Court, Diversion programs, fines, or for elementary students, a 272 Criminal Complaint being filed. Interventions the SARB may institute at the Hearing include therapy, treatment programs, Parent Advocate Group referral, Probation, and Special Ed. These interventions are included in the contract as needed. All cases are monitored on a weekly basis after a SARB contract has been signed.

At times however when there are many students requiring SARB hearings (such as at the end of the school year), group Mediations are organized, The protocols outlined above in the individual SARB hearings are followed in the Mediated SARB hearings with up to 30 families in attendance. The same opportunities are given to students and their families, with the outcome of everyone signing the SARB contracts with delineation of interventions included. The D.A. outlines the consequences for failure to comply with the SARB contract; just as in the individual hearings.

High school students who fail to comply with the SARB contracts at either the individual hearings or the Mediated hearings are referred to Truancy Court held at the Napa Courthouse. There they are deemed 601 wards of the court, and are placed in an 8 week Truancy Prevention Program which takes place at the Napa Police Department. Both parents and students are ordered to attend this program. If the truancy student at this level is a 602, the student may additionally

incur time in Juvenile Hall. At the completion of the Truancy Prevention Program, the students are referred back to Truancy Court. If the students have done well, the cases are dismissed; sometimes with rewards given, such as gift cards. Elementary and Middle School parents who fail to comply with the SARB contracts, can incur a 272 Criminal Complaint. Parents can be placed by the court on a Diversion Program which may also order parents attending school with their children.

### **Santa Clara County District Attorney's Truancy Mediation**

In Santa Clara County, each of the 32 school districts having families with habitually truant pupils is eligible to participate in the Santa Clara County District Attorney's Truancy Mediation Program. The school districts that participate in this mediation program send representatives to a training session conducted by a Deputy District Attorney to ensure the school districts' successful participation in the program.

A participating school district will schedule a group meeting of families with habitually truant pupils. The meeting may have a small number of families or as many as 75 families. The Deputy District Attorney sends a letter notifying parents that they and their pupil(s) are requested to attend a one-hour meeting. The meeting is held at the school district office, the police department, or the city hall. Parents sign in at the meeting so that the school will have a record of those who attended.

The Deputy District Attorney leads a panel consisting of representatives from community-based organizations, the police department, and the juvenile probation department, as well as a school nurse or health clerk. School administrators are present to answer questions and talk with families after the meeting about individual pupil issues. The Deputy District Attorney advises parents of their legal obligations under California compulsory education laws and the consequences of failure to comply. Each panel member discusses the services available for families through the organization the member represents. Time is reserved for questions.

After the meeting, school staff determines which families did not attend the meeting. A law enforcement officer goes to the homes of those families and delivers a notice to appear at the school district office for a meeting with school personnel or for a SARB conference if the family has not yet attended one.

Santa Clara County offers District Attorney Mediation to elementary, middle, and high schools. The goal is to return the pupil to regular school attendance without resorting to court action. The mediation program serves approximately 4,000 families each year.

## **Placer County School Attendance Mediation (SAM)**

The Placer County Office of Education works collaboratively with Placer County judiciary, the probation department, school resource officers, community organizations, and schools to address the issue of truancy in Placer County high schools. The School Attendance Mediation (SAM) program was implemented in the 2002–03 school year because Placer County court officers wanted to become more involved with Placer County schools.

Judges and commissioners adopt a high school or continuation high school in the county to assist the schools in correcting the behavior of pupils who have been identified as habitually truant. Pupils are issued a citation (notice to appear) by the school resource officer to attend a mediation hearing. The SAM mediation team consists of the school administrator, probation officer, school resource officer, and a representative from a community-based agency.

At the mediation, the judge meets all of the pupils and their parents in a large group meeting. The judge explains the role of the courts in school trancies and the consequences for pupils who continue to be truant. The families then proceed to individual mediation with the SAM team.

At the SAM team meeting, a contract is developed with each pupil and the pupil's family. This contract may include referrals for community resources. Pupils are then monitored, and a monthly report is developed for pupil attendance. If pupils improve their attendance, their achievement is acknowledged and the contract may be terminated. If the student does not fulfill the contract, a juvenile court petition under *WIC 601(b)* may be filed; this filing is done through the probation department. Before the case goes for adjudication, it is assigned to the judge who adopted the high school, and the case is reviewed monthly. In the 2006–2007 school year, *Welfare and Institutions Code Section 601(b)* petitions were filed; only four were ultimately adjudicated. Ninety percent of case filings improved, and the pupils were not placed under court jurisdiction.

The SAM process leads to a more rapid system of consequences for school truancy. Habitually truant pupils receive services and interventions to assist in school success.

## **LOS ANGELES COUNTY MEDIATION / ACT PROGRAM Los Angeles County District Attorney's Office**

The Los Angeles County District Attorney performs a number of truancy related interventions. The ACT Program is a successful truancy intervention program. The program targets parents / guardians of elementary school children and some middle school students who are in danger of becoming habitual or chronic truants due to excessive unexcused absences. The program uses a series of escalating interventions with students and their parents, including Mediations.

First, the school identifies children with excessive absences. The District Attorney

will then contact the parents in writing and invite them to attend a group Parent Meeting where the legal and the long term consequences of truancy are presented. Following this meeting, if the student continues to be absent without excuse, a District Attorney representative, along with a school administrator, will meet personally with the student and the parent to identify and discuss the barriers to school attendance.

The Parent Meeting and the subsequent personal meeting, if necessary, will frequently reduce the truancy without more recourse. If the student continues to be truant, ACT personnel will attend the SARB to address the truancy. (If the truancy does not ultimately abate, ACT personnel will refer the matter for misdemeanor prosecution of the parent.)

It is a simple, but effective, approach to truancy. Absences are tracked for students who are referred to the program for a period of a year. In the year following the initial Parent Meeting, truancy is cut in half on average. ACT receives grant funding under AB 1913, and is monitored by the Rand Corporation in conjunction with the Los Angeles County Probation Department. The program has demonstrated a consistent and unwavering high level of effectiveness year after year in studies of the program conducted by Rand. Rand has reported that ACT reduces truancy by eight days in a school. (RAND Corporation Justice, Infrastructure, and Environment Division, *Los Angeles County Juvenile Justice Crime Prevention Act: Fiscal Year 2011-2012 Report*, at 46 (2013). ACT was also mentioned in the recent Attorney General report on truancy at 103 (2013).)

ACT operates in about 350 schools county-wide.

The following are statistics related to our interventions for the 2013 / 2014 school year:

### **Truancy Mediation**

Truancy Mediation is available to students and their parents when the all resources offered by the school and the SARB are ineffective in reducing the truancy. Students who have missed 15 days of school unexcused in the last year and who have gone through SARB may be referred for mediation along with their parents. Students who are younger than 13 are not required to attend mediation because this office believes that at that young of an age, it is inappropriate to hold the student accountable. However, if the student is 13 or older, they must attend the mediation with their parent. A "contract" is given to the student and parent that requires an agreement that the attendance will improve immediately. If the student has three more unexcused absences, the SARB or district may refer the matter for filing in juvenile and or adult court. Our mediators heard 384 cases referred from School Attendance Review Boards last year and filed 86 cases (601 petitions) with the juvenile courts in the 2013-2014 school year. Both parents and students can be charged in juvenile court under Education Code sections. Mediators are dedicated deputy district attorneys. ACT students are not mediated due to the intensive level of services already provided.

## **Parent Meetings**

ACT Parent Meetings are large group meetings that are conducted by District Attorney personnel. Parents and students are invited when the truancy level reaches from 12-15 days of unexcused absences. The District Attorney's Office sends a letter on DA letterhead inviting parents to the meeting. This is an easy way to reach many parents and students by simply informing them in an informal group setting that their child is missing too much school and that there are legal consequences to truancy. The Los Angeles District Attorney's Office contacted 3,434 students and families during the 2013-2014 school year. Only 1,327 of them went on to the SARB level.

### **CONTACT INFORMATION**

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Truancy Mediation Program  
Los Angeles County District Attorney's Office  
Office (323) 357-5334

## **SAN FRANCISCO COUNTY MEDIATION PROGRAM San Francisco County District Attorney's Office**

Mediations are scheduled based on the school's request, and are usually done at the school sites.

If Mediation is Post-SARB (Welfare and Institutions Code Section 601.3 Mediation), the Mediation is held at the District Attorney's Office, to lend a bit more formality to the Mediation.

For pre-SARB Mediations, the schools usually ask the Deputy District Attorney's availability, and then send letters out and/or call families who have at least two (2) Truancy Letters sent out to them.

The Deputy District Attorney meets with families as a group, and explains the consequences of truancy, why the District Attorney prosecutes these cases -- not to punish them, but to get students back in school -- why it is important for students to be in school, and answer questions from the group.

During one-on-one Mediations, and Welfare and Institutions Code Section 601.3 Mediations, the Deputy District Attorney goes into more detail with the family, regarding reasons for the absences.

In all Mediations, the principal of the school, or the attendance liaison from the school, is present, as are a few teachers, the parent(s), student(s), a Deputy District Attorney, and a school district representative.

When a more formal Welfare and Institutions Code Section 601.32 Mediation is scheduled, the District Attorney sends out a letter on District Attorney Stationary, requesting the family's presence at the Mediation at the District Attorney's Office.

## CONTACT INFORMATION

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## **YOLO COUNTY MEDIATION PROGRAM** **Yolo County District Attorney's Office**

Yolo County does a variety of things, depending on an individual school / school district's current staffing issues. Yolo County does group Mediations, where the District Attorney invites students and their parents to meet in a large group. The numbers have been as high as 16 students at a time.

Yolo County has a panel of individuals who talk about services, the law, and the consequences to students and the community, when minors don't attend school. When the panel is finished talking to the group, the panel tries to talk to each family individually, to find out what is preventing the students from going to school. The panel gets families connected with services and resources.

When students and families do not show up for the District Attorney Mediation, the Deputy District Attorney, and members of the panel, go out to their houses to attempt contact, to either set up a meeting for the families, or get them set up with services.

If school districts are having difficulty getting District Attorney Mediations organized, then a one-on-one meeting with the family is set up at the District Attorney's Office, or at a school site.

Overall, Yolo County school districts are very active in dealing with Truancy, and dedicated to the process. All school districts in Yolo County participate in Truancy Mediation and/or individual meetings.

## CONTACT INFORMATION

Vita Mandalla, Deputy District Attorney  
Yolo County District Attorney's Office  
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## Chapter 7

### Enforcement of Compulsory Education Laws

Since 1974, compulsory education has been part of California law. According to *EC* Section 48200, pupils of ages 6 through 18 years old are subject to compulsory full-time education, unless exempted by provisions of law.

Since the passage of Senate Bill 1317 in 2011 (now known as *Penal Code* 270.1), parents of pupils age six through eighth grade can be prosecuted if their children become chronic truants. Students of ages 13 through 18 also can face legal proceedings. However, the new law also offers a second chance to parents, guardians, or persons in charge to follow SARB directives without immediate penalty.

School districts are responsible for taking legal action for violations of compulsory school attendance laws. And parents, guardians, or persons in charge are responsible for their student's attendance at school.

The following legal statutes and subsequent guidelines are designed to assist school district personnel in handling violations of compulsory attendance laws and SARB directives. The success of any truancy prosecution is linked directly to the availability of accurate and complete school attendance records documenting the nature and extent of the violation.

#### **Key Definitions Related to Truancy Prosecution:**

##### ***EC* Section 48260 – Definition of Truant/First Truancy**

Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse three full days in one school year or tardy or absent for 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 to the superintendent of the school district.

##### ***EC* Section 48260.5. Notice to Parents or Guardian**

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 *Vehicle Code Section 13202.7*.

([http://www.dmv.ca.gov/pubs/vctop/d06/vc13202\\_7.htm](http://www.dmv.ca.gov/pubs/vctop/d06/vc13202_7.htm))

(h) That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day

**EC Section 48261 – Definition of Second Truancy**

Any pupil who has once been reported as a truant and who is again absent from school or tardy for more than 30 minutes without a valid excuse in the same school year.

**EC Section 48262 – Definition of Habitual Truant/Third Truancy**

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.

**EC Section 48263 – Referral of Pupil to School Attendance Review Board (SARB); Juvenile Court Proceedings; Notification of District Attorney or Probation Officer**

If any minor pupil in any district of a county is an habitual truant, or is irregular in attendance at school, as defined in this article, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a SARB or to the probation department for services if the probation department has elected to receive these referrals.

If the SARB or probation officer determines that available community services can resolve the problem of the truant or insubordinate pupil, then the board or probation officer shall direct the pupil or the pupil's parents or guardians, or both, to make use of those community services.

If the SARB or the probation officer determines that available community services cannot resolve the problem of the truant or insubordinate pupil or if the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives of the school attendance review board or probation officer or to services provided, the school attendance review board may, pursuant to Section 48263.5, notify the district attorney or the probation officer, or both...if the district attorney or the probation officer has elected to participate in the truancy mediation program...If the district attorney or the probation office has not elected to participate in the truancy mediation program described in Section 48263.5, the school attendance review board or probation officer may direct the county superintendent of schools to



request a petition on behalf of the pupil in the juvenile court of the county. In any county which has not established a school attendance review board, if the school district determines that available community resources cannot resolve the problem of the truant or insubordinate pupil, or if the pupil or the pupil's parents or guardians, or both, have failed to respond to the directives of the school district or the services provided, the school district, pursuant to Section 48260.6, may notify the district attorney or the probation officer, or both...if the district attorney or the probation officer has elected to participate in the truancy mediation program described in Section 48260.6.

**W&I Sections 256, 267 & 258 - Authorization of Juvenile Hearing Office to Hear Juvenile Cases on Basis of Truancy** - authorizes a juvenile hearing officer to hear cases in which a minor is alleged to come within the jurisdiction of the juvenile court on the basis of truancy, as specified. These sections authorize a hearing before a juvenile hearing officer, referee, or judge to be conducted upon a written notice to appear for truancy, with the consent of the minor. This prohibits a judge, referee, or juvenile hearing officer from proceeding with a hearing of a minor on the basis of truancy unless the court has been presented with evidence that the minor's school has undertaken certain actions (such as a SARB hearing) to address the minor's truancy and the available record of previous attempts to address the minor's truancy. A court, in these cases, may restrict the minor's driving privilege, order the minor to pay a fine of not more than \$50, and order the minor to perform community service. These sections authorize the judge, referee, or juvenile hearing officer to give the minor the opportunity to demonstrate improved attendance before imposing those orders.

**EC Section 48263.6 – Definition of a Chronic Truant**

Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10 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 an appropriate school district officer or employee has complied with EC Sections 48260, 48260.5, 48261, 48262, 48263 and 48291.

**Note: Excessive excused absences are not counted for this purpose.**

**EC Section 48291 – Criminal Complaint against Parent**

In the event that a parent, guardian, or other person continually and willfully fails to respond to SARB directives or to services provided, SARB shall direct the school district to make and file in the proper court a criminal complaint against the parent, guardian, or other person in charge, and shall see to it that the charge is prosecuted by the proper authority

**EC Section 48293 – Penalties against Parent**

- (a) Any parent, guardian, or other person having control or charge of any pupil who fails to comply with SARB, unless excused or exempted therefrom, 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 SARB, directives, by a fine of not more than five hundred dollars (\$500).

In lieu of imposing the fines described above, the court may order the parent or guardian to enroll in a parent education and/or counseling program. No jail time may be imposed under this code section as it is an infraction.

- (b) A judgment granting a parent or guardian time to pay the fine or prescribing the days of attendance in a program shall require that the parent or guardian appear in court on the due date if the parent or guardian is unable to comply with the court's previous orders. Willful violation of the court's order is punishable as contempt.
- (c) The court may also order the parent or guardian to immediately enroll or reenroll the pupil in the appropriate school or educational program and provide proof of enrollment to the court. Willful violation of an order is punishable as civil contempt with a fine up to one thousand dollars (\$1,000). **No jail time may be imposed** under this code section for contempt.

**Penal Code Section 270.1 – Parent or Guardian Who Failed to Reasonably Supervise and Encourage Attendance of Chronic Truant**

A parent or guardian of a pupil of six years of age or more who is in kindergarten or any of grades 1 to 8, 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 Education Code, 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 a 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).

**Penal Code Section 272 – Parent or Guardian Who Contributed to the Delinquency of a Minor**

Any parent or legal guardian who commits an act or omits the performance of a duty which causes or tends to cause or encourages or contributes to, or by threat, command or persuasion, or induces a pupil under the age of 18 years to become a habitual truant is guilty of a misdemeanor punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or by imprisonment in a county jail not exceeding one year, or by both a fine and imprisonment.

**Welfare & Institutions Section 601(b) - Minor who is Habitually Truant**

(b) If a minor has four or more trancies (6 unexcused absences greater than 30 minutes per day) within one school year or the minor has failed to respond to SARB directives or probation directives or to services provided, the court may adjudge the minor to be a ward of the court. No minor adjudged a ward of the court pursuant to this section may be removed from the custody of his or her parent or guardian except during school hours.

(d) Any peace officer or school administrator may cite a minor to appear in juvenile court pursuant to this section.

## **The Process Starts With Accurate School Records:**

School records must be accurate and complete when a school district determines that it has sufficient cause to request legal action. The records should include a log of all contacts pertaining to attendance, both written and oral, with the parent(s) or guardian(s) and pupil. Accurate and detailed documentation will be introduced as evidence in a trial for truancy against the parent or guardian (*EC* sections 48293 and 48454; *PC* sections 270.1 and 272) and/or against the student (*Welfare and Institutions Code* Section 601[b] and *EC* Section 48262). Therefore, the school/school district should record such information with the expectation that it may serve as evidence.

The value of school records at trial is linked directly to the manner in which the records have been prepared and maintained. With accurate and detailed attendance and anecdotal records, the prosecutor will have a compelling presentation in trial, and the school/school district will be able to withstand strong cross-examination from the defense attorney.

Schools and school districts should consider the following guidelines when documenting attendance violations:

- Require contact personnel to write a summary of every conversation with the parent(s) or guardian(s). Only the testimony of a person who heard the parent(s) or guardian(s) make the statement(s) will be admissible in court. Statements from the parent(s) or guardian(s) included in a pupil's file from secondhand sources are considered hearsay and are not admissible if objections are raised.
- It is important to make sure all written statements be void of any personal opinions and unsubstantiated claims by the writer. For example: ("I think the parent is on drugs").
- It is best to use return-receipt mail or hand delivery when sending SARB hearing notifications. If this is cost-prohibitive and first class mail is used, it is good practice to follow up with a phone call to verify that the parent(s), guardian(s), or person(s)-in-charge received the directive to attend the SARB meeting and plan(s) to attend.
- Ensure that attendance documents include the name of the district's contact person who has in-depth knowledge of the forms, records, and documentation process. Attendance records, forms, and processes are the foundation upon which a referral for prosecution is based. Only a person knowledgeable about school records, or the custodian of records, can testify about the nature of those records. Testimony to authenticate the business record requires that: (a) the record was made at or near the time of the recorded act, condition, or event; (b) the sources of information, as well as the method and time of preparation of the report or form indicate trustworthiness; and (c) the person testifying can identify the record and explain how it was prepared. The person who makes the actual entry in the pupil's file need not testify if the custodian of records or other qualified witness can testify to the above criteria. This option is especially helpful in the event of personnel turnover. The witness must also be prepared to identify the parent in court if asked to do so by the prosecutor.

- Document all personal contacts and intervention efforts with the pupil and parent(s) or guardian(s).
- Document statements made during a home visit. It may be advisable in certain situations to have more than one person make a home visit.

**General Consequences for Truancy:** Parent(s), guardian(s), or person(s) in charge are legally responsible for their pupil's attendance. Therefore, the law mandates that parent(s), guardian(s), or person(s) in charge reinforce the importance of school attendance. When parent(s), guardian(s) or person(s)-in-charge neglect their role and violate compulsory attendance laws, they can face legal proceedings. And when pupils ages 13 up to 18 violate compulsory education laws, they too can face legal proceedings.

**Legally Required Steps the School/School District Must Take to Address Truancy:**

**First Notification of Truancy/ Designation as Truant (EC Section 48260.5)**

Schools may recover mandated costs for the First Notification of Truancy provided that it complies with the following directives of *EC Section 48260.5*:

When the school/ school district first designates a pupil as a truant, it must notify the parent(s) or guardian(s) using the most cost-effective method possible, which now may include electronic mail or a telephone call:

- That the pupil is truant
- That the parent(s) or guardian(s) is obligated to compel the attendance of the pupil at school
- That parent(s) or guardian(s) who fail to meet this obligation may be guilty of an infraction (*or a misdemeanor*) and subject to prosecution under *EC Section 48293* (*or Penal Code sections 270.1 and 272*. Although not required by law for reimbursement purposes, it is recommended that the letter also reference these *PC* sections)
- That alternative educational programs are available in the district
- That the parent(s) or guardian(s) has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy
- That the pupil may be subject to prosecution under *EC Section 48264*
- That the pupil may be subject to suspension, restriction, or delay of the driving privilege.
- That it is recommended that the parent(s) or guardian(s) accompany the pupil to school and attend classes with the pupil for one day.

**Second Notification of Truancy (EC Section 48261)**

If the unexcused absences or tardiness continue after the first letter has been sent, the school/ school district must notify the parent(s) or guardian(s) by first-class mail, or

other reasonable means, that a school meeting has been scheduled for the parent and pupil to discuss attendance with school officials.

### **Third Notification of Truancy/Designation as a Habitual Truant (EC Section 48262).**

If the pupil has been reported as a truant three or more times per school year and the school/district has made a conscientious effort to hold at least one conference with the parent or guardian and the pupil, and unexcused absences or tardiness have continued, the school district needs to issue a directive requesting the family to attend a SARB hearing or a truancy mediation meeting. As with the first notification of truancy, the notice of habitual truancy may be made using the most cost-effective method possible, which may include electronic mail or a telephone call.

If the parent or guardian fails to attend the SARB hearing:

- An attempt should be made during the meeting to contact the parent or guardian to try to get them to attend.
- If necessary, the school police resource officer can provide transportation for the parent(s) or guardian(s).
- If the above fails, the SARB can do either of the following:
  - 1) Continue the hearing in the parent(s) or guardian(s) absence and prepare contract  
After SARB, a school official or school resource officer should deliver and review the contract with the parent (this can be done at the student's home or at the school).
  - 2) Reschedule the case for a later date.
  - 3) Refer for truancy mediation or legal action

### **Legal Action – Parent**

If the parent(s) or guardian(s) has continually and willfully failed to respond to SARB directives, (including failure to attend the hearing) the SARB will direct the school district to request that a criminal complaint be filed against the parent(s) or guardian(s) pursuant to *EC* sections 48291, 48293, and 48452 (for failure to respond to SARB directives).

If a violation of any of the above code sections is sustained or admitted, the court may order the parent(s) or guardian(s):

- To immediately enroll the pupil in the appropriate school or educational program
- To provide proof of enrollment to the court
- To pay a fine pursuant to EC Section 48293
- To participate in parent education or counseling programs

If the parent(s) or guardian(s) continually and willfully fails to obey any of the above

court directives, parent(s) or guardian(s) may be found in civil contempt of court and may be fined up to \$1,000.

Prosecutors have discretion to file misdemeanor charges against parents pursuant to *PC* Section 270.1 when the pupil is a chronic truant and is at least six years of age and in any grade through eighth. If the prosecutor elects to file *PC* Section 270.1 charges, the court may grant deferred entry of judgment (DEJ), if such a program has been established, instead of a fine and/or jail time. A DEJ is a program in which the parent(s) admit the charge and a sentence is imposed. In the event the parent(s) or guardian(s) has a prior truancy infraction conviction, it is recommended that this charge be imposed without the benefit of DEJ.

However, if parents follow the orders of the court after admitting guilt, the sentence is then suspended. A set of conditions is given to the parent(s) or guardian(s). If the parent(s) or guardian(s) meets all conditions, the charges will be dismissed. If the parent(s) or guardian(s) fails to meet the conditions, the court will lift the suspension and impose the sentence. The prosecutor may elect to file *PC* Section 272 charges against the parent(s) or legal guardian(s). It is recommended that this charge be used only after the parent(s) or guardian(s) has sustained one or more truancy infraction convictions. The court may impose up to one year in the county jail and/or up to a \$2,500 fine, along with any other terms or conditions it deems appropriate.

When deciding whether to file infraction or misdemeanor charges against a parent(s) or guardian(s), prosecutors consider the age of the pupil, the number of full day unexcused absences, absences or tardiness of more than 30 minutes, previous truancy-related citations against the parent(s) or guardian(s), and whether the parent(s) or guardian(s) has previously completed parenting classes.

### **Legal Action – Pupil**

Once a pupil is designated as a legal truant (*EC* Section 48260), the pupil becomes subject to the following actions identified in *EC* Section 48264.5:

- Upon the first truancy, the pupil may receive a written warning from a peace officer, and the school and peace officer may keep the record of warning for later reference.
- Upon the second truancy in the same school year, the pupil may be assigned to an after-school or weekend-school program located in the same county as the pupil's school.
- If the pupil fails to complete the assigned study program or is truant for a third time within the same school year, the pupil and parent(s) may be requested to attend a meeting at the school site. If the pupil's attendance continues to be poor, the pupil is considered a habitual truant and the pupil and parent(s) may be referred by the school to SARB or to a truancy mediation program (or another comparable program approved by the district's attendance supervisor).

If the pupil continually and willfully violates SARB directives and/or truancy mediation directives, the school district may request a citation be issued to the pupil pursuant to *WIC* Section 601 (b) or *EC* Section 48262.

In order to request that *WIC* Section 601(b) charges be filed in delinquency court, the school district must submit a written request for Application for Petition (AFP) or Juvenile Court Report (JCR) to juvenile probation. However, probation has discretion to place the minor on informal juvenile probation before forwarding the *WIC* Section 601(b) petition to the prosecutor for filing.

The AFP or JCR is a signed affidavit alleging a minor is habitually truant as described in *WIC* Section 601(b) and sets forth facts supporting facts. Because the request for referral is the legal basis for involvement of the juvenile court, it must contain all the information requested, including the dates and times of all incidents and the names and addresses of witnesses and involved persons.

The applicant and witnesses should be aware that they may be subpoenaed to testify in court regarding the allegations presented. When testifying, school officials must be able to provide direct testimony; they must have observed the behavior personally.

School personnel completing the referral should do so with the belief that the stated facts are true and correct and that the minor clearly comes within the meaning of *WIC* Section 601(b).

### **Legal Consequences for Students Ages 13 up to 18:**

After a violation of *WIC* 601(b) is sustained or admitted, the court may declare the minor a ward of the court and order the minor to do one or more of the following:

- Perform court-approved community service for a public or private nonprofit agency for at least 20 hours, but not more than 40 hours, within a 90-day period. The pupil must perform the community service during a time other than school hours or hours of employment. If the pupil fails to complete the assigned community service, the assigned probation officer must report such to the court.
- Pay a fine of not more than \$100, for which the parent(s) or guardian(s) are jointly liable.
- Attend a court-approved truancy prevention program.
- The court may suspend or revoke driving privileges for any pupil ages 13 up to 18 for one year from the day the pupil appears in court, and the pupil must surrender his or her license. If the pupil is not yet driving, his or her right to do so may be postponed for one year from the day the pupil turns 16, or for one year from the day the pupil appears in court if already 16.
- For each additional time the pupil is adjudged a truant by the court, the court may add an additional year of waiting time for driving privileges. The court may suspend or delay the pupil's ability to have a driver's license until the pupil turns 21 years old (*Vehicle Code* Section 13202.7).

If your Juvenile Probation Department does not have the resources to support the filing of *WIC* 601(b) charges for truancy, you may consult with your local District Attorney's Office to see if they would support a truancy diversion program pursuant to *EC* 48262.

However, the court must consider whether a personal or family hardship exists which requires the pupil to have a restricted driver's license.

**Basic Documents Necessary for Prosecution Filing:** The basic documents necessary for filing for prosecution are described in the following paragraphs:

**Attendance Records:** Keep attendance records as simple as possible; the case must be understood by the prosecuting attorney or probation officer and explainable to the trial court. Be prepared to provide the name of a person who can testify as to the compilation, accuracy, and maintenance of these records. Include the attendance records and a summary sheet of the attendance information.

**Documentation Letter:** Keep copies of all correspondence between the school and the parent(s), guardian(s), or person(s) in charge, all instructions given to the parent(s), guardian(s), or person(s) in charge, and any other written documents provided by either party for all parties involved.

**Case Contact Log:** Note every occurrence concerning the case, including the action taken, the name of the person who initiated the action, names of all persons involved, and the dates and times of contacts. Include all telephone conversations, any observations of behavior, or any detail concerning the case. The records give the prosecuting attorney or probation officer and the court an overview of the school's actions as well as the completeness of those actions regarding the preparation of the case prior to its submittal for prosecution. (Notes may be handwritten and in abbreviated form.) The records also give the prosecuting attorney or probation officer and the court information regarding the manner in which the parent(s), guardian(s), or person(s) in charge responded to the school contacts.

**Case Outline:** Summarize the case. Provide a description or narrative of the problem documenting what interventions the school has done to solve the problem, and the attempts made by the school to educate the parent(s), guardian(s), or person(s) in charge about the problem. Include the family's responses to the school and school district's efforts and an analysis of the reasons the school district is now submitting the case for prosecution. The summary provides the prosecuting attorney needed background information to assess the merits of the case for prosecution.

**Witnesses:** Provide the prosecuting agency with a list of school witnesses who are directly involved in addressing and documenting the child's truancy and/or making contact with the parent/guardian. Be sure to provide the witnesses' full name, school physical & mailing addresses and direct phone number.



**Testifying in Court:** Counties vary on their approach to the prosecution of parents who continually and willfully violate SARB directives. (*EC* sections 48291–48293)

The following are guidelines when there is no prosecutor appearing in court:

The law enforcement official who issued the citation needs to appear for the court trial. A school official (typically, the SARB chair, school district employee, Child Welfare and Attendance (CWA) employee, or case manager) also should appear in order to lay the foundation for the admissibility of the SARB contract and any school records, such as attendance records and grades. If the law enforcement official who issued the citation does not appear, some courts will dismiss the case even if the school official is present and the parent is not present.

The school official testifying needs to bring *three* copies of any documents the court is to consider. One copy is for the school official testifying, one is for the court, one is for the parent; the original remains at the school district. The court trial begins with the law enforcement official being sworn as a witness. The law enforcement official then identifies the parent who was cited and states the reason for the citation.

If this is a subsequent prosecution for violation of compulsory education laws, the officer should indicate to the court that he or she cited the parent pursuant to *EC* Section 48293(a)(2) or *EC* Section 48293(a)(3) because his records search indicated that the parent had been previously convicted for this same offense one or more times, respectively. Only previous citations that resulted in a finding of guilt may be counted for this purpose.

The school official will then testify. The school official needs to focus on how the parent, *not the pupil*, continually and willfully violated the directives in the SARB contract.

Some of the relevant evidence the school official may want to introduce to prove that the parent continually and willfully violated SARB directives includes:

- There were instances of unexcused absences or tardiness of more than 30 minutes by the pupil after the SARB meeting.
- The parent was previously advised at SARB that the number of absences or tardiness was affecting the pupil's grades or the pupil's likelihood to graduate on time.
- If this is a subsequent prosecution for failing to follow SARB directives in the same court, it is recommended that the school official or the officer ask the court to take judicial notice of the prior conviction. The court's minute order is the written record of the proceeding that is retained in the court's file. If the prior is from a different court, it is recommended that the school official or the officer bring a copy of the court's minute order(s) finding the parent guilty. In some counties, this record can be found on-line. Some courts will not impose a higher fine for a subsequent violation absent proof that the prior conviction(s) exists.
- The parent did not enroll and complete parenting classes.

- The parent did not attend classes with the pupil when requested to do so by the school.
- The parent did not provide doctor's notes to excuse absences or take the pupil to see a school official to verify the illness.
- The total percentage of school missed by the pupil this school year and last year

After the school official has presented the district's case, the parent has an opportunity to respond. After the parent(s) has presented his/her defense, the court frequently allows for rebuttal testimony from the school official. Rebuttal testimony is a response to something the parent(s) said during testimony. If the court does not ask for rebuttal testimony from the school official, it is appropriate to ask to be heard if anything further is needed. After both sides have been heard, the court makes a ruling. Sentencing may be done immediately or continued to a future date to give the parent and/or pupil an opportunity to comply with the court's orders. If the court does not ask for input regarding sentencing, it is appropriate to ask to be heard. Most courts welcome any suggestions that will lead to compliance by the parent and pupil. For example, the court may be requested to order the parent to:

- Complete a parent education course
- Enroll the pupil in a particular school program
- Attend school with the pupil one day
- Cooperate with the school district
- Monitor the pupil's attendance weekly

In addition, the court may be requested to suspend part of the fine on condition that the pupil's attendance improves.

### **Hypothetical Case:**

A school district official testifies that on January 30, the SARB met with the pupil and her parent and directed the parent to do the following as part of the SARB contract:

- Transport the pupil to school daily and on time.
- Walk the pupil to his/her first period class.
- Complete parenting classes and submit proof by April 30.
- Provide the school with a doctor's note each time the pupil is absent or bring the pupil to school for a school official to verify the illness.
- Enroll the pupil in truancy prevention classes and provide proof of enrollment by April 30.

The school district official then states that she checked the pupil's SARB file on May 10 and did not see proof that the parent had complied with any of the above directives.

In the above example, it is the responsibility of the parent to comply with each of the SARB directives. The fact that the parent violated more than one directive may be evidence that the violations were willful and continual.

*Note: Even though SARB directed the parent to transport the pupil to school daily and on time, the fact that the pupil has absences and tardiness after the SARB meeting may not be enough alone to prove that the parent willfully disobeyed SARB directives.*

This situation frequently occurs when a high school pupil defies the parent's demands to attend school. Therefore, it is important to allege parental violations of SARB directives which do not require pupil cooperation, such as completion of parenting classes. In this example, the evidence is sufficient for the court to find the parent(s) guilty. At this point in the proceeding, the school official may request permission to offer input regarding sentencing.

## Chapter 8

### Frequently Asked Questions (FAQs)

#### 1. What is the difference between excused and unexcused absence?

Nine types of excused absence are defined in *EC* Section 48205:

1. Due to illness
2. Due to quarantine under the direction of a county or city health officer
3. For the purpose of medical, dental, optometric, or chiropractic services
4. For the purpose of attending the funeral service of his or her immediate family. No more than one day is allowed if the service is in California; no more than three days are allowed if the service is outside of California
5. For the purpose of jury duty
6. Due to the illness or medical appointment during school hours of a child of whom the student 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 student's absence is requested in writing by parent(s) or guardian(s) and approved by the principal or a designated representative pursuant to the uniform standards established by the governing board of the school district
8. For the purpose of serving as a member of a precinct board pursuant to Section 12303 of the *Elections Code*
9. For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment in a combat zone or combat support position (The length of the excused absence is up to the discretion of the district superintendent.)

Individual school district governing boards adopt methods for verification of absences due to illness or quarantine pursuant to the *California Code of Regulations*, Title 5, and Section 421. An excused absence may be verified by a school or public school nurse or any other qualified school employee, as well as by a physician. Individual school district governing boards also have discretion in establishing uniform standards for justifiable personal reasons for excused absences from school.

## **2. What is the impact of classifying an absence as either excused or unexcused?**

The type of absences no longer impacts funding; schools do not receive funding for any days that a student is absent, whether excused or not. The type of absence does determine when a pupil can be defined as a truant and when a pupil is entitled to complete all assignments and tests missed during the absence. If a pupil accumulates unexcused absences of more than 30 minutes on three separate days in a school year, the student must be reported as truant and the parent must be notified (*EC* Section 48205[b]).

School officials sometimes believe classifying absences is no longer important because all absences equally impact funding. However, knowing the type of absence is still very important in order to select appropriate early interventions.

Students with many excused absences may have a temporary disability which makes home and hospital instruction advisable, according to provisions of *EC* Section 48206.3. A pupil with a temporary disability due to physical, mental, or emotional reasons may need individualized instruction to maintain his or her level of academic performance while recovering.

When pupils are missing more school than appears necessary, a physician, public health nurse, or school employee may need to verify the reason for the student's absence. If pupils are having a continuing medical issue, the school may need to help with referrals to appropriate health agencies.

However, if the student is truant, school officials need to determine whether the student needs counseling or other interventions described elsewhere in this handbook.

## **3. What can be done about pupils who move to different schools or school districts after being referred to the SARB?**

Using the Statewide Student Identifier (SSID), the unique numerical identifier assigned each student, the CDE releases annual dropout statistics each year. Because the number of "transfer" pupils who drop out continues to be high, SARBs should view pupils who move after referral to SARB as being at high risk for leaving school. SARBs should have access to information about pupils in the district who were identified as dropouts, and this information should lead SARBs to focus on pupils who may be "lost" in the transfer process.

A good practice would be to contact the next school or school district to determine if the pupil actually enrolled in a new school. If the pupil did not enroll, the pupil may still be living in the same school attendance area. If the pupil did move, it may be necessary to alert the next school district that they have a new pupil who was previously referred to SARB and should enroll in school.

School districts are required to make a full and impartial investigation of school attendance complaints pursuant to *EC* Section 48290. If it appears upon investigation that the parent(s) or guardian(s) of the child has violated any of the provisions of the

compulsory education law, that person should be referred to the SARB pursuant to *EC* Section 48291.

An effective SARB should use SSIDs to review its district's exit/withdrawal code data to be sure pupils are not "falling through the cracks" between schools. If resources are lacking to track pupils who have left school, a SARB could encourage the creation of such resources or improvement of existing resources pursuant to *EC* Section 48320.

#### **4. When do SARB directives expire?**

Although *EC* Section 48291 does not advise SARBs on what their directives should be or when they should expire, directives must be clear as to what actions are to be taken and for what period of time. A parent(s) or guardian(s) cannot be charged with continually and willfully failing to respond to directives if the directives are not clear. For example, if a parent(s) or guardian(s) is to accompany the pupil to school, the directive must specifically state how long this arrangement is to be in effect. If a pupil is to be in class every day on time unless there is a valid excuse, the directive must be clear about whether this means for the rest of the current school year or the rest of the current semester. The SARB must use good judgment in issuing directives. Although directives create accountability, they never should be used in a punitive manner toward parents or guardians with past problems in parenting.

#### **5. How should SARBs handle challenges to the content of school attendance or behavior records?**

It is important that major challenges to the accuracy of school records be investigated prior to a SARB meeting. The SARB chairperson may be assigned by the superintendent to meet with parent(s) or guardian(s) when there is a challenge to the accuracy of school records. These challenges should be resolved *before* calling for a SARB meeting by holding an informal meeting with the SARB chairperson, the parent(s) or guardian(s), and the certificated person responsible for the school attendance or school behavior records in question. The SARB chairperson may ask the parent(s) or guardian(s) to document his or her objections to the school record in a letter directed to the superintendent of the school district. Resolving inconsistencies or inaccuracies in the records in advance can eliminate unnecessary SARB meetings, or avoid wasted time if a meeting becomes necessary.

As the superintendent's designee, the SARB chairperson should report his or her determination about the parent's challenge to the district superintendent. If mistakes have been made in school records, those mistakes need to be corrected. If a parent or guardian's allegations about school records are false and the superintendent agrees with the interpretation of his or her designee, the parent(s) or guardian(s) may appeal the superintendent's decision to the governing board in closed session pursuant to *EC* Section 49070. However, a disagreement over the accuracy of school records should not delay a SARB meeting if the superintendent agrees that the parent or guardian's allegations are false.

**6. How many letters must be sent to the parent before a parent or guardian is notified of a hearing due to habitual truancy or irregular attendance?**

*EC* Section 48263 does not set a minimum number of notification letters that must be sent prior to notification of a SARB meeting. However, a parent or guardian must be notified when a pupil becomes a truant (*EC* Section 48260.5), and there must be a conscientious effort to hold at least one meeting with the parent(s) or guardian(s) and the pupil before he/she can be designated as a habitual truant (*EC* Section 48262). Most school districts require three letters of truancy notification before a SARB referral, while others require four. The most important consideration is not the number of letters, but that the school has exhausted available interventions (including an attempted meeting with the parent and pupil) without having resolved the problem.

A designated SARB member should review the cases referred to SARB to determine whether the school has included sufficient documentation on the pupil's attendance or behavior problem and on the interventions that have been attempted. If sufficient documentation of the problem or the interventions is not included with the SARB referral, the case should be remanded to the school for further documentation about the causes of the problem.

**7. What can be done when a parent or guardian refuses to appear for a SARB meeting?**

Although *EC* Section 48321.5 allows the SARB to subpoena parents to a meeting, this is usually not necessary. A SARB meeting can be held without parents/guardians present, if necessary. (A sample subpoena is included in Appendix A of this handbook.) SARBs also may request the juvenile court to issue a subpoena for relevant written information on the attendance of the minor and on the minor's parents, guardians, or other person having control or charge of the minor. Enforcement of the subpoena is within the jurisdiction of the juvenile court. *EC* Section 48291/48293 states that parents who continually and willfully fail to follow SARB directives, such as attendance at SARB meetings, will be referred for prosecution.

**8. What should be done when a parent or guardian of a non-attending pupil states in September that he or she intends to file a Private School Affidavit and establish a "home school" for a child?**

If the SARB already has made directives regarding the attendance of the pupil, the SARB should determine if home schooling is still an option for this pupil. The SARB could decide to modify its directives. However, if the SARB wants to maintain a directive that requires regular attendance in school until the filing of a Private School Affidavit (PSA), the parent(s) or guardian(s) should be warned that if there is continual and willful failure to respond to the SARB directive, a criminal complaint will be filed. If the SARB has not made directives regarding the pupil, the parent(s) or guardian(s) should be notified that the time for filing a PSA is between the first and fifteenth of October of each year, and failure to file in time could result in referral to SARB.

If the pupil has an Individualized Education Plan (IEP) or if the parent(s) or guardian(s) has requested an assessment, the attendance supervisor should contact the special education director in the school district. The public school district is responsible for providing a “free and appropriate education” (FAPE) to eligible school children with no additional costs to parent(s) or guardian(s) and within specified timeframes. The special education director may be concerned about liability if the district misses deadlines required in fulfilling FAPE requirements.

If the student’s absence is found to be due to a health issue, the parents should be informed about the availability of home and hospital instruction (*EC* Section 48206) or about a Section 504 accommodation plan.

**9. Do SARB members from the community or volunteer aides working for the SARB have access to a pupil’s confidential cumulative records?**

*EC* Section 49076 authorizes a school district to permit access to pupil records without consent from parent(s) or guardian(s) to SARB members who have been appointed pursuant to *EC* Section 48321. Any adult volunteer aide who has been investigated, selected, and trained by a SARB to monitor compliance with SARB directives also may have access to confidential records.

**10. What should SARBS do if a parent refuses to sign the Board’s directives?**

SARB panel directives do not need to be signed by the parent(s) or guardian(s) to be enforceable, but the SARB must be able to document that the parent or guardian was notified of the directives. If the parent or guardian subsequently fails to respond to SARB directives, the SARB must be able to document that the failure to respond was both continual and willful. When there is a pattern of disregarding SARB directives, a court referral is required.

**11. Can a five-year-old student enrolled in transitional kindergarten or kindergarten be referred to a SARB meeting?**

*EC* Section 48263 states that any minor who is irregular in attendance at school or is habitually insubordinate or disorderly during school may be referred to a SARB. However, the pupil is not subject to compulsory education until the age of six. The SARB may provide intensive guidance or community support and may make directives, but the pupil may not be considered a habitual truant, because the pupil is not yet subject to compulsory education. Therefore, parents may not be cited for the absences.

**12. What can be done when poor attendance appears to be related to bullying?**

There is no question that poor school attendance can be related to bullying, whether the pupil with poor attendance is the student engaged in bullying behavior, the target, or a bystander who feels anxious or uncomfortable. The American Medical Association



estimates that 160,000 children a day refuse to go to school for fear of being bullied. It is important that bullying in any form be swiftly addressed.

Bullying is not simply a peer conflict issue, but is a type of social cruelty that involves imbalance of power, intent to harm, or threat of further aggression. The solution is often not just working with the pupils with poor attendance, but building school engagement as part of the effort to improve the school's social environment. Professional development for all staff may be necessary as part of a comprehensive safe school plan. Students must be engaged in school in positive ways, such as clubs, sports, or other pro-social activities.

Parents may need help in assisting their children who are bullied in school. Steps should be taken to approach bullying by addressing school environment, staff training, family communication, individual child support, and the classroom curriculum. School officials now have authority to suspend or expel a student who engages in bullying behavior (*EC* Section 48900[r]). In addition, Assembly Bill 1156 (in effect as of July 1, 2012), requires CDE to contract with an outside agency to provide training in the prevention of bullying, and allows for changes in school assignment for pupils who have been victims of bullying. See AB1156 provisions at [http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_1151-1200/ab\\_1156\\_bill\\_20110218\\_introduced.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1151-1200/ab_1156_bill_20110218_introduced.pdf).

### **13. How can SARBS help homeless pupils?**

Homeless pupils are still required to attend school. Students who experience loss of their home are afforded special rights under the McKinney-Vento Homeless Education Improvement Act, which enables them to enroll immediately and attend regularly. McKinney-Vento grants homeless pupils the right to attend their school of origin or the school in the area in which they are temporarily residing. If the school of origin is chosen, they are entitled to transportation. If the parent chooses to enroll the student in a new school, they are to be accepted immediately, even if they do not have all necessary documents for enrollment, such as immunization records and transcripts. School districts must provide a homeless liaison to act as an advocate for homeless children and ensure that their rights under McKinney-Vento are protected. The homeless liaison should be invited to attend a SARB meeting, if a meeting becomes necessary.

If a child is found to be homeless during a SARB hearing, the SARB should assign a homeless liaison, and direct the liaison to find appropriate support services, resources, and interventions to help the student and family.

### **14. How should SARBs respond to foster pupils referred to the SARB?**

Foster pupils placed by courts may have experiences similar to homeless pupils. Foster youth are also required to comply with the compulsory education laws. These pupils may have multiple moves in a school year and miss days of school for a variety of reasons beyond the school district's control. Assembly Bill (AB) 490, the Educational Rights and Stability for Foster Youth Act of 2004, made sweeping changes to the way foster children enroll in and attend school.

Fashioned similarly to the McKinney-Vento Homeless Education Improvement Act, the Foster Youth Act provides that foster children may attend their school of origin at the time of placement change so long as it is in the pupil's best interest. Further, it calls for immediate enrollment of the pupil even if the pupil does not have all required documents. It calls upon schools and placing agencies to work together to assure transportation and timely document exchanges. It also allows for equal access to curricular and extra-curricular activities and requires each district to appoint a foster youth liaison to ensure that the pupil's rights are implemented.

The SARBs should refer foster youth to the foster youth liaison, who can coordinate services with the local Department of Children's Services or with the juvenile court. It also is important for schools to include the person holding educational rights for the student in the SARB process. (This may or may not be a parent or guardian.) The identification of the education rights holder can be obtained from the local Department of Children's Services or the juvenile court.

### **15. What is the role of SARBs with respect to pupils enrolled in Independent Study programs?**

Many public school pupils subject to compulsory education participate in independent study programs rather than attend the regular school for the full school day. Independent study serves a wide range of pupils with a high degree of flexibility and individualization, including pupils who are gifted, as well as pupils who face particular challenges that make classroom attendance difficult. However, some pupils do not meet the requirements of their written independent study agreements or do not attend their independent study meetings.

When pupils do not make progress in independent study or show up for independent study meetings with teachers (as required by all independent study agreements), they should be referred back for regular classroom instruction. If pupils remain absent after being enrolled in the regular classroom, further intervention activities at the school should begin immediately. If interventions are not successful, pupils may be referred to a SARB for further diagnosis and intervention. A student cannot be involuntarily assigned to Independent Study.

### **16. How can SARBS help pupils enrolled in Home and Hospital Instruction?**

When public school pupils incur an extended disability or illness that makes attendance in a regular day class or an alternative educational program impossible or inadvisable, the district where the pupil is residing at the time (whether it be in the home or a hospital) is responsible for providing instruction at the home or local hospital to maintain the pupil's level of academic performance. *EC* Section 48208 states that a school district shall, within five working days of receipt of notification from a parent or guardian, determine whether or not the pupil is eligible for individualized instruction. If the pupil is eligible, individualized instruction is to start no later than five working days after a positive determination has been made. If the parent, guardian or pupil interferes with the

instruction needed to maintain academic performance during the absence from school, a referral to SARB can be made.

## **17. How should the school or SARB deal with absences due to lice infestations?**

Although stressful to deal with, head lice do not transmit disease to humans. Head lice policies in schools traditionally have emphasized that a pupil infested with head lice should be excluded from school and not able to return to school until no nits (lice eggs) were found in their hair (a “no-nit” policy). However, there is no evidence that a no-nit policy prevents or shortens lengths of outbreaks (Pollack et al., 2000, Williams et al., 2001). The American Academy of Pediatrics, the National Association of School Nurses, and the Centers for Disease Control and Prevention all oppose classic no-nit policies. In light of current research, the California Department of Public Health (CDPH) recommends a no-lice policy.

The above information is provided in 2012 guidelines for schools from the CDPH in developing policies and procedures for the care of head lice cases. The Department recommends an active educational campaign for parents on the accurate diagnosis and correct treatment of head lice cases to prevent lice transmission in schools and reduce lost school days due to head lice. The CDPH website <http://www.cdph.ca.gov/healthinfo/discond/Pages/Headlice.aspx> provides information on the essential components of a no-lice policy, and on the description, detection, environmental control, and treatment of head lice, as well as a list of references and a link to the parent brochure “*A Parent’s Guide to Head Lice*”.

In most cases, pupils with head lice are treated in a timely manner by their caregivers and are able to return to school in 1 to 2 days. Therefore, a school district may develop a policy limiting excused absences for head lice to 3 days. However, head lice infestations in some pupils can develop into a chronic state, lasting for weeks or months. A chronic case is a pupil found infested with live lice during three separate months during a school year or for six consecutive weeks.

Head lice infestations do not always start in school. According to the CDPH, pupils are less likely to contract head lice at school than they are in the home environment, where they may share beds or have close contact with siblings and playmates.

Caregivers frequently report great stress and express anger in trying to adequately treat their pupil’s chronic lice, and all family members may suffer embarrassment. Ideally, a School Attendance Review Team member or other trained school employee could intervene with the family of a student experiencing repeated lice episodes by providing education, assistance, and support to prevent a chronic condition. When reported to SARB for excessive absences due to head lice, the SARB can help pupils and their families find possible solutions.

## **18. How do we respond to a parent who states her child misses too much school due to asthma?**

Asthma is the most common chronic disease of childhood, and is the leading cause of school absenteeism attributed to health issues. Asthma is a lung condition characterized by periodic episodes of inflammation, narrowing of the breathing passages, and increased mucous production, which can cause coughing, wheezing, and difficulty in breathing. Factors that can trigger these episodes include allergy, infection, temperature changes, irritants (e.g., air pollution, dust, and cigarette smoke), and exercise.

In 2010, the Center for Disease Control reported that 9.4 percent of children have been diagnosed with asthma. In California an estimated 1.47 million school days were lost due to asthma in 2007. The incidence of asthma in children has more than doubled in the past 20 years in the U.S.

A pupil or parent at a SARB meeting will commonly name asthma as a reason for excessive school absences. However, pupils may have varying degrees of asthma, so the mere statement that a child has asthma should not be an automatic excuse for missing school. Symptoms and the disease of asthma can be controlled, and pupils should not have to limit their activity, according to the American Academy of Allergy, Asthma and Immunology. Asthma management and control of symptoms should start with regular medical care from a pupil's health care provider.

Several national health organizations have developed standards of asthma care and improved outcomes by developing policy guidelines. Included in the guidelines are recommendations for written Asthma Care Plans for children with persistent asthma. Using best practices, an Asthma Care Plan is developed by the child's primary health care provider in conjunction with the child and family, and is put in writing and shared with the child's school and school nurse. The care plan identifies the severity of the child's asthma and should address two components: 1) daily management related to regular medications and asthma control measures, and 2) procedures to implement in case of an asthma emergency.

School nurses can play an important part in the management of pupils with asthma. A school nurse present at a SARB meeting can briefly assess the pupil's degree of asthma and control measures in use, determine if the pupil is under regular medical care, and refer the family to a medical care provider if necessary. At school, the school nurse oversees the implementation of the Asthma Care Plan, incorporating it into an Individualized School Health Care Plan for pupils with severe, frequent asthma episodes. The school nurse monitors and evaluates plan outcomes, provides education, and communicates with the pupil's health care provider.

A law went into effect January 1, 2005 that allows pupils with asthma to carry and self-administer their prescribed asthma medication, e.g. rescue inhalers. A full copy of the law (AB 2132) can be downloaded at [www.leginfo.ca.gov](http://www.leginfo.ca.gov). A fact sheet on this law is available, and further answers to questions about asthma and California schools may be obtained at [www.californiabreathing.org](http://www.californiabreathing.org).

## **19. How can the school or SARB help a pupil who says she is pregnant and thinks she should stop attending school?**

Teen mothers are less likely to graduate from high school than other young women who bear children at later ages. Many face daunting challenges of combining and meeting the demands of school, work, and parenting, and must deal with unreliable transportation, childcare, housing, and income. Some young parents may be unaware that absence of a custodial parent due to their child's illness or medical appointment during school hours is allowed by law. (EC 46010, 48205).

One option for expectant teens not attending regular high school is continuation education, an alternative high school diploma program. It is for students who are sixteen years of age or older, have not graduated from high school, are still required to attend school, and who are at risk of not graduating.

Many students in continuation education are behind in high school credits. Others may need a flexible school schedule because they have jobs outside of school. Some students choose continuation education because of family needs or other circumstances. For more information about this option, visit the CDE Web page on Continuation Education at <http://www.cde.ca.gov/sp/eo/ce/>.

Independent study is another option for students who are expecting a child or parenting. Independent study must be voluntary, and only those students who complete at least a minimum day are eligible for independent study attendance credit.

Expectant adolescents and school-age parents have special considerations, such as childbirth and postpartum recovery; medical appointments; illness of the child, parent, or both; and unexpected emergencies that are difficult for most schools to accommodate. Independent study may enable these students to achieve success both in schooling and in parenting their young child.

Independent study can offer flexible scheduling, the opportunity to work at the student's own pace, specialized curriculum that targets the unique needs of these students and their children (e.g., prenatal nutrition, childbirth preparation, family planning, parenting skills, and child growth and development) and opportunities for a one-on-one and small group instructional approach. For more information about independent study, visit the CDE Web page on Independent Study at <http://www.cde.ca.gov/sp/eo/is/>.

## **20. What special considerations should be made when a pupil eligible under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 is referred to a SARB?**

Students eligible for services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 may be subject to the SARB process when they do not comply with compulsory education laws. Compulsory attendance is required even if parents contest the school's offer of placement and services. A basic theme in the IDEA and Section 504 is that, to the extent possible, pupils with disabilities should have the same educational opportunities as their non-disabled peers.

With appropriate accommodation, most disabilities should not prevent a child from attending school on a regular basis. Some disabilities, which may fall under the other health-impaired eligibility category, may require a shortened school day. It also is possible that a school phobia, emotional disturbance, or low incidence disability may make attendance at a regular comprehensive school setting inappropriate.

In addressing pupils with special needs, SARB staff should take care to determine the cause for the student's attendance problem. Are the causes intrinsic, and possibly disability related, or extrinsic? An Individualized Education Plan (IEP) or Section 504 Plan team member should be part of the SARB process to explain the child's disability, how it may affect attendance, and the accommodations that have been provided. The identified causes will help determine whether the solution may be found through a SARB hearing, or through the IEP or 504 Accommodation Plan process. Deference should be given to the latter processes when the concern is the provision of an appropriate education, e.g., addressing placement, services, and accommodations.

Appropriate staff should screen the case to address questions such as whether the parent or pupil appears to be causing the problem, whether the pupil is appropriately identified and placed, what environmental factors seem to be affecting attendance, and whether the lack of attendance is due to frustration at school. Behaviors that may be disability related include difficulty learning, restlessness, poor peer relationships, emotional outbursts, and speech and language problems.

The IDEA requires schools to address the behaviors of special needs pupils, such as attendance issues, when such behavior impedes the pupil's learning. Title 34, Code of Federal Regulations (CFR) Section 300.324 requires the IEP team to consider the use of behavioral interventions and supports and other strategies to address the behavior. The SARB process provides a means by which the school may ensure that all appropriate interventions have been considered. Interventions proposed may be included in the pupil's IEP.

The SARB process also helps to ensure against the over-identification of special needs pupils. Generally, a pupil's eligibility for special education should not be determined without first ensuring that the pupil is fully engaged in the academic offerings of the school. A successful SARB intervention would help school staff rule out the negative impact of irregular attendance on pupil performance.

Under the IDEA and Section 504, a change of placement recommended by a SARB cannot be implemented until an IEP or Section 504 plan team conducts a manifestation determination review to determine if the child's conduct is a manifestation of the child's disability, and approves the placement.

Title 34, Code of Federal Regulations (CFR) Section 300.530(e) requires an IEP team to convene within 10 school days of any decision to change a pupil's placement to determine whether the behavior that prompted the decision was caused by, or had a direct and substantial relationship to, the child's disability or directly resulted from the school's failure to implement the IEP.

If the team determines the behavior is due to the child's disability, an IEP or Section 504 plan team would then review the placement to ensure it is appropriate. If the team determines the behavior is not a result of the disability, the student is subject to the school's normal disciplinary policies.

Although IDEA provides that special education pupils may receive services until the age of 22, compulsory education under *EC* Section 48200 extends only to age 18. After the age of 18, special education pupils attend school at their own discretion.

## **21. What do I do if the parent does not attend the SARB meeting?**

- If parent received letter, hold SARB without parent and then do a home visit to get the SARB contract signed;
- If parent received letter, hold SARB without parent and send certified letter to parent requesting them to meet with you at the office by a certain date to sign the SARB contract; or
- Schedule another SARB meeting and send a subpoena to the parent to appear via certified mail; or
- Cite parent pursuant to Ed. Code 48293 for refusing to follow SARB directives to meet with SARB. Need to wait reasonable time to see if parent calls to reschedule the meeting. Must have proof parent received the letter to appear at SARB. (Discuss this option with local authorities.)

## **22. What do I do if the parent refuses to sign the SARB contract?**

- Write "parent refused to sign."
- Be sure to give parent a copy of the SARB contract.
- Advise parent that he or she is still responsible for following SARB directives.
- The parent does not get a ticket for simply refusing to sign. We ask the parent to sign so that we have proof parent knows what is expected. (Discuss this with local authorities.)

## **23. When do SARB contracts expire?**

- The Attorney General's Office recommends including an expiration date on the SARB contract.
- Best practice is to use logical expiration dates tied to natural transition points, like the end of the year for the highest grade level of the school the student is enrolled in.
- If the student's attendance is still a concern when the contract is near expiration the SARB should re-hear the case and update the contract. As students get older they may require different supports and directives.

**24. Can a citation be based on violation of a contract that was issued years earlier? (The expiration date is set as the student's 18<sup>th</sup> birthday.)**

- It isn't a good idea. Say a student has good attendance from 3<sup>rd</sup> through 7<sup>th</sup> grade, but their attendance becomes a problem again in grade 8. Going straight to citation wouldn't be fair. Best practice would be to work through the SARB intervention process again. Notices of truancy and habitual truancy should be sent in response to the student's truancy. School level meetings should also be held in an attempt to intervene. If those fail, the SARB should meet to consider the student's current needs and issue directives responsive to those needs. If the student or the parent fails to follow the new directives, referral for prosecution would be appropriate.

**25. What do I do if I have student who is not enrolled in school, but lives in my school district?**

- Do a home visit first to find out if the student is enrolled in any type of educational program. The CALPADS system may be used to determine the student's last enrollment in a California public school. If the student is not enrolled, give family two days to enroll the student in some type of educational program. If the family does not enroll the student in your school after 2 days, do 2<sup>nd</sup> home visit or call parent to verify enrollment in another program. If parent has still not enrolled the student in any program, contact the DA's office immediately for a non-enrollment letter and refer the case to the next SARB. You do not need to send truancy letters or arrange for a school meeting under these circumstances.

**26. What do I do if the school sent out truancy letters and held a SART last school year, but did not get a chance to hold a SARB in the same school year? Do we need to start the process over with new truancy letters and a new school meeting before referring the family to SARB?**

- Best practice is to hold SARB during the summer recess to prevent the problem from impacting the student's attendance during the next school year.
- There's no legal requirement that the SARB hearing be held the same school year as the SART. The first notification of truancy, conscientious effort to meet with the parent (SART) and notice of habitual truancy must occur during same school year. If need be, the SARB hearing responding to the report of habitual truancy can be held at the start of the year.

**27. What do I do if the school sent out truancy letters last school year, but never held a SART and the student is starting the new school year with more absences?**

- Start the process anew. Send truancy letters in response to new truanancies and schedule the SART as soon as it is clear that the pattern is continuing. If the



pattern continues send the notice of habitual truancy. Refer to SARB if necessary. (See question 6 for a more in depth explanation of the process.)

**28. How many times can a student miss school before I can ask law enforcement to cite the parent for violating the SARB contract?**

One option is as follows:

- The criteria for requesting a ticket against the parent is whether the parent continually and willfully failed to respond to SARB directives or services provided by SARB per Ed. Code sect. 48291.
- The number of absences needed depends on the age of the student. If the student is 6 years old, up to 5<sup>th</sup> grade, the court will look at the parent to enforce compulsory education laws. Under these circumstances, a parent who does not take their child to school on three different days is continually and willfully violating SARB directives.
- A parent of a student in middle school or high school who has poor attendance is not really being cited because of the absences. The parent is being cited for knowing that their child has poor attendance and not doing what SARB “directed” them to do to fix the problem. When you draft the SARB contract, its best to include things the parent has control over: some examples include:
  - calling the school on a regular basis regarding attendance’;
  - waiting until their child gets on the school bus before leaving;
  - waiting until their child enters the school before leaving;
  - shadowing the student at school if the student ditches classes at school
  - completing parenting classes

## Chapter 9

### Community Resources

The SARBs have the unique ability to identify and coordinate many available community resources to deal with persistent school attendance and behavior problems. These resources vary from area to area, but generally can be categorized according to the following topics:

- Child abuse/neglect and prevention
- Counseling and mental health services and programs
- Drug and alcohol abuse prevention and intervention
- Homeless service
- Youth groups and activities
- Services for high-risk youth
- Teen pregnancy services
- Gang intervention services
- Alternative education programs
- Health-care services
- Tutoring
- Transportation services

School and SARB personnel depend on accessibility of community resources when working to resolve school attendance or behavior problems. Maintaining an up-to-date inventory of resources provides for easy access to needed information. School and SARB members may need to work with the county SARB or county office of education personnel to compile a comprehensive inventory of resources.

In California, **2-1-1** can be called from a land line 24 hours a day, seven days a week, to obtain resource information. An inventory of resources should contain the name of each agency and its address, telephone number, description of services, and the name of a contact person.

Section 48322 of the Education Code states that county SARBs may encourage local SARBs to maintain a continuing inventory of community resources, including alternative education programs, and to make recommendations for the improvement of such resources and programs, or for the creation of new resources and programs where none exist. It is helpful to have a list of community resources available at SARB meetings.

Beginning on the following page is a table entitled “Agency Contact Information,” which includes state agencies that may be useful to SARBs throughout California. The list also provides information regarding professional organizations of interest to school administrators. This list is not exhaustive; inclusion does not necessarily imply endorsement.

## AGENCY

### **2-1-1 Information and Referral Research**

This number can be called 24 hours a day for assistance in finding information.

2-1-1 <http://www.211.org/>

### **Association of California School Administrators (ACSA)**

The mission of ACSA is to support California's educational leaders; ensure all pupils have the essential skills and knowledge needed to excel; and champion public education. 800-290-2272 (ACSA)

[www.acsa.org](http://www.acsa.org)

### **Alcoholics Anonymous**

Alcoholics Anonymous® is a fellowship of men and women who lend support to each other in efforts to help others recover from alcoholism. There are no dues or fees for AA membership.

[www.aa.org](http://www.aa.org)

### **Boys & Girls Town National Abuse Hotline (24 hours)**

Short-term counseling and referrals for any crisis.

800-448-3000 [www.boystown.org](http://www.boystown.org)

### **California AIDS/HIV Hotline**

M-F 9 –.5 pm (until 9 p.m. on Thursday)

Referrals to anonymous test sites. Information and support. Services offered in English, Spanish and Tagalog. 800-367-2437 [www.AIDSHotline.org](http://www.AIDSHotline.org)

### **California Association of Pupil Personnel Administrators (CAPPA)**

The mission is to strengthen services to California public schools in attendance, counseling, health services, research, school psychology, school social work, special education, prevention and intervention, safe and drug-free schools, and at-risk pupils.

760-416-6029

[www.cappaonline.net/](http://www.cappaonline.net/)

### **California Association of Supervisors of Child Welfare and Attendance (CASCWA)**

CASCWA is comprised of school and community professionals dedicated to improving school climate, safety, and increasing attendance. It is a network of professional support, mentors, and educators who advocate for pupils, families, and schools.

[www.cascwa.org](http://www.cascwa.org)

### **California Conservation Corps**

M-F 8 p.m. – 4 p.m.

This program is for young adults aged 18–23; includes job training for fire-fighting and conservation.

800-952-5627; 909-594-4206

Sacramento Office: 916-341-3100

[www.ccc.ca.gov](http://www.ccc.ca.gov)

### **California Department of Developmental Services**

#### **Regional Centers**

California has 21 regional centers throughout the state that serve individuals with developmental disabilities and their families.

916-654-1690

[www.dds.ca.gov](http://www.dds.ca.gov)

**California Department of Education**

The mission of the California Department of Education is to lead and support continuous improvement of student achievement. Main switchboard number: 916-319-0800

David Kopperud, Education Programs Consultant, SARB Operations, Attendance and Discipline: 916-323-1028

Monica Nepomuceno, Education Programs Consultant, Student Mental Health: 916-323-2212

Jacie Ragland, Education Programs Consultant, Home and Hospital Instruction, 916-323-2568

Daniel Sackheim, Education Programs Consultant, Community Day School, Opportunity Education,

Diploma Plus: 916-445-5595

Jaqueline Wong, Education Programs Consultant, Foster Youth Services: 916-327-5930

[www.cde.ca.gov](http://www.cde.ca.gov)

**California Department of Public Health**

The Department is tasked with optimizing the health and well-being of the people in California.

916-445-4171

[www.cdph.ca.gov](http://www.cdph.ca.gov)

**California Department of Social Services****Child Protective Services**

The major system of intervention of child abuse and neglect in California. (See individual counties for contact phone numbers.)

[www.childsworld.ca.gov](http://www.childsworld.ca.gov)

**California Legal Aid Society**

Provides free legal advice in non-criminal matters to economically disadvantaged California residents.

800-952-5210

[www.dca.ca.gov](http://www.dca.ca.gov)

**California School Boards Association (CSBA)**

Supports school board members, superintendents and senior administrative staff in a leadership role.

800-266-3382

[www.csba.org](http://www.csba.org)

**California Smokers Helpline**

M-F 7 a.m. – 9 a.m.,

Sat 9 a.m. – 1 p.m.

Free information and telephone counseling to help people stop smoking (available in six languages)

800-662-8887; 800-NO-BUTTS

[www.californiasmokershelpline.org](http://www.californiasmokershelpline.org)

**California State PTA**

The mission is to positively impact the lives of children and families by representing, and supporting members with skills in advocacy, leadership, and communications.

916-440-1985

[www.capta.org](http://www.capta.org)

**California Youth Crisis Line (24 hours)**

Crisis phone counseling, information, and referrals for youth ages 12-24. Can connect youth to parent/guardian or other agency without charge. Message relay.

800-843-5200

[www.youthcrisisline.org](http://www.youthcrisisline.org)

**CalWORKs**

This program provides temporary financial assistance and employment-focused services to eligible families with minor children.

877-481-1044

[www.calworks.org](http://www.calworks.org)

**Court Appointed Special Advocates (CASA)**

Provides support and promotes court-appointed volunteer advocacy for abused and neglected children so they can thrive in safe permanent homes  
800-628-3233

[www.nationalcasa.org](http://www.nationalcasa.org)

**Department of Motor Vehicles (DMV)**

Enhances traffic safety through testing and monitoring of drivers.  
877-487-2778; 310-575-5700

[www.dmv.org](http://www.dmv.org)

**Employment Development Department  
Workforce Investment Act**

Statewide list of qualified training providers offers many educational programs, including classroom, correspondence, online, broadcast and apprenticeship programs.  
916-654-8008

**FEMA****Federal Emergency Management Agency**

Helps families prepare for disasters.

800-621-FEMA

[www.FEMA.gov](http://www.FEMA.gov)

**FEMA for Kids**

Children should be encouraged to visit the following websites to help their families prepare for a disaster.

800-621-3362

[www.fema.gov/kids](http://www.fema.gov/kids)

**Gay & Lesbian Youth Services**

Transitional living program for ages 18-24; mentoring and HIV education.

M-F 9 a.m.–6 p.m.

323-993-7400

[www.lagaycenter.org](http://www.lagaycenter.org)

**General Educational Development Testing Services (GED) Hotline**

M-Sun 6:00 a.m.–10:30 pm Central time

Information on GED

800-626-9433

[www.gedtest.org](http://www.gedtest.org)

**Head Start**

A national program promoting school readiness, focusing on social and cognitive development of children by providing educational, health, nutritional, social and other services to children and families.

[www.acf.hhs.gov](http://www.acf.hhs.gov)

**Healthy Families Insurance**

State-sponsored low-cost health insurance for children up to age 19 (who meet income and U.S. citizenship requirements). Assistance available for filling out applications.

[www.healthy-families.us](http://www.healthy-families.us)

**Healthy Kids Resource Center**

This center maintains health education materials for use by educators working with preschool–12th grade pupils in school settings and after-school programs. Materials available for loan.

[www.californiahealthykids.org](http://www.californiahealthykids.org)

**Homeless Liaison at the California Department of Education**

Consultant for homeless education services may be contacted for questions regarding the McKinney-Vento Act (homeless rights).

Jackie Wong, Education Program Consultant for Foster Youth Services

Leanne Wheeler, Education Program Consultant for Homeless Education Services

[www.cde.ca.gov](http://www.cde.ca.gov)

**Job Corps**

Free education and training program to help youth of ages 16-24 learn careers, earn a high school diplomas or GEDs, and find jobs.

[www.jobcorps.org](http://www.jobcorps.org)

**Juvenile Diabetes Research Foundation**

M-F 9 a.m.–5 p.m. (Eastern Time)

Information and referrals for those with diabetes.

[www.jdrf.org](http://www.jdrf.org)

**Loma Linda University Behavioral Medicine Center**

Facility offering multi-level care for youth with chemical dependency and eating disorders.

[www.lomalindahealth.org](http://www.lomalindahealth.org)

**Medi-Cal**

California's Medicaid program provides needed health care services for low-income individuals, including families with children, seniors, persons with disabilities, foster care youth, pregnant women, and low-income people with certain diseases.

[www.dhcs.ca.gov](http://www.dhcs.ca.gov)

**National Center for Missing and Exploited Children Hotline**

(also known as Missing Children Hotline)

(24 hours)

Provides monthly "Missing Child" posters and quarterly bulletins. Deals mainly with parents of missing/runaway kids. Spanish, English, Cantonese, and Tagalog (on call).

[www.missingkids.com](http://www.missingkids.com)

**National Center for Victims of Crime**

M-F 8:30 am–8:30 p.m.

Information and referrals to support services nationwide.

[www.ncvc.org](http://www.ncvc.org)

**National Child Pornography Tip Line**

Handles calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography.

[www.cybertipline.com](http://www.cybertipline.com)

**National Council on Problem Gambling (24 hours)**

Information and referrals; crisis intervention and counseling.

[www.ncpgambling.org](http://www.ncpgambling.org)

**National Domestic Violence Hotline**

Information and referrals for shelters and counseling.

[www.ndvh.org](http://www.ndvh.org)

**National Eating Disorder Association (NEDA)**

Toll-free helpline to connect people with resources, information, or referrals to national and local treatment providers.

[www.nationaleatingdisorders.org](http://www.nationaleatingdisorders.org)

**National Runaway Switchboard**

Their mission is to keep America's runaway and at-risk youth safe and off the streets.

[www.1800RUNAWAY.org](http://www.1800RUNAWAY.org)

**National Suicide Prevention**

Provides assistance 24 hours a day, 7 days a week. Free and confidential.

[www.suicideprevention.org](http://www.suicideprevention.org)

**Institute for Intergovernmental Research**

Provides research and education services related to law enforcement, criminal justice, homeland security, and juvenile justice.

[www.iir.com/nygc](http://www.iir.com/nygc)

**Parent Project**

Provides instruction, support groups, and curriculum addressing destructive adolescent behaviors.

[www.parentproject.com](http://www.parentproject.com)

**Parents Anonymous**

M-F 8 a.m.– 4:30 p.m. (24-hour recording)

Dedicated to child abuse prevention. Self-help for parents and teens at risk for child abuse. Support groups for pregnant and parenting teens.

909-621-6184

[www.parentsanonymous.org](http://www.parentsanonymous.org)

**Planned Parenthood**

Provides family planning and reproductive health care services for women, men, and teens. Provides comprehensive and age-appropriate health information and education.

916-446-5247; For medically urgent questions: 800-230-7526

[www.plannedparenthood.org](http://www.plannedparenthood.org)

**Pregnancy Hotline**

Available 24/7

Provides referrals to a local pregnancy resource center for information regarding pregnancy tests, STDs, adoption, parenting, medical referrals, housing, and other issues.

1-800-395-Help (4357)

[www.pregnancycenters.org](http://www.pregnancycenters.org)

**Social Security Administration**

Independent government agency that administers the largest social insurance program in the United States.

800-772-1213; 909-383-5776

[www.socialsecurity.gov](http://www.socialsecurity.gov)

**U.S. Department of Education Office for Civil Rights**

50 Beale Street, Suite 7200

San Francisco, CA 94105-1813

Telephone: 415-486-5555

[ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

**U.S. Department of Health and Human Services & Substance Abuse and Mental Health Services Administration (SAMHSA)**

(24 hours)

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## Appendix A Sample Forms

The forms, letters, and other documents in Appendix A are suggested examples and may be modified as appropriate. Use of uniform attendance forms within the SARB's area builds consistency and helps expedite processing of paperwork.

Although *Education Code* Section 48260.5 requires very specific language for the first notification of truancy, most attendance documents can be modified to suit the population served by the SARB.

Many of the following letters and documents are available in different languages. See the California Department of Education Web page at <http://www.cde.ca.gov/ls/ai/sb/sarbhandbook.asp> for sample letters in different languages.

The following sample documents provide a variety of tools to help local SARBs promote positive attendance patterns.

**Note:** Assembly Bill 1610 (2010) amended the initial truancy notice mandate and the habitual truancy notice mandate to state that districts may use the most cost-effective method possible for notification, which may include electronic mail or a telephone call.

## Welcome to School Letter from Principal

(Issue on school letterhead.)

Date \_\_\_\_\_  
(Name of parents and address)

Re: \_\_\_\_\_

Dear Parent:

The school year is beginning soon, and I want to welcome you as our partner in your child's education. We value, appreciate, and seek out your involvement and collaboration for the success of your child.

We are asking all parents to help us ensure the regular, on-time attendance of their children at school. We monitor attendance closely because research has shown that regular attendance is vital for the success of children in school. California law states that absences are excused only if the child is ill or there is an excuse which meets the requirements of Education Code Section 48205. Even excused absences that cause your child to miss significant amounts of school can cause your child to fall behind in class.

Education Code Section 48260 defines a truant as a pupil who has missed more than 30 minutes on three days without valid excuse in one school year. Our goal is to have all children present in school every day and on time. Our district's policy is that we may require verification of absences due to illness or quarantine, if your child has missed school for three consecutive days. Please be aware that going "out of town" when school is in session with your child is an unexcused absence.

I look forward to working with you in a meaningful partnership for your child. We at \_\_\_\_\_ will work very hard with you to ensure that your child receives the best education possible. We are depending on you, and we want to thank you for entrusting us with your child. To provide your child with an outstanding education, your child must maintain excellent attendance.

Enclosed you will find a copy of this year's school calendar to assist in your family's scheduling.

If you have any questions, please feel free to call us at \_\_\_\_\_.

Sincerely,

\_\_\_\_\_,  
Principal

## Attendance Letter from District Superintendent

(Issue on school district letterhead.)

Date

Dear Parents/Guardians:

Welcome back to school!

\_\_\_\_\_ School District is dedicated to academic achievement and success for all pupils. Regular school attendance is a critical part of that success. Our district is committed to increasing the attendance rate in all district schools. High attendance rates result in improved academic skills, as well as social and emotional growth for our pupils.

The district will strive to be sure that pupils are in school on time, every day. Please carefully read pages \_\_\_\_\_ in the parent handbook regarding attendance. Included in the handbook are the laws pertaining to excused and unexcused absences. If your child must miss school more than three days, please contact the school as soon as possible; medical verification may be required. We also would like to work with you to help ensure that your child can make up for what he or she missed in class. This will prevent your student from having unexcused absences that may hinder his or her progress in school.

If you have any questions regarding attendance, please contact your child's school. I wish you and your student a very successful school year!

Sincerely,

\_\_\_\_\_

District Superintendent

## Chronic Absence Letter

Date \_\_\_\_\_

Dear Parent/Guardian:

Our records indicate that your child, \_\_\_\_\_, has been chronically absent from school. A student is chronically absent from school when he or she has missed 10 percent or more of the days he or she has been enrolled in school.

In many cases, absences from school are unavoidable due to health problems or other circumstances. However, chronic absenteeism can have a drastic impact on your child's education. Children chronically absent in kindergarten and first grade are much less likely to learn to read by the end of third grade. By sixth grade, chronic absence is a proven early warning sign of drop-out. By ninth grade, good attendance can predict graduation even better than eighth-grade test scores. Clearly, going to school regularly matters!

We would like to help resolve any problems that may be causing your child to miss school. Please call me at \_\_\_\_\_ at your earliest convenience. I would like to learn more about what is making it difficult for your child to get to school and work together with your family to see if we can help improve your child's attendance.

Sincerely,

---

School Principal

## First Notification of Truancy

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

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.

When a student is absent without a valid excuse, the student is considered truant according to California law.

### 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**):

1. That the pupil is truant.
2. That the parent/guardian is obligated to compel the attendance of the pupil at school.
3. That parents/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.
4. Alternative educational programs available in the district.
5. The right to meet with appropriate school personnel to discuss solutions to the pupil's truancy. (Added Statutes, 1983, Chapter 498)
6. The pupil may be subject to arrest under **Education Code Section 48264**.
7. The pupil may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to **Vehicle Code Section 13202.7**.
8. That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day (Added Statutes, 1983, Chapter 498)

If your child is absent due to a chronic illness or other unavoidable circumstances, please contact the school attendance clerk. Absences or excessive tardiness for any reason affect your child's education and reduce opportunities for success in school. Tardiness also interrupts instruction and interfere with the learning environment for all pupils. If the school attendance record is inaccurate, please inform the school attendance clerk.

If your child's attendance does not improve, we will need to schedule a conference to discuss the situation. We would like to understand the barriers to your child's attendance and discuss how we can work together to make sure your child is in class and learning.

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)

## Spanish Translation of Sample First Truancy Letter

Fecha: \_\_\_\_\_

Estimado Padre/ Tutor:

El motivo de esta carta es informarle que su hijo/a \_\_\_\_\_, que asiste a \_\_\_\_\_ grado, es/puede ser considerado ausente sin permiso:

❑ **Fechas de las ausencias injustificadas:**

Sin excusa/ sin verificación/ sin justificación: \_\_\_\_\_

---

Retrasos (30 minutos o más): \_\_\_\_\_

*Código de Educación* Sección 48260—Todo alumno que recibe educación de jornada completa que esté ausente de la escuela sin una excusa válida durante más de tres días o que llegue más de 30 minutos tarde cada día durante más de tres días durante el año escolar se considera un alumno con ausencias injustificadas y será denunciado ante el supervisor de asistencia o el superintendente del distrito escolar.

*Código de Educación* Sección 48260.5—(A) Cuando se considere que un alumno tiene ausencias injustificadas, el distrito escolar notificará al padre/ tutor del alumno, por correo de primera clase u otro medio razonable, sobre lo siguiente: (1) Que se considera que el alumno tiene ausencias injustificadas. (2) Que el padre/tutor tiene la obligación de exigirle al alumno que asista a la escuela. (3) Que los padres/tutores que no cumplan con esta obligación pueden ser culpables de una infracción y pueden ser procesados conforme al Artículo 6 (a partir de la Sección 48264) del Capítulo 2 de la Parte 27. (B) El Distrito también deberá informar a los padres /tutores sobre lo siguiente: (1) Programas de educación alternativos disponibles en el distrito. (2) El derecho a reunirse con el personal correspondiente de la escuela para discutir posibles soluciones a las ausencias injustificadas del alumno (Leyes adicionales de 1983, Capítulo 498.) (3) El alumno puede ser sujeto a arresto conforme a *Código de Educación* Sección 48264. Y (4) El alumno puede estar sujeto a suspensión, restricción o postergación de su privilegio de conducir conforme a *Código de Vehículos* Sección 13202.7.

❑ **Fechas de Exceso de Ausencias Justificadas:**

\_\_\_\_\_  
\_\_\_\_\_

Las ausencias injustificadas, sin verificación, sin excusa, ausencias excesivas excusadas, o retrasos afectan la educación del alumno e incrementan la posibilidad de fracaso. Las llegadas tarde interrumpen la clase e interfieren con el ambiente de enseñanza de todos los alumnos.

Por favor converse con su hijo sobre este tema. Si su asistencia no mejora, se convocará una junta con una persona designada de su escuela. **Nuestro objetivo es educar a su hijo. No podemos cumplirlo si su hijo/a no está en la escuela.**

\_\_\_\_\_  
Firma del Administrador

\_\_\_\_\_  
Fecha

cc: Student File, Student Outreach Worker (Box 56) Juvenile Court (if required).

\*\*\*\*\*El Padre/Tutor Firme y Regrese Esta Parte \*\*\*\*\*

He conversado sobre este asunto con mi hijo/a \_\_\_\_\_, y hemos resuelto el problema de su asistencia para poder asegurar una experiencia educativa exitosa.

\_\_\_\_\_  
Firma de Padre/Tutor

\_\_\_\_\_  
Fecha



## Second Notification of Truancy or Excessive Absences

(Issue on school site letterhead.)

Date \_\_\_\_\_

Student's Name \_\_\_\_\_ Student ID# \_\_\_\_\_

Parent's Name \_\_\_\_\_ Parent's Phone Number \_\_\_\_\_

Address \_\_\_\_\_

Dear Parent/Guardian:

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

Date(s) of excused absences  
\_\_\_\_\_

Date(s) of unexcused absences  
\_\_\_\_\_

Date(s) of tardiness (31+ minutes)  
\_\_\_\_\_

Total absences to date  
\_\_\_\_\_

1. An appointment has been made for you and your child to meet with \_\_\_\_\_ to consider a proper plan for correcting this problem.
2. Parent(s)/guardian(s) and student are requested to attend the following meeting.

YOUR SCHEDULED APPOINTMENT IS AS  
FOLLOWS:

Date \_\_\_\_\_

Time \_\_\_\_\_

Location \_\_\_\_\_

*Labor Code Section 230.8 requires certain employers to allow employees to attend school conferences.*

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

For unexcused absence or tardiness:

*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.

Students with unexcused absences may be assigned weekend school to make up work missed during regular attendance (*Education Code* Section 37223).

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)

## Spanish Translation of Sample Second Truancy Letter

Fecha: \_\_\_\_\_

Estimado Padre/Tutor:

Su hijo/a es/puede ser reportado como ausente sin justificación el \_\_\_\_\_. Esta es la segunda carta que se le manda informándole que su hijo/a, \_\_\_\_\_ en el \_\_\_\_\_ grado continúa con el problema de asistencia.

**Fechas Adicionales de Ausencias Injustificadas:**

Sin excusa/ sin verificación/ injustificadas: \_\_\_\_\_

\_\_\_\_\_

Retrasos (30 minutos o más): \_\_\_\_\_

**Código de Educación Sección 48261**—Informe Subsiguiente de Ausencias sin justificación: Todo alumno que ha sido reportado como ausente sin justificación y vuelve a estar ausente de la escuela sin una excusa válida un día o más, o llega tarde un día o más, deberá de nuevo ser reportado como ausente sin justificación al supervisor de asistencia o al superintendente del distrito. De acuerdo con el **Código de Educación Sección 48264.5**, un alumno ausente sin justificación puede ser asignado a un programa de estudio que se imparta después del horario escolar o el fin de semana. Si el estudiante fracasa en el cumplimiento con este programa de estudio, el/ella puede ser referido al programa de mediación de La Junta de Revisión de Asistencia Escolar.

**Fechas Adicionales de Exceso de Ausencias Excusadas:** \_\_\_\_\_

\_\_\_\_\_

Las ausencias injustificadas, sin verificación, sin excusa, ausencias excesivas excusadas, o retrasos afectan la educación del alumno y incrementan la posibilidad de fracaso. Las llegadas tarde interrumpen la clase e interfieren con el ambiente de enseñanza de todos los alumnos.

*Por favor póngase en contacto con la escuela dentro de los siguientes cinco días escolares para poder programar una conferencia para discutir el problema y tratar de encontrar una solución. Por favor llame \_\_\_\_\_ el \_\_\_\_\_ para fijar una conferencia.*

\_\_\_\_\_  
*Firma del Administrador*

\_\_\_\_\_  
*Fecha*

*cc: Student file, Juvenile Court (If required by terms of probation)*

\*\*\*\*\*Padre/Tutor Firme y Regrese\*\*\*\*\*

*He conversado con mi hijo/a \_\_\_\_\_ sobre este asunto. Llamaré a la escuela para fijar una conferencia. La mañana/tarde me conviene más a mí.*

\_\_\_\_\_  
*Firma de Padre/Tutor*

\_\_\_\_\_  
*Fecha*

## Third Truancy Letter

Date \_\_\_\_\_

Re: \_\_\_\_\_

(Student's name)

Dear Parent/Guardian:

You were last notified of your child's truancy on \_\_\_\_\_. This third notice informs you that your child is now considered a habitual truant.

### Additional date(s) of trancies

Unexcused days absent \_\_\_\_\_ Tardiness (31+ minutes) \_\_\_\_\_

### History of attendance

Attendance record as of \_\_\_\_\_ is as follows:

Days of enrollment \_\_\_\_\_ Days present \_\_\_\_\_

Unexcused absences \_\_\_\_\_ Excused absences \_\_\_\_\_

Tardiness (31+ minutes) \_\_\_\_\_

**Education Code Section 48262—Habitual Truant:** Any pupil deemed an habitual truant and 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 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) meeting. Your scheduled appointment is as follows:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

You and your child are required to attend this conference (**Education Code Section 48321.5**). Failure to attend may result in a referral to the District Attorney's Office or law enforcement. If you have any questions regarding this meeting, you may contact

\_\_\_\_\_ at \_\_\_\_\_

Principal

## Spanish Translation of Sample Third Truancy Letter

Fecha: \_\_\_\_\_

### Estimado Padre/Tutor:

Su hijo/a fue/pudo ser reportado ausente sin justificación el \_\_\_\_\_.

Esta tercera carta es para infórmale que su hijo/a, \_\_\_\_\_ en el \_\_\_\_\_ grado es/puede ser considerado un absentista habitual.

### Fechas Adicionales de Ausencias Injustificadas:

\_\_\_\_\_

Retrasos (30 minutos o más):

\_\_\_\_\_

**Código de Educación Sección 48262—Absentista Habitual:** Todo alumno clasificado como un absentista habitual y quien han sido reportado como ausente sin justificación tres veces o más por año escolar, con tal de que ningún alumno sea clasificado absentista habitual al menos que un funcionario apropiado del distrito o empleado haya hecho un esfuerzo a conciencia para tener por lo menos una conferencia con el padre o tutor del alumno y el alumno después de efectuar las notificaciones requeridas por *Código de Educación* secciones 48260 o 48261.

**Código de Educación Sección 48264.5—**Un alumno ausente sin justificación puede ser asignado a un programa de estudio que se imparta después del horario escolar o el fin de semana. Si el estudiante fracasa con el cumplimiento de este programa de estudio, el/ella puede ser referido al programa de mediación de La Junta de Revisión de la Asistencia Escolar.

### Fechas Adicionales de Exceso de Ausencias Excusadas:

\_\_\_\_\_

La escuela ha hecho todo lo posible para colaborar con usted en la resolución de los problemas de asistencia de su hijo/a. Estos atentados no han tenido éxito. Es **imprescindible** que usted asista con su hijo/a a una junta con el Grupo De Revisión de Asistencias de los Estudiantes (SART por sus siglas en inglés) o a una junta con el Equipo de Estudio de Estudiantes (SST por sus siglas en inglés.) Les hemos asignado la siguiente cita:

FECHA: \_\_\_\_\_

LUGAR: \_\_\_\_\_

HORA: \_\_\_\_\_

Si es necesario cambiar esta junta por favor llame a la escuela de inmediato. Sin su cooperación la única otra alternativa será referir este asunto al Distrito Escolar, Junta Directiva de Revisión de Asistencia Escolar (SARB por sus siglas en inglés) quien puede referir este asunto a las oficinas del Procurador para ser procesado de acuerdo a Sección 272 del *Código Penal* y/o Sección 48290 del *Código de Educación*.

\_\_\_\_\_

Firma del administrador

\_\_\_\_\_

Fecha

cc: Student File, Juvenile Court (if required by terms of probation).

Padre/Tutor Firme y Regrese esta Parte

He conversado de este asunto con mi hijo/a \_\_\_\_\_. Asistiremos a la audiencia de SART/SST programada para nosotros.

\_\_\_\_\_

Firma del padre o tutor

\_\_\_\_\_

Fecha

## Notification Letter of Parent Meeting at District Office

Date \_\_\_\_\_ School \_\_\_\_\_

Dear \_\_\_\_\_

This letter is to inform you that after repeated discussion, conferences, and meetings concerning \_\_\_\_\_'s attendance, (his/her) attendance has not improved.

Your student was again absent/tardy on the following date(s):

\_\_\_ Truant or unexcused absence on \_\_\_\_\_

\_\_\_ Tardy on \_\_\_\_\_

\_\_\_ Excessive excused absence on \_\_\_\_\_

This poor attendance/punctuality affects your child's education, and creates a poor example for other pupils. Because your student's attendance has not improved, I have scheduled a meeting with the supervisor of Child Welfare and Attendance to identify possible solutions to improve your student's attendance. This meeting **for you and the student** is scheduled for:

\_\_\_\_\_ on \_\_\_\_\_

at the District Office, located at

\_\_\_\_\_.

Please call the Child Welfare and Attendance Office at

\_\_\_\_\_ (location)

no later than \_\_\_\_\_ (date) to confirm this meeting.

Failure to attend this meeting with the supervisor of Child Welfare and Attendance will result in a referral to the district School Attendance Review Board (SARB).

**Education Code Section 48263**—If any minor in any district of a county is a habitual truant, or is irregular in attendance at school, as defined in this article, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a School Attendance Review Board.

I look forward to meeting with you to resolve this barrier to your child's education.

Sincerely,

\_\_\_\_\_  
Principal (or designee)  
cc: student file  
site administrator

## Notification Letter of SARB Referral

(Note: Districts may send this letter when the school has exhausted site-level resources and referrals.)

Date \_\_\_\_\_ School \_\_\_\_\_

Dear \_\_\_\_\_:

This letter informs you that after repeated discussion, conferences, meetings, and contract(s), your student, \_\_\_\_\_, has not improved his/her attendance. Your student was again absent/tardy on the following date(s):

\_\_\_ Truant or unexcused absence on \_\_\_\_\_

\_\_\_ Tardy on \_\_\_\_\_

\_\_\_ Excessive excused absence on \_\_\_\_\_

**Education Code Section 48621**—Subsequent Report of Truancy: Any pupil who has once 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 truant to the attendance supervisor or the superintendent of the district.

**Education Code Section 48262**—Habitual Truant: Any pupil deemed an habitual truant and 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 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 *Education Code* Section 48260 or 48261.

Unfortunately, it has become necessary to refer this matter to the district School Attendance Review Board (SARB). We have exhausted all resources available to our school site and are now required to make this referral.

**Education Code Section 48263**—If any minor in any district of a county is a habitual truant, or is irregular in attendance at school, as defined in this article, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a School Attendance Review Board.

You will be contacted by the supervisor of Child Welfare and Attendance concerning the scheduled hearing before the School Attendance Review Board (SARB). If you have any questions concerning this hearing, please call my office at \_\_\_\_\_ between 7:30 a.m. and 4:30 p.m.

Sincerely,

\_\_\_\_\_  
Principal (or designee)  
cc: Student file  
Child Welfare and Attendance Supervisor



## Chronic Truant Letter

Date \_\_\_\_\_

Dear \_\_\_\_\_:

Our records show that your student, \_\_\_\_\_, has been absent from school without a valid excuse for ten percent or more of the school days in the school year.

In addition, our records show that you were previously notified that your student was a truant and that the school has made a conscientious effort to intervene before deeming your student a habitual truant.

Even after referral to the school attendance review board (SARB), your student has continued to have absences from school without a valid excuse.

At this time, it is necessary for the SARB to direct the school district to make and file a criminal complaint, charging a violation of California law.

Please contact me as soon as possible at \_\_\_\_\_ if you have any questions about this notification that your student is considered a chronic truant pursuant to *Education Code* Section 48263.6.

Sincerely,

---

Director  
Child Welfare and Attendance

## SARB Identification Stickers

**Note: The stickers are not to be on the front cover of the cum folder, but they may be placed inside the cum folder.**

School Attendance Review Board Seal	<p>_____</p> <p>Name of Student</p> <p>Was seen on _____</p> <p>by _____</p> <p>_____</p> <p>signature of school official</p> <p>_____</p> <p>phone/email</p> <p>SSID Number _____</p>
---	--

State SARB recommends that stickers be reproduced on bright fluorescent paper for easy recognition and that the name of the district and county be included for easy reference.

## Case Chronology Worksheet

**Instructions:** Complete as contacts are made or actions occur. Make and use as many copies of this blank form for your individual case files as necessary.

Student \_\_\_\_\_ SSID# \_\_\_\_\_

Telephone(s) \_\_\_\_\_

Birthdate \_\_\_\_\_ Grade \_\_\_\_\_

Address \_\_\_\_\_

School \_\_\_\_\_ School Year \_\_\_\_\_

Parent/Guardian  
Name \_\_\_\_\_

Phone(s) \_\_\_\_\_

### CONTACTS

Type of Contact	Date	Contact Made By	Purpose of Contact	Response/Comments From Person Contacted
Telephone				
Correspondence				
Home Visit				
Observed on Campus				
Conference				
Agency Contact				
SARB				
Other				

## Annual Summary Report

Year:	
District:	District Enrollment:
Address:	
SARB Chairperson:	Phone/Email:

### Number of Cases Referred to Local District SARB

GRADE LEVEL	MALE	FEMALE	BEHAVIOR	IRREGULAR ATTENDANCE	HABITUAL TRUANT	COURT REFERRALS	TOTALS
K							
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
<b>TOTALS</b>							

*\*Please note: Student may be referred for more than one reason.*

#### SARB Report Form Instructions

Instructions for completing each column on the District/County SARB Annual Summary Report

- Column 1: Total number of pupils in each grade referred to SARB
- Column 2: Total number of males in each grade level referred to SARB
- Column 3: Total number of females in each grade level referred to SARB
- Column 4: Total number of pupils referred due to behavior problems
- Column 5: Total number of pupils referred due to irregular attendance
- Column 6: Total number of pupils referred due to habitual truancy
- Column 7: Total number of cases referred to court at each grade level
- Column 8: Total number of pupils enrolled at each grade level  
(California Basic Educational Data System ([CBEDS])

**Extended School Attendance Review Board Report Form**

California *Education Code* Section 48273 Summary Report For \_\_\_\_\_ School Year by a School Attendance Review Board (SARB)

Submitted by the SARB of \_\_\_\_\_ School District(s) to the \_\_\_\_\_ County Superintendent

Population Served by SARB					Number of Cases Referred to SARB					Outcomes of SARB				
Grade Level	California Basic Educational Data System Enrollment	Number of Chronic Absentees (1)	Percent of Students who are Chronic Absentees (2)	Number of Students Referred to SART or SST Meeting (3)	Male	Female	Total	Attendance (Chronic Absentee or Truancy)	Behavior	Number of Students Who Improved Attendance After SARB (4)	Number of Students Who Improved Behavior After SARB (5)	Number of Court Referrals By SARB	Number of Agency Referrals By SARB	Number of Transfers to Alternative Schools
K														
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
Alt Ed														
Grand Total														

**Notes:**

- 1 = A chronic absentee as defined in *Education Code* Section 60901(c)(1) is a pupil who is absent on 10 percent or more of the school days in the school year when the total number of days a pupil is absent is divided by the total number of days the pupil is enrolled and school was actually taught in the district.
- 2 = Percent of chronic absentees is calculated by dividing the number of chronic absentees by the number of students enrolled and reported for October.
- 3 = Number of students referred to a school-level meeting, such as a school attendance review team (SART) meeting or student success team (SST) meeting.
- 4 = Number of students who improved their attendance by 50 percent after their SARB meeting during the following semester or trimester.
- 5 = Number of students who improved their behavior as evidenced by no suspensions after their SARB meeting until the end of the school year.

# Confidential SARB Referral Form

[SARB Hearing - SDCOE Sample Referral Template](#) (WORD)

(INSERT DISTRICT NAME)

SCHOOL ATTENDANCE REVIEW BOARD

STUDENT									
Pupil Name			District Stu ID			SSID			
Grade	Age	Birthdate		Was student retained? (List grade.)					
IEP	504	ELL	Foster	Homeless	Probation Officer				
Medications									
School					Teacher/Counselor				
DESCRIPTION OF PROBLEM RESULTING IN REFERRAL TO SARB									
Describe:									
<b>Contributing Factors:</b>		Health: student.		Substance abuse: student.		Student is a parent.			
Family conflict.		Health: parent.		Substance abuse: family member.		Student's parent is a teen.			
Economic stress.		Health: family.		Lack of parental involvement.		Negative peer influence.			
Student's job.		Student attitude.		Student caring for younger sibs.		Grief & loss.			
ATTENDANCE					ACADEMICS				
YTD	Last YR				Start Time	Current Progress		Mark	
		Possible days of attendance.				Subject			
		Days attended.							
		Attendance rate (Divide days attended / days possible.)							
		Full day absences.							
		Excused absences.							
		Days suspended.							
		Full day truanancies.							
		Partial day truanancies (Unexcused abs. > 30 minutes.)							
		Total truanancies.							
DISCIPLINE HISTORY				CREDITS			GPA		
Referrals for discipline.				Typical for Grade Level			Semester		
Incidents resulting in suspension.				Attempted			Cumulative		
Suspensions for violent behavior.				Earned			CAHSEE		
Weapon / Dangerous object.				Minimum Required to Graduate			English		
ATOD related suspensions.				Needed to Graduate			Math		
RESIDENCE									
Home Address					City		Home Phone		
					ZIP				
ADULTS IN HOME									
		Name	Relationship to Pupil	Language Spoken	Cell Phone	Work Phone			
Parent or Guardian									
Other									
Will a translator be needed to assist during the hearing? (If yes, list language.)									
OTHER CHILDREN IN HOME									
		Name	Grade	Age	Relationship to Pupil	YTD Absences	YTD Truanancies		
NON-CUSTODIAL PARENT									
Name			Cell		Work		Ed Rights		
Address					City		Zip		
Name			Cell		Work		Ed Rights		
Address					City		Zip		

# SARB Referral Supplemental Report

[SARB Hearing - SDCOE Sample Supplemental Report \(WORD\)](#)

(Insert District Name) SARB

SUPPLEMENTAL REPORT

PHONE CONFERENCES	
Date	Notes:
XX/XX/XXXX	People Present:
	Services or Strategies Offered:
	Notes:
XX/XX/XXXX	People Present:
	Services or Strategies Offered:
	Notes:
CONFERENCES AT SCHOOL	
XX/XX/XXXX	People Present:
	Services or Strategies Offered:
	Notes:
XX/XX/XXXX	People Present:
	Services or Strategies Offered:
	Notes:
HOME VISITS	
XX/XX/XXXX	People Present:
	Services or Strategies Offered:
	Notes:
XX/XX/XXXX	People Present:
	Services or Strategies Offered:
	Notes:

# SARB Referral Supplemental Report

[SARB Hearing - SDCOE Sample Packet Checklist](#) (WORD)

<b>Suggested SARB Packet Checklist</b>	
	<b>1. SARB Referral Form</b> (See SDCOE SARB Referral Template)
	<b>2. SART Agreement</b> (See
	<b>3. Student Demographic Information</b> (Print from Student Information System.)
	<b>4. Attendance Summary Report</b> (Print from Student Information System.)
	<b>5. Most Recent Progress Report or Report Card</b>
	<b>6. Transcript</b>
	<b>7. Discipline Summary Report</b> (See
	<b>8. 1<sup>st</sup> Notice of Truancy</b> (See SDCOE
	<b>9. 2<sup>nd</sup> Notice of Truancy</b> (Optional - See
	<b>10. Notice of Habitual Truancy</b> (See
	<b>11. Other relevant evidence.</b>

<b>Other Student Materials Needed for Hearing</b>	
	<b>Copy of the student's IEP.</b>
	<b>Copy of the student's 504 Plan.</b>
	<b>Student's Cumulative Record</b>
	<b>Optional: Health Record</b>



## Subpoena for SARB Hearing

Attorney or Party Without Attorney (Name and Address): Telephone  Attorney for (name):		FOR COURT USE ONLY  School <b>Attendance                  Review                  Board</b>
Insert Name of Court, judicial district or branch court, if any post office and street address SCHOOL ATTENDANCE REVIEW BOARD COURT ADDRESS CITY, STATE, ZIP		
Title of Case:  <div style="text-align: right;">                     , Student                      , Parents                 </div>	<b>ALL FAMILY MEMBERS                  ARE TO ATTEND</b>	

**SUBPOENA (CRIMINAL OR JUVENILE)**  
**· DUCES TECUM**

Case number: \_\_\_\_\_

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (NAME):

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS** in this action as follows unless you make a special agreement with the person named in Item 3:

a. Date: 2003                      Time: a.m. / p.m.                      Dept.:                      Div.:                      Room:  
 b. Address:

2. And you are  
 a.    Ordered to appear in person.  
 b.    Not required to appear in person if you produce the records described in the accompanying affidavit in compliance with Evidence Code sections 1560 and 1561.  
 c.    Ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized pursuant to Subdivision (b) of sections 1560, 1561, and 1562 of the Evidence Code will not be deemed sufficient compliance with this subpoena.

**3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**

Name: Telephone: \_\_\_\_\_

4. **WITNESS FEES:** You may be entitled to witness fees, mileage, or both at the discretion of the District. For information contact the person named in item 3 AFTER your appearance.

**DISOBEYING A SUBPOENA MAY BE PUNISHED BY A FINE. A WARRANT MAY BE ISSUED FOR AN ARREST FOR FAILURE TO APPEAR.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Person Issuing Subpoena

\_\_\_\_\_  
 (Type or print name)  
**Chairperson**  
 \_\_\_\_\_  
 (Title)

# Sample SARB Hearing Script

[SARB Hearing - Sample Script](#) (WORD)

## Welcome

SARB Chairperson: “Good morning / afternoon. I am (insert your name & position title). This is a meeting of the (insert district name) School Attendance Review Board. I am presiding over and moderating this hearing. I would like to begin by having the panel, family members and student introduce themselves.”

(Have the panel introduce themselves giving their name, position and agency affiliation, followed by the family members and student.)

## Verification of Address & Phone Numbers

SARB Chairperson: “Before hearing the presentation of the case from the school’s representative, I would like to verify home address and phone numbers listed in the districts records are correct. Please review this information let us know if there are changes that should be made.”

## Overview

SARB Chairperson: “California Education Code 48263 authorizes School Attendance Review Boards to respond to cases involving Habitual Truancy, Irregular Attendance or Habitual Insubordination/Disruption. Our purpose is to work with you to develop a set of interventions and supports that will correct the issue of concern without the direct involvement of the courts.

- We will begin with a presentation of the case by the school’s representative.
- Following this presentation the panel will have an opportunity to ask questions of the family members, student and school personnel.
- When we’ve finished with questions we may have the family step out of the room while we deliberate as a team. (Optional)
- Toward the close of the meeting we will inform you of the panel’s decisions.
- The panel can choose from four possible outcomes as a result of this hearing:
  1. The panel may choose to dismiss the case.
  2. The panel may choose to monitor the case and reconvene if necessary, at a later date.
  3. The panel may choose to issue directives that will be binding on the student and parent / guardian. Should the panel choose this option, it may also seek prosecution if the student or parent fails to follow the directives outlined in the summary document / contract.
  4. The panel may choose to make an immediate referral for prosecution to the District Attorney’s Office.” (Good for parents to know but, limited court time and restricted filing criteria make this a risky option.)

SARB Chairperson: “Do you have any questions about what I’ve covered so far?” (After answering questions...) “Let’s begin with the school’s presentation.”

## Presentation of Case

School Rep.: (School reviews the case using the material included in the referral packet to support the main points.)

SARB Chairperson: "I'd like to open the floor to our panel members to ask questions of the school, family or student."

Panel Members: (Explore the problem with the intention of identifying the root causes and possible solutions.)

### **Deliberation**

SARB Chairperson: (Following adequate time for questions from the panel the chairperson should determine if interventions can be developed with the family present or if they should be discussed in closed session.)

### **Actions**

SARB Chairperson: ((1) Inform the family of the action the SARB intends to take. (2) If directives are to be issued, review the Summary of Directives (contract) and explain the consequences of failing to comply with the contract. (3) Ask if the family or student has any questions.)

### **Closing**

SARB Chairperson: (Summarize the meeting, express confidence in the family and student, thank the panel and adjourn the hearing.)

# Sample SARB Contract

[SARB Hearing - SDCOE Sample Contract \(English\)](#) (WORD)

[SARB Hearing - SDCOE Sample Contract \(Spanish\)](#) (WORD)

## (Insert Name) School District SCHOOL ATTENDANCE REVIEW BOARD (SARB) Summary of Directives

Name of Minor: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Hearing: \_\_\_\_\_

Reason(s) for referral to SARB: \_\_\_\_\_ Habitual Truancy, \_\_\_\_\_ Irregular Attendance, \_\_\_\_\_ Problem Behavior

The School Attendance Review Board, having evaluated a referral regarding the minor named above, issues the following directives: (Check the box next to each directive that applies.)

- \_\_\_\_\_ 1. The parent / guardian will compel the student to attend school on a daily basis.
- \_\_\_\_\_ 2. The parent / guardian will not be permitted to excuse student absences. If the student must be absent from school:
  - a. The parent will provide a written note from a doctor verifying the student is too ill to attend school, or
  - b. The parent will bring the student to school to allow school staff to verify that student is too ill to attend school.
  - c. The parent will obtain advance written approval from the school principal to authorize excused absences for reasons other than illness.
- \_\_\_\_\_ 3. The parent / guardian is directed to enroll the student in, and keep the student enrolled in a school operated by the school district in which the student resides. The student will not be permitted to enroll in a Charter School, private school or home school until released from this directive by the district School Attendance Review Board.
- \_\_\_\_\_ 4. The student will attend school on a daily basis.
- \_\_\_\_\_ 5. The student will arrive for school and classes on time.
- \_\_\_\_\_ 6. Obey all school rules and regulations.
- \_\_\_\_\_ 7. Complete all school assignments.

Additional Directives:

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To assist the parent / guardian and student in complying with the directives stated above, The School Attendance Review Board makes the following resources and services available:

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I understand the directives outlined above and acknowledge that failure to fully comply with these directives may result in a referral for prosecution to the County District Attorney. I also understand the directives outlined in this document will remain in force until the minor's 18<sup>th</sup> birthday, or graduates from high school.

\_\_\_\_\_  
Signature of Parent / Guardian      Date      Signature of Minor      Date

\_\_\_\_\_  
Signature of Parent / Guardian      Date      Signature of SARB Chair      Date

## SARB Confirmation of Directives Letter

Date \_\_\_\_\_

Dear \_\_\_\_\_,  
Parent(s)/guardian(s)

I appreciate your attendance at the School Attendance Review Board (SARB) meeting on \_\_\_\_\_.

This letter is to remind you that you and your child/children are expected to follow the SARB directives. If you or your child/children fail to comply with the directives, the school will refer the case for law enforcement and/or the District Attorney's Office for legal action.

Your cooperation and participation in this process is critical to the future success of your student. It is vital that you follow through with SARB directives.

Please contact me if I can be of further assistance at  
\_\_\_\_\_.

Sincerely,

---

Chair  
School Attendance Review Board

## SARB Congratulations Letter

Date \_\_\_\_\_

Dear Parent(s)/guardian(s)

\_\_\_\_\_  
(Name)

Thank you for your continued support and follow-through with the directives that you and your child/children, \_\_\_\_\_ signed at the meeting of the School Attendance Review Board.

\_\_\_\_\_ is following each directive, and your cooperation in working with your child/children and the school has sent a strong signal that school is important. Please remember the attendance directives will remain in effect through \_\_\_\_\_'s graduation.

We are pleased with \_\_\_\_\_'s progress and hope both you and \_\_\_\_\_ have benefited from these directives. You are welcome to contact our office at any time that you feel you need any kind of assistance at \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Chairperson, School Attendance Review Board (SARB)

cc: Principal



**San Juan Unified School District**  
 Office of Student Assistance & Prevention Programs/OSAPP  
 Attendance Improvement Program  
 4625 Kenneth Avenue, Camichael, CA 95608  
 TEL: 916-871-7022 FAX: 871-7347

**CHRONIC ILLNESS VERIFICATION FORM**

STUDENT/DOB/GRADE:

Forward to: \_\_\_\_\_ School \_\_\_\_\_ Fax Number \_\_\_\_\_

Dear Physician,

Your patient is a student enrolled in San Juan Unified School District. For our records, please list the chronic illness diagnosed for the student. Also, please check or list symptoms that would not warrant an office visit, but might require the child to stay home from school. This will allow the parent to verify illnesses, by listing in writing to the school the symptoms designated below, without bringing the child to your office for an examination. This document expires at the end of the academic year it was received.

Physician Verification	<input type="text"/>
	<i>Physician signature and Printed name</i> <span style="float: right;"><i>date</i></span>
	<i>(Copy of business card or letterhead is required)</i>

Chronic Illness/Medical Diagnosis:

Symptom(s):

Expected frequency of episodes  and length of absence per episode  day(s).

\*examples: monthly, 4 times per school year, etc.

**Neurological system**

- Lethargy
- dizziness/unsteadiness
- numbness in extremities
- petit mal seizures
- grand mal seizures
- severe headache
- blurred vision

**Respiratory system**

- weakness/fatigue
- pallor/cyanosis
- continual coughing
- congested airway
- difficulty breathing
- pain

**Gastrointestinal system**

- nausea/vomiting
- diarrhea
- constipation
- abdominal pain

**Integumentary system**

- skin lesions
- infections
- edema

**Cardiovascular system**

- weakness/dizziness
- pallor/cyanosis
- palpitations
- rapid pulse
- arrhythmia
- pain
- fevers/infections

**Genitourinary system**

- bladder/kidney infection
- fever

**Ear, Nose & Throat**

- chronic infections
- severe allergies
- severe asthma
- fever
- pneumonia/bronchitis

**Musculoskeletal system**

- pain
- inflammation/swelling

Additional Comments: \_\_\_\_\_

Physician's name & address	_____ _____ _____
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I hereby request and authorize the exchange of information on the above diagnosis pertaining to my child between Health Services designated staff of the San Juan Unified School District and the physician named above.

Parent/ Guardian Authorization for Exchange of Information	I request San Juan Unified School District to contact the parent/guardian signing this authorization before contacting the authorizing medical professional. _____ (initial here to request) This contact will only be made if the frequency or length of absences exceeds the numbers authorized above. I further understand with this verification, I must submit written explanations to verify each absence.
--	--

Parent/Guardian Signature and date:

ALL **BOXED** areas and appropriate symptoms **must be filled in** for form to be valid.

Chronic Illness revised 9/05.docx vj

# Sample Attendance Board Policy and Administrative Regulations Including Administrative Regulation for Excessive Excused Absences

Section 5                      Students

## **ABSENCES AND EXCUSES BP 5113(a) Compulsory Attendance**

The Board of Trustees believes that regular attendance plays a key role in student achievement. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged six (6) to eighteen (18) are obligated to send their children to school unless otherwise provided by law. The Board shall abide by all state attendance laws and may use appropriate legal means to correct problems of excessive absence or truancy (EC 48200). The Board recognizes that all excessive absences, whether excused or unexcused, place students at risk of not graduating and will, therefore, make a concerted effort to keep students in school.

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, Board Policy and administrative regulations. (EC 46010, 48216, 48205)

Insofar as class participation is an integral part of pupils' learning experience, parents/guardians and pupils shall be encouraged to schedule medical appointments during non-school hours. Excessive absences, whether excused or unexcused, may affect a student's grades.

Pursuant to the Board of Education Policy 5113, corresponding Administrative Regulations 5113 will govern the operating procedures in regard to pupil absences and excuses.

Legal Reference:    *Education Code*  
                              46010-46015 Absences  
                              48200-48231 Compulsory Education Law



Adopted by Board of Education: February 15, 2001

Section 5                    STUDENTS

**ABSENCES AND EXCUSES**

**AR 5113(a)**

In accordance with the Board of Education's Policy 5113, the following Administrative Regulations will be followed in reference to student absences and excuses:

**Notification of Absences and Excuses Procedures Concerning Confidentiality**

At the beginning of each academic year, notifications shall be sent to the parents/guardians of all pupils in grades 7 through 12, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian, according to Education Code Section 46010.1.

Students in grades K-6 should not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency. Students in grades 7-12 should not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.

**Notification of Absences and Excuses Procedures Concerning Religious Purposes**

At the beginning of each academic year, notifications shall be sent to parents or guardians of all K-12 pupils informing them of the administrative regulations regarding excuses and absences for religious purposes.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to administrative regulations and law. (*Education Code 46014*)

Student absences are no longer counted for purposes of state apportionment payments. Student attendance is monitored to ensure compliance with state attendance laws and to correct problems of excessive absence or truancy.

In accordance with state law, a student's absence shall be excused for the following reasons:

1. Personal illness (*Education Code 46010*)
2. Quarantine under the direction of a county or city health officer (*Education Code 46010*)

## Section 5                  Students

**ABSENCES AND EXCUSES****AR 5113(b)**

3. Medical, dental, optometric, or chiropractic appointments (*Education Code 46010*)
4. Attendance at funeral services for a member of the immediate family (*Education Code 46010*)
  - a. Excused absence in this instance shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (*Education Code 46010*)
  - b. "Immediate family" shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, and brother, sister or any relative living in the student's immediate household. (*Education Code 46010*)
5. Jury duty as required by law for 18 year olds or older (*Education Code 46010*)
6. Exclusion from school to obtain required immunizations, if the absence is not more than five days (*Education Code 46010*)
7. Approved participation in a school co-curricular activity in which the student represents the school or district including athletic events, fine arts and/or vocational exhibits or performances, and academic competitions. (*Education Code 35330*)

A student's absence shall be excused for justifiable personal reasons, including but not limited to: (*Education Code 46010*)

1. Appearance in court either as a defendant or as a subpoenaed witnesses.
2. Observation of a holiday or a ceremony of the student's religion.
3. Attendance at a funeral services for a person other than a member of the student's immediate family.
4. Attendance at religious retreats for no more than four hours during a semester.
5. Participation in an employment conference when requested in writing by the parent and approved in advance by the Principal.
6. Absences while the student is in Juvenile Hall, Children's Shelter, other shelter care or other custodial facilities.

## Section 5                   STUDENTS

**ABSENCES AND EXCUSES****AR 5113(c)**

7. Classroom or school suspensions which have been made-up through assigned Saturday School or other institutionalized alternative.
8. Additional days, in excess of State authorized absences, to attend funeral services of an immediate family member, at the discretion of the principal or principal's designee.
9. Attendance at funeral services for someone other than immediate family only with a written request by the parent and approval of the principal or principal's designee.
10. Administrative summons or when detained by other classified or certified personnel.
11. Appointments, conferences or interviews with attorneys, law enforcement officers and probation officers.
12. Personal or family emergency requiring the student's absence, when approved at the discretion of the principal or the principal's designee. Such decision shall be made in advance of the student's absence and shall require prior consultation with the student's teachers.
13. Absence to care for an ill child when the student is the custodial parent of the child.
14. Attendance at a governmental or judicial function where the knowledge imparted would augment course curricula taught in at least one of the student's current academic classes or an organized visitation to a post-graduate institution, institute or technical training program which is related to the student's course of study, when approved in advance by the principal or the principal's designee. (The litmus test for excusing such an absence would be whether or not the activity would be appropriate for a class field trip to enhance and augment classroom instruction.)
15. For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in Ed. Code Section 49701.

When a student is absent for personal reasons, the parent or guardian should write the principal to ask that the expected absence be excused. The principal or designee shall approve or disapprove the request pursuant to items 1-13 above. The principal or designee may deny the request if he or she believes the absence would be educationally harmful to the student or set a poor example in matters of school attendance for the student or other pupils. If the request is denied, reasons will be given.

Section 5                      STUDENTS

**ABSENCES AND EXCUSES**

**AR 5113(d)**

A student absent from school with an excused absence 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. The teacher of any class from which a student 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. (*Education Code 48205*)

***UNEXCUSED ABSENCES/TRUANCY***

The Superintendent or designee shall implement positive steps to reduce truancy, such as communication with parents/guardians and the use of student study teams.

The following conditions or actions will result in unexcused absences:

1. The missing of class or school without an excused or warranted reason, whether the absence is student or parent initiated.
2. Any absence which has not been verified as to reason within five school days of the absence and no later than the close of the school attendance office of the fifth day.
3. Absences for which advanced approval is necessary and approval was not obtained before the absence.
4. Time out of class or school while in temporary custody under the jurisdiction of the \_\_\_\_\_ Police Department Truancy Sweep Program, unless otherwise indicated by the department.
5. A tardy to the assigned classroom/locker room of over 30 minutes shall be considered to be an unexcused absence from class.
6. Lateness to Saturday School or other District truancy abatement program constitutes an unexcused absence.

## Section 5 STUDENTS

**METHOD OF VERIFICATION:**

When pupils, who have not been cleared for an absence prior to being absent, return to school, they must present a satisfactory explanation verifying the reason for the absence. The following methods will be accepted as verification of student absences.

1. A written note from the parent/guardian or parent representative. (*Education Code 46012*)
2. A Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The school district employee shall subsequently record the following:
  - a. Name of Student
  - b. Name of parent/guardian or parent representative
  - c. Name of verifying employee
  - d. Date or dates of absence
  - e. Reason for absence
3. A visit to the student's home by the verifying school or District employee.
4. Any other reasonable method that establishes the fact that the student was actually absent for the reasons stated. A written record shall be made, including the information outlined above.
5. A physician's verification.
  - a. Absence for a confidential medical appointment may require verification by the student's physician. When excusing pupils for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments. Staff may contact a doctor or medical office only to verify the time of the appointment.
6. The District 10% Policy

To be implemented at a date designated by the superintendent or designee but not prior to the District's 20th day of instruction.

When a student has accrued absences due to illness verified by the methods listed in paragraphs one (1) through five (5) above, equal to or surpassing ten percent (10%) of the school days during which the student was enrolled, from the date of enrollment to the current date, subsequent absences must be verified by a physician, health professional, school nurse, or other school personnel.

Absences must be cleared daily, unless other arrangements are made with the school principal or designee. Failure to provide verification from a physician, health professional, school nurse or other school personnel, will result in said additional absences being recorded as unexcused.

When a student has absences equal to or surpassing the 10% limit as described above, for excusable reasons other than illness, the student and parent may be referred to a student study team or a School Attendance Review Board for a case review.

Placing a student under the requirement of the ten percent (10%) policy or removing a student from said requirements and procedures prior to the end of the current academic year, shall be left to the discretion of the school site principal.

Section 5                    STUDENTS

**ABSENCES AND EXCUSES**

**AR 5113(f)**

- a. Placing a student under the requirement of the ten percent (10 percent) policy or removing a student from said requirements prior to the end of the current academic year, will be left to the discretion of the school site principal.

**VERIFICATION OF ABSENCE BY 18-YEAR-OLDS**

No pupils, including those 18 years old and older, may verify their own absence, except for legally emancipated youth.

It is acceptable for 18-year-old pupils to document their reasons for absences, either in the form of a note or phone call: however, said absences must be verified by any of the following persons:

- a. A School or Public Health Nurse
- b. An Attendance Clerk
- c. An Attendance Supervisor
- d. A Physician
- e. A Principal
- f. A Teacher
- g. Any other qualified employee of the district assigned to make such verification or a substitute for such employee.

Absences for all pupils must be cleared within five (5) school days, from the date of the absence. After five (5) school days, an un-cleared absence will be recorded as unexcused.

The Superintendent or designee shall implement whatever steps are deemed appropriate to keep pupils in school, including communication with parents/guardians and the use of attendance review boards and/or student study teams.

The District shall maintain a School Attendance Review Board as allowed by law in order to meet the special needs of pupils with school attendance and/or school behavior problems. When the student's attendance problems cannot be resolved or the student and parent/guardian have failed to respond to directives to correct the problem, a student who has been classified as truant may be referred to the District Attorney or Probation Officer.

# Sample Bylaws for County SARBs

## Ventura County School Attendance Review Board By-Laws

### ARTICLE I – Name of the Board

#### Section I

The board shall be known as the Ventura County School Attendance Review Board and shall be known herein as County SARB.

### ARTICLE II – Authority

Authorization for the County SARB is set forth in *Education Code* Section 48321 and 48324.

### ARTICLE III – Purpose

- A. Per *Education Code* Section 48321(f) the County SARB shall provide consultant services to, and coordinate activities of, local school attendance review boards (SARBs) in meeting the special needs of pupils with school attendance or behavior problems.
- B. Maximize the utilization of community resources in the effort to solve individual and family problems of minors with regard to school attendance or behavior problems. The County SARB will emphasize:
  - 1. Bringing about effective and efficient contact between local SARBs, local agencies, and the resources in the county.
  - 2. Serve as a catalyst in the identification and development of community resources needed to address issues related to child welfare and attendance.
  - 3. Disseminate information and conduct in-service training regarding legal
  - 4. Issues, community resources, new legislation and other pertinent matters relating to child welfare and attendance, including the Juvenile Justice System.

### ARTICLE IV – Objective

County SARB shall:

- A. Adopt such rules and regulations not inconsistent with law, as are necessary for its own government and to enable it to carry out the provisions of California *Education Code* commencing with Section 48320.
- B. Promote the development of appropriate resources to enhance school programs and educational alternative relative to student attendance and behavior.
- C. Utilize services and resources for the prevention of juvenile delinquency and diversion of youth from the Juvenile Justice System.



- D. Bring together on a regular and continuing basis, those agencies having primary responsibilities for the welfare of children.
- E. Encourage local SARBs to do the following:
  - 1. Support and promote the appropriate implementation of recommended policies and procedures developed by the County SARB.
  - 2. Make recommendations and suggestions to local schools to access available resources, services, and programs.
  - 3. Identify pupils with potential attendance and behavior problems at the earliest possible time.
  - 4. Encourage community involvement.

## **ARTICLE V – Organization and Membership**

### **Section I**

The County SARB shall include, but need to be limited to:

- A. A parent
- B. Local school district representatives
- C. County Probation Department
- D. County Welfare Department
- E. County Superintendent of Schools
- F. Office of the District Attorney
- G. Law enforcement agencies
- H. Community-based youth service centers
- I. School guidance personnel
- J. Child welfare and attendance personnel
- K. School or county health care personnel
- L. Others as designated by the County SARB

### **Section II**

The governing boards of school districts shall nominate the school district representatives. All other persons and group representatives shall be nominated by their respective agencies.

### **Section III**

Members of the County SARB shall be appointed on an annual basis (July 1<sup>st</sup> through June 30<sup>th</sup>). County SARB members may be recommended for reappointment by the school districts or agencies represented.

### **Section IV**

Vacancies on the County SARB, either because of resignation or other reasons, shall be filled by the school districts or agencies involved with the approval of County SARB.

## **ARTICLE VI – Governing Body**

### **Section I**

The officers of the County SARB shall consist of a Chairperson, Vice-Chairperson and a Secretary.

- A. The Chairperson, Vice-Chairperson and Secretary of the County SARB shall be elected annually. The County SARB shall appoint a nominating committee to present nominations at the June monthly meeting. Elections shall be held by a majority vote of the County SARB membership at its June meeting.

### **Section II**

- A. Time and day of meetings shall be determined at the first meeting in September of each year. The first meeting of each year shall be held in September and will be called by the Chairperson at an appropriate date, time and place.
- B. Special meetings may be called by the Chairperson or majority of the County SARB provided 24 hour notice of the purpose of the meeting is given to all members.
- C. The Chairperson shall call meetings of the County SARB. The Secretary of the County SARB shall give written or verbal notice of all meetings to the members.

### **Section III**

- A. At all meetings of the County SARB, one-half of the qualified members shall constitute a quorum.
- B. All measures considered by the County SARB shall be approved by majority vote except for amendments to the By-Laws.
- C. Amendments to the By-Laws shall require a two-thirds vote of the qualified members of the County SARB.
- D. In case of a tie vote on any matter considered by the County SARB, the Chairperson shall cast his/her vote.

### **Section IV**

The County SARB shall be governed by rules and regulations which are consistent with laws established by the California Legislature (Section 48324.)

## **ARTICLE VII**

### **Section I**

- A. The Chairperson shall be responsible for coordinating the services of the County SARB.
- B. The Chairperson shall be responsible for presiding over all County SARB meetings.

### **Section II**

The Chairperson and Secretary shall be ex-officio members of all committees of the County SARB.

**Section III**

In the absence of the Chairperson, or his/her inability to act, the Vice-Chairperson shall act as Chairperson.

**Section IV**

The Vice-Chairperson shall assume duties and responsibilities as directed by the Chairperson.

**Section V**

The County Superintendent of Schools Office shall provide staff services for the County SARB.

**ARTICLE VIII – Committees**

**Section I**

The Chairperson is authorized to establish committees as the need arises. Committees shall be dissolved when its goals and objectives have been fulfilled.

**ARTICLE IX – Parliamentary Authority**

**Section I**

The rules contained in Robert’s Rules of Order, Revised, shall govern the County SARB in all cases to which they are applicable, and in which they are not inconsistent with the By-Laws of the County SARB.

**Section II**

The Chairperson shall appoint a parliamentarian with the approval of the County SARB.

**ARTICLE X – Amendments to the By-Laws**

**Section I**

The By-Laws may be amended by a two-thirds vote of the qualified membership of the County SARB.

**Section II**

The Chairperson shall set voting requirements which are consistent with the By-Laws of the County SARB.

**Section III**

Any member of the County SARB may make suggestions for amendments to the By-Laws. Suggestions shall be made in writing to the Chairperson and shall be referred to a special committee appointed by the Chairperson for review and recommendation before submission to the membership.

#### **Section IV**

Immediately following any amendment or revision of the By-Laws, the Secretary shall be responsible for the printing and distribution of as many copies of the revised By-Laws as are necessary. The revised copy of the By-Laws shall bear the date of the revision and the location of the County SARB meeting where the revision was declared official.

### **ARTICLE XI – Adoption of the By-Laws**

#### **Section I**

- A. These By-Laws shall become operative upon their approval by a two-thirds vote of the membership of the County SARB at the next regular meeting after the proposed By-Laws are presented to the County SARB. Amendments to the proposed By-Laws may be introduced and voted upon at the regular meeting at which the vote on adoption shall be taken so long as such amendments are mailed to all members at least one week in advance of the meeting.
- B. After the original adoption process, these By-Laws may be amended at any regular or special meeting pursuant to Article XI, provided that such proposed amendments have been mailed to all members at least one week in advance of the meeting.

## Model School Attendance Review Board Recognition Program

NOTE: The Model SARB Recognition Program Application Packet is available on the CDE School Attendance Review Board Web page at <http://www.cde.ca.gov/ls/ai/sb/modelrecognition.asp>. The instructions included as an example below, refer to the 2014-15 school year.

### Application Instructions

1. Review all requirements for the 2014–15 Model SARB Recognition Program Application.
2. Complete the Model SARB Recognition Program Application Certification Form.
3. Address **a total of six** Content Areas as directed below:
  - Content Areas 1, 2, 3, 4, and 5 are **required**. Narratives for Content Areas 1, 2, 3, and 4 are worth 20 points each and must not exceed two single-sided, single-spaced pages for each Content Area. Content Area 5 is worth 10 points. Choose **one** additional Content Area from Content Areas 6, 7, 8, and 9 to further describe your program.
  - Select only **one** of the following Content Areas. The narrative for that Content Area is worth 10 points and must not exceed one single-sided, single-spaced page.
    - **Content Area 6: Inventory of Community Resources**
    - **Content Area 7: SARB Leadership Strategies**
    - **Content Area 8: Program Design and Content/Organizational Structure**
    - **Content Area 9: SARB Meeting Dynamics**
4. All written narratives must be completed on 8½ by 11-inch paper (standard size) in 12-point Arial font.
5. Be sure each acronym is spelled out the first time it appears in the submitted application documents.
6. Review all submitted documents included in the application for clerical accuracy to avoid typographical or grammatical errors.
7. Submit the documents in the following order:
  - Application Certification Form **(Required)**
  - Narratives for Content Areas 1–4 **(Required)**
  - Letters of Support for Content Area 5 **(Required)**
  - Additional Content Area **(Choose one)**

8. One original application and three copies must be submitted to the CDE by mail or in person to the following address:

David Kopperud, Education Programs Consultant  
Model School Attendance Review Board Recognition Program  
Educational Options, Student Support, and American Indian Education Office  
California Department of Education  
1430 N Street, Suite 6408  
Sacramento, CA 95814-5901

## Model School Attendance Review Board Recognition Program 2014–15

### Application Review and Evaluation Process

Model SARB Program Recognition Applications are reviewed and scored by State SARB members who are not associated with applicants. Scores are based on the Model SARB Recognition Program Reader's Rubric. (See the CDE California Laws and Codes Web page at <http://www.cde.ca.gov/re/lr/cl/>.) Reviewers determine whether the applicant's program meets the criteria for Model SARBs as outlined in the Content Areas.

Content Areas 1–5 are required due to their importance in SARB effectiveness. Each written Content Area Narrative will be scored numerically. State SARB readers will determine the applicant's rating for each Content Area using the following rubric. The scores will fall into the categories below:

- **Excellent:** Each requested component is addressed, and the application includes evidence and descriptions of exemplary practices.
- **Adequate:** Most components are addressed and the application includes evidence and descriptions of adequate or effective practices.
- **Needs Improvement:** Components are not sufficiently addressed, and the application lacks sufficient evidence and/or descriptions of good or adequate practices.

Content Area Narratives rated "Needs Improvement" may result in an application being eliminated from consideration as a model.

Final Model SARB candidates are approved at the next quarterly meeting of the State SARB after all applications have been scored.

Model SARB applicants selected for recognition will be contacted by the State SARB Chairperson by e-mail, and will receive a formal award at the annual Conference of the California Association of Supervisors of Child Welfare and Attendance in April 2015 in Napa, California.

The State SARB Chairperson also will contact each applicant whose program does not meet the criteria for Model SARB recognition to discuss areas of possible improvement and recommend a Model SARB mentor.

**Model School Attendance Review Board Recognition Program 2014–15**

**Application Certification Form**

To be considered for designation as a Model School Attendance Review Board (SARB) by the California Department of Education (CDE), an application with narratives describing the program in six Content Areas must be submitted to the CDE **no later than 5 p.m. on Friday, February 27, 2015**, with this Certification Form.

**Mail or deliver the completed original with three copies to:**

David Kopperud, Education Programs Consultant  
Model School Attendance Review Board Recognition Program  
Educational Options, Student Support, and American Indian Education Office  
California Department of Education  
1430 N Street, Suite 6408  
Sacramento, CA 95814-5901

SARB Chairperson's Name (Print Name)	SARB Chairperson's E-mail Address
SARB Chairperson's District or County Office of Education Name	Telephone Number (Including Area Code)
SARB Chairperson's School District or County Office of Education Address	City ZIP Code

If your school attendance program has an outstanding feature that affects your application, such as a truancy mediation program, please include that element by describing it in the appropriate Content Area in the application. The SARB Chairperson **does not need to be a school district or county office of education employee** for the purposes of this application. The SARB Chairperson may be a district attorney, a probation officer, or other person working in collaboration with a school district.

**Certification**

I certify that the SARB Program described in this application has been described accurately.

\_\_\_\_\_  
SARB Chairperson's Name (Print Name)

\_\_\_\_\_  
SARB Chairperson's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Superintendent/Designee's Name (Print Name)

\_\_\_\_\_  
Superintendent/Designee's Signature

\_\_\_\_\_  
Date



## **Model School Attendance Review Board Recognition Program 2014–15**

<b>Required Content Area Narratives (90 Points Maximum)</b>
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### **Content Area 1 (Required): Population Served by School Attendance Review Board Program (20 Points) Maximum of 2 pages**

#### **Local School Attendance Review Boards**

An effective SARB needs to analyze the chronic absentee rates, dropout rates, and other data for the numerically significant subgroups in the population it serves. Important data to include in the narrative are:

- Percentage of students from numerically significant subgroups, as listed in Content Area 1 of the Readers' Rubric
- Chronic absentee rates for all numerically significant subgroups
- Suspension rates for all numerically significant subgroups
- Dropout and graduation rates for all numerically significant subgroups

In addition, please describe the following:

- The different language groups in the area served by the SARB, and to what extent the SARB membership reflects the population it serves
- The types of translation provided in all communications to parents/guardians/caregivers
- Barriers to attendance for all numerically significant subgroups, and how the SARB communicates and interacts effectively in a culturally diverse environment (For example, effective SARBs should provide appropriate translation services for meetings and ensure that parents/guardians/caregivers receive all communications and written notices in the language they understand.)

#### **County School Attendance Review Boards**

- Include the number of SARBs in the county and the number of districts that participate in county SARB meetings.
- Describe barriers to attendance for all numerically significant subgroups in the county.

- List and describe the different types of services for high-risk youth in the county, including the appropriate educational options available (such as continuation high schools, community day schools, or any programs offered through the county office of education for high-risk youth).

**Content Area 2 (Required): Establishing Goals and Objectives and Measuring Outcomes (20 Points) Maximum of 2 pages**

**Local School Attendance Review Boards**

- Describe the process(es) used by your SARB for setting goals and objectives, and identify any benchmarks that will be used to measure SARB progress. The data you present may be disaggregated by subgroups, grade levels, and schools to identify patterns that need to be addressed.
- Identify specific, measurable goals and objectives developed by the SARB to meet the needs of high-risk youth with persistent attendance and behavior problems. These goals and objectives can include prevention and intervention activities, as well as goals to reduce dropout or suspension numbers.
- Describe the data (such as chronic absentee rates, dropout rates, and data for in-school and out-of-school suspensions and expulsions) that will be used to quantify the achievement of the specific goals and objectives.
- Describe the methods and/or programs used to gather SARB information submitted to the County Superintendent in compliance with California *Education Code (EC)* Section 48273. (See the CDE California Laws and Codes Web page at <http://www.cde.ca.gov/re/lr/cl/>.)
- Include an explanation of other data collected for use by the SARB as indicators of SARB success. Provide the definitions you use for the attendance data you collect. For example, if you are measuring chronic absenteeism, provide the definition you are using.
- Also explain when and how data are analyzed by SARB members to improve and strengthen the SARB process, and describe how the data are used to monitor progress toward meeting the defined goals and objectives of the SARB.
- Attach the SARB reports that were submitted to the County Superintendent for the last two years. These reports are not counted in the two-page limit for the Content Area Narrative.

## County School Attendance Review Boards

- Explain how compliance with *EC* Section 48273 is encouraged, and provide evidence that local SARBs have complied by attaching a copy of any reports received from local SARBs or a summary of reports received.
- Describe any additional data included in the county SARB report beyond what is required in *EC* Section 48273 and how the data is used to develop countywide strategies to improve school attendance and reduce out-of-school suspensions.
- Explain how the county SARB uses local SARB data to develop county goals/objectives, provide consultant services, and coordinate SARB activities within the county.

## Content Area 3 (Required): Prevention, Early Identification, and Interventions (20 Points) Maximum of 2 pages

The 2012 *SARB Handbook* recommends that a designated SARB member review all SARB referrals to determine whether the school has submitted sufficient documentation of the school's efforts to respond to the student's attendance and behavior challenges. This review enables the SARB to verify that appropriate prevention, early identification, and early intervention strategies are attempted prior to SARB referral.

## Local School Attendance Review Boards

- Explain how the SARB encourages schools in the district to use the student information data system to identify and serve the high-risk student subgroups, including children in poverty, foster youth, and English learners.
- Provide a description of prevention and intervention strategies that are carried out at the district level and identify the persons responsible for each activity to improve student attendance in the district.
- Identify the person(s) responsible for screening SARB referrals to evaluate the quality of documentation for each case. This individual should ensure that the school has exhausted all other interventions prior to SARB referral.
- Describe how chronic absentee rates are used to reveal patterns among numerically significant subgroups in the district.
- Describe any recognition programs for good attendance and positive behavior.

## County School Attendance Review Boards

- Provide a detailed description of the training in prevention, early identification, and interventions that are available to any SARBs or districts in the county.

- Explain how the county SARB encourages any local SARBs or districts to use early warning systems to identify students for early intervention.
- County SARBs that do not receive SARB referrals should describe consultant services and training to help districts develop systems for prevention, early identification, and appropriate interventions. County SARBs that do receive SARB referrals should describe the process used for screening referrals.
- Explain how the county SARB coordinates collaborative activities related to prevention, early identification, and appropriate interventions for school districts and county agencies.

**Content Area 4 (Required): School Attendance Review Board Collaboration and Qualifications (20 Points) Maximum of 2 pages**

**Local School Attendance Review Boards**

- List the representatives on your SARB and the agencies or organizations they represent. Be sure to show that you have representatives from the agencies or organizations identified in *EC* Section 48321.
- Indicate which SARB members meet regularly to combine their expertise and resources on behalf of the students referred to them and how other members might contribute on an as-needed basis. For example, special education representatives may be needed when cases are considered involving students with special needs.
- Describe the qualifications of members serving on the SARB, including specialists assigned to perform case management services for students and parents/guardians/caregivers.
- Describe how the SARB members work collaboratively to diagnose problems and recommend solutions, and give specific examples of collaboration for individual truancy or behavior problems.
- Explain what is accomplished at meetings and between meetings to develop and maintain trust and communication among all SARB members.

**County School Attendance Review Boards**

- Explain how the county SARB works with and encourages collaboration among any local SARBs and agencies in the county by building relationships.
- Provide evidence that school district representatives have been nominated by their governing boards in compliance with *EC* Section 48321(a)(3), and that all other representatives have been appointed by the county board of education.

- Provide evidence that all representatives listed in *EC* Section 48321 have been included in the county SARB membership.
- Provide at least two lists showing attendance of representatives at two different SARB meetings in the past year as evidence of active member participation. Meeting minutes can be used to provide evidence.

### **Content Area 5 (Required): Three Letters of Support (10 Points)**

#### **Local School Attendance Review Boards**

Letters of support must reflect diverse perspectives and must cover a variety of aspects of the SARB process. The SARB process includes more than the intensive services provided by the SARB and SARB meetings; it also includes the interventions by the school which **precede** SARB meetings.

Provide **at least three letters of support** for the local SARB Program.

- Two letters of support must be from people who have participated directly in the SARB process. These letters must come from people who **are not** employees of a school district, such as parent(s)/guardian(s)/caregiver(s), current and former students, or community partners.
- At least one letter should describe the School Attendance Review Teams, Student Success Teams, or any other site-level teams that provide guidance to students and parents/guardians/caregivers. Letters should describe team attempts with the student and parent(s)/guardian(s)/caregiver(s) to resolve attendance and behavior problems before a SARB meeting is held.
- At least one letter should describe actions and interventions recommended or carried out by the SARB panel.
- At least one letter should describe a school or district reward system to recognize students with improved attendance or behavior.

#### **County School Attendance Review Boards**

- Include letters of support from districts within the county, as well as letters of support from county agencies and partners.
- Letters should describe high-quality guidance to local SARBs to improve school attendance and reduce the use of out-of-school suspensions within the county.
- Letters could be from probation departments, county social service departments, law enforcement agencies, community-based youth service centers, county health

departments, or mental health providers that provide high-quality guidance to local districts.

- Letters also should describe the level and type of coordination of dropout prevention activities within the county. There is no limit on the number of support letters that may be included with the application for county SARBs.

**Optional Content Area Narratives (10 Points) Maximum of 1 page**

**In addition to** the five mandatory Content Areas in the previous pages, you also must select **one** of the following Content Areas to address.

## **Content Area 6: Inventory of Community Resources**

### **Local School Attendance Review Boards**

*EC* Section 48322 recognizes the importance of community resources, including alternative education programs, in the work of SARBs.

- Describe what school and community resources are available to the SARB, the strengths and weaknesses of these resources, and how the SARB works with local service providers, such as mental health or social service agencies.
- Explain how the SARB identifies and addresses gaps in resources, and include any recommendations the SARB has made for the improvement of existing resources.

### **County School Attendance Review Boards**

- Explain what the county SARB has done to encourage local SARBs to maintain a continuing and expanding inventory of resources.
- Describe recommendations made to the local educational agencies to help them coordinate and improve county-level services available to students.

## **Content Area 7: School Attendance Review Board Leadership Strategies**

### **Local School Attendance Review Boards**

- Explain how the SARB leadership defines its purpose and vision and creates high expectations, caring relationships, quality resources, and community partnerships.

- Describe how the SARB leadership ensures that there is accountability for follow-up on individual cases.
- Describe how the SARB leadership addresses attendance and suspension patterns (including disparities among subgroups) that have been identified within schools and for individual students. Describe what prevention strategies or interventions to assist these students are required prior to a SARB meeting.
- Explain how the SARB leadership works with community partners to meet the needs of high-risk student groups and their parents/guardians/caregivers.

### **County School Attendance Review Boards**

- Describe the strategies used to provide leadership throughout the county.
- Describe how the county SARB develops trust and collaboration among any local SARBs and community resources and programs.
- Explain how the county SARB facilitates and coaches school leaders toward a higher level of cultural awareness to help all students stay in school.

## **Content Area 8: Program Design and Content/Organizational Structure**

### **Local School Attendance Review Boards**

- Describe the conscientious efforts to hold school-level conferences with all habitual truants and their families prior to SARB referral. Also describe the conscientious efforts made to hold school-level conferences for all students with other persistent attendance and behavior challenges prior to SARB referral.
- Explain how referrals to law enforcement agencies and alternative education programs are monitored and reported to the SARB Chairperson.
- Explain how the need for support services for high-risk students is determined, and how these support services are evaluated.
- Describe how follow-up services will be delivered and monitored in accordance with the SARB directives.
- Describe how schools with increasing attendance rates and reduced use of out-of-school suspensions are recognized and rewarded.
- Describe how your SARB has provided support and served as a mentor for other SARBs. Describe how your SARB plans to continue and expand this role if selected as a Model SARB.

## **County School Attendance Review Boards**

- Provide a detailed description of the program design and organization so that another county SARB could replicate the county SARB program and organizational structure.
- Include a description of the methods used by the county SARB to assist and train local districts in recommended attendance policies and behavioral intervention approaches.
- Include a description of the rules and regulations that have been adopted for the SARB process in the county pursuant to *EC* Section 48324. (See the CDE California Laws and Codes Web page at <http://www.cde.ca.gov/re/lr/cl/>.)

## **Content Area 9: School Attendance Review Board Meeting Dynamics**

### **Local School Attendance Review Boards**

- Describe how the SARB sets a tone of communication that is welcoming when students and their parents/guardians/caregivers attend a SARB conference.
- Describe how the communication with students and their families reflects awareness of and sensitivity to the families' language(s) and culture(s) and how the SARB promotes meaningful participation of parents/guardians/caregivers.
- Describe how the reasons for the referral to SARB are explained to the family and student during the conference and how they are provided opportunities to discuss the basis for the referral.
- Include how the SARB ensures there is adequate time for full participation during the conference, and explain how the family is involved in developing solutions that incorporate the strengths of the family and the assets of the student.

### **County School Attendance Review Boards**

- Describe the county SARB's success in bringing together members for a common purpose and provide documented evidence of active participation by members working together to increase an awareness of the importance of regular school attendance in the community.
- Also include a description of any participation of the county SARB in State SARB meetings.



- County SARBs that do not receive SARB referrals should describe how districts and agencies are encouraged to participate in county SARB meetings.
- Discuss how opportunities are given for all county SARB members to provide input during meetings, and how county SARB members are included in setting goals and objectives.

**Model School Attendance Review Board Recognition Program Readers' Rubric**

**Content Area 1 (Required): Population Served by  
School Attendance Review Board Program (20 Points)**

<b>Content Area Description/Points</b>	<b>Excellent (17–20 points)</b>	<b>Adequate (13–16 points)</b>	<b>Needs Improvement (1–12 points)</b>
<p><b>Population Served by SARB Program (20 points)</b></p> <p>Recognized subgroups in California are:</p> <ul style="list-style-type: none"> <li>• Black or African American</li> <li>• American Indian or Alaska Native</li> <li>• Asian or Filipino</li> <li>• Hispanic or Latino</li> <li>• Native Hawaiian or Pacific Islander</li> <li>• White</li> <li>• Two or more races</li> <li>• Socioeconomically disadvantaged</li> <li>• English learners</li> <li>• Students with disabilities</li> <li>• Foster youth</li> </ul> <p><b>Note:</b> These subgroups are not always numerically significant enough for reporting data in some schools or districts. Only subgroups listed on Local Control and Accountability Plans need to be reported.</p>	<p>Applicant <b>identifies</b> the numerically significant subgroups of the population served by the SARB, and provides all the following data for each subgroup:</p> <ul style="list-style-type: none"> <li>• Graduation rates</li> <li>• Dropout rates</li> <li>• Suspension rates</li> <li>• Chronic absentee rates</li> </ul>	<p>Applicant <b>identifies</b> the numerically significant subgroups of the population served by the SARB, and provides most of following data for each subgroup:</p> <ul style="list-style-type: none"> <li>• Graduation rates</li> <li>• Dropout rates</li> <li>• Suspension rates</li> <li>• Chronic absentee rates</li> </ul>	<p>Applicant <b>fails to identify</b> the numerically significant subgroups of the population served by the SARB or does not include most of the following related data:</p> <ul style="list-style-type: none"> <li>• Graduation rates</li> <li>• Dropout rates</li> <li>• Suspension rates</li> <li>• Chronic absentee rates</li> </ul>
	<p>Applicant <b>specifically describes</b> how the SARB membership reflects numerically significant subgroups in the student population.</p>	<p>Applicant <b>generally describes</b> how the SARB membership reflects numerically significant subgroups in the student population.</p>	<p>Applicant <b>minimally describes</b> how the SARB membership reflects numerically significant subgroups in the student population.</p>
	<p>Applicant describes barriers to attendance for <b>all</b> the numerically significant high-risk subgroups.</p>	<p>Applicant describes the barriers to attendance for <b>some</b> of the numerically significant high-risk subgroups.</p>	<p>Applicant <b>fails to describe</b> barriers to attendance for numerically significant high-risk subgroups.</p>
	<p>Applicant provides a <b>specific description</b> of the type(s) of translation provided in all communication (letters, phone calls, conferences) when the student or parent(s)/guardian(s)/caregiver(s) are English learners.</p>	<p>Applicant provides a <b>general description</b> of the type(s) of translation provided in all communication (letters, phone calls, conferences) when the student or parent(s)/guardian(s)/caregiver(s) are English learners.</p>	<p>Applicant provides <b>minimal description</b> of the type(s) of translation provided in all communication (letters, phone calls, conferences) when the student or parent(s)/guardian(s)/caregiver(s) are English learners.</p>

Content Area Description/Points	Excellent (17–20 points)	Adequate (13–16 points)	Needs Improvement (1–12 points)
<b>Population Served by County SARB Program (20 points)</b>	For county SARBs, applicant <b>includes the number of SARBs in the county and the number of districts that participate</b> in county SARB meetings. Applicant <b>fully describes barriers</b> to attendance for all numerically significant subgroups. The county SARB <b>includes a detailed list</b> of the different types of services for high-risk youth in the county. This includes any appropriate educational options.	For county SARBs, applicant <b>includes a limited number of SARBs in the county and the number of districts that participate</b> in county SARB meetings. Applicant <b>generally describes barriers</b> to attendance for all numerically significant subgroups. The county SARB <b>includes a general list</b> of the different types of services for high-risk youth in the county. This includes any appropriate educational options.	For county SARBs, applicant <b>includes a minimal number of SARBs in the county and the number of districts that participate</b> in county SARB meetings. Applicant <b>minimally describes barriers</b> to attendance for all numerically significant subgroups. The county SARB <b>includes a minimal list or fails to include a list</b> of the different types of services for high-risk youth within the county. This includes any appropriate educational options.

**Content Area 2 (Required): Goals and Objectives and Measuring Outcomes (20 Points)**

Content Area Description/Points	Excellent (17–20 points)	Adequate (13–16 points)	Needs Improvement (1–12 points)
<b>Goals and Objectives and Measuring Outcomes (20 points)</b>  <b>Note:</b> The required <i>EC</i> Section 48273 report described in this content area must include the number and types of referrals to the SARB and requests for petitions to the juvenile court. Samples of this report can be found on the CDE Reports of SARB Outcomes Web Page.	Applicant provides a <b>detailed description</b> of the process used by the SARB for setting goals and objectives and identifies benchmarks for measuring progress. Applicant also <b>fully describes</b> how the SARB has made a review of the previous year's data before setting measurable goals for the next year.	Applicant provides a <b>general description</b> of the process used by the SARB for setting goals and objectives and identifies benchmarks for measuring progress. Applicant also <b>generally describes</b> how the SARB has made a review of the previous year's data before setting measurable goals for the next year.	Applicant provides a <b>minimal description</b> of the process used by the SARB for setting goals and objectives and identifies benchmarks for measuring progress. Applicant <b>minimally describes</b> how the SARB has made a review of the previous year's data before setting measurable goals for the next year.

Content Area Description/Points	Excellent (17–20 points)	Adequate (13–16 points)	Needs Improvement (1–12 points)
<b>Goals and Objectives and Measuring Outcomes (Cont.) (20 points)</b>	Applicant identifies <b>clear, measurable goals or objectives</b> to meet the needs of high-risk youth with persistent school attendance and/or school behavior problems.	Applicant identifies <b>general, measurable goals or objectives</b> to meet the needs of high-risk youth with persistent school attendance and/or school behavior problems.	Applicant identifies <b>vague, unmeasurable goals or objectives</b> to meet the needs of high-risk youth with persistent school attendance and/or school behavior problems.
	Applicant <b>clearly defines the type of data</b> (e.g., truancy rates, chronic absentee rates, dropout rates, suspension rates, expulsion rates) that are used to evaluate achievement of these goals or objectives.	Applicant <b>vaguely defines the type of data</b> (e.g., truancy rates, chronic absentee rates, dropout rates, suspension rates, expulsion rates) that are used to evaluate achievement of these goals and objectives.	Applicant <b>fails to define the type of data</b> (e.g., truancy rates, chronic absentee rates, dropout rates, suspension rates, expulsion rates) that are used to evaluate achievement of these goals and objectives.
	Applicant <b>specifically describes</b> how data required in annual reports to the county superintendent are collected. Applicant provides <b>clear definitions of all the types</b> of data elements and indicators used to evaluate the success of the program. Applicant clearly explains when and how these various data are discussed and analyzed to improve and strengthen the SARB.	Applicant <b>generally describes</b> how data required in annual reports to the county superintendent are collected. Applicant provides <b>some definitions of some of the types</b> of data elements and indicators used to evaluate the success of the program. Applicant generally explains when and how these various data are discussed and analyzed to improve and strengthen the SARB.	Applicant <b>minimally describes</b> how data required in annual reports to the county superintendent are collected. Applicant provides <b>minimal or no definitions of the types</b> of data elements and indicators used to evaluate the success of the program. Applicant does not explain when and how these various data are discussed and analyzed to improve and strengthen the SARB.
	Applicant <b>includes attached copies of the EC Section 48273 reports for the last two years</b> following this content area in the application. (This does not count as part of the two-page limit of space allowed for this	Applicant <b>includes an attached copy of last year's EC Section 48273 report</b> following this content area in the application. (This does not count as part of the two-page limit for space allowed in the narrative for this content area.)	Applicant <b>fails to include an attached copy of the EC Section 48273 report for either of the past two years.</b>

Content Area Description/Points	Excellent (17–20 points)	Adequate (13–16 points)	Needs Improvement (1–12 points)
	content area.)		
<b>County SARB Goals and Objectives and Measuring Outcomes (20 points)</b>	<b>For county SARBs</b> , applicant provides <b>detailed</b> evidence that <b>all</b> local SARBs have complied with <i>EC</i> Section 48273. Applicant provides a <b>detailed description</b> of how this data is used in providing guidance to local districts.	<b>For county SARBs</b> , applicant provides <b>general</b> evidence that <b>most</b> local SARBs have complied with <i>EC</i> Section 48273. Applicant provides a <b>general description</b> of how this data is used in providing guidance to local districts.	<b>For county SARBs</b> , applicant provides <b>minimal or no evidence that local SARBs have complied</b> with <i>EC</i> Section 48273. Applicant provides a <b>minimal description</b> of how this data is used in providing guidance to local districts.
	<b>County SARB fully describes</b> how data collected in the <i>EC</i> Section 48273 report is used in setting goals and objectives. Goals and objectives are <b>based on data and are clearly stated</b> .	<b>County SARB generally describes</b> how data collected in the <i>EC</i> Section 48273 report is used in setting goals and objectives. Goals and objectives are <b>based on data but are generally stated</b> .	<b>County SARB minimally describes or fails to describe</b> how data collected in the <i>EC</i> Section 48273 report is used in setting goals and objectives. Goals and objectives are <b>based on data but are minimally stated or fails to be stated</b> .

**Content Area 3 (Required): Prevention, Early Identification, and Interventions  
(20 Points)**

Content Area Description/Points	Excellent (17–20 points)	Adequate (13–16 points)	Needs Improvement (1–12 points)
<b>Prevention, Early Identification, and Interventions (20 points)</b>	Applicant <b>fully explains</b> how the SARB maximizes the district's student information system (SIS) to ensure that the SARB identifies and serves the appropriate high-risk students.	Applicant <b>generally explains</b> how the SARB maximizes the district's SIS to ensure that the SARB identifies and serves the appropriate high-risk students.	Applicant <b>minimally explains</b> how the SARB maximizes the district's SIS to ensure that the SARB identifies and serves the appropriate high-risk students.
	Applicant <b>fully describes</b> procedures used at all schools (including parental notification), to provide timely initial truancy notifications, thereby meeting <b>all the requirements of EC Section 48260.5</b> . Applicant <b>fully</b>	Applicant <b>generally describes</b> procedures used at all schools (including parental notification), to provide timely initial truancy notifications, thereby meeting <b>most requirements of EC Section 48260.5</b> . Applicant <b>partially</b>	Applicant <b>minimally describes</b> procedures used at all schools (including parental notification), to provide timely initial truancy notifications, thereby meeting <b>few of the requirements of EC Section 48260.5</b> . Applicant <b>fails to</b>
<b>Prevention, Early</b>			

Content Area Description/Points	Excellent (17–20 points)	Adequate (13–16 points)	Needs Improvement (1–12 points)
<b>Identification, and Interventions (Cont.) (20 points)</b>	<b>describes</b> how chronic absence rates are used to determine which youth are to be referred to the SARB.	<b>describes</b> how chronic absence rates are used to determine which youth are to be referred to the SARB.	<b>describe</b> how chronic absence rates are used to determine which youth are to be referred to the SARB.
	Applicant provides a <b>detailed explanation</b> of prevention, early identification, and interventions that are carried out and the persons responsible for each activity prior to the SARB referral. Applicant provides a <b>detailed explanation</b> of who does the screening of referrals to determine the adequacy of documentation of the case and what actions are taken to ensure that students who need referrals are identified and referred.	Applicant provides a <b>general explanation</b> of prevention, early identification, and interventions that are carried out and the persons responsible for each activity prior to the SARB referral. Applicant provides a <b>general explanation</b> of who does the screening of referrals to determine the adequacy of documentation of the case and what actions are taken to ensure that students who need referrals are identified and referred.	Applicant provides a <b>minimal explanation</b> of prevention, early identification, and interventions that are carried out and the persons responsible for each activity prior to the SARB referral. Applicant provides a <b>minimal explanation</b> of who does the screening of referrals to determine the adequacy of documentation of the case and what actions are taken to ensure that students who need referrals are identified and referred.
	Applicant describes a <b>well-organized referral system and early warning system</b> to identify students and student groups with irregular attendance, chronic absences, or behavioral challenges.	Applicant describes an <b>organized referral system and early warning system</b> to identify students and student groups with irregular attendance, chronic absences, or behavioral challenges.	Applicant describes a <b>weak or undefined referral system and early warning system</b> to identify students and student groups with irregular attendance, chronic absences, or behavioral challenges.
	Applicant <b>fully describes a well-organized and fully defined recognition program</b> to recognize good attendance and positive behavior.	Applicant <b>generally describes an organized recognition program</b> to recognize good attendance and positive behavior.	Applicant <b>minimally describes a recognition program</b> to recognize good attendance and positive behavior.
<b>Prevention, Early Identification, and Interventions for County SARBs (20 points)</b>	<b>County SARB</b> provides a <b>detailed description of excellent training and consultation</b> in prevention, early identification, and interventions provided for local SARBs. Early warning systems are <b>regularly discussed</b>	<b>County SARB</b> provides a <b>general description of excellent training and consultation</b> in prevention, early identification, and interventions provided for local SARBs. Early warning systems <b>have been discussed</b> with	<b>County SARB</b> provides a <b>minimal description of excellent training and consultation</b> in prevention, early identification, and interventions provided for local SARBs. Early warning systems <b>have not been discussed</b>

Content Area Description/Points	Excellent (17–20 points)	Adequate (13–16 points)	Needs Improvement (1–12 points)
	with local districts.	local districts.	with local districts.

**Content Area 4 (Required): School Attendance Review Board  
Collaboration and Qualifications (20 Points)**

Content Area Description/Points	Excellent (17–20 points)	Adequate (13–16 points)	Needs Improvement (1–12 points)
<b>SARB Collaboration (20 points)</b>	Applicant provides a <b>detailed explanation</b> of how the collaboration between SARB members is working to diagnose problems and recommend solutions. Applicant provides evidence of participation by <b>all</b> representatives listed in <i>EC</i> Section 48321.	Applicant provides a <b>general explanation</b> of how the collaboration between SARB members is working to diagnose problems and recommend solutions. Applicant provides evidence of participation by <b>most</b> representatives listed in <i>EC</i> Section 48321.	Applicant provides <b>minimal or no explanation</b> of how the collaboration between SARB members is working to diagnose problems and recommend solutions. Applicant <b>minimally or fails</b> to provide evidence of participation by <b>some</b> representatives listed in <i>EC</i> Section 48321.
	Applicant <b>fully describes</b> the qualifications (credentials/licenses) of members serving on the SARB and specialists implementing the case management services for students and parents/guardians/caregivers.	Applicant <b>generally describes</b> the qualifications (credentials/licenses) of members serving on the SARB and specialists implementing the case management services for students and parents/guardians/caregivers.	Applicant <b>minimally describes</b> the qualifications (credentials/licenses) of members serving on the SARB and specialists implementing the case management services for students and parents/guardians/caregivers.
	Applicant <b>fully documents</b> the attendance and commitment of <b>all</b> representatives at SARB meetings and how trust and communication are developed among SARB members. The attendance of members <b>is fully</b> documented from the list of members attending in the minutes of the SARB meeting.	Applicant <b>generally documents</b> the attendance and commitment of <b>most</b> representatives at SARB meetings and how trust and communication are developed among SARB members. The attendance of members <b>is generally</b> documented by the list of members attending in the minutes of the SARB meeting.	Applicant <b>minimally documents</b> the attendance and commitment of representatives at SARB meetings and how trust and communication are developed among SARB members. The attendance of members <b>is minimally</b> documented by the list of members attending in the minutes of the SARB meeting.
<b>County SARB Collaboration</b>	<b>For county SARBs, all</b> representatives listed in	<b>For county SARBs, most</b> representatives	<b>For county SARBs, few</b> representatives listed in

Content Area Description/Points	Excellent (17–20 points)	Adequate (13–16 points)	Needs Improvement (1–12 points)
(20 points)  County SARB Collaboration (Cont.) (20 points)	EC Section 48321 are included in the county SARB membership. Applicant provides evidence that <b>all</b> district representatives identified in EC Section 48321(a)(3) have been nominated by their governing boards to serve on the county SARB and appointed by the county superintendent of schools. <b>All</b> other representatives have been appointed by the county board of education. Applicant provides evidence of <b>substantial collaboration</b> between the SARB and local agencies. <b>Membership is documented</b> by the list of members attending in the minutes of a county SARB meeting.	listed in EC Section 48321 are included in the county SARB membership. Applicant provides evidence that <b>most</b> school district representatives identified in EC Section 48321(a)(3) have been nominated by their governing boards to serve on the county SARB and appointed by the county superintendent of schools. <b>Most</b> other representatives have been appointed by the county board of education. Applicant provides evidence of <b>general collaboration</b> between the SARB and local agencies. <b>Membership is generally documented</b> by the list of members attending in the minutes of a county SARB meeting.	EC Section 48321 are included in the county SARB membership. Applicant provides <b>minimal or no evidence</b> that school district representatives identified in EC Section 48321(a)(3) have been nominated by their governing boards to serve on the county SARB and appointed by the county superintendent of schools. <b>No</b> other representatives have been appointed by the county board of education. Applicant provides evidence of <b>minimal collaboration</b> between the SARB and local agencies. <b>Membership is minimally or not documented</b> by the list of members attending in the minutes of a county SARB meeting.

**Content Area 5 (Required): Letters of Support  
(10 Points)**

Content Area Description/Points	Excellent (9–10 points)	Adequate (6–8 points)	Needs Improvement (1–5 points)
Letters of Support for Local SARBs (10 points)	Applicant provides at <b>least three letters of support with detailed descriptions</b> that reflect diverse perspectives and cover a variety of aspects of the SARB process. Letters <b>fully describe</b> outstanding qualities of the SARB.	Applicant provides <b>two letters of support with general descriptions</b> that reflect diverse perspectives and cover a variety of aspects of the SARB process. Letters <b>generally describe</b> the qualities of the SARB.	Applicant provides <b>one letter of support with minimal description</b> that reflects diverse perspectives and covers a variety of aspects of the SARB process. Letter <b>minimally describes</b> the qualities of the SARB.



Content Area Description/Points	Excellent (9–10 points)	Adequate (6–8 points)	Needs Improvement (1–5 points)
<b>Letters of Support for Local SARBs (Cont.) (10 points)</b>	Applicant provides <b>two detailed letters of support from people who have participated directly in the SARB process and are not employees</b> of a school district, such as parents/guardians/caregivers, current and former students, and community partners.	Applicant provides <b>two general letters of support from people who have participated directly in the SARB process and are not employees</b> of a school district, such as parents/guardians/caregivers, current and former students, and community partners.	Applicant <b>fails to provide letters of support from people who have participated directly in the SARB process and are not employees</b> of a school district, such as parents/guardians/caregivers, current and former students, and community partners.
	Applicant provides <b>one or more detailed letters</b> describing interventions completed prior to the SARB, as well as actions recommended or carried out by the SARB panel.	Applicant provides <b>one or more general letters</b> describing interventions completed prior to the SARB, as well as actions recommended or carried out by the SARB panel.	Applicant provides <b>no letters</b> that describe interventions completed prior to the SARB, as well as actions recommended or carried out by the SARB panel.
	Applicant provides a letter of support that provides a <b>detailed description</b> of a reward system to recognize students with improved attendance <b>and</b> behavior.	Applicant provides a letter of support that provides a <b>general description</b> of a reward system to recognize students with improved attendance <b>and</b> behavior.	Applicant provides a letter of support that provides a <b>minimal description or fails to describe</b> a reward system to recognize students with improved attendance <b>and</b> behavior.
<b>Letters of Support for County SARBs from Districts, County Agencies, and Partners (10 points)</b>	<b>For county SARBs,</b> applicant submits <b>at least three detailed letters of support</b> from districts within the county, as well as letters of support from county agencies and partners. The letters <b>fully describe</b> the guidance provided to local SARBs to improve school attendance and reduce the use of out-of-school suspensions within the county.	<b>For county SARBs,</b> applicant submits <b>two general letters of support</b> from districts within the county, as well as letters of support from county agencies and partners. The letters <b>generally describe</b> the guidance provided to local SARBs to improve school attendance and reduce the use of out-of-school suspensions within the county.	<b>For county SARBs,</b> applicant submits <b>one letter of support or either fails to submit a letter of support</b> from districts within the county, as well as letters of support from county agencies and partners. The letter <b>minimally describes or does not describe</b> guidance provided to local SARBs to improve school attendance and reduce the use of out-of-school suspensions.

**Content Area 6: Inventory of Community Resources  
(Optional; 10 Points)**

Content Area Description/Points	Excellent (9–10 points)	Adequate (6–8 points)	Needs Improvement (1–5 points)
Inventory of Community Resources (10 points)	Applicant provides a <b>detailed description</b> of local resources for dropout reduction and attendance improvement, and <b>fully identifies</b> gaps in resources. Applicant <b>fully describes</b> strengths and weaknesses of services for high-risk youth.	Applicant provides a <b>general description</b> of local resources for dropout reduction and attendance improvement, and <b>generally identifies</b> gaps in resources. Applicant <b>generally describes</b> strengths and weaknesses of services for high-risk youth.	Applicant provides a <b>minimal description</b> of local resources for dropout reduction and attendance improvement, and <b>minimally identifies or fails to identify</b> gaps in resources. Applicant <b>minimally describes or fails to describe</b> strengths and weaknesses of services for high-risk youth.
	Applicant <b>provides detailed recommendations</b> for improvement of existing resources or creation of new resources and programs where none exist.	Applicant <b>provides general recommendations</b> for improvement of existing resources or creation of new resources where none exist.	Applicant <b>provides minimal recommendations or fails to provide recommendations</b> for improvement of existing resources or creation of new resources where none exist.
	Applicant provides a <b>detailed description</b> of how the SARB coordinates with existing programs (including mental health and social service agencies).	Applicant provides a <b>general description</b> of how the SARB coordinates with existing programs, (including mental health or social service agencies).	Applicant provides a <b>minimal description</b> of how the SARB coordinates with any existing programs, <b>but fails to include mental health or social service agencies.</b>
County Inventory of Community Resources (10 points)	<b>For county SARBs</b> , the applicant provides a <b>detailed description</b> of how it has encouraged the development of a continuing and expanding inventory of services and <b>fully describes</b> how it has made recommendations that help local educational agencies (LEA) coordinate and	<b>For county SARBs</b> , the applicant provides a <b>general description</b> of how it has encouraged the development of a continuing and expanding inventory of services and <b>generally describes</b> how it has made recommendations to help LEAs coordinate and improve county-level services.	<b>For county SARBs</b> , the applicant provides a <b>minimal description</b> of how it has encouraged the development of a continuing and expanding inventory of services and <b>minimally describes</b> how it has made recommendations to help LEAs coordinate and improve county-level services.

Content Area Description/Points	Excellent (9–10 points)	Adequate (6–8 points)	Needs Improvement (1–5 points)
	improve county-level services.		

**Content Area 7: School Attendance Review Board Leadership Strategies  
(Optional; 10 points)**

Content Area Description/Points	Excellent (9–10 points)	Adequate (6–8 points)	Needs Improvement (1–5 points)
<b>SARB Leadership Strategies (10 points)</b>	Applicant provides a <b>detailed description</b> of how the SARB leadership defines its purpose and vision and creates high expectations, caring relationships, quality resources, and community partnerships.	Applicant provides a <b>general description</b> of how the SARB leadership defines its purpose and vision and creates high expectations, caring relationships, quality resources, and community partnerships.	Applicant provides a <b>minimal description</b> of how the SARB leadership defines its purpose and vision and creates high expectations, caring relationships, quality resources, and community partnerships.
	Applicant provides a <b>detailed description</b> of how the SARB leadership ensures that there is accountability for follow-up on individual cases.	Applicant provides a <b>general description</b> of how the SARB leadership ensures that there is accountability for follow-up on individual cases.	Applicant provides a <b>minimal description</b> of how the SARB leadership ensures that there is accountability for follow-up on individual cases.
	Applicant provides a <b>detailed description</b> of how the SARB leadership addresses attendance and suspension patterns (including disparities among subgroups) that have been identified within schools. Applicant provides a <b>detailed description</b> of what prevention strategies or interventions are used to assist students prior to SARB referral.	Applicant provides a <b>general description</b> of how the SARB leadership addresses attendance and suspension patterns (including disparities among subgroups) that have been identified within schools. Applicant provides a <b>general description</b> of what prevention strategies or interventions are used to assist students prior to SARB referral.	Applicant provides a <b>minimal description</b> of how the SARB leadership addresses attendance and suspension patterns (including disparities among subgroups) that have been identified within schools. Applicant provides a <b>minimal description</b> of what prevention strategies or interventions are used to assist students prior to SARB referral.
	Applicant provides a <b>detailed explanation</b> of how the SARB leadership works with community partners to meet the	Applicant provides a <b>general description</b> of how the SARB leadership works with community partners to	Applicant provides a <b>minimal description</b> of how the SARB leadership works with community partners to

Content Area Description/Points	Excellent (9–10 points)	Adequate (6–8 points)	Needs Improvement (1–5 points)
	needs of high-risk student groups and families.	meet the needs of high-risk student groups and families.	meet the needs of high-risk student groups and families.
<p><b>County SARB Leadership Strategies (10 points)</b></p> <p><b>County SARB Leadership Strategies (Cont.) (10 points)</b></p>	<p><b>For county SARBs</b>, the applicant provides a <b>detailed description</b> of the strategies used to provide leadership in attendance improvement and behavioral interventions <b>with all groups in the county</b>. The applicant provides a <b>detailed description</b> of how the county SARB facilitates and coaches school leaders toward a higher level of cultural awareness to help all students stay in school.</p>	<p><b>For county SARBs</b>, the applicant provides a <b>general description</b> of the strategies used to provide leadership in attendance improvement and behavioral interventions <b>with some groups in the county</b>. The applicant includes a <b>general description</b> of how the county SARB facilitates and coaches school leaders toward a higher level of cultural awareness to help all students stay in school.</p>	<p><b>For county SARBs</b>, the applicant provides a <b>minimal description</b> of the strategies used to provide leadership in attendance improvement and behavioral interventions <b>with a minimal number of groups in the county</b>. The applicant includes a <b>minimal description</b> of how the county SARB facilitates and coaches school leaders toward a higher level of cultural awareness to help all students stay in school.</p>

**Content Area 8: Program Design and Content/Organizational Structure  
(Optional; 10 Points)**

Content Area Description/Points	Excellent (9–10 points)	Adequate (6–8 points)	Needs Improvement (1–5 points)
<b>Program Design and Content/Organizational Structure (10 points)</b>	Applicant provides a <b>detailed description</b> of conscientious efforts to hold family conferences with <b>all</b> habitual truants and their families prior to SARB referral. Applicant provides a <b>detailed description</b> of how conscientious efforts are made to hold school-level conferences for all students with other persistent attendance and behavior challenges.	Applicant provides a <b>general description</b> of conscientious efforts to hold family conferences with <b>most</b> habitual truants and their families prior to SARB referral. Applicant provides a <b>general description</b> of how conscientious efforts are made to hold school-level conferences for students with other persistent attendance and behavior challenges.	Applicant provides a <b>minimal description</b> of conscientious efforts to hold family conferences with <b>some</b> habitual truants and other students and their families prior to SARB referral. Applicant provides a <b>minimal description</b> of how conscientious efforts are made to hold school-level conferences for students with other persistent attendance and behavior challenges.
	Applicant provides a <b>detailed explanation</b> of how referrals to law	Applicant provides a <b>general explanation</b> of how referrals to law	Applicant provides a <b>minimal explanation</b> of how referrals to law

Content Area Description/Points	Excellent (9–10 points)	Adequate (6–8 points)	Needs Improvement (1–5 points)
<b>Program Design and Content/Organizational Structure (Cont.)</b> <b>(10 points)</b>	enforcement agencies and alternative education programs are monitored and reported to the SARB Chairperson. The applicant provides a <b>detailed explanation</b> of how the need for support services for high-risk students is determined and how these support services are evaluated.	enforcement agencies and alternative education programs are monitored and reported to the SARB Chairperson. The applicant provides a <b>general explanation</b> of how the need for support services for high-risk students is determined and how these support services are evaluated.	enforcement agencies and alternative education programs are monitored and reported to the SARB Chairperson. The applicant provides a <b>minimal explanation</b> of how the need for support services for high-risk students is determined and how these support services are evaluated.
	Applicant <b>provides a detailed description</b> of the system for how follow-up services will be delivered and monitored in accordance with the SARB directives.	Applicant <b>provides a general description</b> of the system for how follow-up services will be delivered and monitored in accordance with the SARB directives.	Applicant <b>provides a minimal description</b> of the system for how follow-up services will be delivered and monitored in accordance with the SARB directives.
	Applicant describes a <b>clearly defined process</b> in which the SARB monitors student/family participation following a SARB referral, as well as the quality of services provided.	Applicant describes a <b>generally defined process</b> in which the SARB monitors student/family participation following a SARB referral, as well as the quality of services provided.	Applicant describes a <b>minimally defined process</b> in which the SARB monitors student/family participation following a SARB referral, as well as the quality of services provided.
	Applicant offers a <b>detailed description</b> of a program to recognize schools with improved attendance and reduced out-of-school suspensions. Applicant provides a <b>detailed description</b> of SARB meetings that would help other SARBs replicate the program.	Applicant offers a <b>general description</b> of a program to recognize schools with improved attendance and reduced out-of-school suspensions. Applicant provides a <b>general description</b> of SARB meetings that would help other SARBs replicate the program.	Applicant offers a <b>minimal description</b> of a program to recognize schools with improved attendance and reduced out-of-school suspensions. Applicant provides a <b>minimal description</b> of SARB meetings that would help other SARBs replicate the program.
	Applicant <b>fully describes</b> how this SARB has provided support and served as a Model SARB and mentor for other SARBs. Applicant <b>fully describes</b> how the	Applicant <b>generally describes</b> how this SARB has provided support and served as a Model SARB and mentor for other SARBs. Applicant <b>generally describes</b>	Applicant <b>minimally describes</b> how this SARB has provided support and served as a Model SARB and mentor for other SARBs. Applicant <b>minimally describes</b>

Content Area Description/Points	Excellent (9–10 points)	Adequate (6–8 points)	Needs Improvement (1–5 points)
	SARB plans to continue and expand this role.	how the SARB plans to continue and expand this role.	<b>or fails to describe</b> how the SARB plans to take on this role.
<b>County Program Design and Content/Organizational Structure (10 points)</b>  <b>County Program Design and Content/Organizational Structure (Cont.) (10 points)</b>	<b>For county SARBs</b> , applicant provides a <b>detailed description</b> of the program design, <b>including detailed information</b> that could be helpful for replication of the program design and organizational structure. A <b>detailed description</b> is provided of the methods used by the county SARB to assist and train any local districts or SARBs in recommended attendance policies and behavioral intervention approaches.	<b>For county SARBs</b> , applicant provides a <b>general description</b> of the program design, <b>including general information</b> that could be helpful for replication of the program design and organizational structure. A <b>general description</b> is provided of the methods used by the county SARB to assist and train any local districts or SARBs in recommended attendance policies and behavioral intervention approaches.	<b>For county SARBs</b> , applicant provides a <b>minimal description</b> of the program design, <b>including minimal information</b> that could be helpful for replication of the program design and organizational structure. A <b>minimal description</b> is provided of the methods used by the county SARB to assist and train any local districts or SARBs in recommended attendance policies and behavioral intervention approaches.

**Content Area 9: School Attendance Review Board Meeting Dynamics  
(Optional; 10 Points)**

Content Area Description/Points	Excellent (9–10 points)	Adequate (6–8 points)	Needs Improvement (1–5 points)
<b>SARB Meeting Dynamics (10 points)</b>	Applicant provides a <b>detailed description</b> of the <b>welcoming tone of communication</b> at SARB conferences. The SARB members' communication reflects <b>keen awareness of and sensitivity</b> to the family's language and culture.	Applicant provides a <b>general description</b> of the <b>courteous tone of communication</b> at SARB conferences. The SARB members' communication reflects <b>some awareness of and sensitivity</b> to the family's language and culture.	Applicant provides a <b>minimal description</b> of the <b>tone of communication</b> at SARB conferences. The SARB members' communication reflects <b>little awareness of and sensitivity</b> to the family's language and culture.
	Applicant describes a SARB meeting that <b>fully explains</b> to the student and the parent(s)/guardian(s)/caregiver(s) the reasons for the referral to SARB.	Applicant describes a SARB meeting that <b>generally explains</b> to the student and the parent(s)/guardian(s)/caregiver(s) the reasons for the referral to SARB.	Applicant describes a SARB meeting that <b>minimally explains</b> to the student and the parent(s)/guardian(s)/caregiver(s) the reasons for the referral to SARB.
	Applicant provides a <b>detailed description</b> of <b>meaningful participation</b> by the	Applicant provides a <b>general description</b> of <b>meaningful participation</b> by the	Applicant provides a <b>minimal description</b> of <b>meaningful participation</b> by the

<p><b>SARB Meeting Dynamics (Cont.) (10 points)</b></p>	<p>student and the parent(s)/guardian(s)/caregiver(s). Applicant gives a <b>detailed description</b> of how the parent(s)/guardian(s)/caregiver(s) and student are involved in developing solutions that incorporate the strengths of the family and the assets of the student.</p>	<p>student and the parent(s)/guardian(s)/caregiver(s). Applicant gives a <b>general description</b> of how the parent(s)/guardian(s)/caregiver(s) and student are involved in developing solutions that incorporate the strengths of the family and the assets of the student.</p>	<p>student and the parent(s)/guardian(s)/caregiver(s). Applicant gives a <b>minimal description</b> of how the parent(s)/guardian(s)/caregiver(s) and student are involved in developing solutions that incorporate the strengths of the family and the assets of the student.</p>
<p><b>County SARB Meeting Dynamics (10 points)</b></p>	<p><b>For county SARBs,</b> applicant provides a <b>detailed description</b> of active participation by all members at meetings. Applicant includes a <b>detailed description of regular participation</b> of the county SARB in State SARB meetings.</p>	<p><b>For county SARBs,</b> applicant provides a <b>general description</b> of active participation by members at meetings. Applicant includes a <b>general description of occasional participation</b> of the county SARB in State SARB meetings.</p>	<p><b>For county SARBs,</b> applicant provides a <b>minimal description</b> of participation by members at meetings. Applicant includes a <b>minimal description of participation</b> of the county SARB in State SARB meetings.</p>

## **Appendix B**

### **California Statutes and Regulations**

Since the last revision of the SARB Handbook, the Legislature has amended many state laws which are important to supervising school attendance. These amendments have been added to this appendix.

The most notable changes are in the methods of parental notification which may now be used. The *EC* sections 48260.5 and 48262 state that schools may use electronic mail or a telephone call to comply with the state's mandate for notification of parents.

The *EC* now defines two new terms for persistent school attendance patterns: "chronic absentee" and "chronic truant."

Parents of chronic truants who are at least age six and up to grade eight, may also be subject to a new law, *Penal Code* Section 270.1.



# California *Education Code* Excerpts

## **SARB Statutes: Legislative Foundations**

The following statutes describe the legislative intent and duties for the local, county, and State SARB.

### **48320. School Attendance Review Boards**

- (a) In enacting this article it is the intent of the Legislature that intensive guidance and coordinated community services may be provided to meet the special needs of pupils with school attendance problems or school behavior problems.
- (b) Any school attendance review board, established pursuant to this article, which determines that available public and private services are insufficient or inappropriate to correct school attendance or school behavior problems of minors may:
  - (1) Propose and promote the use of alternatives to the juvenile court system.
  - (2) Provide, in any proposed alternative, for maximum utilization of community and regional resources appropriately employed in behalf of minors prior to any involvement with the judicial system.
  - (3) Encourage an understanding that any alternative based on the utilization of community resources carries an inherent agency and citizen commitment directed toward the continuing improvement of such resources and the creation of resources where none exist.

### **48321. SARB Membership**

- (a)
  - (1) A county school attendance review board may be established in each county.
  - (2) The county school attendance review board, if established, shall include, but need not be limited to, all of the following:
    - (A) A parent.
    - (B) A representative of school districts.
    - (C) A representative of the county probation department.
    - (D) A representative of the county welfare department.
    - (E) A representative of the county superintendent of schools.
    - (F) A representative of law enforcement agencies.
    - (G) A representative of community-based youth service centers.
    - (H) A representative of school guidance personnel.
    - (I) A representative of child welfare and attendance personnel.
    - (J) A representative of school or county health care personnel.
    - (K) A representative of school, county, or community mental health personnel
  - (3) The school district representatives on the county school attendance review board shall be nominated by the governing boards of school districts and shall be appointed by the county superintendent of schools. All other persons and group representatives shall be appointed by the county board of education.
  - (4) If a county school attendance review board exists, the county superintendent of schools shall, at the beginning of each school year, convene a meeting of the county

school attendance review board for the purpose of adopting plans to promote interagency and community cooperation and to reduce the duplication of services provided to youth who have serious school attendance and behavior problems.

- (b) (1) Local school attendance review boards may include, but need not be limited to, all of the following:
  - (c)
    - (A) A parent.
    - (B) A representative of school districts.
    - (C) A representative of the county probation department.
    - (D) A representative of the county welfare department.
    - (E) A representative of the county superintendent of schools.
    - (F) A representative of law enforcement agencies.
    - (G) A representative of community-based youth service centers.
    - (H) A representative of school guidance personnel.
    - (I) A representative of child welfare and attendance personnel.
    - (J) A representative of school or county health care personnel.
    - (K) A representative of school, county, or community mental health personnel.
  - (2) Other persons or group representatives shall be appointed by the county board of education.
- (d) The county school attendance review board may elect pursuant to regulations adopted pursuant to Section 48324, one member as chairperson with responsibility for coordinating services of the county school attendance review board.
- (e) The county school attendance review board may provide for the establishment of local school attendance review boards in any number as shall be necessary to carry out the intent of this article.
- (f) In any county in which there is no county school attendance review board, a school district governing board may elect to establish a local school attendance review board, which shall operate in the same manner and have the same authority as a county school attendance review board.
- (g) The county school attendance review board may provide consultant services to, and coordinate activities of, local school attendance review boards in meeting the special needs of pupils with school attendance or school behavior problems.
- (h) When the county school attendance review board determines that the needs of pupils as defined in this article can best be served by a single board, the county school attendance review board may then serve as the school attendance review board for all pupils in the county, or, upon the request of any school district in the county, the county school attendance review board may serve as the school attendance review board for pupils of that district.
- (i) Nothing in this article is intended to prohibit any agreement on the part of counties to provide these services on a regional basis.

#### **48322. County SARB Community Resources**

The county school attendance review board may encourage local school attendance review boards to maintain a continuing inventory of community resources, including alternative educational programs, and to make recommendations for the improvement of such resources and programs or for the creation of new resources and programs where none exist.

#### **48323. SARB Representatives**

Each of the departments or agencies authorized to participate in school attendance review boards may assign personnel to represent the department or agency on a continuing basis in accordance with the intent of this article. The duties, obligations, or responsibilities which may be imposed on local governmental entities by this act are such that the related costs are incurred as a part of their normal operating procedures. The minor costs of such services may be borne by each agency or department and each or all of the participants may apply for and utilize state or federal funds as may be available.

#### **48324. County SARB Regulations**

The county school attendance review board may adopt such rules and regulations not inconsistent with law, as are necessary for its own government and to enable it to carry out the provisions of this article. The rules and regulations may be binding upon the local school attendance review boards which are established pursuant to subdivision (d) of Section 48321.

#### **48325. State SARB**

- (a) The Legislature finds and declares that statewide policy coordination and personnel training with respect to county attendance review boards will greatly facilitate the achievement of the goals expressed in Section 48320. It is therefore the intent of the Legislature in enacting this section to do the following:
- (1) Encourage the cooperation, coordination, and development of strategies to support county school attendance review boards in carrying out their responsibilities to establish local school attendance review boards as necessary. These strategies may include, but need not be limited to, plans for the training of school attendance review board personnel.
  - (2) Divert pupils with serious attendance and behavioral problems from the juvenile justice system to agencies more directly related to the state public school system by developing a system for gathering and dispensing information on successful community-based and school-based programs.
  - (3) Reduce duplication of the services of state and county agencies in serving high-risk youth, including youth with school attendance or behavioral problems.
  - (4) Reduce the number of dropouts in the state public education system by promoting interagency cooperation among those agencies which have as their goals preventing pupils from dropping out, and increasing the holding power of the public schools.
- (b) The Superintendent of Public Instruction shall coordinate and administer a state school attendance review board, as follows:
- (1) On or before January 31 of each year, the superintendent shall extend invitations of participation to representatives of appropriate groups throughout the state, including, but not limited to, representatives of school districts, parent groups, county probation departments, county welfare departments, county superintendents of schools, law enforcement agencies, community-based youth service centers, school guidance personnel, child welfare and attendance personnel, the health care profession and

state associations having an interest in youth with school attendance or behavioral problems. The superintendent shall also request the participation of representatives from interested state agencies or departments, including, but not limited to, the Department of the California Youth Authority, the Department of Justice, the State Department of Social Services, and the Office of Criminal Justice Planning. To the extent feasible, members of the board shall include persons who are currently members of county or local school attendance review boards. For every year after the first year that the board is convened, the purpose of the invitations of participation shall be to inform appropriate groups, state agencies, and departments of the purposes of the board, to fill vacancies, and to supplement the membership of the board as necessary.

- (2) The superintendent shall prescribe an appropriate deadline for acceptance of invitations of participation as a member of the state school attendance review board for that particular year, and the invitations accepted on or before the deadline shall constitute the board for that year, except that the board shall also include a representative of the State Department of Education designated by the director of that department. The representative of the State Department of Education shall be the chairperson of the board.
  - (3) The superintendent shall convene the board at least four times during the year. At its first meeting, the board shall elect any officers, other than its chairperson, as it deems necessary. Members of the board shall serve without compensation and without reimbursement of travel and living expenses.
  - (4) The State Department of Education shall provide assistance as requested by the Superintendent of Public Instruction in order to implement the provisions of this section.
- (c) The state school attendance review board shall make recommendations annually to the Superintendent of Public Instruction, and to state agencies as deemed appropriate, regarding the needs and services provided to high-risk youth, including youth with school attendance or behavioral problems, in the state public schools, and shall propose uniform guidelines or other means to attain the goals stated in subdivision (a).

## **Compulsory Attendance Laws**

### **48200. Children between the ages 6 and 18**

Each person between the ages of 6 and 18 years not exempted under the provisions of this chapter or Chapter 3 (commencing with Section 48400) is subject to compulsory full-time education. Each person subject to compulsory full-time education and each person subject to compulsory continuation education not exempted under the provisions of Chapter 3 (commencing with Section 48400) shall attend the public full-time day school or continuation school or classes and for the full time designated as the length of the school day by the governing board of the school district in which the residency of either the parent or legal guardian is located and each parent, guardian, or other person having control or charge of the pupil shall send the pupil to the public full-time day school or continuation school or classes and for the full time designated as the length of the school day by the governing board of the school district in which the residence of either the parent or legal guardian is located.

Unless otherwise provided for in this code, a pupil shall not be enrolled for less than the minimum school day established by law.

### **48260. Definition of truant**

- (a) Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse three full days in one school year or tardy or absent for 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 to the superintendent of the school district.
- (b) Notwithstanding subdivision (a), it is the intent of the Legislature that school districts shall not change the method of attendance accounting provided for in existing law and shall not be required to employ period-by-period attendance accounting.

### **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.

**48261. Subsequent report of truancy**

Any pupil who has once been reported as a truant and who is again absent from school without 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.

**48262. Habitual truant**

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 purposes of this section, a conscientious effort means attempting to communicate with the parents or guardians of the pupil at least once using the most cost-effective method possible, which may include electronic mail or a telephone call.

**48263. Referral to SARB or truancy mediation program**

If any minor pupil in any district of a county is an habitual truant, or is irregular in attendance at school, as defined in this article, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a school attendance review board or to the probation department for services if the probation department has elected to receive these referrals. The supervisor of attendance, or any other persons the governing board of the school district or county may designate, making the referral shall notify the minor and parents or guardians of the minor, in writing, of the name and address of the board or probation department to which the matter has been referred and of the reason for the referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be required, along with the referring person, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral.

If the school attendance review board or probation officer determines that available community services can resolve the problem of the truant or insubordinate pupil, then the board or probation officer shall direct the pupil or the pupil's parents or guardians, or both, to make use of those community services. The school attendance review board or probation officer may require, at any time that it determines proper, the pupil or parents or guardians of the pupil, or both, to furnish satisfactory evidence of participation in the available community services.

If the school attendance review board or probation officer determines that available community services cannot resolve the problem of the truant or insubordinate pupil or if the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives of the school attendance review board or probation officer or to services provided, the school attendance review board may, pursuant to Section 48263.5, notify the district attorney or the probation officer, or both, of the county in which the school district is located, or the probation officer may, pursuant to Section 48263.5, notify the district attorney, if the district attorney or the probation officer has elected to participate in the truancy mediation program described in that section. If the district attorney or the probation office has not elected to participate in the truancy mediation program described in Section 48263.5, the school attendance review board or probation officer may direct the county superintendent of schools to, and, thereupon, the county superintendent of schools shall, request a petition on behalf of the pupil in the juvenile court of the county. Upon presentation of a petition on behalf of a pupil, the juvenile court of the county shall hear all evidence relating to the petition. The school attendance review board or the probation officer shall submit to the juvenile court documentation of efforts to secure attendance as well as its

recommendations on what action the juvenile court shall take in order to bring about a proper disposition of the case.

In any county which has not established a school attendance review board, if the school district determines that available community resources cannot resolve the problem of the truant or insubordinate pupil, or if the pupil or the pupil's parents or guardians, or both, have failed to respond to the directives of the school district or the services provided, the school district, pursuant to Section 48260.6, may notify the district attorney or the probation officer, or both, of the county in which the school district is located, if the district attorney or the probation officer has elected to participate in the truancy mediation program described in Section 48260.6.

#### **48263.5 Notice to District Attorney or Probation Officer**

- (a) In any county which has established a county school attendance review board pursuant to Section 48321, the school attendance review board may notify the district attorney or the probation officer, or both, of the county in which the school district is located, or the probation officer may notify the district attorney, by first-class mail or other reasonable means, of the following if the district attorney or the probation officer has elected to participate in the truancy mediation program described in subdivision
- (1) The name of each pupil who has been classified as a truant and concerning whom the school attendance review board or the probation officer has determined:
    - (A) That available community services cannot resolve the truancy or insubordination problem.
    - (B) That the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives of the school attendance review board or probation officer or to services provided.
  - (2) The name and address of the parent or guardian of each pupil described in paragraph (1).
- (b) Upon receipt of notification provided pursuant to subdivision (a), the district attorney or the probation officer may notify the parents or guardians of each pupil concerning whom notification has been received, by first-class mail or other reasonable means, that they may be subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27 for failure to compel the attendance of the pupil at school. The district attorney or the probation officer may also request the parents or guardians and the child to attend a meeting in the district attorney's office or at the probation department pursuant to Section 601.3 of the *Welfare and Institutions Code* to discuss the possible legal consequences of the child's truancy. Notice of the meeting shall be given pursuant to Section 601.3 of the *Welfare and Institutions Code*.

#### **48263.6 Definition of a Chronic Truant (effective January 1, 2011)**

Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10 percent or more of the schooldays 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 Sections 48260, 48260.5, 48261, 48262, 48263, and 48291.

#### **48264. Arrest of truants**

The attendance supervisor or his or her designee, a peace officer, a school administrator or his or her designee, or a probation officer may arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time education or to compulsory continuation education found away from his or her home and who is absent from school without valid excuse within the county, city, or city and county, or school district.

#### **48264.5 Penalties to minor for first through fourth truanancies**

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:

- (b) 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 the 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.
- (c) The second time a truancy report is required within the same school year, the pupil may be assigned by the school to an afterschool 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.
- (d) 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.
- (e) 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 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 of the pupil 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, a program operated by a probation department acting as a school attendance review board, or a truancy mediation program pursuant to subdivision (c).

#### **48265. Delivery of Truant**

Any person arresting or assuming temporary custody of a minor pursuant to Section 48264 shall forthwith deliver the minor either to the parent, guardian, or other person having control, or charge of the minor, or to the school from which the minor is absent, or to a non-secure youth service or community center designated by the school or district for counseling prior to returning such minor to his home or school, or to a school counselor or pupil services and attendance officer located at a police station for the purpose of obtaining immediate counseling from the counselor or officer prior to returning or being returned to his home or school, or, if the minor is found to have been declared an habitual truant, he shall cause the minor to be brought before the probation officer of the county having jurisdiction over minors.

#### **48266. Report by arresting officer**

Any person taking action pursuant to Sections 48264 and 48265 shall report the matter, and the disposition made by him of the minor to the school authorities of the city, or city and county, or school district and to the minor's parent or guardian.

#### **48267. Truants, disorderly pupils or persons required to attend school programs as a condition of probation**

Any pupil who has once been adjudged an habitual truant or habitually insubordinate or disorderly during attendance at school by the juvenile court of the county, or has been found to be a person described in Section 602 and as a condition of probation is required to attend a school program approved by a probation officer, who is reported as a truant from school one or more days or tardy on one or more days without valid excuse, in the same school year or in a succeeding year, or habitually insubordinate, or disorderly during attendance at school, shall be brought to the attention of the juvenile court and the pupil's probation or parole officer within 10 days of the reported violation.

Notwithstanding Section 827 of the *Welfare and Institutions Code*, written notice that a minor enrolled in a public school in grades 7 to 12, inclusive, has been found by a court to be a person described in Section 602 and as a condition of probation is required to attend a school program approved by a probation officer shall be provided by the juvenile court, within seven days of the entry of the dispositional order, to the superintendent of the school district of attendance, which information shall be expeditiously transmitted to the principal or to one person designated by the principal of the school that the minor is attending. The principal or the principal's designee shall not disclose this information to any other person except as otherwise required by law.

#### **48268. Order to parent to deliver child to school for remainder of school term**

The court, in addition to any judgment it may make regarding the pupil, may render judgment that the parent, guardian, or person having the control or charge of the pupil shall deliver him at

the beginning of each school day, for the remainder of the school term, at the school from which he is a truant, or in which he has been insubordinate or disorderly during attendance, or to a school designated by school authorities.

**48269. Parent's bond to secure attendance of pupil**

If the parent, guardian, or other person having control or charge of the child, within three days after the rendition of the judgment executes a bond to the governing board of the school district in the sum of two hundred dollars (\$200), conditioned that the child will, during the remainder of the current school year, regularly attend some public or private school in the city, or city and county, or school district, and not be insubordinate or disorderly during attendance, then the court may make an order suspending the execution of the judgment so long as the condition of the bond is complied with. The bond shall be filed with the secretary of the board of education, or clerk of the board of trustees. All money paid or collected on the bond shall be paid into the county treasury as provided in Section 41001.

**48273. Report to county superintendent of schools of needed SARB information**

The governing board of each school district shall adopt rules and regulations to require the appropriate officers and employees of the district to gather and transmit to the county superintendent of schools the number and types of referrals to school attendance review boards and of requests for petitions to the juvenile court pursuant to Section 48263.

## Access to Student Records

**49076.** (a) A school district is not authorized to permit access to pupil records to a person without written parental consent or under judicial order except that:

(1) Access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:

(A) School officials and employees of the district, members of a school attendance review board appointed pursuant to Section 48321, and any volunteer aide, 18 years of age or older, who has been investigated, selected, and trained by a school attendance review board for the purpose of providing follow-up services to pupils referred to the school attendance review board, provided that the person has a legitimate educational interest to inspect a record.

(B) Officials and employees of other public schools or school systems, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided or where the pupil intends to or is directed to enroll, subject to the rights of parents as provided in Section 49068.

(C) Authorized representatives of the Comptroller General of the United States, the Secretary of Education, and administrative head of an education agency, state education officials, or their respective designees, or the United States Office of Civil Rights, where the information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law, provided that except when collection of personally identifiable information is specifically authorized by federal law, data collected by those officials shall be protected in a manner that will not permit the personal identification of pupils or their parents by other than those officials, and personally identifiable data shall be destroyed when no longer needed for the audit, evaluation, and enforcement of federal legal requirements.

(D) Other state and local officials to the extent that information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974.

(E) Parents of a pupil 18 years of age or older who is a dependent as defined in Section 152 of Title 26 of the United States Code.

(F) A pupil 16 years of age or older or having completed the 10th grade who requests access.

(G) A district attorney who is participating in or conducting a truancy mediation program pursuant to Section 48263.5, or Section 601.3 of the Welfare and Institutions Code, or participating in the presentation of evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code.

(H) A prosecuting agency for consideration against a parent or guardian for failure to comply with the Compulsory Education Law (Chapter 2 (commencing with Section 48200) of Part 27) or with Compulsory Continuation Education (Chapter 3 (commencing with Section 48400) of Part 27).

(I) (i) A probation officer, district attorney, or counsel of record for a minor for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.

(ii) For purposes of this subparagraph, a probation officer, district attorney, and counsel of record for a minor shall be deemed to be local officials for purposes of Section 99.31(a)(5)(i) of Title 34 of the Code of Federal Regulations.

(iii) Pupil records obtained pursuant to this subparagraph shall be subject to the evidentiary rules described in Section 701 of the Welfare and Institutions Code.

(J) A judge or probation officer for the purpose of conducting a truancy mediation program for a pupil, or for purposes of presenting evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code. The judge or probation officer shall certify in writing to the school district that the information will be used only for truancy purposes. A school district releasing pupil information to a judge or probation officer pursuant to this subparagraph shall inform, or provide written notification to, the parent or guardian of the pupil within 24 hours of the release of the information.

(K) A county placing agency for the purpose of fulfilling the requirements of the health and education summary required pursuant to Section 16010 of the Welfare and Institutions Code or for the purpose of fulfilling educational case management responsibilities required by the juvenile court or by law and to assist with the school transfer or enrollment of a pupil. School districts, county offices of education, and county placing agencies may develop cooperative agreements to facilitate confidential access to and exchange of the pupil information by electronic mail, facsimile, electronic format, or other secure means.

(2) School districts may release information from pupil records to the following:

(A) Appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a pupil or other persons.

(B) Agencies or organizations in connection with the application of a pupil for, or receipt of, financial aid. However, information permitting the personal identification of a pupil or his or her parents may be disclosed only as may be necessary for purposes as to determine the eligibility of the pupil for financial aid, to determine the amount of the financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.

(C) The county elections official, for the purpose of identifying pupils eligible to register to vote, and for conducting programs to offer pupils an opportunity to register to vote. The information shall not be used for any other purpose or given or transferred to any other person or agency.

(D) Accrediting associations in order to carry out their accrediting functions.

(E) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if the studies are conducted in a manner that will not permit the personal identification of pupils or their parents by persons other than representatives of the organizations and the information will be destroyed when no longer needed for the purpose for which it is obtained.

(F) Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll, subject to the rights of parents as provided in Section 49068. This information shall be in addition to the pupil's permanent record transferred pursuant to Section 49068.

(3) A person, persons, agency, or organization permitted access to pupil records pursuant to this section shall not permit access to any information obtained from those records by another person, persons, agency, or organization, except for allowable exceptions contained within the federal Family Educational Rights and Privacy Act of 2001 (20 U.S.C. Sec. 1232g) and state law, without the written consent of the pupil's parent. This paragraph does not require prior parental consent when information obtained pursuant to this section is shared with other persons within the educational institution, agency, or organization obtaining access, so long as those persons have a legitimate interest in the information.

(4) Notwithstanding any other provision of law, a school district, including a county office of education or superintendent of schools, may participate in an interagency data information

system that permits access to a computerized database system within and between governmental agencies or districts as to information or records that are non-privileged, and where release is authorized as to the requesting agency under state or federal law or regulation, if each of the following requirements are met:

(A) Each agency and school district shall develop security procedures or devices by which unauthorized personnel cannot access data contained in the system.

(B) Each agency and school district shall develop procedures or devices to secure privileged or confidential data from unauthorized disclosure.

(C) Each school district shall comply with the access log requirements of Section 49064.

(D) The right of access granted shall not include the right to add, delete, or alter data without the written permission of the agency holding the data.

(E) An agency or school district shall not make public or otherwise release information on an individual contained in the database where the information is protected from disclosure or release as to the requesting agency by state or federal law or regulation.

(b) The officials and authorities to whom pupil records are disclosed pursuant to subdivision (f) of Section 48902 and subparagraph (l) of paragraph (1) of subdivision (a) shall certify in writing to the disclosing school district that the information shall not be disclosed to another party, except as provided under the federal Family Educational Rights and Privacy Act of 2001 (20 U.S.C. Sec. 1232g) and state law, without the prior written consent of the parent of the pupil or the person identified as the holder of the pupil's educational rights.

(c) (1) Any person or party who is not permitted access to pupil records pursuant to subdivision (a) or (b) may request access to pupil records as provided for in paragraph (2).

(2) A local educational agency or other person or party who has received pupil records, or information from pupil records, may release the records or information to a person or party identified in paragraph (1) without the consent of the pupil's parent or guardian pursuant to Section 99.31(b) of Title 34 of the Code of Federal Regulations, if the records or information are de-identified, which requires the removal of all personally identifiable information, provided that the disclosing local educational agency or other person or party has made a reasonable determination that a pupil's identity is not personally identifiable, whether through single or multiple releases, and has taken into account other pertinent reasonably available information.

## Pupil Exemptions

### **48220. Classes of children exempted**

The classes of children described in this article, shall be exempted by the proper school authorities from the requirements of attendance upon a public full-time day school.

### **48222. Attendance in a private school**

Children who are being instructed in a private full-time day school by persons capable of teaching shall be exempted. Such school shall, except under the circumstances described in Section 30, be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the state. The attendance of the pupils shall be kept by private school authorities in a register, and the record of attendance shall indicate clearly every absence of the pupil from school for a half day or more during each day that school is maintained during the year.

Exemptions under this section shall be valid only after verification by the attendance supervisor of the district, or other person designated by the board of education, that the private school has complied with the provisions of Section 33190 requiring the annual filing by the owner or other head of a private school of an affidavit or statement of prescribed information with the Superintendent of Public Instruction. The verification required by this section shall not be construed as an evaluation, recognition, approval, or endorsement of any private school or course.

### **48223. Mentally gifted children**

Children who are mentally gifted and who are being instructed in a private full-time day school by persons capable of teaching, where all or part of the courses of instruction required to be taught in the public schools of this state is taught in a foreign language with not less than 50 percent of the total daily instructional time taught in the English language, shall be exempted. The attendance of the pupils shall be kept pursuant to Section 48222.

### **48224. Instruction by tutor**

Children not attending a private, full-time, day school and who are being instructed in study and recitation for at least three hours a day for 175 days each calendar year by a private tutor or other person in the several branches of study required to be taught in the public schools of this state and in the English language shall be exempted. The tutor or other person shall hold a valid state credential for the grade taught. The instruction shall be offered between the hours of 8 o'clock a.m. and 4 o'clock p.m.

### **48225. Contracts to secure tutoring for children working in the entertainment or allied industries**

The governing board of any school district which has children holding work permits to work temporarily in the entertainment or allied industries who are exempted from attending public full-time day school under the provisions of this article, or a county superintendent of schools, may contract with any person, firm or corporation responsible for the education of any children, so employed or acting on behalf thereof, to provide eligibility lists and placement services for qualified teaching and other necessary personnel for the tutoring of such children while so employed. Such personnel shall not for these purposes be deemed public employees. The contract shall require the payment of all costs of the school district, or the county superintendent of schools in providing the lists or services.

#### **48225.5. Work Permits for Students in the Entertainment Industry**

- (a) (1) Notwithstanding Section 48200, a pupil who holds a work permit to work for a period of not more than five consecutive days in the entertainment or allied industries shall be excused from school during the period that the pupil is working in the entertainment or allied industry for a maximum of up to five absences per school year.
- (2) Notwithstanding Section 48200, a pupil shall be excused from school in order to participate with a not-for-profit performing arts organization in a performance for a public school pupil audience for a maximum of up to five days per school year provided the pupil's parent or guardian provides a written note to the school authorities explaining the reason for the pupil's absence.
  - (c) A pupil absent from school under this section shall be permitted to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion, shall be given full credit therefore. The teacher of any class from which a pupil is absent shall determine, pursuant to the regulations of the governing board of the school district, or the county board of education, what assignments the pupil shall make up and in what period of time the pupil shall complete those assignments. The 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) A pupil absent pursuant to paragraph (1) of subdivision (a) shall receive instruction during the period of the absence from a studio teacher certified by the Labor Commissioner holding credentials as defined in Section 11755 of Title 8 of the California Code of Regulations. The instruction shall be offered between 7 a.m. and 4 p.m. for pupils in kindergarten and grades 1 to 6, inclusive, and between 7 a.m. and 7 p.m. for pupils in grades 7 to 12, inclusive. The school district or county superintendent of schools shall accept the work done by the pupil and the grades given to the pupil on that work and shall provide the pupil with credit for the instruction the pupil received from that teacher.
- (d) At the request of a pupil excused from school pursuant to paragraph (1) of subdivision (a), the pupil may be permitted to enroll in a work experience program of the school district and shall receive appropriate academic credit for that work experience.
- (e) This section shall apply to all pupils, whether a pupil is enrolled in regular classes or special education classes, a regional occupational program or center, or a program of independent study, or any other program of the school district or county superintendent of schools.

#### **48230. Compulsory part-time classes**

Children who hold permits to work shall be exempted, but such children shall be subject to compulsory attendance upon part-time classes.

#### **48231. Entrance into attendance area within ten schooldays of end of school term**

Notwithstanding Section 48201, pupils between 12 and 18 years of age who enter an attendance area from another state within 10 schooldays before the end of the school term during which such entrance occurs are exempt for the remainder of the school term.

**48232. Leave of absence of pupil of 15; conditions; review and report on program**

Notwithstanding any other provision of law, a child who will be 15 years old at the time a leave of absence is to begin may take a leave of absence from school for a period of up to one semester, if all of the following conditions are satisfied:

- (a) The school district governing board adopts a written policy to allow pupil leaves of absence consistent with this section.
- (b) The purpose of the leave is supervised travel, study, training, or work not available to the pupil under another education option.
- (c) A written agreement is entered into that is signed by the child's parent or guardian, the principal or administrative officer of the school which the child would otherwise attend, a classroom teacher familiar with the child's academic progress selected by the child, and the district supervisor of child welfare and attendance, and that provides for all of the following:
  - (1) The purpose of the leave.
  - (2) The length of time the child will be on leave.
  - (3) A meeting between, or contact with, the child and a school official designated in the agreement at least once a month while the child is on leave.
  - (4) A statement incorporating the provisions contained in subdivision (b).
- (d) The child shall be entitled to return to school at any time. No child who takes a leave of absence shall be penalized from completing his or her academic requirements within a time period equal to that of classmates who did not take a leave of absence, plus a period of time equal to the leave of absence. However, when a child reenrolls at any time other than the beginning of a semester, the school shall not be required to give makeup sessions during that semester for the classes that the child has missed.
- (e) A leave of absence may be extended for an additional semester upon approval by all parties to the written agreement and the local school attendance review board.
- (f) No leave of absence may be taken that would continue past the end of the school year in which the leave is taken.
- (g) If the pupil does not contact the designated school official as stipulated in the written agreement, the leave of absence shall be nullified. Any party to the written agreement may nullify the agreement for cause at any time.
- (h) No more than 1 percent of the pupils enrolled and in attendance at each school shall be permitted to take a leave of absence during each academic year.

**48416. Leave of absence; pupil between the ages 16 and 18; conditions**

Notwithstanding any other provision of law, a child who, at the time a leave of absence is to begin, will be between the ages of 16 and 18, inclusive, may take a leave of absence from compulsory continuation education classes or, if exempted pursuant to subdivision (b) of Section 48410, from the school that the child attends, for a period of up to two semesters, if all the following conditions are satisfied:

- (a) The school district governing board adopts a written policy to allow student leaves of absence consistent with this section.
- (b) The purpose of the leave is supervised travel, study, training, or work not available to the student under another education option.
- (c) A written agreement is entered into that is signed by the child, the child's parent or guardian, the principal or administrative officer of the school that the child would otherwise attend, a classroom teacher familiar with the child's academic progress selected by the child, and the district supervisor of child welfare and attendance, and that provides for all of the following:
  - (1) The purpose of the leave.



- (2) The length of time the child will be on leave.
  - (3) A meeting between or contact with the child and a school official designated in the agreement at least once a month while the child is on leave.
  - (4) A statement incorporating the provisions contained in subdivision (b).
- (d) The child shall be entitled to return to school at any time. No child who takes a leave of absence shall be penalized from completing his or her academic requirements within a time period equal to that of classmates who did not take a leave of absence, plus a period of time equal to the leave of absence. However, when a child reenrolls at any time other than the beginning of a semester, the school shall not be required to give makeup sessions during that semester for the classes that the child has missed.
  - (e) A leave of absence may be extended for an additional semester upon approval by all parties to the written agreement and the local school attendance review board.
  - (f) No leave of absence may be taken that would continue past the end of the school year in which the leave is taken.
  - (g) If the student does not contact the designated school official as stipulated in the written agreement, the leave of absence shall be nullified. Any party to the written agreement may nullify the written agreement for cause at any time.
  - (h) No more than 1 percent of the pupils enrolled and in attendance at each school shall be permitted to take a leave of absence during each academic year.

## **Supervisors of Attendance**

### **48240. Appointment and fixing of duties of supervisor of attendance**

The board of education of any school district and of any county shall appoint a supervisor of attendance and such assistant supervisors of attendance as may be necessary to supervise the attendance of pupils in the district or county. The board shall prescribe the duties of the supervisor and assistant supervisors of attendance, not inconsistent with law, to include, among other duties that may be required by the board, those specific duties related to compulsory full-time education, truancy, work permits, compulsory continuation education, and opportunity schools, classes, and programs, now required of such attendance supervisors by this chapter and Article 4 (commencing with Section 48450) of Chapter 3 and Article 2 (commencing with Section 48630) of Chapter 4 of this part.

### **48241. Certification of supervisor of attendance for city or city and county**

In any city or city and county no supervisor of attendance or assistant supervisors of attendance shall be appointed, unless he has been lawfully certificated for the work by the county board of education.

### **48242. District supervisors**

The board of school trustees of any district of a county may appoint a district supervisor of attendance to act under the direction of the county supervisor of attendance.

### **48243. Employment by more than one school district**

Two or more districts may unite in appointing a district supervisor of attendance and in paying his compensation.

### **48244. Contracts for supervisors of attendance; transfer of funds**

A district may, with the approval of the county board of education, contract with the county superintendent of schools for the supervision of attendance of pupils in the school district. The county superintendent of schools shall transfer from the funds of the district to the county school service fund an amount equal to the actual cost of providing for the supervision of attendance.

### **48245. Certification of district supervisor**

In any district or districts with an average daily attendance of 1,000 or more school children, according to the annual school report of the last preceding school year, no district supervisor of attendance shall be appointed, unless he has been lawfully certificated for the work by the county board of education.

### **48246. Entry into place of employment**

The attendance supervisor, who is a full-time attendance supervisor performing no other duties, of any county, city and county, or school district in which any place of employment is situated, or the probation officer of the county, may at any time enter into any such place of employment for the purpose of examining permits to work or to employ of all minors employed in such place of employment, or for the purpose of investigating violations of the provisions of the Labor Code or of the provisions of this chapter, or Chapter 7 (commencing with Section 49100) of this part. If the attendance supervisor or probation officer is denied entrance to such place of employment, or if any violation of laws relating to the education of minors is found to exist, the attendance

supervisor or probation officer shall report the denial of entrance or the violation to the Labor Commissioner.

Such report shall be made within 48 hours and shall be in writing, setting forth the fact that he has good cause to believe that such laws are being violated in such place of employment and describing the nature of the violation.

## **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."

## **Investigations and Enforcement of Compulsory Education Laws against Parents**

### **48290. Required Full and Impartial School Attendance Investigations**

The governing board of any school district, shall, on the complaint of any person, make full and impartial investigation of all charges against any parent, guardian, or other person having control or charge of any child, for violation of any of the provisions of this chapter.

### **48291. Required Referral of Parents to SARB and Required District Referrals to Law Enforcement**

If it appears upon investigation that any parent, guardian, or other person having control or charge of any child has violated any of the provisions of this chapter, the secretary of the board of education, except as provided in Section 48292, or the clerk of the board of trustees, shall refer such person to a school attendance review board. In the event that any such parent, guardian, or other person continually and willfully fails to respond to directives of the school attendance review board or services provided, the school attendance review board shall direct the school district to make and file in the proper court a criminal complaint against the parent, guardian, or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority. In the event that a criminal complaint is not prosecuted by the proper authority as recommended, the official making the determination not to prosecute shall provide the school attendance review board with a written explanation for the decision not to prosecute.

### **48293. Penalties against Parents**

- (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 therefrom, 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 imposing 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.
- (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 that it is due, or fails to attend a program on a prescribed date, he or she shall appear in court on that date for further proceedings. Willful violation of the order is punishable as contempt.
- (c) Until January 1, 2005, the court may also order that the person convicted of the violation of subdivision (a) immediately 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.
- (d) The Legislative Analyst, in consultation with the California District Attorneys Association and the State Department of Education, shall develop a report to be submitted to the Legislature on or before January 1, 2004, concerning the implementation of this subdivision.

## Independent Study

### 51747. Policy Requirements for Independent Study

A school district or county office of education shall not be eligible to receive apportionments for independent study by pupils, regardless of age, unless it has adopted written policies, and has implemented those policies, pursuant to rules and regulations adopted by the Superintendent of Public Instruction, that include, but are not limited to, all of the following:

- (a) The maximum length of time, by grade level and type of program, that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work.
- (b) The number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, or whether he or she should return to the regular school program. A written record of the findings of any evaluation made pursuant to this subdivision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.
- (c) A requirement that a current written agreement for each independent study pupil shall be maintained on file including, but not limited to, all of the following:
  - (1) The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress.
  - (2) The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work.
  - (3) The specific resources, including materials and personnel which will be made available to the pupil.
  - (4) A statement of the policies adopted pursuant to subdivisions (a) and (b) regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, and the number of missed assignments allowed prior to an evaluation of whether or not the pupil should be allowed to continue in independent study.
  - (5) The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one semester, or one-half year for a school on a year-round calendar.
  - (6) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.
  - (7) The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.
  - (8) Each written agreement shall be signed, prior to the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of the Family Code.

## Home and Hospital Instruction

### 48206.3 Pupils with Temporary Disabilities

(a) Except for those pupils receiving individual instruction provided pursuant to Section 48206.5, a pupil with a temporary disability which makes attendance in the regular day classes or alternative **education** program in which the pupil is enrolled impossible or inadvisable shall receive individual instruction provided by the district in which the pupil is deemed to reside.

(b) For purposes of this section and Sections **48206.5**, 48207, and 48208, the following terms have the following meanings:

(1) "Individual instruction" means instruction provided to an individual pupil in the pupil's home, in a hospital or other residential health facility, excluding state hospitals, or under other circumstances prescribed by regulations adopted for that purpose by the State Board of Education.

(2) "Temporary disability" means a physical, mental, or emotional disability incurred while a pupil is enrolled in regular day classes or an alternative **education** program, and after which the pupil can reasonably be expected to return to regular day classes or the alternative education program without special intervention. A temporary disability shall not include a disability for which a pupil is identified as an individual with exceptional needs pursuant to Section 56026.

(c) (1) For purposes of computing average daily attendance pursuant to Section 42238.5, each clock hour of teaching time devoted to individual instruction shall count as one day of attendance.

(2) No pupil shall be credited with more than five days of attendance per calendar week, or more than the total number of calendar days that regular classes are maintained by the district in any fiscal year.

(d) Notice of the availability of individualized instruction shall be given pursuant to Section 48980.

**48206.5.** Any school district which, prior to January 1, 1986, maintained a program to provide individual instruction to pupils enrolled in regular day classes or an alternative education program offered by the district who have a temporary disability may continue the program as it existed prior to January 1, 1986.

# Comprehensive School Safety Plans

## **Comprehensive School Safety Plans; Contents; Disaster Procedures; Development**

**32282.** (a) The comprehensive school safety plan shall include, but not be limited to, both of the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

(A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the Penal Code.

(B) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.). The disaster procedures shall also include, but not be limited to, both of the following:

(i) Establishing an earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom. A district or county office may work with the California Emergency Management Agency and the Seismic Safety Commission to develop and establish the earthquake emergency procedure system. The system shall include, but not be limited to, all of the following:

(I) A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff.

(II) A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once each school quarter in elementary schools and at least once a semester in secondary schools.

(III) Protective measures to be taken before, during, and following an earthquake.

(IV) A program to ensure that pupils and both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system.

(ii) Establishing a procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The district or county office shall cooperate with the public agency in furnishing and maintaining the services as the district or county office may deem necessary to meet the needs of the community.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A discrimination and harassment policy consistent with the prohibition against discrimination contained in Chapter 2 (commencing with Section 200) of Part 1.

(F) The provisions of any school-wide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel," if the school has adopted that type of a dress code. For those purposes, the comprehensive school safety plan shall define

"Gang-related apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. Any school-wide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the

principal of the school or the person designated by the principal. For the purposes of this paragraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.

(G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.

(H) A safe and orderly environment conducive to learning at the school.

(I) The rules and procedures on school discipline adopted pursuant to Sections 35291 and 35291.5.

(J) Hate crime reporting procedures pursuant to Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the partnership, pursuant to this chapter. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.

(c) Grants to assist schools in implementing their comprehensive school safety plan shall be made available through the partnership as authorized by Section 32285.

(d) Each school site council or school safety planning committee in developing and updating a comprehensive school safety plan shall, where practical, consult, cooperate, and coordinate with other school site councils or school safety planning committees.

(e) The comprehensive school safety plan may be evaluated and amended, as needed, by the school safety planning committee, but shall be evaluated at least once a year, to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.

(f) The comprehensive school safety plan, as written and updated by the school site council or school safety planning committee, shall be submitted for approval under subdivision (a) of Section 32288.



## **Apportionment Formulas and Determination of Revenue Limits**

### **42238. Determination of Revenue Limits for Each School District; Formula; Apportionment**

- (a) For the 1984-85 fiscal year and each fiscal year thereafter, the county superintendent of schools shall determine a revenue limit for each school district in the county pursuant to this section.
- (b) The base revenue limit for a fiscal year shall be determined by adding to the base revenue limit for the prior fiscal year the following amounts:
  - (1) The inflation adjustment specified in Section 42238.1.
  - (2) For the 1995-96 fiscal year, the equalization adjustment specified in Section 42238.4.
  - (3) For the 1996-97 fiscal year, the equalization adjustments specified in Sections 42238.41, 42238.42, and 42238.43.
  - (4) For the 1985-86 fiscal year, the amount received per unit of average daily attendance in the 1984-85 fiscal year pursuant to Section 42238.7.
  - (5) For the 1985-86, 1986-87, and 1987-88 fiscal years, the amount per unit of average daily attendance received in the prior fiscal year pursuant to Section 42238.8.
  - (6) For the 2004-05 fiscal year, the equalization adjustment specified in Section 42238.44.
  - (7) For the 2006-07 fiscal year, the equalization adjustment specified in Section 42238.48.
  - (8) For the 2011-12 fiscal year, the equalization adjustment specified in Section 42238.49
- (c) Except for districts subject to subdivision (d), the base revenue limit computed pursuant to subdivision (b) shall be multiplied by the district average daily attendance computed pursuant to Section 42238.5.
- (d)
  - (1) For districts for which the number of units of average daily attendance determined pursuant to Section 42238.5 is greater for the current fiscal year than for the 1982-83 fiscal year, compute the following amount, in lieu of the amount computed pursuant to subdivision (c):
    - (A) Multiply the base revenue limit computed pursuant to subdivision (c) by the average daily attendance computed pursuant to Section 42238.5 for the 1982-83 fiscal year.
    - (B) Multiply the lesser of the amount in subdivision (c) or 1.05 times the statewide average base revenue limit per unit of average daily attendance for districts of similar type for the current fiscal year by the difference between the average daily attendance computed pursuant to Section 42238.5 for the current and 1982-83 fiscal years.
    - (C) Add the amounts in subparagraphs (A) and (B).
  - (2) This subdivision shall become inoperative on July 1, 1998.
- (e) For districts electing to compute units of average daily attendance pursuant to paragraph (2) of subdivision (a) of Section 42238.5, the amount computed pursuant to Article 4 (commencing with Section 42280) shall be added to the amount computed in subdivision (c) or (d), as appropriate.
- (f) For the 1984-85 fiscal year only, the county superintendent shall reduce the total revenue limit computed in this section by the amount of the decreased employer contributions to the Public Employees' Retirement System resulting from enactment of Chapter 330 of the Statutes of 1982, offset by any increase in those contributions, as of the 1983-84 fiscal year, resulting from subsequent changes in employer contribution rates.
- (g) The reduction required by subdivision (f) shall be calculated as follows:

- (1) Determine the amount of employer contributions that would have been made in the 1983-84 fiscal year if the applicable Public Employees' Retirement System employer contribution rate in effect immediately prior to the enactment of Chapter 330 of the Statutes of 1982 was in effect during the 1983-84 fiscal year.
  - (2) Subtract from the amount determined in paragraph (1) the greater of subparagraph (A) or (B):
    - (A) The amount of employer contributions that would have been made in the 1983-84 fiscal year if the applicable Public Employees' Retirement System employer contribution rate in effect immediately after the enactment of Chapter 330 of the Statutes of 1982 was in effect during the 1983-84 fiscal year.
    - (B) The actual amount of employer contributions made to the Public Employees' Retirement System in the 1983-84 fiscal year.
  - (3) For purposes of this subdivision, employer contributions to the Public Employees' Retirement System for either of the following shall be excluded from the calculation specified above:
    - (A) Positions supported totally by federal funds that were subject to supplanting restrictions.
    - (B) Positions supported, to the extent of employer contributions not exceeding twenty-five thousand dollars (\$25,000) by any single educational agency, from a revenue source determined on the basis of equity to be properly excludable from the provisions of this subdivision by the Superintendent with the approval of the Director of Finance.
  - (4) For accounting purposes, the reduction made by this subdivision may be reflected as an expenditure from appropriate sources of revenue as directed by the Superintendent.
- (h) The Superintendent shall apportion to each school district the amount determined in this section less the sum of:
- (1) The district's property tax revenue received pursuant to Chapter 3 (commencing with Section 75) and Chapter 6 (commencing with Section 95) of Part 0.5 of the Revenue and Taxation Code.
  - (2) The amount, if any, received pursuant to Part 18.5 (commencing with Section 38101) of the Revenue and Taxation Code.
  - (3) The amount, if any, received pursuant to Chapter 3 (commencing with Section 16140) of the Government Code.
  - (4) Prior years' taxes and taxes on the unsecured roll.
  - (5) Fifty percent of the amount received pursuant to Section 41603.
  - (6) The amount, if any, received pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code), except for any amount received pursuant to Section 33401 or 33676 of the Health and Safety Code that is used for land acquisition, facility construction, reconstruction, or remodeling, or deferred maintenance, except for any amount received pursuant to Section 33492.15, paragraph (4) of subdivision (a) of Section 33607.5, or Section 33607.7 of the Health and Safety Code that is allocated exclusively for educational facilities.
  - (7) For a unified school district, other than a unified school district that has converted all of its schools to charter status pursuant to Section 47606, the amount of statewide average general-purpose funding per unit of average daily attendance received by school districts for each of four grade level ranges, as computed by the department pursuant to Section 47633, multiplied by the average daily attendance, in corresponding grade level ranges, of any pupils who attend charter schools funded

pursuant to Chapter 6 (commencing with Section 47630) of Part 26.8 for which the district is the sponsoring local educational agency, as defined in Section 47632, and who reside in and would otherwise have been eligible to attend a non-charter school of the district.

- (i) A transfer of seventh and eighth grade pupils between an elementary school district and a high school district shall not result in the receiving district receiving a revenue limit apportionment for those pupils that exceeds 105 percent of the statewide average revenue limit for the type and size of the receiving school district.

## **Definition of Chronic Absenteeism**

### **60901(c) (1). Chronic Absentee Defined**

For purposes of this section, "chronic absentee" means a pupil who is absent on 10 percent or more of the schooldays in the school year when the total number of days a pupil is absent is divided by the total number of days the pupil is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays.

# California *Evidence Code* Excerpts

## Hearsay Evidence

### 1200. The hearsay rule

- a) "Hearsay evidence" is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated.
- b) Except as provided by law, hearsay evidence is inadmissible.
- c) This section shall be known and may be cited as the hearsay rule.

### 1201. Multiple hearsay

A statement within the scope of an exception to the hearsay rule is not inadmissible on the ground that the evidence of such statement is hearsay evidence if such hearsay evidence consists of one or more statements each of which meets the requirements of an exception to the hearsay rule.

### 1202. Credibility of hearsay declarant

Evidence of a statement or other conduct by a declarant that is inconsistent with a statement by such declarant received in evidence as hearsay evidence is not inadmissible for the purpose of attacking the credibility of the declarant though he is not given and has not had an opportunity to explain or to deny such inconsistent statement or other conduct. Any other evidence offered to attack or support the credibility of the declarant is admissible if it would have been admissible had the declarant been a witness at the hearing. For the purposes of this section, the deponent of a deposition taken in the action in which it is offered shall be deemed to be a hearsay declarant.

### 1203. Cross-examination of hearsay declarant

- (a) The declarant of a statement that is admitted as hearsay evidence may be called and examined by any adverse party as if under cross-examination concerning the statement.
- (b) This section is not applicable if the declarant is (1) a party, (2) a person identified with a party within the meaning of subdivision (d) of Section 776, or (3) a witness who has testified in the action concerning the subject matter of the statement.
- (c) This section is not applicable if the statement is one described in Article 1 (commencing with Section 1220), Article 3 (commencing with Section 1235), or Article 10 (commencing with Section 1300) of Chapter 2 of this division.
- (d) A statement that is otherwise admissible as hearsay evidence is not made inadmissible by this section because the declarant who made the statement is unavailable for examination pursuant to this section.

### 1203. Hearsay statements admissible at preliminary hearing

Section 1203 is not applicable if the hearsay statement is offered at a preliminary examination, as provided in Section 872 of the Penal Code.

### 1204. Hearsay statement offered against criminal defendant

A statement that is otherwise admissible as hearsay evidence is inadmissible against the defendant in a criminal action if the statement was made, either by the defendant or by another, under such circumstances that it is inadmissible against the defendant under the Constitution of the United States or the State of California.

**1205. No implied repeal**

Nothing in this division shall be construed to repeal by implication any other statute relating to hearsay evidence.

**1220. Admission of party**

Evidence of a statement is not made inadmissible by the hearsay rule when offered against the declarant in an action to which he is a party in either his individual or representative capacity, regardless of whether the statement was made in his individual or representative capacity.

**1221. Adoptive admission**

Evidence of a statement offered against a party is not made inadmissible by the hearsay rule if the statement is one of which the party, with knowledge of the content thereof, has by words or other conduct manifested his adoption or his belief in its truth.

**1222. Authorized admission**

Evidence of a statement offered against a party is not made inadmissible by the hearsay rule if:

- (a) The statement was made by a person authorized by the party to make a statement or statements for him concerning the subject matter of the statement; and
- (b) The evidence is offered either after admission of evidence sufficient to sustain a finding of such authority or, in the court's discretion as to the order of proof, subject to the admission of such evidence.

## **Business and Official Records**

Districts may use provisions of the *Evidence Code* to simplify and expedite the process of presenting a pupil's attendance or behavior record to the juvenile court. When such a record has been identified as a business record under the provisions of the *Evidence Code*, a single person from the district may present all pupil records, regardless of the number of persons creating the records. Without designation as a "business record," each person creating the pupil's attendance or behavior record would need to be present in juvenile court to identify his or her role in record keeping.

### **1270. "A business"**

As used in this article, "a business" includes every kind of business, governmental activity, profession, occupation, calling, or operation of institutions, whether carried on for profit or not.

### **1271. Business record**

Evidence of a writing made as a record of an act, condition, or event is not made inadmissible by the hearsay rule when offered to prove the act, condition, or event if:

- (a) The writing was made in the regular course of a business;
- (b) The writing was made at or near the time of the act, condition, or event;
- (c) The custodian or other qualified witness testifies to its identity and the mode of its preparation; and
- (d) The sources of information and method and time of preparation were such as to indicate its trustworthiness.

### **1272. Absence of entry in business record**

Evidence of the absence from the records of a business of a record of an asserted act, condition, or event is not made inadmissible by the hearsay rule when offered to prove the nonoccurrence of the act or event, or the nonexistence of the condition, if:

- (a) It was the regular course of that business to make records of all such acts, conditions, or events at or near the time of the act, condition, or event and to preserve them; and
- (b) The sources of information and method and time of preparation of the records of that business were such that the absence of a record of an act, condition, or event is a trustworthy indication that the act or event did not occur or the condition did not exist.

### **1280. Record by a public employee**

Evidence of a writing made as a record of an act, condition, or event is not made inadmissible by the hearsay rule when offered in any civil or criminal proceeding to prove the act, condition, or event if all of the following applies:

- (a) The writing was made by and within the scope of duty of a public employee.
- (b) The writing was made at or near the time of the act, condition, or event.
- (c) The sources of information and method and time of preparation were such as to indicate its trustworthiness.

## ***Family Code Excerpts***

### **Caregivers and Caregiver's Authorization Affidavit**

#### **6550. Caregiver's Authorization Affidavit**

- (a) A caregiver's authorization affidavit that meets the requirements of this part authorizes a caregiver 18 years of age or older who completes items 1 to 4, inclusive, of the affidavit provided in Section 6552 and signs the affidavit to enroll a minor in school and consent to school-related medical care on behalf of the minor. A caregiver who is a relative and who completes items 1 to 8, inclusive, of the affidavit provided in Section 6552 and signs the affidavit shall have the same rights to authorize medical care and dental care for the minor that are given to guardians under Section 2353 of the Probate Code. The medical care authorized by this caregiver who is a relative may include mental health treatment subject to the limitations of Section 2356 of the Probate Code.
- (b) The decision of a caregiver to consent to or to refuse medical or dental care for a minor shall be superseded by any contravening decision of the parent or other person having legal custody of the minor, provided the decision of the parent or other person having legal custody of the minor does not jeopardize the life, health, or safety of the minor.
- (c) A person who acts in good faith reliance on a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, and is not subject to professional disciplinary action, for that reliance if the applicable portions of the affidavit are completed. This subdivision applies even if medical or dental care is provided to a minor in contravention of the wishes of the parent or other person having legal custody of the minor as long as the person providing the medical or dental care has no actual knowledge of the wishes of the parent or other person having legal custody of the minor.
- (d) A person who relies on the affidavit has no obligation to make any further inquiry or investigation.
- (e) Nothing in this section relieves any individual from liability for violations of other provisions of law.
- (f) If the minor stops living with the caregiver, the caregiver shall notify any school, health care provider, or health care service plan that has been given the affidavit. The affidavit is invalid after the school, health care provider, or health care service plan receives notice that the minor is no longer living with the caregiver.
- (g) A caregiver's authorization affidavit shall be invalid, unless it substantially contains, in not less than 10-point boldface type or a reasonable equivalent thereof, the warning statement beginning with the word "warning" specified in Section 6552. The warning statement shall be enclosed in a box with 3-point rule lines.
- (h) For purposes of this part, the following terms have the following meanings:



- (1) "Person" includes an individual, corporation, partnership, association, the state, or any city, county, city and county, or other public entity or governmental subdivision or agency, or any other legal entity.
- (2) "Relative" means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
- (3) "School-related medical care" means medical care that is required by state or local governmental authority as a condition for school enrollment, including immunizations, physical examinations, and medical examinations conducted in schools for pupils.

**6552. Caregiver's Authorization Affidavit Form**

The caregiver's authorization affidavit shall be in substantially the following form:

**(See following page)**

## Caregiver's Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

**Instructions:** Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: \_\_\_\_\_

2. Minor's birth date: \_\_\_\_\_

3. My name (adult giving authorization): \_\_\_\_\_

4. My home address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

5. ( ) I am a grandparent, aunt, uncle, or other qualified relative of the minor (See back of this form for a definition of "qualified relative").

6. Check one or both (for example, if one parent was advised and the other cannot be located):

( ) I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

( ) I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: \_\_\_\_\_

8. My California driver's license or identification card number: \_\_\_\_\_

**Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

**Note:** 1) This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor. 2) A person who relies on this affidavit has no obligation to make any further inquiry or investigation.

### **Additional Information to CAREGIVERS:**

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.
3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit. The affidavit is invalid after the school, health care provider, or health care service plan receives notice that the minor no longer lives with you.
4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

### **Additional Information to SCHOOL OFFICIALS:**

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

### **Additional Information to HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:**

1. A person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, and is not subject to professional disciplinary action, for that reliance if the applicable portions of the form are completed.
2. This affidavit does not confer dependency for health care coverage purposes.

## Government Code Sections

### Formal Procedures for SARB Meetings

#### 54952. Legislative Bodies (includes SARBs)

As used in this chapter, "legislative body" means:

- (a) The governing body of a local agency or any other local body created by state or federal statute.
- (b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.
- (c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:
  - (A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, Limited Liability Company, or other entity.
  - (B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.
- (2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.
- (d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the *Health and Safety Code* after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

## Right to Record Open Session of SARB Meetings

### 54953.5. Right to Record Open Session of SARB Meetings

- (a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.
- (b) Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording shall be provided without charge on a video or tape player made available by the local agency.

### 54954.5. Confidentiality of Closed Session Items on SARB Agenda

For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

- (a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

- (b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

- (c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

**or**

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9.)

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (Specify number of potential cases)

- (d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

- (e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

#### PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

- (f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

#### CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question) or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

- (g) With respect to closed sessions called pursuant to Section 54957.8:  
CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.)

- (h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

#### REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

#### HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

- (i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

- (j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)  
Discussion will concern: (Specify closed session description used by the joint powers agency)

Name of local agency representative on joint powers agency board:  
(Specify name)

(Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives.)

- (k) With respect to every item of business to be discussed in closed session pursuant to Section 54956.75:



## California *Labor Code* Excerpts

### Requirement to Allow Certain Employees to Attend School Conferences

#### 230.8. Employer Requirements

- (a) (1) No employer who employs 25 or more employees working at the same location shall discharge or in any way discriminate against an employee who is a parent, guardian, or grandparent having custody, of one or more children in kindergarten or grades 1 to 12, inclusive, or attending a licensed child day care facility, for taking off up to 40 hours each year, not exceeding eight hours in any calendar month of the year, to participate in activities of the school or licensed child day care facility of any of his or her children, if the employee, prior to taking the time off, gives reasonable notice to the employer of the planned absence of the employee.
- (2) If both parents of a child are employed by the same employer at the same worksite, the entitlement under paragraph (1) of a planned absence as to that child applies, at any one time, only to the parent who first gives notice to the employer, such that the other parent may take a planned absence simultaneously as to that same child under the conditions described in paragraph (1) only if he or she obtains the employer's approval for the requested time off.
- (b) (1) The employee shall utilize existing vacation, personal leave, or compensatory time off for purposes of the planned absence authorized by this section, unless otherwise provided by a collective bargaining agreement entered into before January 1, 1995, and in effect on that date. An employee also may utilize time off without pay for this purpose, to the extent made available by his or her employer. The entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition that is agreed to on or after January 1, 1995.
- (c) (2) Notwithstanding paragraph (1), in the event that all permanent, full-time employees of an employer are accorded vacation during the same period of time in the calendar year, an employee of that employer may not utilize that accrued vacation benefit at any other time for purposes of the planned absence authorized by this section.
- (d) The employee, if requested by the employer, shall provide documentation from the school or licensed child day care facility as proof that he or she participated in school or licensed child day care facility activities on a specific date and at a particular time. For purposes of this subdivision, "documentation" means whatever written verification of parental participation the school or licensed child day care facility deems appropriate and reasonable.
- (e) Any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated against in terms and conditions of employment by his or her employer because the employee has taken time off to participate in school or licensed

child day care facility activities as described in this section shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer. Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure, arbitration, or hearing authorized by law shall be subject to a civil penalty in an amount equal to three times the amount of the employee's lost wages and work benefits.

## ***Penal Code Excerpts***

### **Compulsory Education Penalties for Parents of Chronic Truants**

This law enforcing compulsory education went into effect on January 1, 2011, along with *EC* 48263.6 (Definition of a Chronic Truant) (Commonly referred to as “Deferred Entry of Judgment”)

***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.

## Contributing to the Delinquency of a Minor

### PC 272 Contributing to the Delinquency of a Minor

- (a) (1) Every person who commits any act or omits the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of 18 years to come within the provisions of Section 300, 601, or 602 of the *Welfare and Institutions Code* or which act or omission contributes thereto, or any person who, by any act or omission, or by threats, commands, or persuasion, induces or endeavors to induce any person under the age of 18 years or any ward or dependent child of the juvenile court to fail or refuse to conform to a lawful order of the juvenile court, or to do or to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause that person to become or to remain a person within the provisions of Section 300, 601, or 602 of the *Welfare and Institutions Code*, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than one year, or by both fine and imprisonment in a county jail, or may be released on probation for a period not exceeding five years.
- (2) For purposes of this subdivision, a parent or legal guardian to any person under the age of 18 years shall have the duty to exercise reasonable care, supervision, protection, and control over their minor child.
- (b) (1) An adult stranger who is 21 years of age or older, who knowingly contacts or communicates with a minor who is under 14 years of age, who knew or reasonably should have known that the minor is under 14 years of age, for the purpose of persuading and luring, or transporting, or attempting to persuade and lure, or transport, that minor away from the minor's home or from any location known by the minor's parent, legal guardian, or custodian, to be a place where the minor is located, for any purpose, without the express consent of the minor's parent or legal guardian, and with the intent to avoid the consent of the minor's parent or legal guardian, is guilty of an infraction or a misdemeanor, subject to subdivision (d) of Section 17.
- (2) This subdivision shall not apply in an emergency situation.
- (3) As used in this subdivision, the following terms are defined to mean:
- (A) "Emergency situation" means a situation where the minor is threatened with imminent bodily harm, emotional harm, or psychological harm.
- (B) "Contact" or "communication" includes, but is not limited to, the use of a telephone or the Internet, as defined in Section 17538 of the Business and Professions Code.
- (C) "Stranger" means a person of casual acquaintance with whom no substantial relationship exists, or an individual with whom a relationship has been established or promoted for the primary purpose of victimization, as defined in subdivision (e) of Section 6600 of the *Welfare and Institutions Code*.
- (D) "Express consent" means oral or written permission that is positive, direct, and unequivocal, requiring no inference or implication to supply its meaning.

- (4) This section shall not be interpreted to criminalize acts of persons contacting minors within the scope and course of their employment, or status as a volunteer of a recognized civic or charitable organization.
- (5) This section is intended to protect minors and to help parents and legal guardians exercise reasonable care, supervision, protection, and control over minor children.

## California *Vehicle Code* Excerpts

### Restricting the Driving Privilege

#### ***Vehicle Code* Section 13202.7: Pupil subject to suspension, restriction, or delay of the pupil's driving privilege**

- (a) Any minor under the age of 18 years, but 13 years of age or older, who is an habitual truant within the meaning of Section 48262 of the Education Code, or who is adjudged by the juvenile court to be a ward of the court under subdivision (b) of Section 601 of the *Welfare and Institutions Code*, may have his or her driving privilege suspended for one year by the court. If the minor does not yet have the privilege to drive, the court may order the department to delay issuing the privilege to drive for one year subsequent to the time the person becomes legally eligible to drive. However, if there is no further truancy in the 12-month period, the court, upon petition of the person affected, may modify the order imposing the delay of the driving privilege. For each successive time the minor is found to be an habitual truant, the court may suspend the minor's driving privilege for a minor possessing a driver's license, or delay the eligibility for the driving privilege for those not in possession of a driver's license, for one additional year.
- (b) Whenever the juvenile court suspends a minor's driving privilege pursuant to subdivision (a), the court may require all driver's licenses held by the minor to be surrendered to the court. The court shall, within 10 days following the surrender of the license, transmit a certified abstract of the findings, together with any driver's licenses surrendered, to the department.
- (c) When the juvenile court is considering suspending or delaying a minor's driving privilege pursuant to subdivision (a), the court shall consider whether a personal or family hardship exists that requires the minor to have a driver's license for his or her own, or a member of his or her family's, employment or for medically related purposes.
- (d) The suspension, restriction, or delay of a minor's driving privilege pursuant to this section shall be in addition to any other penalty imposed by law on the minor.

# California Welfare and Institutions Code Excerpts

## Children within the Jurisdiction of the Juvenile Court

### 300. Children within the Jurisdiction of the Juvenile Court

Any child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court:

- a) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally upon the child by the child's parent or guardian. For the purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child or the child's siblings, or a combination of these and other actions by the parent or guardian which indicate the child is at risk of serious physical harm. For purposes of this subdivision, "serious physical harm" does not include reasonable and age-appropriate spanking to the buttocks where there is no evidence of serious physical injury.
  
- b) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse. No child shall be found to be a person described by this subdivision solely due to the lack of an emergency shelter for the family. Whenever it is alleged that a child comes within the jurisdiction of the court on the basis of the parent's or guardian's willful failure to provide adequate medical treatment or specific decision to provide spiritual treatment through prayer, the court shall give deference to the parent's or guardian's medical treatment, non-treatment, or spiritual treatment through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, by an accredited practitioner thereof, and shall not assume jurisdiction unless necessary to protect the child from suffering serious physical harm or illness. In making its determination, the court shall consider (1) the nature of the treatment proposed by the parent or guardian, (2) the risks to the child posed by the course of treatment or non-treatment proposed by the parent or guardian, (3) the risk, if any, of the course of treatment being proposed by the petitioning agency, and (4) the likely success of the courses of treatment or non-treatment proposed by the parent or guardian and agency. The child shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the child from risk of suffering serious physical harm or illness.

The child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care. No child shall be found to be a person described by this subdivision if the willful failure of the parent or guardian to provide



adequate mental health treatment is based on a sincerely held religious belief and if a less intrusive judicial intervention is available.

- c) The child has been sexually abused, or there is a substantial risk that the child will be sexually abused, as defined in Section 11165.1 of the Penal Code, by his or her parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonably should have known that the child was in danger of sexual abuse.
- d) The child is under the age of five years and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the child. For the purposes of this subdivision, "severe physical abuse" means any of the following: any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness; or the willful, prolonged failure to provide adequate food. A child may not be removed from the physical custody of his or her parent or guardian on the basis of a finding of severe physical abuse unless the social worker has made an allegation of severe physical abuse pursuant to Section 332.
- e) The child's parent or guardian caused the death of another child through abuse or neglect.
- f) The child has been left without any provision for support; physical custody of the child has been voluntarily surrendered pursuant to Section 1255.7 of the Health and Safety Code and the child has not been reclaimed within the 14-day period specified in subdivision (e) of that section; the child's parent has been incarcerated or institutionalized and cannot arrange for the care of the child; or a relative or other adult custodian with whom the child resides or has been left is unwilling or unable to provide care or support for the child, the whereabouts of the parent are unknown, and reasonable efforts to locate the parent have been unsuccessful.
- g) The child has been freed for adoption by one or both parents for 12 months by either relinquishment or termination of parental rights or an adoption petition has not been granted.
- h) The child has been subjected to an act or acts of cruelty by the parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from an act or acts of cruelty when the parent or guardian knew or reasonably should have known that the child was in danger of being subjected to an act or acts of cruelty.
- i) The child's sibling has been abused or neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk that the child will be abused or neglected, as defined in those subdivisions. The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the child.

It is the intent of the Legislature that nothing in this section disrupts the family unnecessarily or intrude inappropriately into family life, prohibit the use of reasonable methods of parental discipline, or prescribe a particular method of parenting. Further, nothing in this section is intended to limit the offering of voluntary services to those families in need of assistance but who do not come within the descriptions of this section. To the extent that savings accrue to the state from child welfare services funding obtained as a result of the enactment of the act that enacted this section, those savings shall be used to promote services which support family maintenance and family reunification plans, such as client transportation, out-of-home respite care, parenting training, and the provision of temporary or emergency in-home caretakers and persons teaching and demonstrating homemaking skills. The Legislature further declares that a physical disability, such as blindness or deafness, is no bar to the raising of happy and well-adjusted children and that a court's determination pursuant to this section shall center upon whether a parent's disability prevents him or her from exercising care and control. The Legislature further declares that a child whose parent has been adjudged a dependent child of the court pursuant to this section shall not be considered to be at risk of abuse or neglect solely because of the age, dependent status, or foster care status of the parent. As used in this section, "guardian" means the legal guardian of the child.

## **Status Offenses**

### **601. Status Offenses**

- (a) Any person under the age of 18 years 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 no minor who is adjudged a ward of the court pursuant solely to this subdivision shall be removed from the custody of the parent or guardian except during school hours
- (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.

## **Children in Families on Public Assistance**

### **11253.5. Children in Families on Public Assistance**

- (a) All children in an assistance unit for whom school attendance is compulsory, except individuals who are eligible for the Cal-Learn program under Article 3.5 (commencing with Section 11331) and children subject to a county school attendance project under Article 2 (commencing with Section 18236) of Chapter 3.3 of Part 6, shall be required to attend school.
- (b) Applicants for and recipients of aid under this chapter shall be informed of the attendance requirement and it shall be included in the recipient's welfare-to-work plan under Section 11325.21.
- (c) A recipient shall cooperate in providing the county with documentation routinely available from the school or school district of regular attendance of all applicable children in the assistance unit when the county determines it is appropriate.
- (d) If it is determined by the county that any eligible child under the age of 16 years is not regularly attending school as required, the needs of all adults in the assistance unit shall not be considered in computing the grant of the family under Section 11450 unless it has been determined by the county that good cause exists.
- (e) If it is determined by the county that any child in the assistance unit who is age 16 years or older is not regularly attending school as required, or participating pursuant to a welfare-to-work plan, the needs of the child shall not be considered in computing the grant of the family under Section 11450 unless it has been determined by the county that good cause exists.

# California Code of Regulations

## Verification of Absence Due to Illness and Other Causes

### California Code of Regulations, Title 5, Section 421

#### 421. Method of Verification

(a) Any of the following persons may verify an absence due to illness or quarantine:

(1) A school or public health nurse.

(2) An attendance supervisor.

(3) A physician.

(4) A principal.

(5) A teacher.

(6) Any other qualified employee of a district or of a county superintendent of schools assigned to make such verification.

(b) The verification shall be made in accordance with any reasonable method which establishes the fact that the pupil was actually ill or under quarantine if the method has been approved:

(1) In the case of a school district, by resolution of the governing board entered in its minutes.

(2) In the case of a school or class maintained by a county superintendent of schools, by resolution of the county board of education entered in its minutes.