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Assembly Bill 2616: School Districts: Truancy

PURPOSE:

AB 2616 makes technical changes to the process of identifying and addressing a pupil who is struggling with attendance. Research shows that understanding and addressing the root causes of the attendance problem is more likely to bring a child back to school than a process that prioritizes the use of law enforcement or the criminal justice system.

BACKGROUND:

Effective school attendance improvement methods involve assessing the pupil to determine the primary cause of the attendance issue, involving the parent early in the process, using incentives to improve attendance, and targeting more intensive interventions, like cognitive behavior therapy, for students who do not respond to lower levels of intervention. In this regard, a County-wide Task Force convened in 2011 by Los Angeles County Supervising Delinquency and Dependency Judge Michael Nash, which involved local police and the district attorney's office, among others, found that "research on effective approaches overwhelmingly supports school-based rather than law enforcement-based interventions as the most effective for both improving attendance rates and reducing rates of chronic absence" (Summary of Task Force Findings, at pp. 2-3). In addition, studies have shown that children referred to the Juvenile Court are four times more likely to drop out of schools, such that juvenile court involvement may not be the best strategy in all truancy cases. Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 JUSTICE QUARTERLY 462, 473, 478-79 (2006)

SOLUTION:

AB 2616 gives limited discretion to school administrators to not identify a pupil as a truant, if the pupil has a valid excuse based on the particular facts of the case as told to that administrator. It also does the following:

	Existing law	AB 2616
First truancy report	The pupil may be given a written warning by a peace officer.	The pupil, and, as appropriate, the parent or legal guardian may be requested to attend a meeting with a school staff to discuss the root causes of the attendance issue and develop a joint plan to improve the pupil's attendance.
Second truancy report	The pupil may be assigned to an afterschool or weekend study program.	Moves language that the pupil may be given a written warning by a peace officer to the second truancy report and otherwise retains existing law, which says that a pupil may be assigned to an afterschool or weekend study program.
Third truancy report	The pupil shall be classified as a habitual truant and may be referred to a SARB or a truancy mediation program.	No change to existing law.
Fourth truancy report	Requires the pupil to be referred to the juvenile court which may adjudge the pupil to be a ward of the court. Pupil shall be required to do one or more of the following: community service, attend a court-approved truancy prevention program, have his or her driving privileges suspended or revoked, and/or pay a fine of not more than \$100.	Gives discretion as to whether to refer a pupil to juvenile court. Reduces the fine to \$50 and limits the fine, including penalties and assessments, to a maximum of \$100.



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SUPPORT

Public Counsel Law Center (Sponsor)
American Civil Liberties Union
California Association for Parent Child Advocacy
California Rural Legal Assistance Foundation
Center on Juvenile and Criminal Justice
Children's Defense Fund
City of Los Angeles, Board of Education Member Nury Martinez
Community Asset Development Re-defining Education
Community Coalition
Disability Rights Education and Defense Fund
Disability Rights Legal Center
Gay-Straight Alliance Network
Labor/Community Strategy Center
Legal Advocates for Children and Youth
National Center for Youth Law
Northern California Association of Counsel for Children
Policy Link
The Youth & Education Law Project, Mills Legal Clinic
The Black Parallel School Board
Youth Justice Coalition
Youth Law Center

OPPOSITION

None received.

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