



LOS ANGELES COUNTY SARB PROPOSAL TO ADDRESS ASSEMBLY BILL (AB) 2616

BACKGROUND

AB 2616 was authored by Assemblywoman Wilmer Carter and signed into law on September 21, 2012; it will go into effect on January 1, 2013. This piece of legislation makes several changes to the provisions governing truancy, including allowing for local discretion by school administrators to deem an absence “excused” as well as revising penalties resulting from the issuance of specified truancy reports. AB 2616 is consistent with a series of bills that were introduced this year attempting to reduce punitive disciplinary measures and focus on alternative ways to keep students in school.

Specifically, AB 2616:

1) Amends Section 48260 of the Education Code

- a) Specifies that for the purposes of truancy provisions, a valid excuse includes, but is not limited to, the reasons for which a pupil shall be excused from school pursuant to Sections 48205 and 48225.5, and may include other reasons that are within the discretion of school administrators and, based on the facts of the pupil’s circumstances, are deemed to constitute a valid excuse

** As a reminder, EC 48205 states that 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, optometrical, 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.
- (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 to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

2) Amends Section 48264.5 of the Education Code

- a) Authorizes, the first time a truancy report is issued, that the pupil and parent or legal guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve attendance

- b) Delays from the first truancy report to the second truancy report issued within the same school year, the exiting authority for a peace officer to give the pupil a written warning (which may be kept in the pupil record for at least two years)
- c) Removes the requirement and instead authorizes the referral to juvenile court of a pupil who is truant for the fourth time within the same school year
- d) Reduces the fine associated with a fourth truancy from \$100 to \$50, for which the parent or legal guardian may be jointly liable

FOR SCHOOL DISTRICTS

1. WHAT IS THE POTENTIAL IMPACT OF THIS LEGISLATION?

AB 2616 and EC 48260:

EC 48205(a)(7) already provides that a pupil may be excused from school when the absence is for justifiable personal reasons when the pupil's absence is requested in writing by a parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board. Under AB 2616, school site administrators will have more discretion to take into consideration circumstances that caused a student to be late or absent. It will be important for school districts to establish guidelines for how and when this discretion will be used in order to ensure equality for all students and to avoid potential issues related to disproportionality. In addition, there is concern that AB 2616 creates a non-standard for prosecution and that the enforcement of truancy laws may ultimately be impacted.

AB 2616 and EC 48264.5:

According to the author, "Research shows that approaches that work best for addressing attendance and truancy involve parents, community, schools and counselors first and foremost and law enforcement only for extreme cases and as the last resort." Amendments to EC 48264.5 reflect this sentiment by creating a new option for the first time a truancy report is issued (conference between parent or legal guardian and school counselor or other designee), shifting existing consequences, and eliminating the mandate that a pupil found truant for the fourth time in one school year be referred to juvenile court. This may impact schools whose counseling resources are limited – school districts may need to explore ways to provide additional support as well as protocols for these meetings at the school site level.

2. WHO IS AUTHORIZED TO MAKE THE DECISION REGARDING EXCUSED ABSENCES?

AB 2616 authorizes school administrators to determine whether other reasons are deemed to constitute a valid excuse. Attendance clerks, office managers, counselors or other staff members are not authorized to make these decisions. In an effort to promote consistency, the district should consider designating one administrator per school site to address these matters.

3. HOW SHOULD DISTRICTS PROVIDE TRAINING/GUIDANCE TO SCHOOL SITES?

a) Bring awareness to potential issues related to administrative discretion:

- Outcomes that vary from school to school, or administrator to administrator
- Disproportionality as a result of inconsistent decision-making
- Concerns about the non-standard from a prosecution standpoint

b) Establish/revisit district guidelines:

- Provide training for school site personnel related to school attendance procedures
- Identify possible absence issues (bereavement, transportation, cultural/historical events, extended vacations) and determine as a district how they should be addressed to provide consistency
- Remember that verification is still a key component when exercising discretion
- Designate one site administrator as the person to make the determination about validating an absence
- Identify a district-level contact person to assist with questions related to attendance

c) Procedures and forms for parent conferences:

- Identify who can conduct the conferences – “School counselors or other school designee”
- Review procedures related to identifying students for parent conferences – be clear about what should be discussed during the conferences (consistency)
- Create a form to be used in the conferences - “joint plan to improve attendance”

