

AMENDED IN SENATE APRIL 21, 2014

AMENDED IN SENATE APRIL 3, 2014

SENATE BILL

No. 1107

Introduced by Senator Monning

February 19, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

This bill would, subject to available funding, on or before September 30, 2015, and annually thereafter, require the Attorney General and the State Department of Education to jointly submit a report on elementary school truancy and chronic absenteeism in California public schools to the Governor, the Legislature, and to the State Board of Education, as specified. The bill would require the report to include information on pupils in kindergarten and grades 1 to 5, inclusive, including, among other things, attendance-related data and information regarding truancy

prevention and intervention efforts by local educational agencies, as defined, or county or local prosecuting authorities, as specified. The bill would, upon the request of the Attorney General or the department, require county and local prosecuting authorities or local educational agencies, respectively, to provide the Attorney General or the department with specified information in anonymized format. By imposing additional duties on local agencies, the bill would impose a state-mandated local program.

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

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

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

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares both of the*
- 2 *following:*
- 3 (a) *It is intent of the Legislature to determine the best*
- 4 *evidenced-based practices to reduce truancy.*

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

4 SECTION 4.

5 SEC. 2. Section 48070.7 is added to the Education Code, to
6 read:

7 48070.7. (a) Subject to available funding, on or before
8 September 30, 2015, and annually thereafter, the Attorney General
9 and the department shall jointly submit a report to the Governor,
10 the Legislature, and the state board on elementary school truancy
11 and chronic absenteeism in California public schools. The Attorney
12 General and the department shall utilize data produced by the
13 California Longitudinal Pupil Achievement Data System pursuant
14 to Section 60900 and other available data in developing the report.

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

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

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

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

27 (B) Information regarding the activities of county and local
28 school attendance review boards established pursuant to Section
29 48321.

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

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

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

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

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

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

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

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

19 ~~SEC. 2.~~

20 SEC. 3. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.