

ASSEMBLY BILL

No. 980

Introduced by Assembly Member Bonilla

February 18, 2011

An act to add Section 48324.5 to the Education Code, relating to school attendance review boards.

LEGISLATIVE COUNSEL'S DIGEST

AB 980, as introduced, Bonilla. School attendance review boards: communications.

Existing law authorizes establishment of county and local school attendance review boards which may promote the use of alternatives to the juvenile court system if available public and private services are insufficient or inappropriate to correct school attendance or school behavior problems. Existing law 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 provides that if the board determines that available community services can resolve the problem of the truant or insubordinate pupil, then the board shall direct the pupil or the pupil's parents or guardians, or both, to make use of those community services and may require satisfactory evidence of participation in the available community services. Existing law provides that for the purposes of making a proper disposition of referrals, the board may issue subpoenas, or may request the juvenile court having jurisdiction to issue subpoenas, requiring the production of pertinent or material written information or the attendance of the minor, his or her parents or guardians, the referring authority, or any other person with pertinent or material information concerning the matter.

Existing law generally provides for the confidentiality of juvenile court records and records relating to the administration of public social services.

This bill would specify that, for the purpose of making a proper disposition of a referral, a member of a county or local school attendance review board, notwithstanding any other confidentiality requirement, may disclose and exchange confidential information or writing to other members of the board, consistent with the adopted rules and regulations of the board, if the member reasonably believes it is relevant to the prevention, identification, or treatment of truancy. The bill would also provide that any discussion relative to the disclosure or exchange of that information or writing during a board meeting is confidential, and that testimony concerning that discussion is not admissible in any criminal, civil, or juvenile court proceeding.

Because the California Constitution provides that a statute excluding relevant evidence in a criminal proceeding requires a $\frac{2}{3}$ vote for passage by the Legislature, this bill requires a $\frac{2}{3}$ vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 48324.5 is added to the Education Code,
2 to read:
3 48324.5. For the purpose of making a proper disposition of a
4 referral of a minor pupil made pursuant to Section 48263, a member
5 of a county or local school attendance review board,
6 notwithstanding any other confidentiality requirement, may
7 disclose and exchange information or writing to other members
8 of the board consistent with the rules and regulations of the board
9 adopted pursuant to Section 48324, if that writing is kept or
10 maintained in connection with any program of public social
11 services, probation, law enforcement, or is otherwise designated
12 as confidential under state law and that the member reasonably
13 believes is relevant to the prevention, identification, or treatment
14 of truancy. Any discussion relative to the disclosure or exchange
15 of that information or writing during a board meeting is
16 confidential. Notwithstanding any other provision of law, testimony
17 concerning any discussion relative to the disclosure or exchange

- 1 of that information or writing is not admissible in any criminal,
- 2 civil, or juvenile court proceeding.

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