

ITEM 7
FINAL STAFF ANALYSIS
PROPOSED AMENDMENTS TO PARAMETERS AND
GUIDELINES
AS DIRECTED BY THE LEGISLATURE

Education Code Section 48260.5

Statutes 1983, Chapter 483

[Statutes 1994, Chapter 1023]

[Statutes 1995, Chapter 19]

Notification of Truancy

07-PGA-01 (SB 90-4133)

As Directed by the Legislature
(Statutes 2007, Chapter 69 (AB 1698))

EXECUTIVE SUMMARY

Background and Summary of the Mandate

In 1984, the Board of Control determined that the *Notification of Truancy* program was a state mandate because Statutes 1983, Chapter 498 (SB 813) required an increased level of service as defined by the Revenue and Taxation Code. Education Code section 48260.5 required school districts, upon a pupil's initial classification as a truant, to notify the pupil's parent or guardian by first-class mail or other reasonable means that the pupil is truant and other related information regarding truancy and the parent or guardian's obligations. As defined in Education Code section 48260, a truancy occurred when a pupil was absent from school without valid excuse *more than* three days or was tardy in excess of thirty minutes on each of *more than* three days in one school year.

In 1987, the Commission adopted the original parameters and guidelines which were subsequently amended in 1988 and 1993.

Although Education Code sections 48260 and 48260.5 were amended by Statutes 1994, chapter 1023 (SB 1728) and Statutes 1995, chapter 19 (SB 102), no school district filed a test claim on these statutes, nor did any party request that the parameters and guidelines be amended to reflect the following statutory changes.

Education Code section 48260.5, as amended, added new information to the notification of truancy provided to parents or guardians; and Education Code section 48260, as amended, changed the definition of a pupil considered "truant." The amendment to the definition changed when the initial notification of truancy would be sent to parents or guardians.

In 2007, AB 1698, sponsored by the State Controller's Office to address the 1994 and 1995 amendments to the truancy statutes, was enacted and became effective January 1, 2008. (Stats. 2007, ch. 69.) AB 1698 requires the Commission, by January 31, 2008, to amend the parameters and guidelines for the *Notification of Truancy program* (SB 90 - 4133), and "modify the definition of a truant and the required elements to be included in the initial truancy notifications to conform reimbursable activities to Chapter 1023 of the Statutes of 1994 and Chapter 19 of the Statutes of 1995, effective July 1, 2006." AB 1698 does not confer upon the Commission the authority to amend the adopted uniform cost allowance.

Upon revision of the parameters and guidelines, AB 1698 requires the State Controller's Office (SCO) to revise the claiming instructions to be consistent with the revised parameters and guidelines.

Staff proposes the following amendments to the parameters and guidelines for the *Notification of Truancy* program, as directed by the Legislature: (1) conforming the definition of a truant; (2) specifying that the parameters and guidelines amendments are effective July 1, 2006, (3) adding a description of information that school districts are required to include in the truancy notifications to parents or guardians, and (4) clarifying that notice is provided upon a pupil's initial classification as a truant.

Staff made no other changes to the parameters and guidelines.

Staff Recommendation

Staff recommends that the Commission adopt the proposed amendments to the parameters and guidelines, beginning on page 7.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

CHRONOLOGY

- 12/20/84 Board of Control determines that *Notification of Truancy* program is a reimbursable state-mandated program
- 08/27/87 Commission on State Mandates (Commission) adopts parameters and guidelines
- 07/28/88 Commission amends parameters and guidelines
- 07/22/93 Commission amends parameters and guidelines
- 01/01/08 AB 1698 (Stats. 2007, ch. 69) directs Commission to amend parameters and guidelines on or before January 31, 2008, to include changes made to program by Statutes 1994, chapter 1023 and Statutes 1995, Chapter 19
- 01/11/08 Commission issues final staff analysis and notice of hearing for January 31, 2008

BACKGROUND AND SUMMARY OF MANDATE

Statutes 1983, Chapter 498 (SB 813) required school districts, upon a pupil's initial classification as a truant, to notify the pupil's parent or guardian by first-class mail or other reasonable means that:

1. The pupil is truant.
2. The parent or guardian is obligated to compel the attendance of the pupil at school.
3. Parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution.
4. There are alternative education programs available in the district.
5. They have the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.

In 1984, the State Board of Control, predecessor agency to the Commission on State Mandates (Commission), determined that the *Notification of Truancy* program was a reimbursable state mandate. The Commission adopted parameters and guidelines for this program in 1987.¹ The parameters and guidelines included reimbursement for sending the above notice requirements and the time for counselors to meet with parents to discuss truancy solutions as reimbursable activities.

The original parameters and guidelines included the definition in Education Code section 48260 to explain that a truancy occurs when a student is absent from school without valid excuse more than three (3) days or is tardy in excess of 30 minutes on each of more than three (3) days in one school year; and also explained that a student was initially classified as a truant, and that a truancy notification was sent upon the fourth unexcused absence.

Amendments to Parameters and Guidelines

In 1988, the Department of Finance requested that the parameters and guidelines be amended to exclude reimbursement for counselors meeting with parents, arguing that this

¹ Exhibit A.

mandate only requires notice to parents that they have a right to meet with school personnel to discuss solutions to truancy – not actually meeting with them. The Commission agreed and amended the parameters and guidelines on July 28, 1988 to delete reimbursement for the school counselors meeting with parents regarding solutions to truancy.²

In 1989, San Diego Unified School District requested that the parameters and guidelines be amended to once again include reimbursement for school districts conducting meetings with parents regarding solutions to truancy. The Commission denied this request.

In 1993, San Diego Unified School District requested that the parameters and guidelines be amended to include a uniform cost allowance or unit cost as the reimbursement methodology for this program.

On July 22, 1993, the CSM adopted a unit cost of \$10.21 per initial notification of truancy distributed.³ This unit cost is required to be adjusted annually by the Implicit Price Deflator. (The rate is now \$16.15 per initial notification for the 2006-2007 fiscal year.)

Additional Statutory Changes to the Program

Statutes 1994, chapter 1023 (SB 1728) amended Education Code section 48260.5, to require “upon a pupil’s initial classification as a truant, the school district shall notify the pupil’s parent or guardian, by first class mail or other reasonable means, of the following *new information* in the initial truancy notification:

- That the pupil may be subject to prosecution.
- That the pupil may be subject to suspension, restriction or delay of the pupil’s driving privileges.
- That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

Statutes 1994, chapter 1023 (SB 1728) amended Education Code section 48260, the definition of a truant pupil, to mean any pupil “who is absent from school without valid excuse three days in one school year or tardy without valid excuse in excess of 30 minutes on each of more than three days in one school year....”

Statutes 1995, chapter 19 (SB 102) amended Education Code section 48260, to state that any pupil “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.

However, no school district filed a test claim on these statutes, nor did any party request that the parameters and guidelines be amended to reflect these statutory revisions.

² Exhibit B.

³ Exhibit C.

AB 1698

AB 1698 requires the Commission, by January 31, 2008, to amend the parameters and guidelines for the *Notification of Truancy program* (SB 90 - 4133). AB 1698 directs the Commission to “modify the definition of a truant and the required elements to be included in the initial truancy notifications to conform reimbursable activities to Chapter 1023 of the Statutes of 1994 and Chapter 19 of the Statutes of 1995, effective July 1, 2006.” AB 1698 does not confer upon the Commission the authority to amend the adopted uniform cost allowance for the initial truancy notifications.

Discussion

Based on the Legislature’s direction to the Commission, staff proposes the following amendments to the parameters and guidelines for the *Notification of Truancy* program:

I. Background and Summary of Mandate

This section is revised to reflect the definition of truancy under Education Code section 48260, as amended by Statutes 1994, chapter 1023 and Statutes 1995, chapter 19. As proposed, these revisions delete the phrase “more than” to clarify that “a truancy occurs when a student is absent from school without valid excuse three (3) full days in one school year, or is tardy or absent without valid excuse for more than any thirty (30) minute period during the school day on three (3) occasions in one school year, or any combination thereof.”

A second revision is made to clarify that “upon a student’s initial classification as a truant, the school must *at that time* (not after the fourth unexcused absence) perform the requirements mandated in Education Code section 48260.5”

The final revision provides notice to claimants that AB 1698 was enacted to direct the Commission to amend the parameters and guidelines to conform to the 1994 and 1995 amendments.

III. Period of Reimbursement

AB 1698 specifies that the parameters and guidelines amendments are effective July 1, 2006. The proposed revisions strike the language in the current parameters and guidelines and add new language stating that the parameters and guidelines amendments are effective July 1, 2006.

IV. Reimbursable Costs

AB 1698 directs the Commission to modify the required elements to be included in the initial truancy notifications to conform reimbursable activities to Chapter 1023 of the Statutes of 1994 and Chapter 19 of the Statutes of 1995. As originally adopted and amended prior to AB 1698, the parameters and guidelines did not describe the required elements to be included in the initial truancy notifications. Thus, staff proposes adding the following description of required elements to be included in the initial truancy notifications and clarifying that the notice is provided upon a pupil’s initial classification as a truant:

- (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.

Staff made no other changes to the parameters and guidelines.

Staff Recommendation

Staff recommends that the Commission adopt the proposed amendments to the parameters and guidelines, beginning on page 7.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.