

# FIX SCHOOL DISCIPLINE BILLS

## 2616 – FACT SHEET

(Aligns Truancy Laws with Best Practices; Amends Education Code Sections 48260, 48264.5)

### WE DID IT. WITH YOUR HELP, FIVE SCHOOL DISCIPLINE REFORM BILLS WERE SIGNED INTO LAW THIS YEAR!

Now the hard work begins! We need your help to make certain that school districts around the state **change their local discipline policies** to follow the law and **educate everyone** about the changes.

#### What does 2616 do and how does it help students?

1. Aligns truancy laws with best practices by giving administrators additional discretion to determine when a student has a valid excuse for being truant or tardy.
  - Clarifies that a “valid excuse” includes, but is not limited to, the excused absences specified in existing law and may include other reasons within the discretion of school administrators based on a student’s individual circumstances, such as the bus breaking down or a family emergency.
2. Promotes responses to truancy that address root causes and minimize court and police involvement.
  - Encourages a meeting with the student/parent to discuss the root causes of the attendance issue and to create a joint plan to improve attendance, instead of sending the child to the police the first time a truancy report is issued.
  - Provides discretion as to whether to involve the juvenile justice system after the fourth truancy, instead of a court taking automatic jurisdiction.
3. Caps the fine at \$50 (down from \$100 plus fees) in cases where the court has jurisdiction.

At the end of this fact sheet, you can find the exact text of AB 2616. The bill goes into effect on January 1, 2013!

#### How can you help make certain your school district follows the new law?

California law is clear: school board rules and policies governing discipline must be consistent with law and parents have a right to informed in advance about discipline rules and procedures. Educ. Code ' ' 35291; 51101. When they develop new rules and procedures, schools must get input and participation from a parent representative. Educ. Code ' 35291.5.

When the new law takes effect on January 1, 2013, you can help make certain your school district is following it by:

1. **Requesting a copy of the district’s policies, rules, and procedure governing discipline.**
  - Where can you find them?
    - Parent/student handbook
    - School district’s website
2. **Checking:** Do they include the new laws?
3. **Advocating** for the school district and your local school to change the policies and to educate all school personnel, parents, and students!
4. **Meeting with the Superintendent (and/or principal)** and request that your school board members hold a hearing on the changes and update discipline policies. Bring other parents, students and community members who care about fixing school discipline.
5. **Spreading the word:** Educate parents and students about these new laws.

6. **Reporting any problems:** If you see that students' rights are being violated or a school district refuses to follow the law, go to [FixSchoolDiscipline.org](http://FixSchoolDiscipline.org) and click on "I Need Help" to report any problems you see.

### What can I advocate for?

With support from the new law, you can advocate for the District to:

- Add provisions to their current truancy policies to ensure that an excused absence is not limited to what is currently defined in the Education Code and includes other reasons that prevent a student from getting to school on time, such as a family emergency, the bus breaking down or failing to pick up the students, or an unsafe school passage.
- Develop a protocol for developing plans to improve pupil attendance at the district-, school-, and individual student level that:
  - Set incremental goals for improving attendance;
  - Identify any needed supports or services for students, parents, schools, and the District to meet those goals;
  - Recognize and reinforce improvements in student attendance; and
  - Include affirmative steps to remove barriers for accessing support services such as language access issues for students and parents who may not read, write, or speak English.
- Develop policies and a coordinated strategy for addressing the root causes of a student's truancy such as:
  - Potential bullying, harassment, and/or discrimination that may be causing the student fear or anxiety about going to school.
  - Transportation needs that may be preventing a student from getting to school safely and on time
  - Health and disability-related issues that may be unidentified and/or inadequately addressed by Individual Education Plans (IEPs) or 504 Plans.
    - Refer students for assessments to determine whether they require special education services and/or reasonable accommodations in order to have full and equal access to school
    - Develop, review, and revise IEPs and/or 504 plans for students with disabilities who have attendance issues to ensure that individual needs are being met
  - Language access issues that may be resulting in school avoidance of students and academic disengagement.
- Request that the district's policy include a provision that no student will be referred to the jurisdiction of the juvenile court on the basis of truancy, except in cases of abuse or neglect that require reporting, and that the District's policy is to address truancy with the family and the community.

### So, what **EXACTLY** does the law say?

**48260.** (a) ~~Any~~ **A** pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse three full days in one school year or tardy or absent for more than ~~any~~ **a** 30-minute period during the schoolday without a valid excuse on three occasions in one school year, or any combination thereof, ***is shall be classified as*** a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.

(b) Notwithstanding subdivision (a), it is the intent of the Legislature that school districts shall not change the method of attendance accounting provided for in existing law and shall not be required to employ period-by-period attendance accounting.

***(c) For purposes of this article, 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.***

**48264.5.** Any **A** minor who is required to be reported **is classified** as a truant pursuant to Section 48260 or 48261 may be required to attend makeup classes conducted on one day of a weekend pursuant to subdivision (c) of Section 37223 and is subject to the following:

(a) The first time a truancy report is required, **issued**, the pupil may be personally given a written warning by any peace officer specified in Section 830.1 of the Penal Code. A record of the written warning may be kept at the school for a period of not less than two years, or until the pupil graduates, or transfers, from that school. If the pupil transfers, the record may be forwarded to any school receiving the pupil's school records. A record of the written warning may be maintained by the law enforcement agency in accordance with that law enforcement agency's policies and procedures. **and, as appropriate, the 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 the pupil's attendance.**

(b) The second time a truancy report is required **issued** within the same school year, the pupil may be **given a written warning by a peace officer as specified in Section 830.1 of the Penal Code. A record of the written warning may be kept at the school for not less than two years, or until the pupil graduates or transfers from that school. If the pupil transfers from that school, the record may be forwarded to the school receiving the pupil's school records. A record of the written warning may be maintained by the law enforcement agency in accordance with that law enforcement agency's policies and procedures. The pupil may also be** assigned by the school to an afterschool or weekend study program located within the same county as the pupil's school. If the pupil fails to successfully complete the assigned study program, the pupil shall be subject to subdivision (c).

(c) The third time a truancy report is required **issued** within the same school year, the pupil shall be classified **as** a habitual truant, as defined in Section 48262, and may be referred to, and required to attend, an attendance review board or a truancy mediation program pursuant to Section 48263 or pursuant to Section 601.3 of the Welfare and Institutions Code. If the **school** district does not have a truancy mediation program, the pupil may be required to attend a comparable program deemed acceptable by the school district's attendance supervisor. If the pupil does not successfully complete the truancy mediation program or other similar program, the pupil shall be subject to subdivision (d).

(d) The fourth time a truancy is required to be reported **issued** within the same school year, the pupil shall **may** be within the jurisdiction of the juvenile court which **that** may adjudge the pupil to be a ward of the court pursuant to Section 601 of the Welfare and Institutions Code. If the pupil is adjudged a ward of the court, the pupil shall be required to do one or more of the following:

(1) Performance at court-approved community services sponsored by either a public or private nonprofit agency for not less than 20 hours but not more than 40 hours over a period not to exceed 90 days, during a time other than the pupil's hours of school attendance or employment. The probation officer shall report to the court the failure of the pupil to comply with this paragraph.

(2) Payment of a fine by the pupil of not more than one hundred **fifty** dollars (~~\$100~~) (**\$50**) for which a parent or **legal** guardian of the pupil may be jointly liable. **The fine described in this paragraph shall not be subject to the assessments of Section 1464 of the Penal Code or any other applicable section.**

(3) Attendance of a court-approved truancy prevention program.

(4) Suspension or revocation of driving privileges pursuant to Section 13202.7 of the Vehicle Code. This subdivision shall apply only to a pupil who has attended a school attendance review board program, a program operated by a probation department acting as a school attendance review board, or a truancy mediation program pursuant to subdivision (c).

