

# Agenda Report

**TO: CITY COUNCIL**

**Date: October 9, 2001**

**THROUGH: PUBLIC SAFETY COMMITTEE**

**FROM: City Attorney/City Prosecutor**

**SUBJECT: Truancy Prosecution Program**

**RECOMMENDATION:**

It is recommended that City Council approve a City Prosecutor program that will address truancy within the Pasadena Unified School District, specifically at the elementary level.

**EXECUTIVE SUMMARY**

Consistent with the Council's stated goal of supporting our public schools, the Prosecutor's office proposes a truancy program that will identify and address those students who are chronically and inappropriately absent from class. The program is designed to work closely with PUSD officials to cull from the rosters those children who have missed 20 or more days in the last school year without excuse. The parents and guardians of these children will be summoned to an informational meeting where state law and the truancy program will be explained.

The individual schools will monitor the students on this list for approximately two months after the parent meeting to note any progress. If a student fails to improve his or her attendance, that student's parents will attend an individual meeting with a prosecutor and school officials where attendance records for the student will be discussed, social service referrals will be made where necessary and the parents and child will be asked to sign a contract promising to improve attendance.

If the attendance problem persists, a referral to the district's School Attendance Review Board [SARB] or to the prosecutor's office for review for criminal filing will occur.

## BACKGROUND

The Pasadena Unified School District (PUSD) has identified student absences as a priority issue. The district "in seat attendance" hovers at the 94% rate or an average per student of 11 missed class dates per school year. The district acknowledges that this absenteeism contributes to poor reading skills and low SAT-9 scores.

SAT-9 READING PERCENTILES

	0-10 Absences	11-29 Absences	30-49 Absences
Second Grade	46 <sup>th</sup> percentile	37 <sup>th</sup> percentile	29 <sup>th</sup> percentile
Third Grade	42 <sup>nd</sup> percentile	35 <sup>th</sup> percentile	26 <sup>th</sup> percentile

The above chart shows dramatically how the number of absences can affect the reading score of a primary student. These results are from Field Elementary but are reflective of the district's findings throughout the system.

PUSD has made attempts to combat the chronic truancy by strengthening its Student Attendance Review Board (SARB). The California legislature provides for the establishment of SARB boards in every school district in the state. In Pasadena, this body is composed of school district employees and representatives from the District Attorney's office, PUSD School police, the county probation and children's services departments. School principals refer cases of alleged absenteeism after a lengthy and document-driven process. The SARB committee then reviews the matter with a final resolution of improvement in attendance or referral of the recalcitrant student to juvenile court. Last school year 34 cases were referred to SARB. None of the cases was subsequently prosecuted.

A review of the 2000-2001 school attendance records for the three primary grades at ten schools located within the city reveals 414 children who were absent in excess of 20 days (or at least one day for every two weeks). These children's absences are of fundamental concern to their principals and district officials. The fact that these absences occur during the grades most crucial to learning reading concepts makes this additionally troublesome. Yet this rate of absenteeism may not subject these students for SARB consideration. Letters and phone calls home by school officials to date have lacked the teeth to compel attendance.

## TRUANCY PROSECUTION PROGRAM

This proposed program propounds that early intervention by prosecutors in the school year will serve to enlighten parents with regard to the legal requirements of attendance in

school by their children and empower the schools to keep children in class. The program consists of three parts.

The first step after school officials identify chronic truants from the preceding school year is to hold a Parent Information meeting. Each elementary school located within the city's boundaries will host a meeting. Principals have indicated a willingness to use their own special funds to hire buses to insure attendance by all families identified. Attorneys from the City Prosecutor's office will instruct on the legal requirements for school attendance, describe the involvement of the prosecutor over the course of the school year and explain the elements of a charge of "contributing to the delinquency of a minor." School officials will make social service referrals available and keep track of attendees. There will also be an explanation of how parents can rebut the truancy presumption by showing a legitimate medical excuse for any upcoming absences.

The elementary schools will then monitor the identified students for approximately two months. Should a student become absent without excuse during the monitoring period, the school will intervene as appropriate. At the end of that time, prosecutors and school officials will meet with those parents whose children have not improved their attendance rate. Participants will discuss the child's truancy and parents can present information legitimizing the excuses. Social service referrals will be available. A contract will be presented at the conclusion of the meeting to assure parental commitment to the improvement of attendance.

Another two-month's tracking will take place. If attendance still does not improve, the matter will be referred to the City Prosecutor's office for filing consideration under Penal Code Section 272, contributing to the delinquency of a minor.

Children whose attendance does improve will "graduate" out of the program. Schools are exploring the possibility of providing these successes with incentive awards.

It is not the intention of this program to replace or compete with the SARB board. That committee's jurisdiction is district-wide. It will continue to review cases of students in the fourth grade and above and make referrals to the District Attorney for juvenile filings and for misdemeanor prosecution for cases outside the city. If they separately build an appropriate case for misdemeanor filing on a matter within our jurisdiction, we will review it for filing consideration. Additionally, the school district has asked the city prosecutor's office to attend and participate as a member of the SARB board and we intend to have a representative from our office serve as a member of the board.

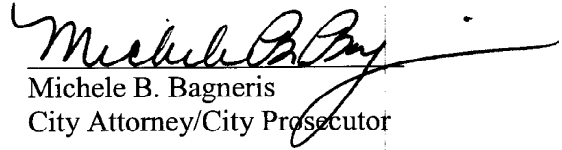
### **PILOT PROJECT**

Due to the timing of the implementation of this program, the program focuses this first year on primary grades one through three. In addition, we have limited our access to schools located in the city and students who reside within the city's boundaries while acknowledging that some Pasadena residents send their children to schools within the district but outside the city.

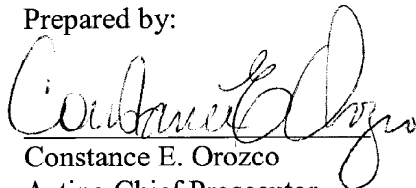
**FISCAL IMPACT**

The school district and Superintendent have agreed to absorb some costs associated with the program. There will, however, be costs associated with the initial mailings sent to parents and a potential for secretarial support to handle paperwork and telephonic inquiries. The total for this first year is estimated to be less than \$6,000. Funding for this program has been identified within the Prosecutor's overtime budget and from a grant received in 1998 in the amount of \$4,000 to be used for prosecution programs.

Respectfully submitted,

  
Michele B. Bagneris  
City Attorney/City Prosecutor

Prepared by:

  
Constance E. Orozco  
Acting Chief Prosecutor