

Agenda Report

TO: CITY COUNCIL
THROUGH: PUBLIC SAFETY COMMITTEE

DATE: APRIL 21, 2003

FROM: CITY ATTORNEY/CITY PROSECUTOR

SUBJECT: STATUS REPORT ON THE PROSECUTOR'S TRUANCY ABATEMENT PROGRAM IN AFFILIATION WITH THE PASADENA UNIFIED SCHOOL DISTRICT

Recommendation:

This report is for information only.

Background:

In October of 2001, Council approved the implementation of a Truancy Program in the City Prosecutor's office. The aim of the program, mirroring other successful prosecutors programs throughout the state, was to improve attendance rates in the primary grades at Pasadena elementary schools. This report, requested in February 2003 is a follow-up to that program.

Program Update:

In response to Council's action, prosecutors initiated the truancy program in October 2001. Gathering statistics from District attendance rolls from the 2000-2001 academic year, the prosecutors assigned to the initial project looked first at any indication of persistent absenteeism and tardiness. Attorneys focused only on those primary grade students who had missed in excess of 20 absences in the previous year and estimated that there were 414 potential instances of "chronic truancy" in the ten schools located in Pasadena. As work began, however, many of the noted absences were found to be "excused" or "explained." These distinctions are important because the state's Education Code defines a truant as "any pupil subject to compulsory full-time education ...who is absent from school *without valid excuse* three full days...or tardy for more than any 30-minute period...on three occasions in one school year, or any combination thereof..."

Staff began work with teachers and administrators to identify students whose tardiness or absences made them eligible for the program. Prosecutors conducted five parent information meetings to explain the legal requirements, counseled parents on the need to

comply and gave an outline of the program leading to potential prosecution if attendance problems continued. In all, 257 parents were issued letters and 120 participated at the meetings. The participating parents often voiced concern that their children had valid excuses for being absent and administrators present promised to look into their concerns. Many other students improved their attendance after the informational meetings and "graduated" from the program. The schools tracked those who either didn't attend the information meetings or failed to improve to the end of that academic year. Attorney staff attended one Student Attendance Review Board hearing. There were no prosecutions.

At the end of the 2001-2002 academic school year, the prosecutors assigned to the program evaluated the progress and concerns of the Truancy Program's first year. Staff identified the following as priorities in the second year of the project: identifying "chronic" truants as opposed to students with numerous "allowable" absences; clarification and implementation of state attendance guidelines uniformly through the District; better explanation of the program to school officials *early* in the school year and a thorough acceptance of the program by the administrators of the various schools.

The second year of the program began in July with meetings between the prosecutor's office and the school Superintendent and his director of student support services. However, attempts to meet with the principals of the involved schools were unsuccessful until after school began. At that time, Deputy City Prosecutor Yvette McDowell met with the principals of the six schools in the program: Allendale (replacing Longfellow, now a part of the Los Angeles District Attorney's *Abolish Chronic Truancy* program addressing the same needs), Cleveland, Hamilton, Jefferson, Linda Vista and San Rafael.

In October, Ms. McDowell attended the California District Attorney Association training on truancy and returned with many helpful suggestions. Among these was a memorandum of understanding outlining the expectations and responsibilities for both the administrators and the prosecutor. (See Attachment 1) At the one-on-one meetings, Ms. McDowell gave each principal an MOU and explained the process of the program that both prepares a potential criminal case and attempts to avoid prosecution by urging attendance compliance by the parents of the primary grade students. Each principal showed his or her understanding and acceptance of accountability for the execution of the program by signing the MOU. Following the MOU signings, Ms. McDowell gave in-service training to the affected teachers and each school's attendance clerks.

Staff has held Parent Information Meetings at five of the six schools. Attendance has been between 40-75% of letters sent. (See Attachment 2) The numbers are substantially smaller this year than last. This is in large part because the attendance clerks are now appropriately identifying the chronic truants. Second letters advising the parents who failed to attend the information meetings were sent out soon after each meeting. These letters do not take the place of attending the actual meeting but do outline the truancy program and advise the parents that their children are still being tracked within the program. The failure to attend and any other recalcitrance on behalf of the parents also becomes evidence should the case result in a prosecution.

The final improvement in the program suggested by the first year was to clarify and urge district-wide implementation of California's attendance laws. Education Code Section 48205 gives specific and limited reasons for excusing absences from school. These include illness, quarantine, medical appointments, bereavement and religious observance. Staff's experience was that these reasons were not always enforced the same way in the six schools. Early in 2003, staff met again with the Superintendent and the six principals to look at District policy. A subcommittee of that group, including Ms. McDowell was selected to clarify the requirements of the Education Code and publish it to all parents in the District. We are hopeful that the sub-committee's work will be distributed along with other materials at the *beginning* of the 2003-2004 school year.

It is estimated that one Deputy City Prosecutor III and one staff Assistant III devote an average 10% of their time to the program. Others in the office also work on this program, especially before and after the parent letters are sent out. The resulting cost is in excess of \$14,000.

Conclusion:

It is difficult to statistically measure its impact on "in seat" attendance since attendance figures are routinely measured by the grammar school on the whole and not by grade. The city is not alone in this problem. The District Attorney's "Blue Ribbon Committee on Crime Prevention Program Review" looking at the ten-year-old ACT program notes that "in seat attendance...figures are not always readily available." Yet it can be determined anecdotally that the Pasadena City Prosecutor's Truancy Program is a valuable and viable operation. The Superintendent and the participating principals are very pleased with its implementation and progress. Staff's work has been helpful in guiding students back to school in a timely manner, educating parents about the law and their responsibilities to their primary grade children, fortifying teachers in their resolve to teach the most basic of educational tools, training the front line attendance clerks to recognize the patterns of truancy and lending our expertise to the administration in enforcing state law.

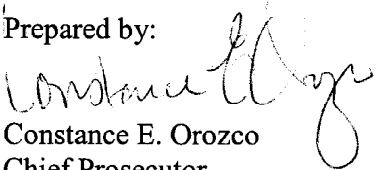
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We continue to build cases on those children whose attendance has *not* improved and persist in our hope that we will not have to proceed with these matters to prosecution.

Respectfully Submitted,


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Attachment 1: Memorandum of Understanding
Attachment 2: Statistics on Truancy Abatement Program