Nuts & Bolts

A Shift from Truancy to Chronic Absenteeism

September 4, 2018
9:00 am - noon
SCCOE 1290 Ridder Park Drive, San Jose, CA
Nuts and Bolts – A Shift from Truancy to Chronic Absenteeism
ATTEND TODAY, ACHIEVE TOMORROW

GOOD SCHOOL ATTENDANCE MEANS...

- **ELEMENTARY STUDENTS**
  read well by the end of third grade

- **MIDDLE SCHOOLERS**
  pass important courses

- **HIGH SCHOOLERS**
  stay on track for graduation

- **COLLEGE STUDENTS**
  earn their degrees

- **WORKERS**
  succeed in their jobs

Too many absences—excused or unexcused—can keep students from succeeding in school and in life. How many are too many? 10% of the school year—that's 18 missed days or 2 days a month—can knock students off track.
Unpacking Attendance Terms

- **Average Daily Attendance**: The % of enrolled students who attend school each day. It is used for allocating funding.

- **Truancy**: Typically refers only to unexcused absences and is defined by each state.

- **Chronic Absence**: Missing 10% or more of school for any reason – excused, unexcused, etc.
Chronic Absence: A Hidden National Crisis

- Nationwide, as many as 10-15% of students (7.5 million) miss nearly a month of school every year.

- Poor attendance isn’t just a problem in high school. It starts as early as kindergarten!
Moving into Action Requires Knowing if Chronic Absence is a Problem

Most Schools Only Track Average Daily Attendance and Truancy. Both Can Mask Chronic Absence.

Chronic Absence for 6 Elementary Schools in Oakland, CA with @ 95% ADA in 2012

98% ADA = little chronic absence
95% ADA = don’t know
93% ADA = significant chronic absence
Santa Clara County Truant Student Data

- 2012-2013: 66,326
- 2013-2014: 64,578
- 2014-2015: 73,711
## Santa Clara County Drop Out Rates

<table>
<thead>
<tr>
<th>Year</th>
<th>Cohort Students</th>
<th>Cohort Dropouts</th>
<th>Cohort Dropout Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015-2016</td>
<td>21,029</td>
<td>2,515</td>
<td>12%</td>
</tr>
<tr>
<td>2014-2015</td>
<td>20,563</td>
<td>2,290</td>
<td>11%</td>
</tr>
<tr>
<td>2013-2014</td>
<td>20,175</td>
<td>2,227</td>
<td>11%</td>
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</tbody>
</table>
THE LAW
Each person between the ages of 6 and 18 years not exempted by the Education Code SHALL attend public full-time day school or continuation school. (CA Ed. Code 48200)
Compulsory Attendance Laws Apply to Students in Special Education and 504 plan

• AND.....

There is a requirement for districts to offer a “Free Appropriate Public Education” (FAPE),
COUNTING TRUANCY EVENTS

One-per-day rule:
For purposes of DA referral, count only 1 truancy per day maximum
Example of 3 skipped periods
FIRST LEGAL REQUIREMENT

3 unexcused absences or
3 unexcused tardies of 30 minutes or more

= first truancy letter to parents
WHAT SHOULD THAT LETTER LOOK LIKE?

8 requirements from Ed. Code 48260.5

But is that all?
WHAT SHOULD THAT LETTER LOOK LIKE?

- Harvard research study found comparison reduced absence by 5-10%, regardless of the severity of absenteeism
  
  “Absences matter and you can help.”
  “Todd has missed more school than his classmates.”
  “Todd has missed 6 days this year.”
  “You can have a big effect on Todd’s absences and we appreciate your help.”
WHEN SHOULD THAT LETTER GO OUT?

The sooner the better!

The law says after 3 truancies and studies show us that as quickly after those 3 truancies is the best practice.
Research Study on Early Intervention

Cumulative Mean ODRs Per Month for 325+ Elementary Schools 08-09

The “October Catch”
SANTA CLARA COUNTY - RECOMMENDED SARB PROCESS AND LEVELS OF INTERVENTIONS

### School District/School Site Attendance Improvement Plan

<table>
<thead>
<tr>
<th>Action/Activity</th>
<th>Next Steps</th>
<th>Who is Responsible?</th>
<th>When will it be completed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Universal: Prevention Strategies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Universal: What system or processes do you have in place?</td>
<td></td>
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<tr>
<td>Universal: What attendance data do you collect in your district?</td>
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<tr>
<td>Universal: Do you have a team in your district or school site that reviews data?</td>
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<tr>
<td>Secondary: What secondary interventions do you have in place?</td>
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<tr>
<td>Secondary: Do you have a SART in place at your school site(s)?</td>
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<tr>
<td>Tertiary: What is your district’s current SARB Process? What’s working? What are your challenges?</td>
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<tr>
<td>Tertiary: Do you have a process to refer students and parents for a DA Mediation? Have you used the County SARB Mediation?</td>
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</tbody>
</table>
A Multi-Tiered System of Support Model (MTSS)

Tier 1/Universal
School-Wide Assessment
School-Wide Prevention Systems

Tier 2/
Secondary

ODRs, Credits,
Attendance,
Tardies, Grades,
DIBELS, etc.

Daily Progress
Report (DPR)
(Behavior and Academic Goals)

Competing Behavior
Pathway, Functional
Assessment Interview,
Scatter Plots, etc.

Resource Mapping/ISF

Social/Academic
Instructional Groups (SAIG)

Group Intervention with
Individualized Feature
(e.g., CICO with ind. features
and Mentoring)

Brief Functional Behavior Assessment/
Behavior Intervention Planning (FBA/BIP)

Check-in
Check-out (CICO)

Person Centered Planning/Wraparound

Tier 3/
Tertiary

Complex or Multiple-domain FBA/BIP

Illinois PBS Network, Revised
Aug. 2013 Adapted from T. Scott, 2004
Increased Attendance Involves a 3-Tiered Approach that Fits with Most Reform Efforts

- **High Cost**: Students who were chronically absent in prior year or starting to miss 20% or more of school
- **A small fraction of a school’s students**

- **Intervention Programs**: Students at risk for chronic absence
- **Some of a school’s students**

- **Universal/Preventive Programs**: All students in the school
- **All of a school’s students**

Reproduced with Permission from Attendance Works (www.Attendanceworks.org)
(Adapted from Sprague and Walker 2004)
Examples of Strategies for 3-Tiered Approach

**Recovery Programs**
- Case management and wrap-around services
- Referral as last resort for court-based intervention

**Intervention Programs**
- Early outreach, support, mentoring for students with poor attendance
- Identify and remove barriers
- Attendance contracts

**Universal/Preventive Programs**
- Safe & supportive school environment
- Engaging classroom environments
- Parent education about why attendance matters and how to help each other get students to school
- Ongoing attention to attendance data
- Recognition for good and improved attendance
- Collaboration with afterschool & early childhood
- School-based health supports

Reproduced with Permission from Attendance Works (www.Attendanceworks.org)
Santa Clara County SARB Process

Tier 1 Universal

Tier 2 Secondary

Tier 3 Tertiary

Teacher/Parent-Student

School: Student Attendance Review Team (SART) Administrator/Teacher/Parent-Student

District: Student Attendance Review Board Hearing (SARB) District Panel/Administrator/Parent-Student

County: SARB Mediation – SCCOE/District Attorney/SC Agencies/District/Parent-Student

Truancy Court/Prosecution
Universal Strategies
Prevention
Attendance Board Policies (BP) and Administrative Regulations (AR)

• Procedures for early identification of attendance problems and constructive intervention
  – Well before the first formal SARB meeting with a student and his or her family is considered.
• The policy must reflect the philosophy that regular school attendance is critical.
• Formal means of recognizing good attendance and holding schools accountable for attendance rates.
Sample Attendance Board Policy and Administrative Regulations Including Administrative Regulation for Excessive Excused Absences

Section 5  Students

ABSENCES AND EXCUSES BP 5113(a)
Compulsory Attendance

The Board of Trustees believes that regular attendance plays a key role in student achievement. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged six (6) to eighteen (18) are obligated to send their children to school unless otherwise provided by law. The Board shall abide by all state attendance laws and may use appropriate legal means to correct problems of excessive absence or truancy (EC 48200). The Board recognizes that all excessive absences, whether excused or unexcused, place students at risk of not graduating and will, therefore, make a concerted effort to keep students in school.

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, Board Policy and administrative regulations. (EC 46010, 48216, 48205)

Insofar as class participation is an integral part of pupils’ learning experience, parents/guardians and pupils shall be encouraged to schedule medical appointments during non-school hours. Excessive absences, whether excused or unexcused, may affect a student's grades.

Pursuant to the Board of Education Policy 5113, corresponding Administrative Regulations 5113 will govern the operating procedures in regard to pupil absences and excuses.

Legal Reference:  Education Code
46010-46015 Absences
48200-48231 Compulsory Education Law
Prevention continued....
Early Identification

- **Positive School Culture for Parents and Students**
  - Welcoming environment
  - Legal requirements
  - Relationship with parents
- **Systems**
  - Processes
  - Access to resources
- **Data**
  - Identify children with behavior and/or attendance concerns.
- **Connect with Resources**
  - ie. School Link Services Coordinator, Social Worker, Counselor, Community Agencies
Pasadena Unified School District
Child Welfare, Attendance & Safety

**PUSD Truancy Flow Chart**
A Truancy Prevention Program
Partnership between PUSD & the District Attorney’s Office

- **Truancy Letter 1**
  - Identify Students with 3 Truancies
  - Send Truancy Letter 1
  - Monitor Truant Students’ Attendance
- **Truancy Letter 2**
  - Monitor Truant Students’ Attendance
  - Parent Meeting
  - Identify Students with 4 Truancies & who are recipients of Truancy Letter 1
  - Send Truancy Letter 2
- **SART Meeting**
  - Conduct Student/Parent or Guardian/Team Meetings
  - Apply Tier 2 Interventions
  - Refer to resources (Mental Health, Mentorships, etc.)
  - Document Interventions/Referrals
  - Sign Attendance Contract
- **Truancy Letter 3**
  - Identify Habitual Truant Students - Students with 5 Truancies & who have received Truancy Letters 1 & 2
  - Follow-up with referrals
  - Progress Monitor Tier 2 Interventions
  - Send Truancy Letter 3
- **SARB Hearing**
  - Identify Chronic Truant Students (Truancy rate of 10% or more) & who have received truancy Letters 1, 2 & 3
  - Documented Interventions (SART)
  - Complete & submit SARB Referral to CWAS Dept.
- **District Attorney Mediation Hearing / Filing of a Criminal Case**

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“Discover What’s Right About Pasadena Schools - Community for Better Schools - Schools for Better Community”

- 331 South Hudson Avenue, Room 206 • Pasadena California 91109 • (626) 396-3600, x 88230 • (626) 793-9858 fax • www.pusd.us
At next attendance period, if attendance remains an issue after all the interventions and supports, the District Office will refer family to TM.

At next attendance period, if attendance continues to be an issue and all site resources have been exhausted, refer student to SARB. At SARB the family will be linked to county-level supports, and given a directive to an alternative educational program, if necessary.

At next attendance period, if student has continued to miss 10% of the school days to date, a Home Visit is conducted to check-in with family and inform them of any new resources or upcoming parent engagement opportunities on campus.

If student is absent for 2 consecutive days, a personal phone call to home will be conducted. If student is absent 10% of the school days to date, parent and student is invited to attend an ARC and linked to onsite staff, programs and supports. Attendance is monitored.
Enforcement
- File case with the District Attorney’s Office
- DA’s office will move forward with the case or they will write a letter to the school district explaining why the case will not be filed

Intervention Level 3:
SARB (School Administrator, SRO, District Attendance Administrator, School Liaison, School Administrator, School Linked Services Coordinator, Student, Parent,
- Monitor student attendance
- Make regular contact with the family
- Provide parent with (Santa Clara County) resources
- Offer the Community Service Project (CSP) for community service hours
- Make referral for student/family support

Intervention Level 2:
(Mediation Meeting) (District Attorney, Attendance Administrator, School Admin., Attendance Liaison, School Linked Services Coordinator, Parents and/or Students) Group Meeting/Individual Meeting if needed
- Outline attendance expectations
- Inform students and parents of the law pertaining to compulsory education and consequences associated with truancy
- Provide student and parent with resources and referrals for programs that address barriers to good attendance
- Monitor student attendance

Intervention Level 1:
SART Meeting (School Admin., and/or District Attendance Admin., Attendance Liaison, School Linked Services Coordinator, Parents, Students) Group Meeting/Individual Meeting for No-Shows
- Outline attendance expectations
- Inform students and parents of the law pertaining to compulsory education and consequences associated with truancy
- Provide student and parent with resources and referrals for programs that address barriers to good attendance
- Monitor student attendance

Prevention:
- School-wide efforts to support all students
- Inform students and parents of attendance policies
- Teachers record absences with care
- Monitor student attendance
- Ensure the classroom and school climate is safe and supportive for all students
- Create engaging classroom environments
- Share key messages with students and families and students during assemblies, in class, in the handbook, on Schoology
- Recognize good and improved attendance
- Provide school based health supports using a universal referral form
- Identify reasons why a student is not coming to school and address them
- Home visit
- Phone calls
Student Attendance Review Team (SART)

- School Site Level
- 4-7 Days Unexcused Absence
- 2nd Notification of Truancy
- Meeting with Parent or Guardian/Student/Team Meeting
- Refer to resources
- Document Interventions/Referrals
- Attendance Contract

Student Attendance Review Board (SARB)

- School District Level
- Habitual Truant Students with a truancy rate of 10% or more and received letters 1, 2, & 3
- Documented Interventions (SART completed)
- Refer to additional resources
- No improvement in Student Attendance - complete and submit referral to County SARB Mediation/DA Mediation

County SARB Mediation/DA Mediation

- County Level
- DA Mediation
- County Agency presentations
- Referral to County Resources (Mental Health, Substance Use Prevention and Treatment, Parent Project, Social Services, etc)
- County SARB Mediation Contract signed by Parent, Student (grades 6-12) District, COE, and DA
SECOND LEGAL REQUIREMENT

After first truancy letter...

1 more unexcused absence or

1 more unexcused tardy of 30 minutes or more

(best practice) = second truancy letter to parents

Ed Code 48261
Tier I and II = Administrator Facilitated Student Success Team (SST)

- Includes an initial and follow-up meeting
- Team-based approach
- Teachers and staff are expected to bring data and examples of students' work.
- Always documented and filed in Student’s Cumulative Record.
- Always uploaded to Infinite Campus
What is School Attendance Review Team (SART)?

SART is a School Site Team which includes the parent and the student, Principal and relevant personnel who works with the student. The goal of this team is to identify possible solutions to improving the students' attendance and/or behavior.

Student Agreements:
- Attend school regularly and on time each day.
- Abide by school rules and regulations.
- Obey the directions of my teachers and administrators.
- Complete my class assignments.
- Develop a positive attitude about school.
- Other
What is an Attendance Review Conference?

ARCs occur at the school site and provide parents and students with an opportunity to build and strengthen relationships directly with key staff as well as discuss their individual needs.

Who Should Attend: APA/Advisor, Social Worker, Parent and Community Involvement Specialist, Academic Counselor, Student Support Specialist

Items to be reviewed:

- How to Report/Clear Absences
- School Specific Staff and Resources
- School Schedule and District Calendar
- Site opportunities to Make-up Absences
- How to Read Attendance Printouts and Transcripts
- District Attendance Process
Special Considerations

• **Homeless Youth - McKinney-Vento Homeless Education Improvement Act**
  – right to attend their school of origin or the school in the area in which they are temporarily residing
  – immediate enrollment, even if not all necessary documents are received
  – Include Homeless Liaison in SARB process

• **Foster Youth – Assembly Bill (AB) 490, Education Rights and Stability for Foster Youth Act of 2004**
  – may attend their school of origin at the time of placement change
  – immediate enrollment, even if not all necessary documents are received
  – Include Foster Youth Liaison in SARB process
Special Considerations cont…

- Students with an IEP (Individuals with Disabilities Act) or 504 (Rehabilitation Act of 1973)
  - Child may not attend school for a reason related to a known disability or unidentified disability.
  - Identifying causes will help determine whether the solution may be found through a SARB hearing, or through the IEP or 504 Accommodation Plan process.
  - May indicate the need for a special education evaluation, a reevaluation, or changes to a 504 Plan or IEP.
  - Filing truancy proceedings under specific circumstances related to areas listed above may be in violation of special education laws.

*Always communicate with the IEP or 504 case manager*
THIRD LEGAL REQUIREMENT

(After second truancy letter...)

1 more unexcused absence or
1 more unexcused tardy of 30 minutes or more

= (best practices) third truancy letter
= summons to SARB

Ed. Code 48262
Santa Clara County SARB Process

Tier 1
Universal

Teacher/Parent-Student

Tier 2
Secondary

District: Student Attendance Review Board Hearing (SARB) District Panel/Administrator/Parent-Student

Tier 3
Tertiary

County: SARB Mediation – SCCOE/District Attorney/SC Agencies/District/Parent-Student

Truancy Court/Prosecution
Establishing a SARB

California SARB Handbook

- School district’s governing board may establish a SARB that operates in the same manner as a county SARB and holds the same authority as a County SARB (EC Section 48321[e])
- Nomination or Appointment of SARB Representatives
- Establish Policies and Procedures
- SARB Agreement and Directives
- Referral to Alternative Education Placement
- Open Meetings and Confidentiality: The Brown Act
SARB

Demonstrate fairness re notice of SARB
  Repeated efforts
  Certified mail
  Ask for updated addresses and DOB’s

Must give notification of SARB contract and directives
  Can call, email, mail, home visit, etc.
District Attorney’s Office
Santa Clara County DA Mediation Process

Tier 1
Universal

Tier 2
Secondary

Tier 3
Tertiary

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Santa Clara County DA Mediation Process

Tier 3 Tertiary

County: SARB Mediation – SCCOE/District Attorney/SC Agencies/District/Parent-Student

Truancy Court/Prosecution
Santa Clara County DA Mediation Process

Attendance Diversion Court

DA One on One or JAID Hearings for HS. Parent Court for K-8.

DA Group Mediations at School or County COE SARB/Mediations

DA Programs for Parents about Prevention

Public Safety and Schools

Later this year, 7-12 top 1%

For HS file for JAID (one on one) or Parent Prosecution (K-8)

After 3rd Letter an SART/SARB

First and Second Letters
Requirements for DA Referral

**HIGH SCHOOL CASES**
- All three letters sent
- SART and SARB Attempted
- Then send information to DA for Mediation/JAID Hearings

**K-8 PARENT CASES**
- All three letters sent
- SART and SARB Attempted (Some DA Mediations)
- Then send information to DA for Consideration
- Then Follow Up at Truancy Court
What is a DA Mediation?

- District Notifies Families
- District brings resources present
  - District has Projector and Laptop ready
  - School counselors, non-profits, Grizzly Academy, Bill Wilson Center, others
- At Least 10 Families, Child and Parent
- *Best Practice:* Triage each case
  - Health? Mental health? Drugs/Alcohol
Role of County SARB/Mediations

SCCOE Student Attendance Review Board (SARB) Mediations

Dates: 1/17/18, 2/14/18, 3/14/18, 4/11/18, 5/16/18

Times: Kinder - 12th grades: 1:30pm-4:30pm

Location: SCCOE (Morgan Hill Room)

Audience:

Parents (k-5) and Parents and Students (6-12)

District Representatives

Interpretation: Only Spanish. If other language interpretation is needed, districts will need to provide.

Please see handouts for details.
**How to Make a Referral**

**HIGH SCHOOL CASES**

1. All three letters sent
2. SART and SARB Attempted
3. Then send information to DA for Mediation/JAID Hearings

**K-8 PARENT CASES**

1. All three letters sent
2. SART and SARB Attempted (Some DA Mediations)
3. Then send information to DA for Consideration
4. Then Follow Up at Truancy Court
How a Case is Processed

District submits case to DDA

DDA reviews the case to see if the legal elements are present:
- There was 1st truancy event (T1, 2, 3, tardy > 30 min./unex. absence)
- There was a truancy letter sent
- There was 2nd truancy event (1 more tardy > 30 min./unex. absence)
- There was 3rd truancy event (1 more tardy > 30 min./unex. absence)
- School/district made “conscientious effort” to help family with truancy
  - SARB OR DA Mediation;
  - services were offered to family in primary language

All of this must be proved “beyond a reasonable doubt” to jury (misd.) or court (inf.)
Submitting a Case

DDA reviews the evidence submitted:

- Attendance record(s) for period alleged
- Key of attendance code submitted with case
- Proof that parent(s) attended the SARB or DA Mediation (signed)
- OR that they participated in a “make up” where they were advised of truancy consequences
- Summary that contains information on the student’s progress, attitude, truancy-related concerns and all of the school’s efforts
- Dates of birth of parent(s) to legally identify them in criminal system
- Submit to Consuelo Herrera, cherrera@dao.sccgov.org or 792-2902.
There is no More Truancy Court for Minors: Truancy Amnesty
What are JAID Hearings

Juvenile Attendance Improvement Diversion Hearings or (JAID) Hearings are:

One on One hearings for the works offending High School Students who are not System involved. We will screen these cases after they are submitted with a summary.
In Parent Truancy Court

**Arraignment:** advised of charges

**Plea:** Three Choices

- 1. no contest or guilty → pay large fine ($300)
- 2. trial (judge if infraction; jury if misdemeanor)
- 3. continue case to have parent do Parent Project and improve attendance

**Review:** To see how attendance and PP is going

We need attendance updates before court

- Two Fridays of month, 9:00a.m.
Parent Project is a 12 week course addressing high-risk behavior and strong-willed youth.

http://www.santaclaracountynewsbeat.com/2017/02/06/parent-project-helps-parents-get-kids-back-on-track/

Since 2008, served 5,000 parents in English, Spanish, and Vietnamese
SANTA CLARA COUNTY DISTRICT ATTORNEY’S OFFICE

Christopher Arriola, Supervising DDA

carriola@dao.sccgov.org