

A Report of the 2002-2003 Civil Grand Jury
For the City and County of San Francisco

TOLERATING TRUANCY – INVITING FAILURE:

**THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT
FAILS TO ENFORCE SCHOOL ATTENDANCE**

Released June 11, 2003

Reports of the Civil Grand Jury do not identify the individuals interviewed, pursuant to California Penal Code sec. 929. The California Legislature intended this provision to encourage full candor and cooperation by City and County personnel.

Parties identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. As to each finding of the Grand Jury, the response must either (1) agree with the finding, or (2) disagree with it, wholly or partially, and explain why. Further, as to each recommendation made by the Grand Jury, the responding party must report either (1) that the recommendation has been implemented, with a summary explanation of how it was; (2) the recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a timeframe for the officer or agency head to be prepared to discuss it (less than six months from the release of this Report); or (4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (Cal. Penal Code, secs. 933, 933.05.)

TOLERATING TRUANCY–INVITING FAILURE: THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT FAILS TO ENFORCE SCHOOL ATTENDANCE

Summary of Recommendations

1. SFUSD should create the structure and policies necessary to enforce attendance laws.
2. SFUSD should commence prompt and consistent enforcement of attendance laws, including more systematic use of truancy notices, conferences, and the appropriate cooperation with the District Attorney when necessary.
3. SFUSD should create or expand truancy prevention programs, including School Resource Officers and award programs.

GLOSSARY

ADA – Average Daily Attendance

SARB – School Attendance Review Board

SFUSD – San Francisco Unified School District

OVERVIEW

The 2002-2003 Grand Jury investigated truancy in the San Francisco Unified School District (SFUSD or District) and found that, for the last 25 years, compulsory attendance laws have not been promptly, consistently, and adequately enforced in San Francisco. Currently, of the approximately 18,000 high school students, 5,000 students miss at least one in five school days. A majority of those students are more than two grade levels behind in academic achievement.¹ Of 13,000 middle school students, approximately 1,000 miss at least one in five school days. Of 30,000 elementary students, some 765 miss one in five days of school. In addition to the 5,000 high school students who are absent each day, another 5,000 or more are tardy or cut class. In the past, such students were given a high school diploma with minimal regard to their academic achievement. New state academic requirement will make it much more difficult for habitual truants to achieve the reading and math skills necessary to earn a high school diploma. Unless SFUSD undertakes consistent and rigorous enforcement of the state compulsory attendance law, we can anticipate that the number students who receive a high school diploma in San Francisco will decrease markedly.

SFUSD has an obligation to its students, and to the City of San Francisco, to enable students to obtain a high school diploma or GED. A high school diploma is a key to the future success of young adults. Nonetheless, instead of enforcing attendance, SFUSD drops long time truants from enrollment, thereby denying the students the education they need to succeed in life. Failure to earn a high school diploma has been

¹ 2,000 of those miss more than half the school days.

shown to have a close correlation to future criminal conduct.² 98% of the inmates in the state's prison system reportedly do not have a high school diploma. Keeping at-risk students in school and helping them to earn their high school diploma is cost-effective crime prevention.

The Grand Jury found that the SFUSD currently lacks the ability to enforce effectively the state compulsory attendance law. Inadequate record keeping and failure to acquire truancy tracking software or to adapt the district's present software to create the necessary data base contribute to this problem as does the district's failure to grant its Supervisor of Attendance enforcement authority. The District does not initiate enforcement promptly with the result that truants miss many days of school before efforts to return them to the classroom begin. The District excuses absences for reasons not specified in the compulsory education law. It does not make use of enforcement programs authorized by the Education Code, and does not have protocols for engaging the San Francisco District Attorney and/or the Probation Officer in the enforcement process.

The Grand Jury found that the consequences of the District's failure to adequately enforce compulsory education laws fall most heavily on students who are already at a socio-economic disadvantage. Less than one-third of high school students in some large ethnic groups attend school more than 90% of the time, as compared with 94% to 96% attendance rates achieved by comparable districts that actively enforce compulsory attendance laws.

As a result of its failure to enforce compulsory attendance and to comply with Education Code guidelines and requirements, SFUSD is foregoing as much as \$10,000,000 annually in state revenues that are based on attendance figures, as well as substantial sums that would be paid by the state to reimburse the district for enforcement expenses.

The Grand Jury recommends that the SFUSD appoint a Supervisor of Attendance with all of the duties and authority specified in the state compulsory attendance law. It should immediately establish a computerized data-base that enables it to identify truants at the time of the first and each subsequent truancy and thereby to promptly commence enforcement of school attendance. Attendance personnel in all SFUSD schools should be instructed on the data to be collected and transmitted to the District office. The District should conform truancy notices sent to parents to the requirements of the Education Code and send those notices promptly upon each identification of a student as a truant. The District should create a non-punitive mediation program under the auspices of the District Attorney or the Probation Officer, and create one or more School Attendance Review Boards (SARBs) to deal with intractable truancy. It should give those SARB or SARBs and the attendance supervisor the authority to use all of the programs available under the state compulsory education laws, including, if necessary, referral of parents or guardians³

² Proportionally, the ethnicity of truants, dropouts and non-graduating seniors is approximately the same as that of juvenile delinquents and inmates.

³ Unless otherwise specified, all references to "parent" herein are to both parent and guardian.

to the District Attorney or Probation Officer if the parents do not participate in truancy prevention programs and use their best efforts to maintain regular school attendance.

BACKGROUND

The California Education Code imposes on local school districts the obligation to enforce the state compulsory education law. That law mandates that, with few exceptions, all children between the ages of 6 and 18 years attend school full time. The law also provides a series of progressively more coercive steps that may, and in some cases must, be followed to combat truancy.

A district Board of Education must appoint a lawfully certified supervisor of attendance. The Board may prescribe the duties of the supervisor of attendance, but those duties must include, among other things, the duties related to compulsory full-time education, truancy, and those programs required of attendance supervisors by the Education Code. (Sec. 48240.)

A child who is subject to compulsory full-time education is a truant if the child “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 with without a valid excuse on three occasions in one school year, or any combination thereof.” (Sec. 48260.) The truancy must be reported to the district’s attendance supervisor or to the superintendent of the district, but districts may continue to use the method of attendance accounting in effect under prior law and need not use period-by-period attendance accounting. A child who has been reported as a truant and who is again absent without valid excuse for one or more days or tardy on one or more days, must be reported again to attendance supervisor or district superintendent. (Sec. 48261.) A child is an “habitual truant” if the child has been reported as a truant three or more times per school year if the school district has made a conscientious effort to hold a conference with a parent and the student after the required truancy letters have been sent. (Sec. 48262.)⁴

The first time a truancy report is required, the student may be given a written warning by a peace officer. The second time a truancy report is required the student may be assigned to after school or weekend study. If the student does not successfully complete that program, the student must be classified as an habitual truant if a third truancy report is required. The student may then be referred to and required to attend an attendance review board or a truancy mediation program. If no mediation program has been established the student may be required to attend a comparable program that the supervisor of attendance deems acceptable. If the student does not successfully complete the program, and a fourth truancy report is required in the same school year, the student comes within the jurisdiction of the Juvenile Court, which may adjudge the student to be a ward of the court. (Sec. 48264.5.) The court may order the parent to deliver the student to school at the beginning of the school day. (Sec. 48268.)⁵

⁴ Unless otherwise specified, all references to code sections are to the Education Code.

⁵ The Juvenile Court also may order the student to: perform community service, pay a fine not more than \$100.00, which may be made the joint responsibility of the student and the parent, and or attend a truancy

A county may establish a School Attendance Review Board (SARB) (sec. 48321), whose purpose is to provide “intensive guidance and coordinated community services. . . to meet the special needs of pupils with school attendance problems or school behavior problems” (Sec. 48320.) A SARB must include a parent, a school district representative, a representative of the probation and welfare departments, and representative of the superintendent of schools, law enforcement, community based youth service centers, school guidance personnel, child welfare and attendance personnel, and of the school or county health care personnel. (Sec. 48321.) When a truant has been referred to it, a SARB has the power of subpoena to compel attendance before the SARB of the truant, the truant’s parent, the referring authority, and any other person with information about the matter.

When a student has been identified as a truant, the district must notify the parent by sending a truancy letter, the content of which is specified in section 48260.5. If there is no SARB, the district may notify the District Attorney or the Probation officer, if those officials have agreed to participate in a truancy mediation program, of the name of each truant and the address of the truant’s parent. It may also notify those officials whether the student is still classified as truant after the parent has received notice. The District Attorney or Probation Officer may then give notice to the parent that he or she is subject to prosecution for failure to compel attendance. The District Attorney or Probation Officer may also request the parent and child to attend a meeting in the official’s office to discuss the possible legal consequences of the truancy. (Sec. 48260.6.)

If a SARB has been created, an habitual truant or a child whose attendance at school is irregular maybe referred to that board. The parent is notified that both the student and the parent will be required to meet with the board to consider the proper disposition of the matter. The board may direct the student or the parents or both to use those community services that the board has determined are available to resolve the problem and may require evidence of participation in that service. If the board determines that community services are inadequate or the student and parent have failed to participate, the SARB may notify the District Attorney or Probation Officer, if they are participating in a truancy mediation program. If that program is not available, the SARB may direct the superintendent of schools to make, and the superintendent must then make, a request that a petition be filed in the juvenile court on behalf of the child. If no SARB has been established, the district itself may follow these steps. (Sec. 48263.)

INVESTIGATIVE PROCESS

Members of the Civil Grand Jury interviewed these parties or representatives of them:

- San Francisco Unified School District personnel (including administrators at all levels, teachers, and social workers)
- Students and parents

prevention program. In some cases, the student’s driving privileges may be suspended or revoked. (Sec. 48267.).

- San Francisco Police Department
- BEACON Centers
- Interagency Action Committee
- California Department of Education
- Santa Clara County District Attorney’s Office
- Administrators and Attendance Staff of Santa Clara County Schools
- Professors at San Francisco State University and City College of San Francisco
- Office of the City Attorney
- Judges of the San Francisco Superior Court
- United Educators of San Francisco
- Delinquency Prevention Commission

Members of the Civil Grand Jury reviewed:

- SFUSD budget
- SFUSD Student and Parent/Guardian Handbook
- SRO Handbook
- California Student Attendance Review Board Handbook
- All relevant California statutes
- Santa Clara County publications (‘Truancy Program, School Year ‘98-’99 Evaluation,’ ‘District Attorney Mediation Program, September 2002,’ and ‘District Attorney Truancy Referral Program, September 2002’)
- SFUSD and California Department of Education Websites

FACTS, FINDINGS AND RECOMMENDATIONS

1. SFUSD DOES NOT HAVE THE STRUCTURE AND POLICIES NECESSARY TO ENFORCE ATTENDANCE LAWS

FACTS

- Notwithstanding state law and Board of Education policy, both of which require the District to enforce compulsory attendance laws, SFUSD has not consistently enforced them for more than two decades.
- SFUSD schools collect attendance-related data and are able to provide the District with all data necessary for enforcement of the compulsory attendance law.
- Enforcement of compulsory education would increase state funding by as much as \$10,000,000 per year if it increased average daily attendance by 2,200 students.⁶ The

⁶ SFUSD stated that it could not estimate the daily average enrollment or absenteeism because of software problems and fluctuations in enrollment during the year. The CGJ estimates approximately 5,000 students are absent on an average day, approximately 92% attendance based upon available SFUSD attendance reports. (93.75% is the average attendance of the other nine largest school districts in California, all of which have some level of attendance enforcement.) The resulting estimate of \$10,000,000 in additional State funding based upon SFUSD’s ability to reduce daily absenteeism by about 2,200 students over four

California Department of Education considers a 1% increase per year in Average Daily Attendance (ADA) to be a feasible goal for the District.⁷ In SFUSD a 1% increase would represent an additional 600 students a day and yield an additional \$2,750,000 per year at the annual rate of \$4,580 per student based on ADA.

- The California Department of Education has found a correlation between truancy and low academic achievement, behavioral problems, class disruption, dropping out of school, not graduating, joblessness and crime. “Truancy is the most powerful predictor of juvenile delinquent behavior... More than 80% of all [prison] inmates were dropouts.... Only 2% of adults entering prisons had a [high school] diploma or GED.”⁸
- The reason stated by past District administrations for not enforcing truancy laws has been that enforcement criminalizes and harasses members of specific ethnic groups.⁹
- Less than half of the students in five of the eight large San Francisco high schools attend school more than 90% of the time; only one-quarter to one-third of the high school students of some large ethnic groups attend school more than 90% of the time. Of these groups, approximately one-half attend school less than 80% of the time. In other school districts, high schools with a higher percentage of students from these groups achieve 94 to 96 percent average daily attendance through consistent attendance enforcement.¹⁰
- SFUSD has a position entitled “Supervisor of Attendance,” but that employee is given only accounting responsibilities. The District has appointed no person with attendance enforcement duties specified by law.
- State law provides for the District to intervene with mediation, a School Attendance Review Board hearing or a court referral after the third and fourth trancies. Instructions sent to schools by SFUSD Pupil Services requires reporting after 15 consecutive absences, but the student policy handbook says to report after 10 consecutive absences.
- The California Department of Education specifies truancy record keeping requirements.¹¹ The District does not provide school personnel with uniform

years (about one percent per year as other districts have done) and attain a 95.5% attendance level comparable to school districts with consistent attendance enforcement.

⁷ Average Daily Attendance (ADA) is the total of the number students in attendance during each day of the school year divided by the number of school days (180). This forms the primary basis for State funding of public school districts. For purposes of ADA, a district is credited for a student day if the student is physically present for any part of the school day. Whether an absence is excused or not and the extent of tardiness are not taken into account. (Educ. Code sec. 48205(d).)

⁸ CA Dept. of Educ. SARB Report 1/10/03, p. 5.

⁹ Also stated by current administrative personnel and Board of Education members.

¹⁰ For example, the 10 high schools in Eastside Union High School District in Santa Clara County; Paramount High School in Los Angeles County; SFUSD attendance reports 2001-2002.

¹¹ SARB handbook, p.24.

procedures and instructions to meet these requirements. Members of the Grand Jury observed different procedures used in every school visited. School personnel knew the time tardy children arrived at school, however they are not required – nor is there a space on the district form – to report the time of tardiness to the district offices. Personnel believe that not all tardiness is sufficiently serious to report at all. Grand Jurors observed the omission of information and that little or none of this information is placed in student files.

- SFUSD attendance personnel in the schools collect the information necessary to track, record, report and notice truancy; however, they have been given either incorrect or no instruction as to what constitutes a truancy, when a student becomes a truant or habitual truant, or the legal requirements for record keeping, truancy notice to students and parents, and reports to the district.
- Some schools overlook many incidents of tardiness, even though State law provides that after the first truancy schools are to report every additional tardiness for any length of time to the District as a truancy.¹²
- The existing District software system tracks absences and tardiness but fails to distinguish first truancy tardiness (of more than 30 minutes) or to record the duration of tardiness or when a student becomes a habitual truant. Some SFUSD personnel who are experienced with the District’s existing computerized information system estimate that adapting the District’s information system to track attendance requires a new software system at a cost of approximately \$5 million; others estimate that it would require only \$500,000 to upgrade the existing system; and still others estimate that it could be accomplished with the existing system simply and before the start of the next school year.¹³ District personnel are also aware of inexpensive truancy tracking software that is available.
- The District can be exempt under Section 48260(b) from current state truancy reporting requirements.
- Illness, doctors’ appointments and attendance at a relative’s funeral are among the few allowable excuses for school absence under law.¹⁴ Some District schools improperly excuse absences for “emergencies,” “car breakdowns” and other reasons. SFUSD has one of the highest percentages of excused absences in the state.

FINDINGS

1. The San Francisco Board of Education has not complied with Section 48240, which mandates that it appoint a Supervisor of Attendance and vest that person with

¹² Educ. Code secs. 48260, 48261.

¹³ The Civil Grand Jury has been informed that the district is only considering a new software system and not the upgrading of the existing system, and that this could cause attendance tracking necessary to truancy enforcement to be delayed for years.

¹⁴ Educ. Code sec. 48205(a).

compulsory full-time education and truancy related duties.

2. A Supervisor of Attendance is needed to supervise attendance tracking, record keeping, truancy mediation, SARBs, and district attorney referrals as necessary to enforce compulsory education laws.
3. SFUSD is unable, with its present attendance accounting procedures, to comply with state law governing truancy reporting and enforcement of compulsory education.
4. Attendance enforcement requires compliance with current truancy accounting that complies with state law.
5. Attendance monitoring personnel are not adequately instructed and often do not know when a truancy occurs and how to perform necessary record keeping; however, since they have sufficient data collection in place and other required procedures and forms are available, with proper instruction they could start required record keeping and truancy notices in the coming school year.

RECOMMENDATIONS

- 1a. SFUSD should appoint a Supervisor of Attendance to supervise and coordinate attendance enforcement.
- 1b. SFUSD should commence all required truancy accounting and record keeping at the beginning of the 2003-2004 school year. It should change its present accounting system where necessary to enable the Supervisor of Attendance to identify promptly any student upon the first and subsequent truanancies.
- 1c. Personnel responsible for attendance accounting at each District school should be instructed on the truancy reporting elements required by the state and the Board of Education and the necessity for promptly transmitting truancy data to the Attendance Supervisor.
- 1d. Using the above data, SFUSD should create computerized data base of student information from which the Supervisor of Attendance can determine and report on: (1) the dates, lengths and number of truanancies; (2) dates, length and number of irregular attendance days (tardiness [lateness and class cuts] of students who are not truanants); (3) total instructional days and partial days missed due to truancy; (4) total instructional days and partial days missed due to all excused and unexcused causes; and (5) all of the above information summarized by classes, schools and grade levels for the entire district.¹⁵

REQUIRED RESPONSES

Board of Education – 60 days

¹⁵ Software to do this and more is immediately and inexpensively available from Charron Barney Educational Advanced Management Services of San Jose, California.

2. SFUSD SHOULD BEGIN ENFORCING ATTENDANCE IN COMPLIANCE WITH STATE LAW AND BOARD OF EDUCATION POLICY

FACT

- State law specifies the content, manner of delivery, and time at which truancy notices are to given the student and to the student’s parent.¹⁶ District schools do not follow a uniform truancy notice procedure. Required content is often missing. Schools often send notices reciting ten to twenty incidents of truancy instead of sending a notice upon the student’s first truancy. Schools rarely obtain acknowledgement of receipt of truancy letters.¹⁷ School districts with high attendance rates send prompt notices addressing truanancies.
- SFUSD is entitled to State reimbursement in the amount of \$12.90 for every first and third truancy notice it sends. These notices could be sent to more than 17,000 SFUSD students who could be designated as habitual truant. The District annually collects less than \$10,000 of more than \$400,000 to which it could be entitled.
- SFUSD utilizes Student Success Teams (SSTs) at all schools and School Attendance Review Teams (SARTs) at middle and high schools. Both conduct parent and student conferences to address truancy and related matters at the school level before district intervention. SSTs and SARTs are designed to include the teacher, an administrator, a counselor, a police officer and representatives from several disciplines (such as social workers, probation officers and mental health professionals) to address the student’s truancy problems. Often, the specialized representatives are not available. The SSTs and SARTs reach an agreement with the student and parent concerning specific measures to resolve their truancy and other problems. SARTs, which handle only cases involving truancy, reduce the caseload of SSTs, which also handle other matters.

¹⁶ Educ. Code sec. 48260.5 requires the first truancy notice to state: “(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... (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 is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.” For sample notices, see SARB handbook, Ch. 6.

¹⁷ Notices sent by first class mail without acknowledgement comply with state law; CDE recommends as the best practice, and many districts, SARBs and District Attorneys require, at least an acknowledgement of the first (declaration of truancy), third (request for student-parent conference) and fourth (declaration of habitual truancy and District intervention) truanancies notices by return signature, postal return receipt or by school personnel telephone confirmation.

- SSTs and SARTs vary widely in makeup, procedure and results in different schools. Although many parents and students cooperate without truancy enforcement in place, there is no direct consequence for those who refuse to attend the conferences.¹⁸
- In other school districts, SSTs and SARTs meet immediately following the third truancy as recommended by the California Department of Education. In SFUSD, because truancy notices are not sent promptly and often not until there have been ten to twenty truanies, these conferences are not held until a student has been absent without excuse many times.
- The State reimburses the costs of SST or SART conferences following the third truancy. The District has not applied for this reimbursement, which could amount to several hundred thousand dollars.
- The Education Code authorizes the use of SARBs for non-punitive truancy intervention. SARBs are convened by school districts only after a school-parent conference has been held (or a conscientious effort to hold one), and usually after a district-level mediation has failed. They usually consist of one parent and seven to nine professionals, who are provided without cost by city and county departments. They include (but are not limited to) school counselors, probation, police, welfare, health and child welfare and attendance personnel. The SARB meets with the parent and student to determine causes of truancy and related problems, and then contracts with the family to engage in one or more of a range of public and private community services. A SARB representative monitors each contract for compliance.¹⁹
- SFUSD has not implemented Board of Education policy to use SARBs for truancy law enforcement.²⁰ In addition, SARBs can be an effective non-punitive agency for irregular attendance (frequent but not truant tardiness), insubordination or disruptive behavior.²¹ SARBs have authority for court referral if necessary.²²
- In districts the size of SFUSD, at least four SARBs are employed to handle the caseload.

¹⁸ Although nearly all interviewed also expressed the need for truancy law enforcement, many principals and administrators believe that a newly implemented District truancy prevention policy unfairly judges them by attendance and test scores when the District is not taking reasonable measures to help bring students into the classroom and to help assure their reasonable behavior and cooperation.

¹⁹ Educ. Code secs. 48320, 48321, 48325; SARB Handbook ; CA Dept. of Educ. Report (1/10/03) p.1 states, "The purpose of the SARB is not only to improve academic performance but to reduce the dropout rate and divert students with school attendance or behavior problems from the juvenile justice system. SARBs also propose and promote strategies to increase the holding power of the public schools and to maximize the use of all community resources. Although the goal of a SARB is to keep students in school and provide them with a meaningful educational experience, SARBs do have the power, when necessary, to refer students and their parents or guardians to the local district attorney."

²⁰ SFUSD Student and Parent Handbook, p.19.

²¹ Educ. Code sec. 48263.

²² Educ. Code secs. 48263, 48291.

FINDINGS

1. Because truancy notices are not sent promptly and in the required form to parents, SFUSD misses an opportunity to involve parents early in the truancy cycle and the ability to collect state funding.
2. SFUSD could make timely and more beneficial use of truancy SSTs and SARTs.
3. San Francisco students would benefit from SARB programs as described by the state Department of Education.

RECOMMENDATIONS

- 2a. SFUSD should send truancy notices having the content specified by state law and should send them promptly.
- 2b. SFUSD should seek state reimbursement for truancy notices.
- 2c. SFUSD should require either the Student Success or School Attendance Review Team to schedule a truancy conference with the parent and student immediately upon the third truancy.
- 2d. SFUSD should seek state reimbursement for SSTs and SARTs.
- 2e. SFUSD should establish a School Attendance Review Board program as described by the state SARB.

REQUIRED RESPONSES

Board of Education – 60 days

SFUSD – 60 days

3. **SFUSD SHOULD INSTITUTE TRUANCY MEDIATION THROUGH THE DISTRICT ATTORNEY’S OFFICE OR THE CHIEF PROBATION OFFICER.**

FACTS

- In many California counties, if other school efforts, including a parent conference, have been unsuccessful, truancy mediation with parent and student participation under the aegis of the county District Attorney is scheduled in conjunction with the designation of habitual truancy in a fourth truancy notice. The District Attorney then asks the parent to appear with the student at a mediation session with 25 to 30 other families. There, an assistant district attorney leads a panel of representatives from counseling and drug and alcohol programs and parent referral agencies, police, and a health clerk or nurse. The students and parents learn about community services available to meet their legal obligations and the legal consequences of continued

truancy. School personnel are also present to answer questions, meet with students and parents after the meeting to discuss individual student issues, and agree to a monitored action plan to assure regular attendance.²³ A non-punitive mediation program of this type has increased attendance in Santa Clara County school districts.²⁴

- SFUSD’s Interagency Action Committee – Coordination of Services Team (IAC) consists of seven District staff and representatives from the Departments of Public Health, Mental Health Services, Human Services, Police, Juvenile Probation and Children, Youth and Their Families. The IAC meets weekly to review the District’s most difficult student and family situations which often include truancy. The IAC plans strategies for individual cases and recommends approaches to recurring problems. This year the IAC unanimously recommended that the District adopt a truancy mediation program similar to the one operated in Santa Clara County.
- A truancy mediation program offering non-punitive group intervention for 25 to 30 families eliminates the need for many individual case hearings before School Attendance Review Boards.
- The SFUSD does not ask the San Francisco District Attorney’s office nor the Chief Probation Officer to participate in a non-punitive truancy mediation program.

FINDING

1. A non-punitive truancy mediation program under the direction of the District Attorney’s office would encourage school attendance and eliminate the need for many SST and SART hearings.

RECOMMENDATION

3. SFUSD should work with the District Attorney’s office or the Chief Probation Officer to establish a non-punitive truancy mediation program.

REQUIRED RESPONSES

Board of Education – 60 days

SFUSD – 60 days

District Attorney – 60 days

Chief Probation Officer – 60 days

Juvenile Probation Commission – 60 days

²³ Educ. Code sec. 48263; See Santa Clara District Attorney Mediation (2002).

²⁴ Santa Clara Truancy Program 98/99 Evaluation

4. SFUSD SHOULD REFER TRUANTS TO THE DISTRICT ATTORNEY WHEN NON-PUNITIVE TRUANCY PREVENTION FAILS.

FACTS

- Board of Education policy²⁵ requiring referral of intractable truancy cases to the District Attorney or Probation Officer and the courts is not being implemented in accordance with state law.
- SFUSD has not referred truant middle and high school students and their parents to the District Attorney's office for juvenile court intervention when those truants refuse to attend school.
- The Santa Clara County District Attorney in a five-year period filed 53 charges against parents of elementary-aged children resulting in fines (half of which were suspended and then excused following good attendance), and four cases were prosecuted for child neglect. The Juvenile Court in Santa Clara County imposed one or more of the statutorily authorized sanctions more than 300 times in each of the last two years in the Eastside Union High School District, in which attendance increased to almost 95%.
- The authority of school districts through the Supervisor of Attendance or a SARB to refer cases to district attorneys for court prosecution is provided in the Education Code.²⁶ When a referral is made, a district attorney must prosecute or explain in writing the reasons for a failure to do so. To the knowledge of state SARB personnel, every SARB referral to a district attorney has been prosecuted.
- SFUSD has dropped students from enrollment in violation of truancy and expulsion laws when parents refuse to bring elementary school children to school, instead of attempting to compel attendance by referral to the District Attorney or Probation Officer for court intervention.

FINDINGS

1. Filing charges in extreme cases by the District Attorney or Probation Officer would put parents and students on notice that they cannot violate compulsory education laws without consequences.
2. The prosecution of truancy laws would add little to the District Attorney's workload, while reducing truancy.
3. Dropping truant students from enrollment, instead of compelling attendance, denies the student the benefit of the education to which he or she is entitled.

²⁵ SFUSD Student and Parent Handbook, p.19.

²⁶ Educ. Code secs. 48263, 48291.

RECOMMENDATIONS

- 4a. The Board of Education should authorize the Supervisor of Attendance or SARBs, when established, to initiate superior or juvenile court referrals to the District Attorney or Probation Officer when non-punitive interventions, including parent conference, non-punitive mediation, and SARB intervention, have failed.²⁷
- 4b. SFUSD should not remove any student from enrollment before determining that the student does not reside in San Francisco or that the student is receiving instruction as required by law.

REQUIRED RESPONSES

Board of Education – 60 days

SFUSD – 60 days

District Attorney – 60 days

Probation Officer – 60 days

5. SCHOOL RESOURCE OFFICERS ARE IMPORTANT TO TRUANCY PREVENTION.

FACTS

- There are 26 full-time and six part-time City police officers serving as School Resource Officers (SROs) in middle and high schools. The SROs' mission is to provide a safe environment, free of violence, drugs and alcohol; to help teachers, staff and youth prevent and solve problems; and to foster positive relationships between youth and the police. Some students have their first positive interactions with law enforcement in the person of the SRO. For all middle schools to participate in the SRO program, additional police officers are required.
- Principals, attendance officers and teachers have reported that the SRO program has improved attendance. Programs in which habitual truants are placed in a homeroom with the SRO and appropriate staff as a team have improved attendance of the habitual truants.
- State education law authorizes an SRO personally to deliver a written warning to a pupil upon the first truancy.²⁸

FINDING

1. The School Resource Officer program has proven successful in truancy prevention directly, and indirectly by improving school safety and student cooperativeness. Such programs have been more effective with increased SRO responsibility.

²⁷ DA referral procedures are contained in the SARB Handbook.

²⁸ Educ. Code sec. 48264.5(a).

RECOMMENDATION

5. SFPD and SFUSD should increase, not curtail, the number of SROs to serve all middle schools. SRO responsibility should include (1) serving as part of a homeroom team for habitual truants, and (2) having SROs deliver the first written warning for the truant to take home and be signed by a parent or guardian.

REQUIRED RESPONSES

Board of Education – 60 days

SFUSD – 60 days

San Francisco Police Department – 60 days

Board of Supervisors – 90 days

6. SFUSD SHOULD IMPROVE ATTENDANCE INCENTIVES THAT REDUCE TRUANCY.

FACTS

- Attendance incentives have been demonstrated to be more cost-effective than attendance enforcement. The California Department of Education considers attendance incentives an important component of truancy prevention.
- Schools with School Resource Officers (SROs), who are assigned to schools in the SFUSD by the San Francisco Police Department and participate in award programs, have encouraged attendance, particularly when awards are given to former truants.

FINDING

1. Attendance incentives can effectively complement attendance enforcement.

RECOMMENDATION

6. SFUSD should establish attendance award programs in all schools.

REQUIRED RESPONSES

Board of Education – 60 days

SFUSD – 60 days

**The Members of the 2002-2003 Civil Grand Jury
For the City and County of San Francisco**

Jane R. Brady

William J. Bush

Jess Centeno

Henry Cohen

Clement D. DeAmicis

Rosemary DeGregorio

Patricia Glynn

Susan Hirsch

Ross W. Hoffman

Stephen T. Jacobs

George E. Kloves

Richard P. Matthews

Jack L. McNulty

Susan M. O'Connor

Mary A. Powell, Foreperson

Inez K. Scourkes

Arlene K. Singer

Pauline Walker

Joanna B. Warrens