

Date of Hearing: March 20, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1939 (Maienschein) – As Amended March 11, 2024

SUBJECT: Pupil attendance: county and local school attendance review boards: pupil consultation

SUMMARY: Requires each school attendance review board (SARB) to, at least annually, consult with pupils that reflect the diversity of all the schools that are served by the board for the purpose of soliciting input that will assist members in gaining a better understanding of, and proposing interventions for, pupil attendance or behavioral challenges. Specifically, **this bill:**

- 1) Requires each county SARB and each local SARB to, at least annually, consult with pupils that reflect the diversity of all the schools that are served by the board for the purpose of soliciting input that will assist members in gaining a better understanding of, and proposing interventions for, pupil attendance or behavioral challenges.

EXISTING LAW:

- 1) Authorizes a SARB to be established at the local and county office of education (COE) level to provide intensive guidance and coordinated community services to meet the needs of pupils with school attendance or school behavior problems. (Education Code (EC) Section 48320-48321)
- 2) Authorizes any SARB, which determines that available public and private services are insufficient or inappropriate to correct school attendance or school behavior problems of minors, to:
 - a) Propose and promote the use of alternatives to the juvenile court system;
 - b) Provide, in any proposed alternative, for maximum utilization of community and regional resources appropriately employed on behalf of minors prior to any involvement with the judicial system; and
 - c) Encourage an understanding that any alternative based on the utilization of community resources carries an inherent agency and citizen commitment directed toward the continuing improvement of such resources and the creation of resources where none exist. (EC 48320-48321)
- 3) Requires the governing board of a school district and any COE to appoint a supervisor of attendance and assistant supervisors of attendance as may be necessary to supervise the attendance of pupils in the school district or county. Requires the governing board to prescribe the duties of the supervisor or assistant supervisor to include, among other duties that may be required by the governing board, those specific duties related to compulsory full-time education, truancy, work permits, compulsory continuation education, and opportunity schools, classes, and programs, now required of attendance supervisors. (EC 48240)

- 4) Requires that each person between the ages of 6 and 18 years, not otherwise exempted, be subject to compulsory full-time education and attend the public full-time day school or continuation school or classes in which their parent or guardian resides, and that each parent, guardian or other person having control or charge of the pupil ensure that pupil's enrollment and attendance. (EC 48200)
- 5) Defines a "truant" as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on three occasions in one school year, or any combination thereof. (EC 48260)
- 6) Requires a school district, upon a pupil's initial classification as a truant, to notify the pupil's parent or guardian using the most cost-effective method possible and provide them with specified information. (EC 48260.5)
- 7) Defines a "habitual truant" as any pupil who has been reported as a truant three or more times per school year, where an appropriate district officer or employee had made a conscientious effort to hold at least one conference with a parent and the pupil, after the filing of either a truancy report to the attendance supervisor or district superintendent. Specifies that a habitual truant may be referred to a SARB or a truancy mediation program. (EC 48262)
- 8) Defines a "chronic truant" as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10% or more of the schooldays in one school year, from the date of enrollment to the current date. (EC 48263.6)
- 9) Authorizes a school district and county board of education, and a charter school governing body to appoint one or more pupil members to the county board of education, as specified. (EC 35012, 1000, 47604.2)

FISCAL EFFECT: This bill has been keyed non-fiscal by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. According to the author, "AB 1939 would allow student members, who are members of a county board of education or on a school district governing board, to be on an established school attendance review board. These student members would work with other members on the school attendance review board to create and implement a plan that improves collaboration between inter agencies and communities. Having a student voice on these boards would help ensure students with serious school attendance and behavior issues get the assistance they need. By providing students with a seat at the table, we acknowledge their invaluable perspectives and experiences in addressing the issue of chronic absenteeism. Involving students in decision-making processes, we can recognize that students are not just recipients of education but essential stakeholders in shaping their own learning environments. By embracing the unique insights of young people alongside adult wisdom, we can develop more effective programs and policies that not only empower students for lifelong success but also foster a culture of inclusivity and collaboration within our educational institutions. Through this collaborative approach, we can generate innovative solutions from a student-centric viewpoint, ultimately

working towards ensuring that every student has the support and resources they need to thrive academically and personally.”

School Attendance Review Boards. California compulsory education law requires everyone between the ages of six and eighteen years of age to attend school, except students who have graduated from high school. Some students, however, violate compulsory education laws and have a pattern of unexcused absences. Truancy and chronic absenteeism can cause costly, long-term problems for the students, schools, and the community.

In 1974, the Legislature enacted statute to enhance the enforcement of compulsory education laws and to divert students with school attendance or behavior problems from the juvenile justice system until all available resources have been exhausted. The Legislature authorized school districts and COEs to establish SARBs at the local and county level to create a safety net for students with persistent attendance or behavior problems. Although the goal of SARBs 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 court.

SARBs, composed of representatives from various youth-serving agencies, help truant or recalcitrant students and their parents or guardians solve school attendance and behavior problems through the use of available school and community resources. County SARBs are convened by the county superintendent at the beginning of each school year. In any county where no county SARB exists, a school district governing board may elect to establish a local SARB, which operates in the same manner and has the same authority as a county SARB. In many counties, the county SARB provides consultant services to the local SARBs. ***The Committee may wish to consider*** that there is no requirement for SARBs to consult with or seek input from students served by the SARB.

According to a 2018 CDE resource, *SARBs: A Road Map for Improved School Attendance and Behavior*, county and local SARBs are subject to the requirements of the Brown Act open meeting law. Therefore, SARB agendas must be posted three days in advance of the meeting and members can act only on matters included on the agendas. SARBs may hold closed sessions when considering matters relating to individual pupils, unless the parent or guardian requests an open session in writing. Closed sessions need to be part of regular or special meetings for which notices and agendas are required.

In addition to county and local SARBs, a State SARB was established for statewide policy coordination and personnel training to divert students with serious attendance and behavior problems from the juvenile justice system and to reduce the number of dropouts in the state public education system. The State Superintendent of Public Instruction (SPI) extends invitations of participation to representatives of appropriate groups throughout the state. There is no statutory requirement of the State SAB to consult directly with students. The State SARB makes annual recommendations to the SPI regarding the needs of high-risk youth.

Truancy. California's compulsory education law requires every child between the ages of 6 through 18 to attend school full-time and their parents and legal guardians to be responsible for ensuring that children attend school. A student who is absent from school without a valid excuse on any day or is tardy for more than 30 minutes, or any combination thereof, for three days in a school year is considered a truant.

Excused absences. Current law establishes excused absences for a number of reasons, including illness, quarantine, medical appointments, attending a funeral, jury duty, illness of the student's child, a court appearance, observation of a religious holiday or ceremony, attendance at an educational conference, serving on a precinct board, spending time with an immediate family member who is an active duty member of the military, as well as for other reasons deemed to constitute a valid excuse by a school administrator.

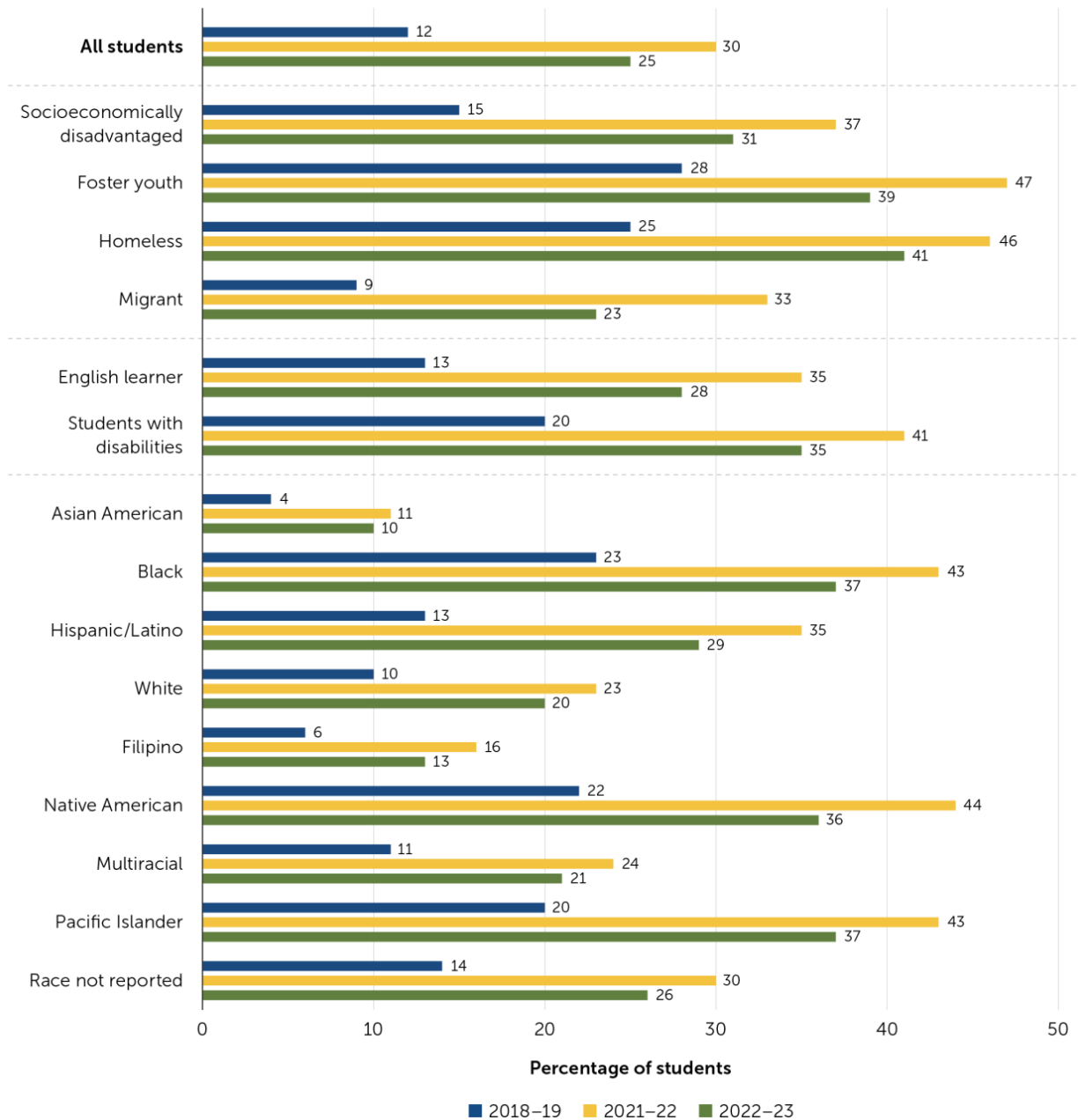
Chronic absenteeism has risen significantly in recent years. Chronic absence refers to missing so much school for any reason that a student is academically at risk. Chronic absence is defined as missing 10% or more of school for any reason, including excused absences, unexcused absences or truancy, and suspensions.

Statewide chronic absence rates increased from 12% to a high of 30% in 2021-22 during the COVID-19 pandemic. In 2022-23, the overall chronic absence rate fell to 25%. Although this represents a decrease from the prior year, the rate is still more than double that of the rate prior to the pandemic.

Chronic absences have a disproportionate impact on different subgroups of students. Only 2% of the most affluent schools have extreme levels of chronic absence, compared to 60% of schools in which 75% or more of the students are socioeconomically disadvantaged. Students who are involved in the foster care system, are experiencing homelessness, and/or have been identified as having a disability have extraordinarily high levels of chronic absenteeism. In addition, Native American, Black, and Pacific Islander students also have especially high rates of chronic absences. See figure 1 below. (Chang, 2024)

Chronic absenteeism also varies significantly by grade level. Kindergarten chronic absence increased from the pre-pandemic level of 16% to 40% in 2021-22 and remained at 36% in 2022-23, the highest level among all grade levels. High school chronic absenteeism increased from the pre-pandemic level of 16% to 30% at the height of the pandemic and dropped to 26% in 2022-23. (Chang, 2024)

Figure 1. Chronic Absenteeism Rates by Student Group and Year



Source: *Unpacking California’s Chronic Absence Crisis Through 2022-23* (Chang, January 2024)

Absences impact school funding. California schools are funded on the basis of the average daily attendance (ADA) of enrolled students. The level of absenteeism, whether excused or unexcused, negatively impacts an LEA’s overall funding.

Student board members in California. Current law requires the governing board of a school district, governing board of a county board of education, and governing body of a charter school to include a student board member if a petition signed by a specified number of high school students is brought before the governing board. According to a 2021 California School Boards Association Fact Sheet, Student School Board Members in California: Student Voice and

Demographic Action, 64% of those eligible (unified and high school districts) have one or more student board members.

Related legislation. AB 417 (Bennett), Chapter 437, Statutes of 2023, authorizes a student who is enrolled in a high school that is under the jurisdiction of the county board of education to be selected to serve as a member of the county board of education if no petition is submitted to select a student.

AB 824 (Bennett) Chapter 669, Statutes of 2021, authorizes a student petition requesting that a county board of education or the governing body of a charter school appoint one or more student board members to be submitted to a board or body operating one or more high schools.

AB 2815 (O'Donnell), Chapter 829, Statutes of 2016, authorizes a supervisor of attendance to provide specified support services and take specified interventions.

Arguments in support. GenUp states, “There is a critical need for student representation on school attendance review boards. Highlighting the significance of student voices, a 2016 Harvard article emphasized the transformative impact of involving students in decision-making processes. By valuing student perspectives as essential stakeholders in their own education, schools not only empower students, for lifelong success but also develop more effective programs and policies. Embracing the unique insights of young people alongside adult wisdom, integrating student voices onto attendance review boards can foster awareness and generate innovative solutions from a student-centric viewpoint.”

REGISTERED SUPPORT / OPPOSITION:

Support

California High School Democrats
GenUp

Opposition

None on file

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