

TRUANCY RESPONSE PROGRAM

- AUTHORITY:** Administrative Directive
- RESCINDS:** Procedure Manual Item 2-4-002, dated 12/22/11
- FORMS:**
- | | |
|---------------------------------------|--------------------|
| Truancy Letter – Parent | (NCI-Truancy Form) |
| Truancy Letter – School | (NCI-Truancy Form) |
| Truancy Letter – DA Referral Letter | (NCI-Truancy Form) |
| TRP Referral Checklist | (NCI-Truancy Form) |
| Attendance Record – Elementary School | (NCI-Truancy Form) |
| Attendance Record | (NCI-Truancy Form) |
| Notification to School District | (NCI-Truancy Form) |
| Tardy Slip | (NCI-Truancy Form) |
| Probation Truancy Contract | (NCI-Truancy Form) |
| Notification to Law Enforcement | (NCI-Truancy Form) |
- PURPOSE:** To provide guidelines for truancy issues among students at the local level

I. GENERAL INFORMATION

- A. School Attendance Background Information.
- B. Receiving Truancy referrals from schools.
- C. Informal handling of Truancy cases.
- D. Filing cases with Truancy Court

II. PROCEDURE

To address the problem of truancy among students at the local level, a team of multiple agencies developed a system of graduated accountability based sanctions. This program **is** called the TRUANCY RESPONSE PROGRAM **and** operates as follows:

The Schools:

After three or more unexcused absences, school personnel inform parents that their child's attendance will be monitored more closely and consequences will follow if truancy continues. If it does, the parents are sent a letter informing them of the compulsory education laws (48262 of the Education Code [EC]) of the State of California. The letter further invites each family to meet with a Deputy District Attorney (DDA) at a school site. There, the DDA conducts the meeting informing each family of the existing law and of the potential consequences for their failed compliance including prosecution of the child, parent or both.

School Attendance Review Board (SARB):

If the child continues to be truant, the parents and the child are scheduled to appear before the School Attendance Review Board (SARB). This Board consists of representatives from the **school**, police departments, DDA, Probation, Health Care

Agency, Social Services and a variety of community-based organizations. **These participants discuss** the truant's history in addition administrative remedies utilized and available to address the student's needs. Additionally, they address and remove any obstacles **which** may be prohibiting a child from attending school by developing a plan to remove these obstacles and arriving at an agreement, with all parties, in an effort to correct the truant behavior.

Prosecution:

If the child continues to be truant after the SARB contract has been put in place, an Application for Petition for Section 601 of the Welfare and Institutions Code (WIC) wardship is submitted to the Probation Department. In addition, the DA, police and school police will work together to receive and evaluate criminal referrals of the parents of truants where appropriate. (Education Code [EC] cases)

III. Truancy Referrals from Schools (Truancy Cases/601 and 602 WIC)

- A. Prior to accepting the Application for Petition pursuant to 601(b) WIC with Truancy Court the Screener identifies whether the child is involved in other Probation related matters. If so, the Screener will do the following:
- B. Truants with active 602 cases:
The Screener will dismiss the Application for Petition **and will then** notify the school or other law enforcement agency that their packet was dismissed because the youth is a 602 ward.
- C. Truants with 602 matters pending **or prior 602 status:**
The **Probation** screener will send the Truancy Application for Petition to the assigned Truancy officer for an intake interview. The screener will notify the school or filing agency (sometimes other law enforcement agencies).
- D. Truants with no other Probation-related matters:
The Screener reviews and processes all other Truancy Application for Petition-referrals/filing packets **submitted** by the schools or law enforcement. The screener follows the normal procedure and forwards the case file to the unit clerk.
- E. All Truancy referrals/filing packets need to include the following:
 - 1. Truancy Response Project Referral Checklist
 - 2. Orange County Probation Department Truancy Referral Form-Application for Petition
 - 3. Copy of Orange County District Attorney Uniform Parent Letter
 - 4. Any Original letter sent to Parent(s)
 - 5. Subsequent correspondence sent to Parent(s)
 - 6. Certified Mail Receipts
 - 7. Returned Letters

8. Copies of Referral Records and actions taken
 9. Student Case Chronology Worksheet
 10. Student Case Narrative Summary Worksheet
 11. Attendance Records with codes
 12. Copy of SARB Contract(s)
 13. Include the current address and all current phone numbers
 14. Copy of current Emergency Card
 - 15. Copy of current grades/ transcripts**
 16. Copies all other interventions by the school to attempt to stop the truancy (i.e., initial probation mediation)
 17. Individualized Education Program (IEP) (if applicable)
- F. The assigned Deputy Probation Officer (DPO) receives the referral packet from the assignment clerk and notifies the school that their Application has been received. The DPO requests that they continue sending Probation the child's weekly attendance and behavioral issue **notices**.
- G. The **Truancy** unit clerk will assign truancy cases to the Truancy Response Program DPO(s).
- H. If an Application for Petition alleging an apparently divertible 602 offense is received after the Truancy DPO has indoctrinated the child and family on the truancy matter, **the case will be referred to the Non Custody Intake officer for handling**.
- I. If an Application for Petition alleging a serious 602 offense is received after the Truancy DPO has indoctrinated the child and family on the truancy matter, the Screener will forward the case to the District Attorney for filing consideration. The Truancy DPO will continue to supervise the **youth** on the truancy matter until the 602 offense is either rejected by the District Attorney or the **youth** is declared a ward of the Court. If the **youth** is declared a ward of the Court, the truancy matter should be dismissed.
- IV. Truancy Officer Assessment: (Informal Handling)
- Attempt to further investigate why the child is not attending school by reviewing the following with the parents and the school if necessary:
- A. The date of the last medical examination/treatment.
 - B. Last SARB/IEP contract.
 - C. The school's attempts to address any identified areas of concern.

- D. The parent's ability to understand the school's communication. (Are they literate, disabled, speak other languages, etc?)
- E. Have parents followed through with the school's suggestions?
- F. Is there a need for parenting classes or family counseling?
- G. Is the family in need of social services or mental health services?
- H. Is the family able to effectively interact with school administrators? (Do they need an education advocate/attorney?)

The DPO will attempt to handle the truancy matter by offering diversion services at the Intake Interview. The DPO will offer a Sanction and Dismiss contract to attempt to obtain family's cooperation in improving the child's school attendance. The DPO will provide the family and child appropriate referrals based on their assessment.

If the child fails to comply with the contract, a Juvenile Intake Assessment Report (JIAS) Report is completed and the case will be sent to the SPO for approval to file the case with Truancy Court. If the case continues to meet the filing criteria (the child is still truant, resides in the County and is under the age of 17), the case will be submitted to the District Attorney for review.

V. Filing Truancy 601(b) WIC matters with the Court:

- A. When the diversion process has been unsuccessful, the DPO will document the reasons and complete a **Truancy Court report**, including information regarding the sanctions completed, those that were not and a current attendance report documenting the child's continued truancy. Send the file to the SPO who will review the request to file the petition with the Court pursuant to 601(b) WIC to declare the youth a 601 ward.

The case will be processed in the same manner as other unsuccessful diversion cases by the clerical staff, who also completes a "Notice of Action" notification letter, informing the school their petition will be filed with the Court and **advising** that the "Weekly Attendance Reports" must be received by Friday of each week until they receive further notification from Probation to stop.

The case will be sent to the Truancy DDA who will prepare a Petition to Declare Youth a Ward pursuant to 601(b) WIC. The Truancy DPO will sign the form under the Chief Probation Officer's name on the "BY: _____" line and return it to the DDA, who will **then** place the case on **calendar in** Truancy Court

- B. Truancy Response Program (TRP)

Truancy Court is held **on Friday's in Delinquency Departments L22, L41, L42, L43 and L44.**

1. Truancy Court Officer and unit clerk duties:

- a. The court calendar is picked up by the **Truancy** unit clerk from the Court Clerk's office every **Tuesday**.

- b. After the court calendar is received:
- (1) The **Truancy** Unit Clerk will pull the files of names on the calendar.
 - (2) The **Truancy** Unit Clerk will place the blank Disposition sheets and attendance records in the files. The files are then placed in a cart.
 - (3) The Truancy DPO will pick up the cart from the **Truancy Unit Clerk**.
 - (4) Check Dispo sheet in file for last court date.
 - (5) If an attendance record is not in the file, the DPO will contact the schools via email or fax and request attendance reports and additional information regarding the **youth's** school issues.
 - (6) The DPO will tally the **youth's** school attendance from the youth's last court date through the present date. At the bottom of the attendance report, write the youth's last court date along with the youth's attendance.
 - (7) Make copies of attendance report for Public Defender, District Attorney, and Judge, as well as any other involved attorneys.

2. **Thursday Afternoons before Friday Court Date**

Report to **DA library located at the Lameroux Justice Center- 4th Floor** at 1:30pm for Truancy Collaborative Staff meetings. Prepare 3 copies of attendance report the originals and a copy of Parent Empowerment Program (PEP) attendance list.

The **collaborative team members** will discuss all cases that need to be staffed in regard to Social Services Agency issues, pending 602 cases, incomplete VCS hours, dismissals, and incentives.

3. **Friday** Truancy Court

- a. Report to the **Lameroux Justice Center- 4th Floor Alcove** at 9 a.m., along with files, incentives, VCS forms and school referral forms.
- b. Prior to the start of Court hearings, provide counsel with any additional information.
- c. Court Hearing
 - (1) The Court will request Probation to give a verbal report of absences since the **youth's** last court date.

- (2) Truancy Officers reply, "Since the last Court date, Your Honor, the **youth** has been absent (state the **youth's** absences since the last court date)".
- (3) Complete the dispo sheet as the judge issues orders. At the bottom of the dispo sheet, note any requests of the court. Always indicate **all parties** present at the hearing, as well as the date of the next court hearing.

4. Warrants

- a. If the **youth fails to appear** the Court **will** issue a warrant for the **youth**, the DPO needs to complete the Warrant Information sheet. The white copy is routed to the clerk **in the issuing courtroom** and the yellow copy is retained in the file. The file is turned into JJC5. At that point, the **warrant** is routed according to JJC5 Warrant procedures.
- b. The DA will complete the parent warrant paperwork.

Completion of Court Proceedings:

- (1) All of the pink copies of the dispo sheets are routed to JJC5.
- (2) Return files to clerk to be logged back in from Court. The **Truancy Court** clerk updates the returning files, terminating the appropriate files and processing them while updating the file "location" in CMS and returning the remaining files to the Truancy cabinet. Additionally, the DPO will update the **excel** worksheet in the Public Folder.

Depending on the size of the court calendar or complexity of the cases, the hearings may last into the evening. DPOs must adjust their schedules accordingly (flex hours whenever possible).

- c. After filing with Truancy Response Program

Once a **youth** has been declared a 601(b) WIC ward the case is already going through the Truancy Court process and a 602 Application for Petition is received, the Truancy case will continue to be handled in Truancy Court while the 602 matter is being processed in Criminal Delinquency Court. Truancy will be notified of the new application.

The Truancy Court may opt to handle the 602 matter as well. If the Truancy Court decides not to handle the criminal matter, two file folders (an ST and a J/DL) for the same **youth** will be created to accommodate the two different courts. Once the truancy matter is dismissed, both matters will be kept together, so that the cases remain in the same location.

Law enforcement must always be notified of the disposition of their Application for Petition-the DPO does this by completing the "Notification to Law Enforcement" form; 2 copies of this form will be placed in the file by the DPO. Clerical will send the notification.

REFERENCES:

Procedure: 2-1-205 Warrants of Arrest for Juveniles

J.Stedman:dc

APPROVED BY: