

SHASTA COUNTY OFFICE OF EDUCATION

Shasta County Local SARB Handbook

Revised August 2021

**Outlines procedures followed in Shasta County from the SARB
letter process through prosecution**

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What SARB Is

- SARB is structured to help schools, parents, and students resolve attendance and behavior problems that are impacting successful student learning.
- SARB is a multi-disciplinary team designed to explore options that may have been overlooked or unknown in previous attempts by the school or parents to resolve the behavior or attendance problems.
- SARB referrals should only be made after other interventions have been unsuccessful in resolving the issues.
- The SARB agreement is a formal declaration of specific actions outlined as solutions to the attendance or behavior problems.
- The SARB meeting reinforces the serious nature of the problem and the sincerity of those involved in finding options and solutions to attendance and behavior problems

What SARB Is Not

- SARB is not a substitute for expulsion.
- SARB is not a counseling session.
- SARB is not a court hearing, but meetings should be conducted in an atmosphere of formality and respect for all involved.
- SARB is not a forum for discussing the personal views or bias of members.
- SARB is not a place to bully, threaten, or otherwise insult parents or students.
- SARB is not an intervention for students who are failing academically. A behavior or attendance problem must also be present. Although grades are an important piece of supplemental information, a student should not be brought to SARB based on poor grades alone.

General SARB Guidelines

1. **Your local SARB Chairperson/Co-Chairperson** is the liaison between the family, the school site, the local SARB, and the County SARB. The chairperson is the school site's first resource when special circumstances or questions relating to SARB occur. A list of your SARB Chair/Co-Chair and contact information will be at the end of this handbook.
2. **CalWORKs sanctioning** does not happen automatically, and it is not a function of the SARB Specialist or the District Attorney referral process. It is a process initiated by the school site. It will not occur unless the school site sees that it does. Guidelines for the sanctioning process can be found on page 10.
3. **All SARB referrals** must first pass through **Wendy Hall, the SARB director** to screen and to verify all requirements have been met prior to SARB. All appropriate steps must be met before making a referral to SARB. Unnecessary delays in bringing students to SARB can be prevented by following the due process guidelines in the Checklist.
4. **If a translator, or other accommodation for either parent or student**, is needed, you must alert the SARB secretary/director of this when you submit the referral. S/he is responsible for arranging for these accommodations, and the SARB process is severely undermined or completely halted if the chairperson is not aware of the family's needs.
5. **Timely notice of the meeting is crucial.** SARB summons need to be mailed out to parents no less than 10 calendar days prior to the meeting date. This process is facilitated by the SARB secretary/director. In order for them to complete this process on the correct timeline with respect to parent's needs for taking time off work, etc., SARB referrals must be submitted to the SARB chairperson for review by the deadline they provide.
6. **A waiver of timely notice must be signed** by parents when the above timeline cannot be followed due to special circumstances. Please also coordinate this with the SARB secretary.
7. **Please make your recommendation known to the panel**, either at the meeting or in the referral. SARB greatly values your input, as you interact with the student on a regular basis.
8. **SARB will do everything within its power** to fully investigate the situation, and collaborate to create an effective plan of action in the form of the SARB agreement. SARB will utilize existing community resources for families that are in need of assistance, as well as make recommendations for change in school placement if

necessary. The SARB agreement will represent the best possible solution that the board sees for rectifying the situation and serving the student's educational needs. This may include *suggestions* for services such as counseling or parenting classes, but the SARB cannot mandate any service unless the school, district, or SARB is prepared to cover any costs that the family may incur in following through with such directives.

9. What SARB at the local or county level CANNOT do:

- Mandate that any family or individual participate in counseling or any other service
- Forbid any family from enrolling in a private school, charter school, or independent study program
- Direct a student to enroll in an independent study program
- Cause a parent or student to be arrested for truant behavior
- Force a student to attend summer school, Saturday School, or afterschool programs

10. **Each SARB is different.** Every SARB has its own variation of the SARB process and procedure. This handbook is meant to be a general guideline for best practices, and to promote consistency throughout Shasta County. Please see your chairperson for district-specific policies.

Suggested Timeline for a 30-Minute Hearing

- Introductions and explanation of SARB process (2 minutes)
- School representative presentation of information (5 minutes)
- Parent and student response (5 minutes)
- SARB members ask clarifying questions (8 minutes)
- SARB members deliberate (5 minutes)
- SARB chair reads the directives aloud and SARB agreement is signed (5 minutes)

Note: The above time frame would be followed only in an ideal situation. Some fluctuations will occur. Its purpose is to serve as a guide for keeping your agenda on schedule.

Due Process Guidelines

(excerpted from Shasta County SARB Bylaws)

1. Was an effort, as outlined in California Education Code §48262, made by the school to attempt to correct the problem prior to the SARB meeting?
2. Was timely notice (at least 10 calendar days prior) of the SARB meeting sent to the parent?
 - a. If not, did the parent sign a waiver of timely notice?
3. Did the parent receive the notice? It will be assumed that the parent received the notice if it was sent to the most recent address provided to the school by the parent, and if any of the following delivery methods were utilized:
 - a. Certified with proof of delivery
 - b. First class mail, and not returned to sender
 - c. Hand delivery
4. Was the SARB meeting held according to standard procedure as outlined below?
 - a. The parent/guardian was present, or was notified in a timely manner and forfeited the opportunity to be present at the meeting by not responding to the summons
 - b. The SARB script was read
 - c. Everyone present introduced themselves
 - d. The case was presented by the school district representative
 - e. The parent/guardian and student were given the opportunity to respond
 - f. The parent/guardian, student, and school district representative left the room as the panel deliberated
 - g. The parent/guardian, student, and school district representative were called and the decision is

Attendance SARB: First Letter through DA Referral

(As recommended by the Shasta County SARB)

1. Mail Initial Notification of Truancy or Excessive Absences after 3 unexcused (truancy) or 10 excused (excessive absences).
-Total unexcused absences may be any combination of full day unexcused and/or unexcused tardies over 30 minutes.
2. Mail Second Notification of Truancy or Excessive Absences after 5 total unexcused absences or 12 total excused absences.

Recommend a SST or SART Meeting to

3. Mail Third Notification of Truancy or Excessive Absences after 7 total unexcused absences or 15 total excused absences.

-A copy of this letter is to be sent to your SARB Chairperson **if the student is 15 ½ years or older** to take to County SARB and submit for possible CalWORKs sanctioning.

4. Submit Confidential SARB Referral Form and schedule SARB hearing. Parents/guardians must be notified of the SARB hearing at least 10 calendar days in advance or sign a waiver of timely notice.
5. Local SARB meeting is held, and a contract is signed.
6. After the SARB hearing, if contract is violated (i.e., there are any more unexcused absences or excessive excused absences)
7. Mail Fourth Notification letter to parent/guardian and submit Truancy Prosecution Request to the SARB Specialist.

Notes:

The guidelines of 3, 5, and 7 unexcused absences as well as 10, 12, and 15 excused absences are set forth as **suggestions** by Shasta County. Ed Code **does not** give specific guidelines for the number of absences. **This needs to be determined by your district's attendance policy.** The only number that is specified explicitly in Ed Code is the minimum number of unexcused absences necessary to classify a student as "truant". Therefore, you may not legally send the *Initial Notification of Truancy* prior to 3 unexcused absences (or unexcused tardies in excess of 30 minutes).

All 3 letters must be sent within one school year in order to refer to SARB. You may honor letters sent by other schools, as long as they were sent within the current school year. If the 3rd letter is sent late in the year, the actual SARB meeting may be scheduled after summer vacation. However, letters 1, 2, and 3 should have been sent within one school year.

When referring to the District Attorney (DA) for truancy prosecution, please keep in mind that although you can SARB a student for excessive *excused* absences, the law does not allow prosecution based only on excused absences or excessive tardies less than 30 minutes. The DA's office does however send specific warnings to parents in regards to these two issues, so please do not hesitate to refer.

Individual Districts may be including Behavior SARB: Local SARB will only be conducting Attendance SARB First Letter through SARB Hearing

(As recommended by the Shasta County SARB)

1. Mail 1st Behavior Letter at the discretion of your administrator when the student's misbehavior has become habitual and irresolvable at the classroom level.
2. Schedule and hold an SST or similar meeting regarding the behavior issue. If the family chooses not to attend this meeting, make sure attempts to invite the family are documented.
3. Mail 2nd Behavior Letter at the discretion of your administrator after the first letter/efforts at meeting with the parent fail to address the student's behavior problem. This letter serves as notice to the family that a SARB hearing will be scheduled. Parents/guardians must be notified of the SARB hearing at least 10 calendar days in advance unless they have signed a waiver of timely notice.
4. Local SARB meeting is held, and the SARB Agreement is signed.

Notes:

Depending upon the age/grade of the student and the severity of the problem, the student will either:

1. Be returned to his or her current school in hopes that the SARB meeting itself addressed the issue by making the family aware of the problem and/or connecting them with services.
2. Be returned to his or her current school with the same hope as in #1 above, but with the added caveat (which must be stated clearly on the contract) that with any breach of the student's agreement to behave, he or she may be sent directly to the age-appropriate alternative education setting.
3. Be sent directly to an alternative placement.

Both behavior letters and the meeting with the family must occur within the same school year.

Please keep in mind that CalWORKs cannot be sanctioned based on a student's poor behavior. Likewise, a parent/guardian cannot be referred to the DA based solely on poor behavior in school. There *must* be an attendance problem to utilize either of these interventions.

Students Who are on IEPs

- A student who is currently on an IEP can be brought to SARB as long as the attendance or behavior problem is *not* a manifestation of the student's disability.
- This should be determined prior to SARB through a manifestation determination meeting. Often at this time, the IEP team will recommend a specific course of action for the SARB to take (i.e., placement at an alternative education setting, etc.).
- The decisions of the IEP team *always* trump the decisions of the SARB. Therefore, the SARB agreement is only a recommendation to the IEP team, and must be indicated as such on the actual agreement.
- After the SARB is held, the IEP team will reconvene to make a final decision based on their own judgments and the recommendation of SARB.

Appeals and Due Process

- Families may appeal a local SARB at the county level.
- Requests for appeal must be submitted to the Shasta County SARB Office within 10 calendar days of the date of the original SARB hearing.
- However, they may not appeal solely based on dissatisfaction with the decision of the local SARB.
- In accordance with County SARB Bylaws, appeals will only be heard if it appears that there was a breach of due process.
- These appeals will be evaluated based upon the criteria set forth in the County SARB Bylaws and the SARB procedures recommended by SCOE.
- These guidelines can be found on pages 5 through 8 of this handbook.
- If it is determined that a breach of due process has taken place, the County SARB will provide the school and the local SARB chairperson with formal recommendations to rectify the situation.

CalWORKs Sanctioning and Re-Sanctioning Step-by-Step Guidelines

To Sanction a Family's CalWORKs Grant:

Forward a copy of the 3rd Attendance letter to your local SARB chairperson only if the student is **over 15 ½ years of age**. He or she will submit it to County SARB where a social services representative receives it for processing.

To Re-Sanction a Family's CalWORKs Grant:

Attach a copy of the original 3rd letter and a print out of the current attendance to the "Re-Notification of Unsatisfactory Attendance" form, and submit to your SARB chairperson as usual. This can be done after a student has already been sanctioned and corrected the sanction through attending satisfactorily for one month (verification signed by school). If the attendance once again declines, re-notice social services through this process.

Notes:

It does not matter whether you know if a family is receiving public assistance or not. Social services will look up each submitted 3rd letter, and if the family is not in their system, the letter is shredded and nothing will happen.

When a family is sanctioned, their benefits are reduced, not completely revoked. The grant is based on the family size. When a truancy-based sanction occurs, the aided adult or adults are dropped off the family count, thereby reducing the effective "household members" by 1 or 2. Example (dollar amounts accurate as of 2004): the CalWORKs case consists of one adult and two school age children (ages 10 and 12). The cash aid payment to this family is \$661 per month. One child is not regularly attending school. The penalty will be a reduction in family size from 3 to 2. The adult is no longer taken into account in the computation. The resulting cash aid payment applied will now be \$533 per month.**

**Many thanks to the Shasta County Department of Social Services for this example.

Referral to the DA Step-by-Step Guide

Students who continue to have poor attendance following the SARB hearing may be referred to the District Attorney's Office for prosecution. *This may be written on the SARB agreement as an additional directive (i.e. "Case will be referred to the District Attorney at the discretion of school administration if attendance does not improve"), although it is already stipulated in the text of the 2010 revision of the SARB agreement form.*

1. Assemble a Truancy Prosecution Request Packet. This is the responsibility of the student's school, and *must* contain the following items using current forms, or the SARB Specialist *will not be able to process the request*. The SARB Specialist will make every effort to inform the school if information is missing or forms are incorrect, however, correct, complete packets will ensure the quickest response.

- ① Truancy Prosecution Request Form (K-8)/SARB Contract Violation Form (9-12)
- ② Copy of current SARB contract
- ③ Copies of attendance letters 1, 2, 3, and 4 (if 4th notification was sent)
- ④ Copy of current attendance (you may include attendance from previous years if you believe it is pertinent)

***For K-8 students: A date of birth **must** be included for each **parent** otherwise charges cannot be filed. If you do not have this readily available in the cumulative file, it can often be found in the student's free/reduced lunch information.*

***If the student only lives with one particular parent during the school week, please indicate that on the prosecution request. Also note any other information about special circumstances that may have contributed to absences. You may attach a narrative explanation if you wish. More information is always better!*

2. Forward packet to SARB Specialist at:

2985 Innsbruck Drive, Redding, CA 96003 or email packet to [Wendy Hall](#).

In most circumstances the SARB Specialist will be able to review your referral within 1-2 weeks. If you are not contacted regarding the status of the referral, please feel free to contact the SARB Specialist by phone or email.

Possible Outcomes When You Submit a Referral to the DA:

- a. A warning letter is sent from the District Attorney to the parent or student. If there is no significant improvement subsequent to the warning, please contact the SARB Specialist. In most circumstances, infraction charges will then be filed.
- b. The SARB Specialist immediately forwards the file to the DA's office and requests infraction charges be filed (K-8 parents) or a citation be issued (high school students).

- c. If the family has already been to court for charges related to truancy, or if the truancy is particularly severe, it is possible that the DA's office will choose to file a misdemeanor violation of Penal Code 270.1: Chronic Truancy.

DA Referral: Frequently Asked Questions

How long will it be before I hear an update on the status of my case?

This depends solely upon the workload of the SARB Specialist at the time of referral. Unfortunately, there is only one county employee to process all prosecution requests, complete all paperwork for filing charges, attend all court dates, attend all local SARB meetings, and complete all daily office and clerical tasks. In general, the SARB Specialist can address a new referral within 1-2 weeks. If you have any questions about the status of your case, please email or call the SARB Specialist for an update.

Why didn't my case go to court?

The Office of Education and the DA's Office can choose not to immediately file charges on a case for a variety of reasons. The most important deciding factor is the number of *unexcused* absences. Prosecution is impossible and illegal unless there are at least 4 unexcused absences. However, because so many students might fall into this category, and because 4 unexcused absences is not generally considered excessive, cases will usually not be immediately prosecuted unless there are at least 15 unexcused absences (this can be a combination of tardies over 30 minutes and full day unexcused). However, this is a rough guideline, and is flexible depending upon how far into the school year it is at the time of referral, the absence and prosecution history, SARB history, attempts at intervention on the school level, and pattern of absences.

Even if your case was not immediately prosecuted, that does not mean it will never be. Usually when a case does not go to prosecution, the SARB Specialist sends the family a warning letter from the District Attorney. If after the warning letter is sent, the attendance continues to be poor, prosecution is usually the next step.

If the case goes to prosecution, what is the timeline for filing and scheduling a court date?

After being reviewed by the SARB Specialist, the case is sent to the District Attorney's Office to complete their intake process. It travels through at least 3 different hands as it is logged, approved by the juvenile prosecutor, and the criminal complaint is prepared. It is then forwarded back to the SARB Specialist who prepares the documentation for filing with the court, and gets the case scheduled for a court date. The SARB Specialist then mails notification letters of the charges and scheduled court appearance to the family. This entire process from start to finish can take anywhere from 1-2 months depending upon the work load of the DA's Office and the SARB Specialist. Timing can also be contingent upon the availability of court dates as SARB Court is only held once per month.

What happens in court?

At a family's first appearance, called an arraignment, the defendants (the parents/guardians in a K-8 case, or the student in a high school case) appear before the juvenile court judge. He explains

the charges and gives the defendant the choice to proceed formally, enter a plea, and schedule a trial, or proceed informally with the goal of improving the student's attendance as the

the court monitors progress. If the defendant chooses to proceed informally, the court monitors attendance, and if a significant improvement is made in a short amount of time, the case is completely dismissed. attendance as the court monitors progress. If the defendant chooses to proceed informally, the court monitors attendance, and if a significant improvement is made in a short amount of time, the case is completely dismissed.

If there is little to no improvement, the court can proceed formally or the DA's office may file a misdemeanor charge on the parent for contributing to the delinquency of a minor. This is a much more serious charge. The ultimate goal of SARB court is to get the students back in school, not to punish them. Simply punishing the parent and sending them on their way is often the absolute least effective course of action when trying to see a positive and long-lasting change in the student's school attendance.

How will I know what is happening with the case in court?

Unfortunately, due to the volume of cases going through the SARB court process, the SARB Specialist is unable to notify every child's school of the status after every court date. If you are curious about the outcome of a court date or a case's status, please email the SARB Specialist and request a status update. The school will, however, be informed if the case is dismissed or if another culminating action takes place.

What happens if the SARB Specialist sends a warning letter from the DA instead of immediately prosecuting?

The ultimate goal of sending a warning letter is to improve the child's attendance without the need for a court case. A letter might be utilized if the student does not have enough unexcused absences to prosecute, or does not have an extensive history of poor attendance. If a warning letter is sent to a family, please continue to monitor the child's attendance and notify the SARB Specialist if the letter does not affect a positive change. Prosecution will likely be the next step.

Selected Relevant California Code

Why SARBs were created:

Education Code (EC) § 48320:

(a) In enacting this article it is the intent of the Legislature that intensive guidance and coordinated community services may be provided to meet the special needs of pupils with school attendance problems or school behavior problems.

(b) Any school attendance review board, established pursuant to this article, which determines that available public and private services are insufficient or inappropriate to correct school attendance or school behavior problems of minors may:

(1) Propose and promote the use of alternatives to the juvenile court system.

(2) 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.

(3) 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.

Who may be a member of a local SARB:

EC § 48321:

(b) (1) Local school attendance review boards may include, but need not be limited to, all of the following:

- A parent.
- A representative of school districts.
- A representative of the county probation department.
- A representative of the county welfare department.
- A representative of the county superintendent of schools.
- A representative of law enforcement agencies.
- A representative of community-based youth service centers.
- A representative of school guidance personnel.
- A representative of child welfare and attendance personnel.
- A representative of school or county health care personnel.

Who may be referred to a SARB, why, and what can be done:

EC § 48263:

If any minor pupil in any district of a county is an habitual truant, or is irregular in attendance at school, as defined in this article, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a school attendance review board or to the probation department for services if the probation department has elected to receive these referrals. The supervisor of attendance, or any other persons the governing board of the school district or county may designate, making the referral shall notify the minor and parents or guardians of the minor, in writing, of the name and address of the board or probation department to which the matter has been referred and of the reason for the referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be required, along with the referring person, to meet

with the school attendance review board or probation officer to consider a proper disposition of the referral.

If the school attendance review board or probation officer determines that available community services can resolve the problem of the truant or insubordinate pupil, then the board or probation officer shall direct the pupil or the pupil's parents or guardians, or both, to make use of those community services. The school attendance review board or probation officer may require, at any time that it determines proper, the pupil or parents or guardians of the pupil, or both, to furnish satisfactory evidence of participation in the available community services.

If the school attendance review board or probation officer determines that available community services cannot resolve the problem of the truant or insubordinate pupil or if the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives of the school attendance review board or probation officer or to services provided, the school attendance review board may, pursuant to Section 48263.5, notify the district attorney or the probation officer, or both, of the county in which the school district is located, or the probation officer may, pursuant to Section 48263.5, notify the district attorney, if the district attorney or the probation officer has elected to participate in the truancy mediation program described in that section. If the district attorney or the probation office has not elected to participate in the truancy mediation program described in Section 48263.5, the school attendance review board or probation officer may direct the county superintendent of schools to, and, thereupon, the county superintendent of schools shall, request a petition on behalf of the pupil in the juvenile court of the county. Upon presentation of a petition on behalf of a pupil, the juvenile court of the county shall hear all evidence relating to the petition. The school attendance review board or the probation officer shall submit to the juvenile court documentation of efforts to secure attendance as well as its recommendations on what action the juvenile court shall take in order to bring about a proper disposition of the case

What is considered truancy in California and how should parents be notified

EC § 48260:

(a) Any pupil subject to compulsory full-time education or to compulsory continuing education who 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 without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.

(b) Notwithstanding subdivision (a), it is the intent of the Legislature that school districts shall not change the method of attendance accounting provided for in existing law and shall not be required to employ period-by-period attendance accounting.

EC § 48260.5:

Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or guardian using the most cost-effective method possible, which may include electronic mail or a telephone call:

(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 pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27.
- (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 it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

What is Habitual Truancy?

EC § 48262:

Any pupil is deemed an habitual truant who has been reported as a truant three or more times per school year, provided that no pupil shall be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself, after the filing of either of the reports required by Section 48260 or Section 48261. For purposes of this section, a conscientious effort means attempting to communicate with the parents of the pupil at least once using the most cost-effective method possible, which may include electronic mail or a telephone call.

What is Chronic Truancy?

EC § 48263.6:

Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10 percent or more of the schooldays in one school year, from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate school district officer or employee has complied with Sections 48260, employee has complied with Sections 48260, 48260.5, 48261, 48262, 48263, and 48291.

Contact Information and Additional Resources

Additional questions or concerns may be directed to:

[Wendy Hall](#)

SARB/Truancy Prosecution Director

2985 Innsbruck Drive

Redding, CA 96003

Phone: (530) 225-0238