

# Proposition 98 Pupil Discipline Mandates

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LEGISLATIVE ANALYST'S OFFICE

Presented To:  
Assembly Committee on State Mandates

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## Pupil Classroom Suspension: Counseling

Summary:	A school counselor or psychologist must attend a parent-teacher conference for a student who has been suspended from a class by a teacher.
2004-05 Projected Cost:	\$2.9 million.
Reimbursement Basis:	Actual cost of providing specialist.
Specific Requirements:	State law authorizes teachers to suspend students for up to two days of class for specified offenses. The teacher is required to call a conference with the student's parents or guardian. "If practicable," a school counselor or psychologist also shall attend the conference.
Comments:	Recommend the committee give districts the option to include a counselor or psychologist at these meetings. School personnel can determine whether a counselor or psychologist is needed.

## Pupil Suspension: Parent Classroom Visits

Summary:	Adopt a policy of allowing teachers to compel parent attendance on the day a student who has been suspended from the class is scheduled to return to class.
2004-05 Projected Cost:	\$872,000.
Reimbursement Basis:	Actual costs incurred.
Specific Requirements:	Requires district follow-up for students who are suspended from a classroom, including: <ul style="list-style-type: none"><li>▪ Adopting a policy that allows teachers to require parents or guardians to attend the class on or near the date the student is scheduled to return to the class.</li><li>▪ Notifying parents of the required attendance.</li><li>▪ Contacting parents who do not respond to written notice.</li><li>▪ Requiring a school administrator to meet with parents before and after the mandated classroom visit.</li></ul>
Comments:	Recommend the committee make parental classroom visits a local option.

## Notification of Truancy

Summary:	Notify parents of truant student of the parents' obligation to compel attendance.
2004-05 Projected Cost:	\$11.5 million.
Reimbursement Basis:	About \$13 per notification.
Specific Requirements:	<p>Notify parents of truant students by first class mail. The notification also must:</p> <ul style="list-style-type: none"><li>▪ Describe the possible consequences of the student failing to attend school.</li><li>▪ Inform parents that alternative education programs are available in the district.</li><li>▪ Inform parents of their right to meet with school personnel to discuss solutions to the attendance problem.</li></ul>
Comments:	<p>Recommend making this requirement a district option.</p> <p>The existing mandate may inadvertently encourage districts to contact parents only after a student has three unexcused absences from school. State policy should encourage communication with parents whenever students are absent without permission.</p> <p>In addition, the policy goal of this mandate is not clear. If the goal is parent information, it comes at a high cost. If the goal is reducing truancy, funds probably could be targeted at activities that have a more direct impact on student engagement.</p> <p>Mandates may not be the most effective way to encourage districts to reduce truanies. Districts have strong fiscal incentives for getting students to attend school.</p>

## Habitual Truant

Summary:	Make a “conscientious” effort to meet with parents before classifying a student as a “habitual” truant.
2004-05 Projected Cost:	\$9.7 million.
Reimbursement Basis:	Actual costs incurred.
Specific Requirements:	<p>State law gives local government various enforcement tools for compelling school attendance of habitual truants. Students must be truant a total of five days within a school year to be classified as habitual.</p> <p>This mandate reimburses districts for:</p> <ul style="list-style-type: none"><li>▪ Requesting parents meet on the student’s failure to attend school. A conscientious effort is defined as notification by first class mail and—failing a response from the parents—a follow-up phone call.</li><li>▪ Verifying the student’s prior trancies, holding the parent conference, and classifying the student as a habitual truant.</li></ul>
Comments:	<p>We recommend making this mandate optional, as parents will be notified through subsequent enforcement actions, as follows:</p> <ul style="list-style-type: none"><li>▪ District attorneys may notify parents of the legal consequences of a student’s continuing truancy.</li><li>▪ Parents of all students (not just habitual truants) referred to a Student Attendance Review Board (SARB) are notified in writing of the referral and the parents’ requirement to meet with the review board or probation officer.</li><li>▪ Parents of students who continue to be truant after intervention by a local district attorney or SARB may be prosecuted by the district attorney, or the student may be declared a ward of juvenile court. Both remedies require notifying parents.</li></ul>

## Expulsion Transcripts

Summary:	Waives the cost of transcripts used during expulsion appeals for low-income parents, or if expulsion decision is reversed by county board of education.
2004-05 Projected Cost:	\$16,000.
Reimbursement Basis:	Actual costs incurred.
Specific Requirements:	Districts typically charge fees for supplying copies of the transcript of a student expulsion hearing. This mandate waives fees for students appealing an expulsion to the county board of education if: <ul style="list-style-type: none"><li>▪ The parent or guardian cannot afford the cost of a transcript due to limited income or other exceptional expenses.</li><li>▪ The county board of education reverses the school district governing board's order of expulsion.</li></ul>
Comments:	Given the low cost of this mandate, we recommend no action.

## Notification of Teachers of Pupil Expulsion

Summary:	Notify teachers of students who have been reported as committing expellable offenses (such as possession of a firearm or causing bodily injury to another person).
2004-05 Projected Cost:	\$6.7 million.
Reimbursement Basis:	Actual costs incurred.
Specific Requirements:	<p>Requires districts to notify teachers on a routine basis of students who are reported as committing acts described in the Education Code for which students are automatically expelled from school.</p> <p>Districts also are required to develop systems to collect and maintain these data. Data must include reports from local law enforcement agencies. Individual student data must be maintained for three years.</p>
Comments:	<p>Not clear why local costs are so high. Recommend committee request the State Controller's Office to review district claims and report back to committee on the following:</p> <ul style="list-style-type: none"><li>▪ Identify which components of this mandate result in significant costs and whether modifications to statute could reduce state costs of the mandate without significantly affecting the state's policy goal.</li><li>▪ Recommend whether a "unit cost" approach to this mandate could be developed that would fairly compensate districts and reduce the state cost of this mandate.</li></ul>

## Pupil Suspensions, Expulsions, and Expulsion Appeals

Summary:	Expel or suspend students for certain offenses. Procedural protections for students who may be, or have been, suspended.
2004-05 Projected Cost:	\$4.8 million.
Reimbursement Basis:	Actual costs incurred.
Specific Requirements:	<p>(1) Requires suspending a student for causing injury, possessing a firearm or other weapon, robbery, and sale of drugs.</p> <p>(2) Establishes process requirements including:</p> <ul style="list-style-type: none"><li>▪ Written notice of any decision to suspend or expel.</li><li>▪ Right of appeal to the county office of education.</li><li>▪ Maintaining records of each expulsion.</li><li>▪ Setting a date when an expelled student may reapply for readmission.</li></ul>
Comments:	<p>The mandate's process requirements generally add protections for students who commit one of the "mandatory expulsion" offenses. These process protections exceed court-required due process requirements.</p> <p>In addition, statute also extends these protections to nonmandatory expulsions—although state reimbursement is not required in these cases. (A school district, however, has sued the state for state reimbursement of the process costs for these discretionary expulsions.)</p> <p>Some of the mandatory expulsions were subsequently required under federal law. Because the state mandate law waives state reimbursement only when state law implements a new federal requirement, the state is still paying for these mandated costs.</p>