

CALIFORNIA ASSOCIATION OF SUPERVISORS OF CHILD WELFARE & ATTENDANCE

# CASCWA CONNECTION

## SOUTHERN SECTION



CASCWA

"Quarterly Publication for Our Members and Friends"

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### Message from the President

HAPPY NEW YEAR! If the last half of the 1996-97 school year moves as fast as the first half, we will all need a new pair of "roller-skates" or maybe that should be roller-blades." Thanks have been busy!

For CASCWA Southern Section, this has been a banner year. Membership continues to increase and so does the participation of our members at CASCWA approved events. As most of you know, in November of 1995, Southern Section began sponsoring a series of "Legal Forums" designed to address education specific topics while featuring prominent school-law attorneys. We plan to carry this theme into the 1996-97 CASCWA Spring conference that Southern Section will host beginning April 30, 1997, at the Marquis Resorts Hotel in Palm Springs.

Our first Legal Forum for this school year was hosted by Cecil Munsey, Southern Section Treasurer, on November 1st, at the San Diego County Office of Education. Featured presenters included David Searcy, Commissioner, Juvenile Traffic Court, Los Angeles County and Detective Ben Gonzales, Los Angeles Police Department. The major focus of the program was an in-depth discussion about the daytime anti-loitering ordinances that many of our cities have adopted. Needless to say the information presented was excellent and the attendance was outstanding. In addition and most important, we picked up some new supporters from the San Diego area.

On December 6th, we concluded our series of Legal Forums for this school year with a presentation on "School Uniforms." The program, hosted by Frank Boehler, Southern Section Vice President, Supervisor of Child Welfare and Attendance, Orange Unified School District. This most outstanding program included "real-live" kids who participated in a fashion show narrated by Frank Boehler. By the way, Frank, who was also in uniform, was a tough act to follow, but the rest of our presenters were certainly equal to the task. The remaining program featured Mrs. Mary Ann Owsley, Principal of Santiago Middle School (a

charter school), Roger Duthoy, principal of El Rancho Middle School, a non-charter school, followed by Ted Buckley, General Counsel, Long Beach Unified and Dick Van der Laan, Public Relations Director for the Long Beach Unified School District. Mr. Buckley, focused on the legal issues the numerous court challenges that Long Beach had to address and Mr. Van der Laan focused on the "non-legal" (not to be confused with the "ill-legal" aspect) of the district's uniform program. The information, the hand-outs, the presenters, and the lunch were so well received that we have been asked to plan a repeat performance. If only there were more days in the year.

**I keep my promise!** Enclosed you will find your copy of The Truancy Toolbox. Remember, this is the first edition of the publication and it is designed to be a living document. As the laws change and/or new programs to address truancy related issues are brought to our attention, the Toolbox will be revised and reissued. CASCWA Southern Section members will always have absolute access to future editions.

THE CONFERENCE IS COMING! THE CONFERENCE IS COMING! As previously mentioned, the State Spring Conference is scheduled for April 30 through May 2 and will again be held at the Marquis Resort Hotel in Palm Springs. Start saving your money! A special Conference edition of CASCWA Connection is scheduled for late January 1997 to provide you with important details.

That's enough for now. Looking forward to serving you in 1997! Hope we see you all in Palm Springs!

(Editor Notes: Betty Folsom, Educational Consultant, Riverside County Office of Education and Southern Section Secretary, is the proud owner of a new BMW Z-3. This is the James Bond Special. Rumor has it that she's prepared to give complimentary test rides to those attending the Spring Conference.)

*Phil Kauble, President, So. Section*

# IMPACT OF STREET GANGS ON PUBLIC SCHOOLS, AND THE USE OF EX-CONVICTS AND EX-GANG MEMBERS ON THE SCHOOL GROUNDS

By Gus Frias, LACOE

**Background:** Los Angeles County is presently experiencing a tremendous gang epidemic. According to the L.A. County Sheriff's Department's Gang Reporting, Evaluation and Tracking automated system, this County is the home of over 1,200 multi-ethnic street gangs comprising over 150,000 active gang members and a greater number of sympathizers. In 1995, these individuals were responsible for committing 807 gang-related killings, thousands of drive-by shootings and other felonies that resulted in serious physical injuries. The purpose of this article is to share information regarding the impact of street gangs on public schools. In particular, its primary goal is to address a growing concern regarding the use of ex-convicts and ex-gang members, as well as current gang members, to make presentations to students under the guide of gang prevention.

**Definition and Application of the Gang Label:** The California Penal Code, Section 186.22(f) defines a street gang as, "An ongoing group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts." Put in other words, it defines a gang as a group of criminals. Accordingly, all educators are advised not to use the gang label recklessly when referring to pupils. Some educators and students apply this label loosely to perceived student gangster imitators who dress in baggy clothes and have crew hair cuts. Please exercise caution: Dressing like a gang member is not enough to be labeled as one. Instead, to discourage students from dressing like gang members, educators should consider the use of uniforms. Furthermore, educators need to understand that once students are labeled as gangsters, they automatically acquire enemies who often will not hesitate to harm them and anyone around them. It is also important to know that once students are labeled as gang members, this label will be extremely difficult to eliminate. As an alternative, it is recommended that educators advocate the use of life-affirming labels that motivate and empower students to achieve success at home, at school and in life.

**Gang Laws:** The Federal Gang Violence Act of 1996 attempts to strangle the growth of gangs by making it a crime to recruit minors into criminal gang activity when a federal crime is involved. Similarly the California Street Terrorism Enforcement and Prevention Act, Penal Code, Section 186.22, makes it a crime to participate in a street gang or to willfully promote, further or assist in any felonious criminal conduct by members of a gang. Schools should be encouraged to use these laws as part of a prevention strategy aimed at curtailing gang membership and related activities on or around the school grounds.

**Services Provided By Ex-Convicts and Ex-Gang members:** Regarding the use of services provided by ex-convicts and ex-gang members on the school grounds, educators have a duty of care to prevent students from being impacted adversely by these individuals. The Cali-

fornia Education Code, Section 44836, prohibits the employment of persons convicted of sex offenses or controlled substance offenses. In addition, Section 35021.1 prohibits the use of non-teaching volunteerservices provided by convicted sex offenders on the school grounds. Because many gang members have committed sex or drug-related offenses, these sections prohibit them from providing paid or volunteer services on the school grounds.

**Recommendations:** If educators want to use the services of these individuals to interact with students or staff at a school site, the following recommendations should be seriously considered.

- Obtain as much information regarding the service providers. For example, educators need to know the true name, age, social security number, address and phone number of each service provider.
- Do a background investigation of the service providers' criminal records. Are they still on probation or on parole? Who are their probation or parole officers? What is their evaluation of the service providers' behaviors?
- Determine if there are any rival convicts or gang members who continue to perceive them as enemies.
- Find out the length of time that has transpired since the service providers became ex-convicts or ex-gang members. A three-year record of law-abiding behavior should be considered a plus. Anything under this period of time should be considered probationary and unreliable.
- Contact the local law enforcement agency and find out if its representatives recommend the use of the service providers' talents. Verify all information provided by the service providers. In addition, find out if there are any outstanding law enforcement warrants on the service providers.
- Determine what student needs will be addressed by the service providers.
- Find out what professional skills qualify these service providers to address the identified student needs.
- Determine how their services fit into the site's school safety plans.
- Develop a School Board policy on the use of services provided by ex-convicts or ex-gang members. These services should not be used without Board awareness and understanding.
- In determining whether or not it is proper to use these service providers, don't make unilateral decisions; instead, discuss this issue with superiors and secure their input, pursuant to Board policy.
- If the services of these individuals are used, always have a school supervisor present to document their interactions with students and staff.

**Conclusion:** The use of ex-convicts and ex-gang members is a very delicate, daring undertaking that can become dangerous and self-defeating. Educators must be aware of the mixed messages these individuals send to students and others. For example, a possible interpretation by students can be that if the ex-convict and the ex-gang member can join a gang, commit crimes, and violate the rights of others, and survive, then others can do the same. Intended or not, these individuals offer roadmaps to students on how to dehumanize others and survive. Based on the experiences of many educators, there is a brief that the messages these individuals deliver to students ultimately are counterproductive to maintaining

# NEW ADDITIONS TO THE SUSPENSION/EXPULSION LAWS

By Phil Kauble, LACOE

Effective January 1, 1997, school districts will have to address new issues in their suspension and expulsion policies and procedures. Assembly Bill 692, Ch. 915, Statutes of 1996, added the following provisions to section 48900 for which a pupil may be suspended or expelled:

- Committed or attempted to commit a sexual assault or committed a sexual Battery
- Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness or both

In addition, Section 48914(a) was amended to add the following provision to the list of serious offenses and provide additional protections for school employees.

- Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee

As a result of the above referenced amendments to Section 48900, additional safeguards were needed to address the sensitive issues that often accompany incidents of sexual assault and sexual battery. Section 48918, procedures for conducting expulsion hearings was amended and Section 48918.5, expulsion procedures: complying witness, was added.

Additional requirements of Section 48918 in matters involving sexual abuse or sexual battery: include the following:

- In a hearing in the matter of an alleged sexual assault or sexual battery, a complaining witness shall be given five days notice prior to being called to testify.
- A complaining witness shall be entitled to at least two adult support persons present during their testimony.
- Support persons, prior to the testimony of a complaining witness, shall be admonished that the hearing is confidential.
- A person presiding over the hearing may remove a support person whom he finds to be disruptive.
- If the hearing is conducted in open session, a complaining witness shall have the right to have his or her testimony heard in closed session to avoid any potential psychological harm. This shall be provided in the absence of an alternative means of testifying.
- Evidence of specific instances of a complaining witness' prior sexual conduct shall be inadmissible, absent a determination that extraordinary circumstances exist requiring the evidence to be heard.
- Before a determination is made regarding the admissibility of evidence of prior sexual conduct, a hearing on the admissibility of evidence shall be held. The complaining witness shall be provided notice of the hearing including an

opportunity to present opposition to the introduction of evidence.

*Note: It would appear that in matters of sexual assault and sexual battery a notice about restrictions on the introduction of evidence related to prior sexual conduct would need to be included in the notice of hearing letter required pursuant to 48918(b). This would allow for a hearing on the admissibility of evidence to be held prior to the expulsion hearing. It would also appear that the provisions to guard against possible psychological harm to a complaining witness would also apply.*

Additional procedures were further added by Section 48918.5 to address issues related to a complaining witness:

- At the time the expulsion hearing is recommended, the complaining witness hearing is shall be provided a copy of applicable discipline rules and advised of his or her right to:
  - (1) receive five day's notice prior to scheduled testimony
  - (2) have up to two adult support persons present at time of testifying
  - (3) to have the hearing closed during time of testifying
- A hearing may be postponed for one schoolday to accommodate the special physical, mental or emotional needs of the witness.
- A non-threatening environment shall be provided to better allow the witness to speak freely and accurately of experiences and to prevent discouragement of complaints.
- A room separate from the hearing shall be provided prior to and during breaks in testimony.
- The chairperson may, at his or her discretion allow reasonable periods of relief for the witness, and may further arrange seating to facilitate a less intimidating environment.
- The time for taking the testimony of a complaining witness may be limited to school hours.
- The chairperson may allow one support person to accompany the witness to the stand.
- Whenever an allegation of sexual assault or battery is made, the complaining witness and accused pupil(s) are to be immediately advised to refrain from contact during the pendency of any expulsion process.



## IMPACT OF STREET GANGS (continued)

safe, secure and peaceful schools. The services of law-abiding community leaders, or alumni from the respective schools, who grew up in the midst of high risk environments and managed to succeed in life, without committing crimes and joining street gangs, are better alternatives for prevention education. In fact, these individuals exemplify the thinking and behavior that are vital to achieve success at home, at school and in life.

For further information, please contact the Los Angeles County Office of Education's Safe Schools Center at (310) 922-6391.

## MULTICULTURAL DIMENSIONS OF THE EXPULSION PROCESS

By James Shaw, LACOE

**A**wareness of cultural diversity and "right-the-wrong" mind-sets of some ethnic minorities who traditionally have been discriminated against. Certain actions and attitudes may suggest other agendas.

**P**olitics and personal issues can cloud the picture. Be proactive; promote and make prominent the impartiality and nature of due process.

**T**ell affected students and parents; give precise—and Ed Code-based/school policy—reasons.

**I**nvestigate everything; invest in "meet-and-confer"; invite discussion.

**T**iming is critical; return all telephone calls promptly and follow-through on what you promise.

**U**nderstanding. Try to feel what the affected parties feel, see what they see, and appreciate their background. Although your opinions will differ, try to reach unity and agreement on what the problems and solutions are.

**D**iscuss/deliberate/decide. These three elements are the framework for all the above. Discrimination is close to the minds and lips of many people from historically oppressed backgrounds/cultures. Observance of proper due process will assure fair and equitable treatment for all.

**E**quity/education/enlightenment. The expulsion process, when conducted properly includes all these components, not only for multicultural school populations, but also for the entire student body. "Equity for Everyone" should be the heartbeat of the entire Child, Welfare and Attendance process.

## BOUNTY HUNTERS TARGET TRUANTS

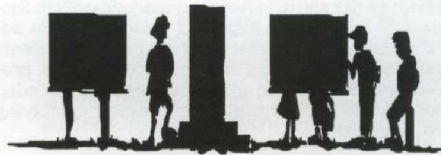
By Cecil Munsey, SDCOE

Brownsville, ORE (AP) - Kyle Lynde knew she shouldn't have been hanging out, not with a price on his head for skipping school.

It didn't take long for Central Linn High School's bounty hunters to spot him and send the 18-year-old back to class.

"If I could have gotten away, I probably would have," Lynde said. "There really was no way out."

For each student returned to class, Donna Bronson, 39, and Marie Ekenberg, 48, are paid \$300; monitoring the student's progress is worth another \$200 to the team and a diploma means a \$500 bonus. State educators say the district, 80 miles south of Portland, is the only one in Oregon that uses a bounty system for truants. Its 3.5 percent dropout rate is half the state average.



## TEENAGER TICKETED FOR CALLING GIRL "FAT COW"

By Cecil Munsey, SDCOE

DALLAS (AP) - When 14-year old Chris Gordon called a girl a "fat cow" and screamed a profanity at school, teachers didn't take the matter into their own hands—they went to police.

Now the ninth-grader faces a pretrial hearing on two misdemeanor disorderly conduct citations. The charges—on the level of parking tickets (status offense)—carry fines totaling \$264.

School and police officials said Chris isn't the first Azle High School student to be cited for offensive or vulgar language.

School policy allows both the girl who was taunted and the teacher who overheard Chris scream the profanity during a flag-football game to go to police, officials said. While Chris isn't the first student ticketed, he apparently is the first to fight it. The American Civil Liberties Union is representing him.

## "HANDS ARE FOR..." MAKES PLEA FOR NONVIOLENCE

Jim Shaw has been named a finalist in the National Library of Poetry annual contest for his poem, "Hands Are For..."

Shaw, a consultant in ESS, said the poem was inspired by a comment he heard following the O.J. Simpson trial.

"I heard Denise Brown, Nicole Brown Simpson's sister, make an impassioned plea stating, 'Teachers need to teach kids what hands are NOT for,'" Shaw said. "The truth in her statement hit me like a ton of steel."

The remark and the questions it generated in his mind kept him tossing and turning one night.

"Failing to find sleep," he said, "I got up and began to write. What emerged was 'Hands Are For...' The poem endeavors to teach children, through positive emphasis and association, what good and useful things hands ARE for."

The poem will be published in the National Library of Poetry's annual anthology in June 1997.

### HANDS ARE FOR . . .

By Jim Shaw, LACOE

Hands are for BANDING and linking together  
Hands are for SHARING to make life better

Hands are for HOLDING, to show we are friends  
Hands are for HIGH FIVES even if we don't win

Hands are for embracing people and pets  
And HUGGING to make life its very best

Hands held together are a story that tells  
Of friendships not found on a grocery shelf

Hands come in all shapes, sizes, and colors  
They even TALK and work special wonders

Hands can fly through the sky  
Hands can scratch bugs out of the eye

Hands are for waving to folks near and far  
And for scraping peanut butter from the jar

Hands show pleasure, of course  
Hands can measure the height of a horse

Hands are for pizza and everything gooey  
Hands are for squeezing cookie dough, oh, so chewy

Hands are for LOVING and SHARING  
The world gets better when hands are CARING

*(Dedicated to the memory of Nicole Brown Simpson)*

## UPCOMING CONFERENCES

By Jerry Hime, LACOE

The California Association of Pupil Personnel Administrators (CAPPA) is presenting a one day conference on "Addressing the Needs of Children and Youth at Risk." The conference will include sessions on the needs of homeless youth, gay and lesbian teenagers, and migrant youth. A special panel discussion will feature emancipated teens discussing their lives as foster children.

The keynote address will be by Dr. Eleanor Guetzloe a noted researcher and author of "Youth Suicide: What the Educator Should Know." Dr. Guetzloe is on the faculty of the University of Southern California.

The conference will be held January 23, 1997, at the Ontario Marriott Hotel. Registration is \$60.00 which includes refreshments, materials, and lunch. For registration information contact Robert Jordan, San Diego County Office of Education (619-292-3560) or Jerry Hime, Los Angeles County Office of Education (310-922-6234).

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The California State Federation of the Council for Exceptional Children (CEC) is holding its annual conference, February 13-15, 1997, at the Red Lion Hotel in San Jose. Scheduled as a joint conference with the Technology and Media Division of CEC, the theme of the conference is "Special Education Technology for the Next Century." There will be presentations for both the technological novice and for the advanced user, many of which will have direct classroom application.

For conference and registration information, contact Steve Morford, Marin County Office of Education (415-499-5850).

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### CASCWA STATE SPRING CONFERENCE

April 30 - May 2, 1997

Marquis Resort Hotel

Palm Springs, CA

Southern Section is hosting this conference. More information will be forthcoming in a "special edition" of the **CASCWA CONNECTION**.

# Evaluating Your Child, Welfare and Attendance Effectiveness

By James E. Shaw, LACOE

Many parents and caregivers experience a "rude awakening" when they confront the Child, Welfare and Attendance process in action, often as a result of their child's attendance and behavior problems, as well as coming into a heightened awareness of their own specific legal roles and responsibilities as parents or caregivers. For many parents and caregivers, their real experience with the authority of the school begins when they come face to face with its Pupil Services operations. That experience, for some, can aptly be described as where "the rubber meets the road."

To help you better determine the effect of your pupil services functions on the recipients of your services—parents and caregivers—you might consider using a short-item evaluation form for your "clients" to fill out. In this way, you may discover ways to improve your effectiveness and quality of service. If nothing else, such an evaluation instrument may result in improved public relations and good will. Following is a sample of an evaluation tool you can adapt.

## Let Us Serve You Better

- Overall, how satisfied were you with your visit to our office?  
Not at all satisfied - Extremely satisfied  
1      2      3      4      5
- Were you visiting us for Suspension(S), Expulsion(E), or Conference(C)?  
\_\_\_ S      \_\_\_ E      \_\_\_ C
- Were you visiting us in the Morning (M) or Afternoon (A)?  
\_\_\_ M      \_\_\_ A
- Were you satisfied with the service you received today? \_\_\_ Yes \_\_\_ No  
If no, what was the problem(s)?  
Unfriendliness \_\_\_\_\_  
Indifference \_\_\_\_\_  
Personality clash \_\_\_\_\_  
Language barrier \_\_\_\_\_  
Unconcern \_\_\_\_\_  
Unfairness \_\_\_\_\_
- Did we serve you quickly enough?  
\_\_\_ Yes \_\_\_ No  
If no, what was the problem(s)?  
Long lines \_\_\_\_\_  
School official not ready/  
Had to wait \_\_\_\_\_  
Not enough assistance \_\_\_\_\_
- Did we correctly identify the resolve the problem?  
\_\_\_ Yes \_\_\_ No  
If no, what was the problem(s)?  
Language barrier \_\_\_\_\_  
Unfairness \_\_\_\_\_  
Accusations \_\_\_\_\_  
Lack of evidence \_\_\_\_\_

- Did our staff treat you right?  
\_\_\_ Yes \_\_\_ No  
If no, what was the problem(s)?  
Not friendly/courteous \_\_\_\_\_  
Didn't understand problem \_\_\_\_\_  
Failed to fix problem I had \_\_\_\_\_  
No person in authority \_\_\_\_\_
- Which of the following is most important in making you satisfied?  
Friendly staff (F), Solution-oriented approach (S); An occasional "break" regardless of infraction of school rules (B)  
\_\_\_ F \_\_\_ S \_\_\_ B

## THREE LETTERS FROM TEDDY

By Elizabeth Silance Ballard  
Submitted by Shirley Abrams, LACOE

Teddy's letter came today, and now that I've read it, I will place it in my cedar chest with the other things that are important in my life.

"I wanted you to be the first to know."

I smiled as I read the words he had written, and my heart swelled with a pride that I had no right to feel. I have not seen Teddy Stallard since he was a student in my 5th grade class 15 years ago. It was early in my career, and I had only been teaching for two years.

From the first day he stepped into my classroom, I disliked Teddy. Teachers (although everyone knows differently) are not supposed to have favorites in a class, but most especially they are not to show dislike for a child, any child. Nevertheless, every year there are one or two children that one cannot help being attracted to, for teachers are human, and it is human nature to like bright, pretty, intelligent people, whether they are 10 years old or 25. And sometimes, not too often, fortunately, there will be one or two students to whom the teacher just can't seem to relate.

I had thought myself quite capable of handling my personal feelings along that line until Teddy walked into my life. There wasn't a child I particularly liked that year, but Teddy was most assuredly one I disliked. He was dirty, not just occasionally, but all the time. His hair hung low over his ears, and he actually had to hold it out of his eyes as he wrote his papers in class (and this was before it was fashionable to do so!). Too, he had a peculiar odor about him which I could never identify. His physical faults were many, and his intellect left a lot to be desired, also. By the end of the first week I knew he was hopelessly behind the others. Not only was he behind, he was just plain slow. I began to withdraw from him immediately.

Any teacher will tell you that it's more of a pleasure to teach a bright child. It is definitely more rewarding for one's ego. Buy any teacher worth her credentials can channel work to the bright child, keeping him challenged and learning, while she puts her major effort in the slower ones.

Any teacher can do this. Most teachers do it, but I didn't, not that year. In fact, I concentrated on my best students and had the others follow along as best they could. Ashamed as I am to admit it, I took perverse pleasure in using my red pen; and each time I came to Teddy's papers, the cross marks (and they were many) were always a little larger and a little redder than necessary.

While I did not actually ridicule the boy, my attitude was obviously quite apparent to the class, for he quickly became the class "goat," the outcast, the unlovable, the unloved. He knew I didn't like him but he didn't know why. Nor did I know then or now why I felt such an intense dislike for him. All I know is that he was a little boy no one cared about, and I made no effort in his behalf.

The days rolled on. We made it through the Fall Festival and the Thanksgiving holidays, and I continued marking happily with my red pen. And as the Christmas holidays approached, I knew that Teddy would never catch up in time to be promoted to the sixth grade level. He would be a repeater. To justify myself, I went to his cumulative folder from time to time. He had low grades for the first four years, but no grade failure. How he had made it, I didn't know. I closed my mind to the personal remarks:

*First Grade: Teddy shows promise by work and attitude, but has poor home situation.*

*Second Grade: Teddy could do better. Mother terminally ill. He receives little help at home.*

*Third Grade: Teddy is a pleasant boy. Helpful, but too serious. Slow learner. Mother passed away end of year.*

*Fourth Grade: Very slow, but well behaved. Father shows no interest.*

Well, they passed him four times, but he will certainly repeat fifth grade! Do him good, I said to myself. And then the last day before the holiday arrived, our little tree on the reading table sported paper and popcorn chains. Many gifts were heaped underneath, waiting for the big moment.

Teachers always get several gifts at Christmas, but mine, that year, seemed bigger and more elaborate than ever. There was not a student who had not brought me one. Each unwrapping brought squeals of delight, and the proud giver would receive effusive thank you's.

His gift wasn't the last one I picked up; in fact, it was in the middle of the pile. Its wrapping was a brown paper bag, and he had colored Christmas trees and red bells all over it. It was stuck together with masking tape. "For Miss Thompson from Teddy," it read. The group was completely silent, and for the first time, I felt conspicuous, embarrassed because they all stood watching me unwrap that gift. As I removed the last big of masking tape, two items fell to my desk: a gaudy rhinestone bracelet, with several stones missing, and a small bottle of dime store cologne, half empty. I could hear the snickers and whispers, and I wasn't sure I could look at Teddy.

Isn't this lovely," I said as I tried to place the bracelet on my arm, "Would you help me fasten it?" He smiled shyly as he fixed the clasp, and I held up my wrist for all of them to admire. There were a few hesitant oohs and ahhs, but as I dabbed the cologne behind my ears, all the little girls lined up for a dab behind their ears.

I continued to open the gifts until I reached the bottom of the pile. We ate our refreshments, and the bell rang. The children filed out with shouts of "See you next year!" and "Merry Christmas!" but Teddy waited at his desk. When they had all left, he walked toward me, clutching his gift and his books to his chest. "You smell just like Mom," he

said softly. "Her bracelet looks real pretty on you, too. I'm glad you liked it."

He left quickly. I locked the door, sat down at my desk and wept, resolving to give Teddy what I had deliberately deprived him of—a teacher who cared. I stayed every afternoon with Teddy from the end of the Christmas holidays until the last day of school. Sometimes we worked together. Sometimes he worked alone while I drew up lesson plans or graded papers. Slowly, but surely he caught up with the rest of the class. Gradually there was a definite upward curve in his grades. He did not have to repeat the fifth grade. In fact, his final averages were among the highest in the class, and although I knew he would be moving out of state when school was out, I was not worried for him.

Teddy had reached a level that would stand him in a good stead the following year, no matter where he went. He had enjoyed a measure of success, and as we were taught in our teacher training courses, "Success builds success."

I did not hear from Teddy until seven years later, when his first letter appeared in my mailbox:

*Dear Miss Thompson,*

*I just wanted you to be the first to know.*

*I will be graduating second in my class next month.*

*Very truly yours,*

*Teddy Stallard*

I sent him a card of congratulations and a small package—a pen and pencil gift set. I wondered what he would do after graduation. Four years later Teddy's second letter came:

*Dear Miss Thompson,*

*I wanted you to be the first to know.*

*I was just informed that I'll be graduating first in my class.*

*The university has not been easy, but I like it.*

*Very truly yours,*

*Teddy Stallard*

I sent him a good pair of sterling silver monogrammed cuff links and a card, so proud of him I could burst!

And now today, Teddy's third letter:

*Dear Miss Thompson,*

*I wanted you to be the first to know. As of today I am Theodore J. Stallard, M.D. How about that! I'm going to be married in July, the 7th, to be exact. I wanted to ask if you could come and sit where Mom would sit if she was here. I'll have no family as Dad died last year.*

*Very truly yours,*

*Teddy Stallard*

I'm not sure what kind of gift one sends to a doctor on completion of medical school and state boards. Maybe I'll just wait and take a wedding gift, but my note can't wait.

*Dear Ted,*

*Congratulations! You made it, and you did it yourself! In spite of those like me, and not because of us, this day has come for you.*

*God bless you. I'll be at the wedding with bells on!*



# LEGISLATION

## 1996 Chaptered Legislation

Attendance and Administrative Services  
 Division of Educational Support Services  
 Los Angeles County Office of Education  
 Phil D. Kauble, Director  
 Lorraine Kobett, Consultant  
 Phone: (310) 922-6233  
 Fax: (310) 922-6781

Starting January 1, 1997, the following bills will become law unless the bill is marked as "Urgency".

### PUPILS: EXPULSION: SEXUAL ASSAULT

AB 692 (Ch. 915)	Kueh January 1, 1997	Board Policy: Appropriation: Notification: Mandated Costs:	Yes No Yes Yes
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An act to amend Sections 48900, 48915, 48915.6, and 48918 of, and to add Section 48918.5 to, the Education Code, relating to pupils.

Adds the following subdivisions to Section 48900 (which provides the basis for which pupils may be suspended or recommended for expulsion).

- (n) committed or attempted to commit a sexual assault; or committed a sexual battery (as both are defined in the penal code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness or both.

Additional provisions provide that a complaining witness shall have the right to have his or her testimony heard in closed session or by alternative means, and i.e., videotape, if psychological harm is deemed imminent.

Note: When reading the actual bill in its entirety please be advised that Sections 2, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, and 5.5 did not become operative.

### GRAFFITI

AB 2295 (Ch. 600)	Sweeney January 1, 1997	Board Policy: Appropriation: Notification: Mandated Costs:	No No No Yes
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An act to amend Section 53069.3 of the Government Code, to amend Sections 594, 594.1, 594.6, 594.8, 640.5, 640.6 and 4024.2 of the Penal Code, to amend Section 13202.6 of the Vehicle Code, and to amend Section 729.1 of the Welfare and Institutions Code, relating to graffiti.

This bill would authorize the court to order, a person who maliciously defaces with graffiti, or as a condition of probation, the person, and his or her parents or guardians if the defendant is a minor, to keep the damaged property or another property free of graffiti for a specified period of time.

The bill provides that participation of the parent may not be required if the court deems their participation to be detrimental to the defendant or if the parent or guardian is a single parent who must care for a young child.

A minor who is found to be a "W.I.C. 602" may be ordered, as a condition of probation, to wash, paint, repair or replace the damaged or destroyed property, or otherwise make restitution to the property owner.

### CRIME: GRAFFITI

AB 2331 (Ch. 918)	Goldsmith February 15, 1996	Board Policy: Appropriation: Notification: Mandated Costs:	No No No No
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An act to amend Section 13202.6 of the Vehicle Code, relating to crime.

This bill authorizes the court to waive the enforcement of the driver's license suspension, due to hardship, of a person convicted for violating graffiti statutes.

### GRAFFITI: FREEWAYS: PENALTIES

AB 2433 (Ch. 847)	Harvey January 1, 1995	Board Policy: Appropriations: Notification: Mandated Costs:	No No No Yes
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An act to amend Sections 640.5 and 640.6 of, and to add Section 640.8 to, the Penal Code, relating to graffiti.

This bill provides for enhanced penalties against those who deface property with graffiti.

For defacing governmental facilities or vehicles, the bill increases the penalty from \$500 to \$1,000 and increases the community service hours from a minimum of 24 to a maximum of 100, to a minimum of 48 and a maximum of 200. The period of community service is increased from 90 to 180 days and is to be rendered outside of school attendance hours. In lieu of community service the court may, require the defendant and his or her parents or guardian to keep a specified property in the community free of graffiti for a period of 90 days or, as a condition of probation, for 180 days. Parental participation may be waived by the court if it is deemed detrimental to the defendant, or if the parent or guardian is single and must care for young children.

### JUVENILES: DISCLOSURE OF RECORDS

AB 2617 (Ch. 343)	Baca January 1, 1997	Board Policy: Appropriations: Notification : Mandated Cost:	Yes No Recommended No
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An act to amend Section 49076 of the Education Code, and to add Section 827.1 to the Welfare and Institutions Code, relating to juveniles.

Amends Section 49076 of the Education Code to provide that any school district, county office of education or superintendent of schools may participate in an interagency data information system that permits access to computerized data base systems within and between governmental agencies or districts as to information or records which are nonprivileged and where release is authorized under state or federal law or regulation. Each agency sharing information pursuant to this Section shall meet specific requirements.

This section further requires the development of security procedures to prevent the unauthorized access to or manipulation of data.



## EXPULSION

AB 2720 (Ch. 1052)	Sweeney January 1, 1997	Board Policy: Yes Appropriations: No Notification: Recommended Mandated Costs: Yes
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*An Act to amend Section 48915 of the Education Code, relating to expulsion.*

This bill amends Section 4815 of the Education Code by adding that a principal or superintendent of schools shall recommend expulsion for assault and battery upon any school employee, unless expulsion is found to be inappropriate, due to the particular circumstance. The bill further provides for mandatory expulsion if the pupil is found to have committed or attempted to commit a sexual assault or battery.

## PUPILS: EXPULSION; ALTERNATIVE PLACEMENT

AB 2834 (Ch. 937) Urgency	Friedman September 26, 1996	Board Policy: Yes Appropriations: No Notification: No Mandated Cost: Yes
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*An act to amend Sections 48915.1 and 48916.1 of, to add Section 48915.01 to, and to repeal and add Section 48661 of, the Education Code, and to amend Section 9 of Chapter 974 of the Statutes of 1995, relating to pupils, and declaring the urgency thereof, to take effect immediately.*

Repeals and adds the provision that a community day school shall not be situated on elementary, middle, junior high, comprehensive senior high, opportunity or continuation school sites.

Amends Section 48916.1 to delete the provision that independent study may be offered by a school district or county office to pupils in any of grades 7 to 12 who are subject to an expulsion order.

Note: By repealing his provision, the laws governing the offering of independent study are returned to those in effect and operative prior to the passage of AB 922 (Chapter 974), statutes of 1995, effective 1/1/96 (operative 7/1/96). As a result of this change, independent study for expelled pupils is authorized as follows:

- County community schools may offer independent study.
- Community Day Schools operated by school districts may not offer independent study.
- School districts may authorize independent study only if it is attached to a regular school, class or program as an alternative means of instruction and only if it otherwise meets all requirements of Section 51745 et. seq.

Makes minor technical changes to the requirement that districts maintain outcome data as specified on all expelled pupils.

Establishes that when a school district does not report outcome data as required for expelled pupils, the district shall be subject to the withholding of further apportionment until compliance is forthcoming.

## COUNTY COMMUNITY SCHOOLS

AB 3077 (Ch. 891)	Baldwin January 1, 1997	Board Policy: No Appropriations: No Notification: No Mandated Costs: No
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*An act to amend Sections 1981, 1982, and 1983.5 of the Education Code, relating to county community schools.*

Authorizes pupils in kindergarten or any of grades 1 - 6, inclusive, and who are expelled for certain reasons to be enrolled in county community schools.

Apportionments for these pupils will be credited to the district of residence. The school district shall pay the county for the purpose of the community school the entire revenue limit for each average daily attendance. No funds generated by these pupils shall be retained by the district.

Pupils in kindergarten or any of the grade 1 - 6 shall not be deemed to be enrolled in a juvenile hall or camp, except for those enrolled pursuant to 48915 (a) or (c), or paragraph (c) (3) of section 1981. Allows for the enrollment of pupils K - 6 who are on probation or wards of the court in county community schools at the regular district revenue limit. All pupils enrolled pursuant to section 48915 (c) and pupils in grades 7 - 12 who are on probation or are court wards, shall be deemed to be enrolled in a county juvenile hall or camp.

## SCHOOL EMPLOYEES: ASSAULTS

SB 691 (Ch. 17)	Hayden January 1, 1997	Board Policy: Yes Appropriations: No Notification: Yes Mandated Costs: No
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*An act to amend Section 44014 of the Education Code, relating to school employees.*

Presently whenever a school employee is attacked, assaulted, or menaced by any pupil, the employee or any person under the employment of the public school system who has knowledge of the incident is required to report the incident to law enforcement. This bill adds physical threat to the category of reportable incidents.

In addition, failure to report is a misdemeanor and a \$200 fine for not reporting. This bill will make it an infraction punishable by a fine of not more than one thousand dollars (\$1000) for not reporting.

## JUVENILE OFFENDERS

SB 1377 (Ch. 481)	Peace January 1, 1997	Board Policy: No Appropriations: No Notification: No Mandated Costs: No
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*An act to amend Sections 603 and 604 of the Welfare and Institutions Code, relating to juvenile offenders.*

Under present law certain juveniles who have been found by the juvenile court to be an unfit subject to be dealt with under the juvenile court law may be tried in a court of criminal jurisdiction. Existing law also provides specified procedures subsequent to the finding of unfitness that determine the disposition of a minor's case depending upon whether there was a previous offense, there is Youth Authority jurisdiction, the minor was over or under 16 years of age at the time of the commission of the offense, or there is a conviction of the violations for which unfitness was found. Under certain conditions a complaint against a minor may be filed directly in a court of criminal jurisdiction.

## JUVENILES: SEX OFFENSES: SCHOOLS: NOTIFICATION

SB 1938 (Ch. 599)	Mountjoy January 1, 1997	Board Policy: No Appropriations: No Notification: No Mandated Costs: Yes
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*An act to amend Section 827 of the Welfare and Institutions Code, relating to juvenile offenders.*

Existing law provides that a court is required to provide written notification to the school district of residence of any minor enrolled in the public schools who has been found by the court to have committed any felony or misdemeanor involving certain criminal offenses. This act would add specified sex offenses, as listed in Section 290 of the Penal Code, as a reportable offense under this provision.

## LEGISLATION (Continued)

### SCHOOL CRIMES: REPORT

SB 1985  
(Ch.843)

Dills  
January 1, 1997

Board Policy: No  
Appropriation: No  
Notification: No  
Mandated Costs: No

*An act to amend Section 628.2 of the Penal Code, relating to crime:*

Existing law requires the State Department of Education (SDE) to distribute, upon request, the annual School Crime Report to specified agencies including school district governing boards, county offices of education and each county probation department.

Existing laws further require the SDE to distribute, upon request, to each county superintendent of schools and each probation department a summary of the individual county's schools district reports and county report.

This bill expands the distribution of the individual reports to include the sheriff of the county.

### JUVENILES: TEMPORARY CUSTODY

SB 2165  
(Ch.843)

Mountjoy  
January 1, 1997

Board Policy: No  
Appropriation: No  
Notification: No  
Mandated Costs: Yes

*An act to amend Section 625.3, 626.6, and 629.1 to the Welfare and Institutions Code, relating to juveniles.*

Section 625.3 is added to read that a minor who is 14 years of age or older who is taken into custody by a peace officer for personal use of a firearm shall not be released until that minor is brought before a judicial officer. In addition Section 626.6 reads that any peace officer who takes a minor 14 years of age or older into custody shall deliver the minor to the probation officer of the County in which minor was taken into custody or in which he resides.

Section 629.1 is added to read that when a minor is delivered to a probation officer, the probation officer shall retain the minor in custody until the minor can be brought before a judicial officer of the juvenile court.

*If they could see my scars,  
they would be shocked to see  
that all the fears they feel in their lives,  
are bundled up in me.  
If they could hear who I was,  
would they turn their heads in shame,  
or smile weakly to know I even had a name.  
As I walk those streets, I feel a different kind of fear.  
The hunger I have won't vanish, if again, I ever eat.  
If I had a dream to believe in . . .  
a hope that never dies . . .  
it would be to find that distant home,  
where solid ground, it lies.  
Could they survive the pain that I live daily,  
or would they, like ice, just melt away . . .  
constantly trying to get them to see,  
the human being inside of me . . .  
Please ignore my weathered clothes,  
my half dazed eyes, my runny nose . . .  
Deep inside I know it's real . . .  
this inward hatred that I feel.  
All this time I'm away from home,  
I feel the bitter coldness of being alone.  
But, oh, if I could only believe someday this should pass,  
this terrible burden would be lifted far from me, at last.  
I could walk with dignity upon this road I live,  
and start again to hope once more,  
that I am not a sin . . .  
I need a strong hand to lift me upon a level ground . . .  
yet my voice is cracked from hours of screaming for  
HELP!  
It's terribly hard anymore to make a sound,  
I've lived this life too long you know. . .  
I want to live free!  
I want to grow old!  
If I had a dream to believe in and a hope that never dies,  
it would be to walk with dignity  
to a home of warmth and loving eyes . . .*

*BRANDY*

Submitted by Shirley Abrams, LACOE

**CALIFORNIA ASSOCIATION OF SUPERVISORS OF CHILD WELFARE AND ATTENDANCE**  
**1996-97 Membership Application Form**  
**Membership year from July 1 to June 30**

Please Print

\_\_\_\_\_ ( ) \_\_\_\_\_  
 Last Name First Work Phone

\_\_\_\_\_ District  
 Business-Address City Zip Code

\_\_\_\_\_ County  
 Name of school or place of employment

\_\_\_\_\_ ( ) \_\_\_\_\_  
 Home Address City Zip Code Home Phone

Section Affiliation (Check one)    Southern Section    Other \_\_\_\_\_  
 Delta Sierra, Bay or San Joaquin

Send Completed Form To	Membership Dues
CECIL MUNSEY San Diego COE 6401 Linda Vista Rd. San Diego, CA 92111-7399 (714) 694-4494	<p align="center"><b>Voting Member</b></p> <p align="center"><input type="checkbox"/> Active      \$30.00 per year</p> <p align="center"><b>Non-Voting Member</b></p> <p><input type="checkbox"/> Associate    \$20 per yr.      <input type="checkbox"/> Institutional    \$30 per yr.</p> <p><input type="checkbox"/> Retired       \$10 per yr.       <input type="checkbox"/> Students       \$10 per yr.</p>



**CASCWA**