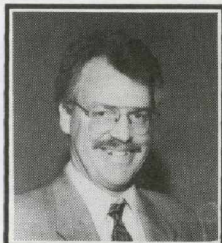




INTERCOM

OFFICIAL PUBLICATION OF THE
CALIFORNIA ASSOCIATION OF SUPERVISORS OF CHILD WELFARE AND ATTENDANCE
William P. Booth, Editor, 2937 E. San Gabriel, Fresno, California, 93726

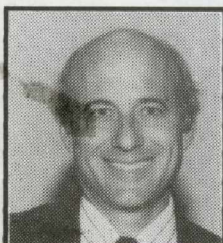
JANUARY, 1996



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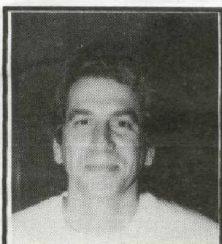
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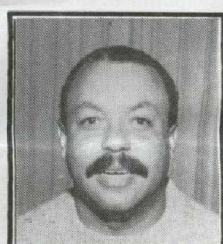
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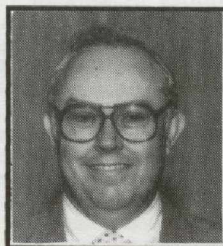
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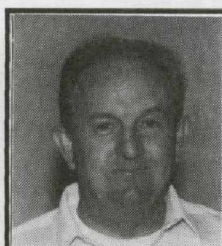
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YOUR CASCWA EXECUTIVE BOARD, 1995-1996

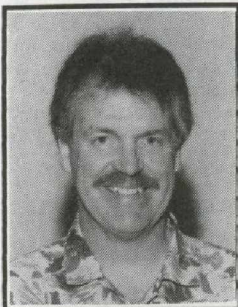
IN THIS ISSUE:

* Section Reports

* Information on Upcoming Spring Conference

* Legislation Information

THREE CHALLENGES PRESENTED TO MEMBERSHIP BY PRESIDENT BURGESS



BOB BURGESS
CASCWA State
President

Bravo to Delta Section CASCWA and State SARB for an informative and thought provoking fall conference and SARB mini institute. Following an instructive institution the fall conference was opened by keynoter Catherine Minicucci, author of *Dropping Out, Losing Out*, this work states most comprehensive study on the issue of school drop outs. Ms. Minicucci warned that we should not get involved in the negative spiral regarding drop out rates when what is truly important is graduation. With

her research insights she suggested that our energies would be better spent interviewing and listening to drop outs rather than becoming transfixed on drop out or attrition rates. This theme of looking at the issue of non-attendance from a different angle resonated throughout the conference program. The conference concluded with participants brainstorming their ideas and suggestions for a *White Paper* that would serve as a platform to "bring issues of drop outs onto the 'front burner' of the social and political agenda."

In my role as State President I was asked to open and theme note the conference. In preparing my remarks I interviewed some of the conference planners and other individuals involved in the issue of school drop outs. I synthesized their remarks as three challenges for the conference participant's consideration.

The first challenge is the need to free ourselves of the fixation on a deficit model of school attendance. Delta Section President Tad Kitada articulated this notion when he said that we often chose to interpret school non-attendance as an indicator of child and family dysfunction and the consequence of overwhelming risk factors over which we have little control. Tad pointed out that attendance is an indicator of group adhesion or bonding. The former focus leads us to see children in terms of limitations while the later points us in the direction of creative problem solving or what some are now calling "solutioning." Bay Section President Jim Burcio says we need to "sort to the positive." In quoting Michelle Karnes, Jim explains that "noticing what works in a given situation rather than what is not working is sorting to the positive." Behavioral researchers have told us that as much as 77% of everything we think is negative and works against us. The figure below illustrates the point. Your mind chose to see either the glass or the two faces but not both at the same moment.



When one image represents "sorting to the positive" and the other engaging in a "negative spiral" then maybe the realistic chose is to focus on the glass as half full rather than half empty. As child advocates we must master the discipline of sorting to the positive.

The second challenge is the need to look at the SARB hearing processes. In Oakland, California, under the leadership of Janice Thompson, SARB members are adopting the "Student Success Team" model which builds performance contracts by starting with the strengths and positive intentions of the student and family. They are learning how to engage families and students as resources and participating partners. This might be an alternative to what some experience as an attendance inquisition meant to scare students into attendance. In Santa Clara County, Judge Lawrence Terry voluntarily runs a Truancy Court in collaboration with the schools and his probation and sheriff's departments. The judge reflects that the mystique of court and his robed presence is often a final step which encourages improved attendance and cooperation. He warns, however, that his magic only works when the districts have persisted in the SARB process before his intervention and that his hearings focus more on counseling rather than judicial coherence. As Shirley Abrams of State SARB says, "SARB is not an event but a process over time," and the process focuses on problem solving.

The third challenge was that SARBs and CASCWA must be politically and educationally proactive. We represent the chief advocates in the arena. Those interviewed gave a word of caution stating that we must advocate for what works. Carl Glickman, in an article for *Educational Leadership* entitled "Pretending Not to Know What We Know," wrote that the first task of restructuring is confronting our own professional knowledge.. In short, we need to questions even our most cherished assumptions and learn from our experiences of success and failure. As Albert Einstein said, "No problem can be solved from the same consciousness that created it."

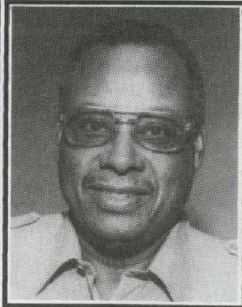
On other fronts, your State Executive Board continues to work at revisioning our organizational mission. Emerging from our exploration are certain themes including a desire to be proactive educationally, politically, and socially. Words like strategic, futuristic, systemic, collaborative, and outcome oriented were prominent in the Board thinking. A revised mission statement should be developed by the February Executive Board meeting.

The Executive Board meeting has been restructured so we can spend a maximum time dealing proactively with issues critical to our organization. One such issue is caregiver affidavits. At the direction of the Executive Board, the legislative chair Lee Lundberg has engaged ACSA and Tom Bancroft in joining forces to develop omnibus legislation addressing the entire issue of school enrollment and protection of children's rights to an education in balance with the need of school districts to secure their financial integrity. We feel a comprehensive legislation is needed rather than continued band aid approaches.

See you in Fresno.

Bob Burgess

RICH DAVIS RETIRES FROM CASCWA BOARD AFTER YEARS OF SERVICE



RICH DAVIS
Retired Chairman
Special Projects

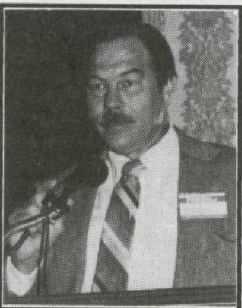
Nobody seems to know exactly how long Rich has devoted his time to CASCWA, since he was here before any of the rest of us. I choose not to, since I'd prefer to think of him as there when it all started.

For the past several years ... after his retirement.... Rich has provided his wisdom to the Executive Board, and has diligently kept contact with his fellow retirees, to the delight of all of us. It seems, however, that his passion for travel And fishing has done CASCWA in. The Executive Board at Granlibakken received his note indicating that he would like to turn over the "Out 'n About Retirees" column to a successor. I guess we have no choice. All of us are appreciative of the effort and devotion Rich has shown toward our "cause". He will be sorely missed... and Board meetings will be less exciting, perhaps, because Rich could always get things stirred up: we always knew what he thought !

This leaves us with a dilemma... The "Out N' About" column needs a new author. No pay, but as a member of the Executive Board you get to associate with superior (and humble) people and serve a worthy cause. Any takers ?



SAN JOAQUIN SECTION OFFERS EARLY BIRD RATES FOR MAY CONFERENCE



GIL AWALT
President
San Joaquin Section

Time is flying by and the San Joaquin Section has been busy planning the Annual Spring Conference scheduled for May 9 and 10, 1996.

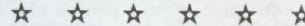
The Annual Bass Lake meeting, which was well attended, kicked off the school year. New members and many continuing members were able to share items and impart knowledge to those in attendance. The Spring Conference, our major project for this year, was discussed in full detail and many decisions were made.

The Annual Spring Conference will be held in Fresno, California on Thursday, May 9 and Friday May 10, 1996 at the Ramada Inn just off Freeway 41 at Shaw Ave. The site was chosen because of it's convenient location. It is away from the downtown area, close to large shopping malls, right next to the freeway for automobile convenience and it has very reasonable rates. The dates were selected to avoid any conflicts with Cinco De Mayo, an extremely important Mexican holiday. The program was designed for either one or two day attendance with a focus one day on programs and a second day focus on legal issues, laws and legislation.

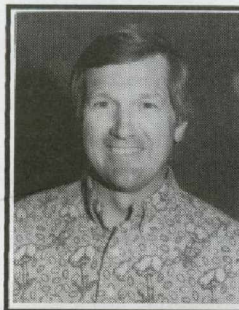
As always the San Joaquin Section is planning a

conference which will focus on topics of interest for educators at a very reasonable rate. We are excited about this conference and are offering an early bird package for early registration. In a time of diminishing funds we want to make this an affordable conference for people to attend which is an important feature in providing for a successful conference.

We have several more meetings scheduled to fine tune the process for your enjoyment and benefit. Enclosed in this issue of the Intercom is a registration form for the conference. Make sure you send it in now to qualify for the early bird fees. We are looking forward to seeing you and your colleagues on May 9 and 10, 1996 at the Ramada Inn.



SOUTHERN SECTION SPONSORS LEGAL FORUMS



PHIL KAUBLE
President
Southern Section

On Friday November 3, 1995, we held our first forum. Featured guest at our first session was Mr. Ron Wenkart, General Counsel for the Orange County Office of Education.

Mr. Wenkart provided an outstanding presentation, primarily related to federal law and its impact on the expulsion of pupils served under the Individuals with Disabilities Education Act (IDEA). He further provided guidance to those who wish to involve themselves in a movement to bring about change in those laws.

Our second Legal Forum featured Mr. Howard Friedman, Assistant General Counsel for the Los Angeles Unified School District. Mr. Friedman has served as the district's primary counsel on Proposition 187 issues. He shared his thoughts **on** recent court rulings related to Proposition 187 and the mandatory dress code status.

Our third Legal Forum, scheduled for February 2, 1996, should prove to be most valuable. First of all it will be hosted by both the San Bernardino County Superintendent of Schools Office (good friend and colleague John Burton) and the Riverside County Office Of Education (wonderful Bets Folsom). This forum will feature Sandra D. Baxter, Deputy County Counsel, San Bernardino, who will address legal ramifications of electronic record sharing of pupil records information among schools and county offices.

In the last edition of the "Intercom," I reported that Southern Section CASCWA had scheduled a series of "Legal Forums," designed to feature prominent school-law attorneys. I am pleased to report that as of this writing, the first two events have taken place and were most successful.

Other notable items:

Southern Section has recently revised the format of its quarterly newsletter, now known as the "CASCWA Connection." Some of the new feature sections include: "The Red File" by Lillie Wilson; "Legislation", the outstanding work of Dr. Lorraine Kobett; and, "County Highlights."

In addition, we have a newly designed masthead that gives the newsletter a most professional look (special

(thanks to Cecil Munsey, San Diego County Office of Education).

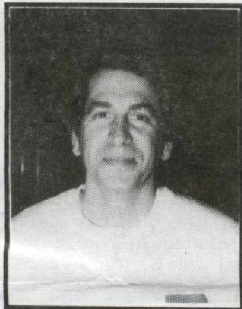
Special thanks to Fern Zahlen, Editor, and Barbara Causee, Assistant to Fern for the outstanding job of putting our newsletter together.

Final thoughts: Mark Michels, Vice President, and Frank Boehler, Treasurer, have done an outstanding job of promoting, Southern Section. Thanks to the special banners obtained by Mark, these two gentlemen have become our "goodwill ambassadors" for CASCWA sponsored and cosponsored events through Southern Section.

As the above illustrates, a good organization is all about good people working together to make things happen. When you have "great" people like those listed above, you have Southern Section CASCWA!

☆☆☆☆☆☆☆☆

BAY SECTION FEATURES "NETWORK LUNCHEONS"

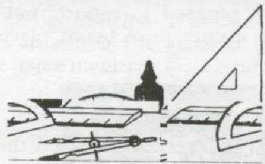


JIM BURCIO
President
Bay Section

Our Annual Fall Kickoff Conference was a success, we were able to gather up 16 new members. We just concluded our first of three "network luncheons" for the year. The speaker for our luncheon was our very own **Ron Kinninger**, CWA for Pajaro Valley Unified. Ron and **Joann Allen**, Santa Cruz County Office of Education SARB Coordinator, presented the Implementation of an Annual School Attendance Awareness Month...countywide! Beginning at the county level with a board proclamation and working their way through local school boards,

city councils community awareness, and ultimately to the schools, Pajaro Unified has benefited from a good natured competitive attendance program. The program involves recognition for maintaining superior attendance averages. Schools are awarded banners and buttons while administrators proudly wear their lapel pins declaring their success in getting their students into the classroom. Ron and Joann had a collection of materials to support their project and outline their approach.

Currently the Bay Section Executive Board is in the early planning stages for the Fall '96 State Conference. Possible locations, subject matter, and speakers are being discussed. We hope to plan a unique conference, but it will be difficult to achieve the "package" prepared by Tad and the Delta Sierra Section.



E.C. 48205 v. E.C. 46014: EXCUSES FOR RELIGIOUS PURPOSES

This item is cryptic in the sense that we are not sure exactly where it came from, but it addresses an issue

that has confused many: The seeming conflict between E.C. 48205 and E.C. 46104 as regards allowable absences. Lee Lundberg provided it, but the source has disappeared. It is apparently a county counsel's ruling and is included because it seems to make sense regarding an issue that has caused some consternation. Since the source is unclear, it would be wise to verify with your own county counsel, if the issue becomes a hot one.

SHORT ANSWER

We have completed our review and conclude that no conflict exists between the two Sections. Further, although Section 48205 was added to the Education Code three years after Section 46014 and was amended as recently as last year, we conclude that it does not supersede Section 46014.

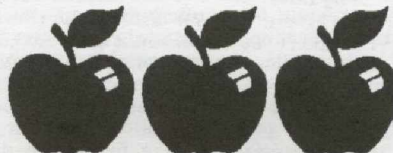
DISCUSSION

Sections 46014 (absences for religious purposes) and 48205 (excused absences for personal reasons, including attending religious retreats) of the Education Code are not in conflict with each other and neither Section supersedes the other because they are applicable to students for different purposes. Section 46014¹ applies for purposes of apportionment, and Section 49205 applies for purposes of compulsory education. Thus, a District may allow students to have excused absences of not more than four days per school month, to participate in religious exercises, or receive religious instruction, with written parental consent, and the District may obtain ADA apportionment for each student under Section 46014. Please note that permitting such absences to count as excused absences is discretionary for Districts.

Section 48205, on the other hand, is not discretionary. Instead it provides that students must be excused for purposes of compulsory education, for a number of specified reasons, including attendance at a religious retreat. Please note that unless such an absence also complies with Section 46014, the District will not receive ADA for the absence. However, a student with an excused absence listed under 48205 must be reasonably permitted to complete all assignments and tests and given full credit for them.

Thus, the two statutes have different purposes and differing maximum time limits are appropriate.

.....
1 To obtain apportionment under Section 46014, the District must comply as follows: 1) It must have a written policy and regulations permitting such excused absences and setting forth reporting requirements, 2) each excused student must attend at least the minimum school day for his or her grade at the District's school, and 3) no student shall be excused from school to receive religious instruction or participate in religious exercises on more than four days per school month.





LEGISLATION

CASCWA TEAMS WITH ACSA FOR LEGISLATIVE CHANGE



LEE LUNDBERG
Chairman
Legislative Committee

The California Legislature has been busy with things other than legislation of late, and for the most part, the bills that will get our attention soon are now in formative stages, the CASCWA Legislation Committee has no bill run down for you. However, it has been busy with things of importance. Since Chairman Lee has a significant role in ACSA Legislative process, it has been possible to combine forces. In this case and with the sponsorship of Assemblyman Sweeny, three pieces of legislation are being reworked. No. 1, a change to EC 48900 which makes clearer the persons protected by the bill. Instead of "persons", "employees" are specified. No. 2 . modifies E.C. 48918 into line with logic, removing the apparent requirement to notify districts of a student's expelled status before a hearing is held, and No. 3 Modifications to the caregiver laws which will in fact better protect children and make the rules possible for the schools to live with. The latter is in the mill at present; Lee and committees are now in the process of drawing up the specifics.

Here Are the proposals for the first two issues:

Item #1. Staff needs more protection from students committing assaults (attempt/threat) and batteries (physical contact) on employees. The current E.C. 48900 (a) and 48915 (1) speak only of a person. This is not strong enough language to address the issue of staff person's safety. We need to add a required recommendation for expulsion from the principal, absent a written recommendation to the Board not to expel, to make a positive statement regarding the staff right to work in schools that are safe and with the knowledge that assaultive behavior will be dealt with promptly and firmly. (State Constitution Article L Section 218 c)

Suggested Language :

1. Add a number (5) to E.C. 48915 as follows:
E.C. 48915.5. Committing an assault or battery on any school employee as defined in the Penal Code.

Item #2. The notice of the expulsion hearing should not include the requirement to tell parents they must advise any district of desired enrollment that their child has been expelled BEFORE a hearing has been held. This is a problem of presumptive

guilt prior to a due process hearing. This notice should and does take place after the hearing, if the student is expelled, as outlined in the expulsion order found in E.C. 48918 (i),.

Suggested Language:

2. Amend E.C. 48918 (b) as follows:
(b) Written notice of the hearing shall be forwarded to the pupil at least 10 calendar days prior to the date of the hearing. The notice shall include: the date and place of the hearing, a statement of the specific facts and charges upon which the proposed expulsion is based; a copy of the disciplinary rules of the district which relate to the alleged violation;

~~a notice of the parent, guardian, or pupil's obligation pursuant to subdivision (b) Section 48915.1,~~ and notice of the opportunity for the pupil or the pupil's parent or guardian to appear in person or employ and be represented by counsel, to inspect and obtain copies of an documents to be used at the hearing, confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses.

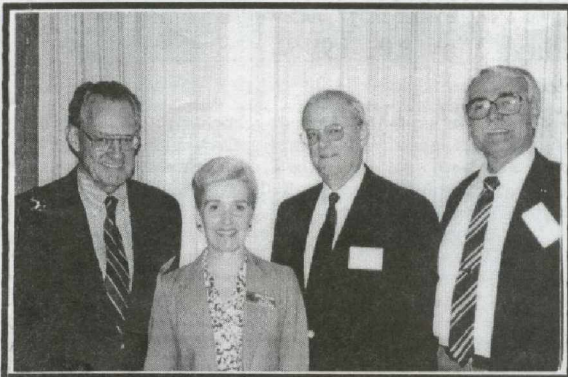
Summary of Need to Amend 48918 (b)

Education Code 48918 (b) needs to be amended for the following reasons:

- * Section (b) requires the District to include in its written notice of an upcoming expulsion hearing, that the parent must inform a new desired district of enrollment that the pupil has been expelled before the hearing has been held.
- * Section (b) of 48915.1 states, " If a pupil has been expelled from his or her previous . school"
- * No parent/guardian should be required to tell another district their child has been expelled BEFORE an expulsion hearing is even held. The message is that the decision is predetermined and due process is not being given to the pupil.
- * Section (b) is redundant and INCORRECT.
- * E.C. 48918, Section (i) requires the Superintendent, in the written notice "to expel or to suspend the enforcement of an expulsion order", to include in the written notice the "parent, guardian or pupils' obligation pursuant to subdivision (b) of Section 48915.1, to inform the new school district of an enrolling pupils' expulsion, upon enrollment in a new school district."
- * You only need one notification of the parent/guardian AFTER the expulsion, not PRIOR to an expulsion hearing.
- * The proposed amendment would CORRECT the appearance and practice that the parent/guardians are not getting a fair hearing before a decision to expel.

Prepared by Lee Lundberg

FIRST TRUANCY COURT HELD IN ALAMEDA COUNTY



Major Movers in Truancy Court. Probation officer Terry Mullin, Shirley Kesterke, Judge Lawrence Terry and Bailiff Chuck McCoy

With the guidance of Judge Lawrence Terry Probation Officer Terry Mullin and Bailiff, Chuck McCoy from Santa Clara County, Fremont Unified School District held their first Truancy Court on December 13, 1995.

After seeing a presentation by the 3 people who started -Truancy Court in Santa Clara County, I knew that I wanted the same for Fremont. During the past two years, we have taken parents to court for not compelling their student's attendance at school. Since that took place in an adult court, the student was not addressed I believe juveniles need immediate, appropriate consequences for their actions. Truancy Court seemed like the answer.

The Court is all volunteer so my first task was to find a Superior Court Judge. I called Judge Ronald Sabraw, who is a Superior Court Judge. After a few minutes of explaining what the court is about and why I wanted to have one in Fremont, he volunteered. I work very closely with Fremont Police Department so I went to a briefing and asked for volunteers for bailiff. Several officers volunteered. I then spoke with the probation Chief, Sylvia Johnson. She said that she was unable to provide anyone at this time. We modeled our court after Santa Clara County's court and specifically after Milpitas, which does not have a probation officer.

For the first Court we had three families scheduled. One family asked for a continuance which the judge granted. One family did not show and one family appeared. The judge ordered the student to attend school and to return to court in a month. On January 10, 1996, four families were scheduled. Only two families appeared. The judge ordered the two families that did not appear to be cited into court for prosecution. The next Truancy court will be held on February 28, 1996.

... Shirley Kesterke

HIGH COURT OK's ROUTINE DRUG TESTING OF STUDENTS FOR DRUGS

WASHINGTON-In a ruling that could make drug testing commonplace in high schools, the Supreme Court said that students can be forced to undergo

routine, random urine tests to see if they are using illegal drugs.

The 6-3 ruling upholds a drug testing program for school athletes in a small Oregon logging town, but it has the potential to clear the way for the routine testing of millions of students- including non-athletes in the nation's junior and senior high schools.

Normally, the Fourth Amendment bars government officials from searching someone without some "individualized suspicion" that the person is violating the law. But schoolchildren do not have the same rights, said Justice Antonin Scalia. "The state's power over school children . . . permits a degree of supervision and control that could not be exercised over free adults," he wrote. "And of course, the effects of a drug-infested school are visited not just upon the users but upon the entire student body and faculty, as the educational process is disrupted."

Lee P. Brown, director of the White House Office of Drug Control Policy, hailed the decision as a major victory" and said it "gives school districts around the country another weapon in their arsenal to combat drug use."

But the American Civil Liberties Union condemned the ruling, saying "it sends a strong message to all young people that they are merely second-class citizens"

At first glance, an Oregon town of 3,000 people would hardly figure to be at the center of the drug culture. Indeed, teachers there said that they saw little evidence of a drug problem during the 1970s and early 1980s. However, since about 1986, they said, they have noticed "a startling and Progressive increase in students' use of drugs and alcohol." Students openly boasted about using drugs. Drug paraphernalia was found on school grounds and teenagers were seen smoking marijuana on city Streets. Even school athletes, who were seen as role models, bragged about using drugs. After consulting with parents in a community meeting, the school board in 1989 adopted a policy requiring athletes to be tested for cocaine, amphetamines and marijuana.

The program is not punitive and the results are kept confidential, officials said. Students who test Positive for drugs are counseled at first but they are suspended from their teams if they test positive again. Once the new policy took effect, according to school officials, they saw an immediate decline in discipline problems linked to drug abuse.

But not everyone was satisfied. The parents of James Acton, a seventh grader who wanted to play basketball, objected to the required drug test. with the aid of the ACLU, the family filed a lawsuit challenging the test as unconstitutional Last year, the U.S. 9th Circuit Court of Appeals in San Francisco agreed, ruling that students have a constitutional "right to privacy" that is violated by "suspicionless drug testing."

Reversing that decision in the case before the court (Vernonia School District vs. Acton, 94-590), Scalia scoffed at the notion that a required urine test has more than a negligible impact on students' privacy. "For their own good and that of their classmates, public schoolchildren are routinely required to submit to various physical examinations," that have never been deemed to violate a person's privacy, he said. "There is an element of communal undress inherent in athletic participation," he added.

While only athletes are tested in Vernonia, Scalia's broad opinion stressed that all students have limited rights under the Fourth Amendment. ... L.A. Times

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