

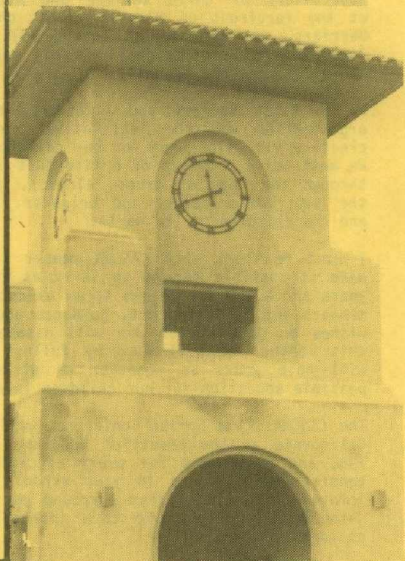
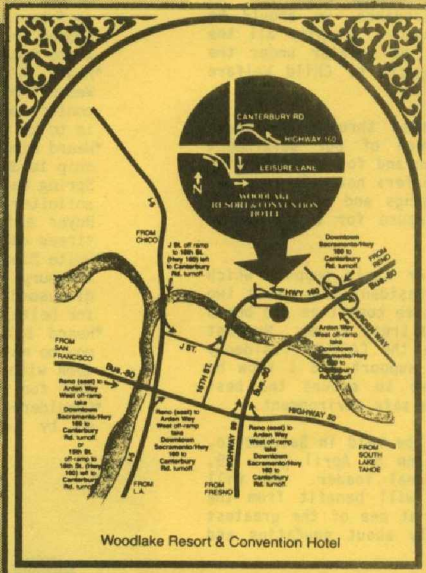
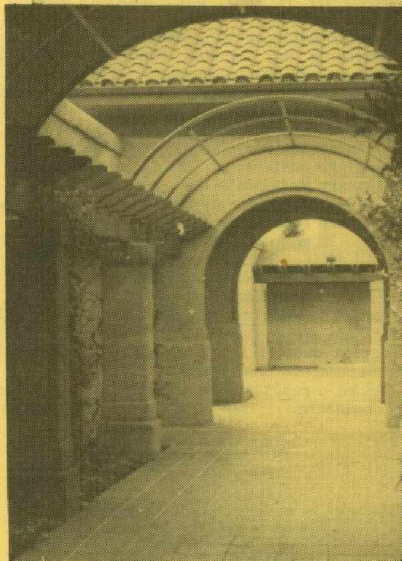
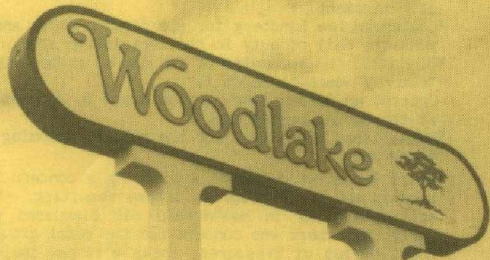


# INTERCOM

OFFICIAL PUBLICATION OF THE  
CALIFORNIA ASSOCIATION OF SUPERVISORS OF CHILD WELFARE AND ATTENDANCE

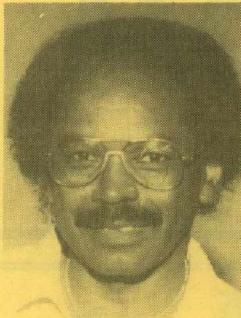
APRIL, 1988

William Booth, Editor — Fresno Unified School District, 2526 E. Hedges, Fresno, CA 93703



ALL ROADS LEAD TO  
SACRAMENTO

## TUCKER TO STEP DOWN AS CASCWA STATE PRESIDENT



FRANCIS TUCKER  
CASCWA State President

On April 28, 1988, I will complete my second term as State president of the California association of Supervisors of Child Welfare and Attendance. It has been a challenging, exciting, and productive two years for our association and for American education. In fact, this past year may go down in history as one of the most significant in the history of our association.

The State Executive Board in its evaluation of the association's future realized there was a need to plan for the year 2000 and where we wanted to be - that debating past and present accomplishments and shortcomings is inadequate for

dealing with the future and that we must move forward and address the needs of future years. In order to determine those needs, the State Executive Board held it's first "Think Tank" session facilitated by Kathy Yates on February 29, 1988 at the State department of Education in Sacramento, California. This "Think Tank" session will be one of many to clearly define future goals, objectives and changes that will make the organization stronger and hopefully will create resources and support which has not always been there. I feel that now is the time to build the support we need, not just in response to a stronger organization, but also to make education for our students even better. Education and the educational environment is changing and we must change with it. As supervisors of Child Welfare and Attendance, we should be at the forefront of directing that change. Despite all the barriers, the quality of change will be greater under the leadership of professionals in all aspects of Child Welfare and Attendance and education in general.

We in Child Welfare and Attendance must through our state organization and the legislative branch of our government create a vision of hope for our children and for their future. We must build promises of a life that offers not only survival through the maze of drugs, alcohol, gangs and violence, but the hope for a better and brighter future for our children and the children of the world.

I want to thank each CASCWA member for their support which made it possible for me to serve as President these past two years and a special thanks to my executive committee and board members for their support, guidance and trust in me. My best wishes to John Burton who will assume the CASCWA Presidency this month. He will have my fullest support and I know he will have yours as together we strive to assure the best possible education for our children in a safe environment.

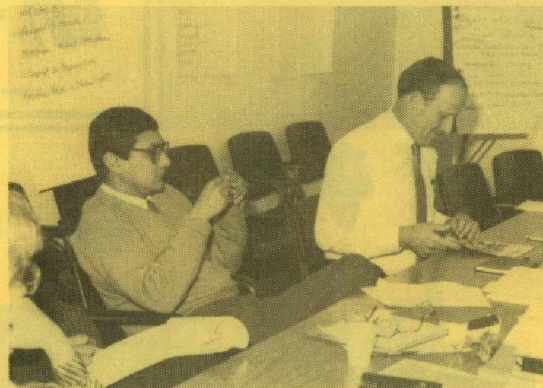
The CASCWA State Spring Conference will be held in Sacramento, California at the beautiful Woodlake Inn on April 27 - 29, 1988 and is a must for every educational leader. You will benefit and students in your schools will benefit from the information and idea that surround you at one of the greatest gatherings of people who care intensely about education and children.

For those of you new to the organization or attending the conference for the first time, I look forward to meeting you personally at the President's reception on Wednesday evening April 27 and Thursday evening April 28, 1988. It is the best professional development investment you'll make during 1988. Send your registration in today.

### CASCWA EXECUTIVE BOARD REPORT, MARCH 1, 1988

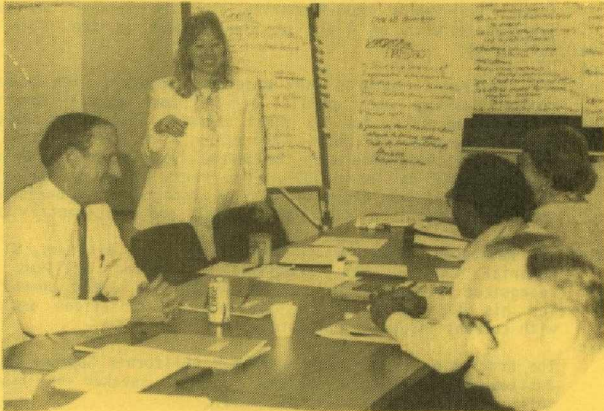
After a strenuous day of "think tank" efforts, your CASCWA State Board spent an additional day dealing with the less glamorous, but necessary concerns that keep your organization functioning. After the usual procedural actions, the Board:

- \*Accepted Ruth Little's resignation as CASCWA Handbook Chairman; Steve Gocke will be asked to resume his efforts and to make recommendations at the spring board meeting.
- \*Accepted a single slate of candidates with allowance for write-ins:  
John Burton, Southern Section - President  
Mary Weaver, Delta Sierra Section - Vice President  
Pam Erickson, San Joaquin Section - Secretary  
La Moyne Frank, Bay Section - Treasurer
- \*Sanctioned the concept of President-elect to be considered by the membership for implementation next year.
- \*Discussed State SARB; Francis Tucker will represent CASCWA; Office of School Climate (SDE) will operate the program, including selection of 20 members, to include a geographical cross section.
- \*Was informed by Lee Lundberg that the long awaited State Attendance Accounting Manual has gone to draft.
- \*Accepted resignations of Jake Colburn from the Board because of work pressure and Jim Calbert as a result of retirement.
- \*Commended Lee Lundberg for his service above and beyond the call of duty in the legislative area.
- \*Discussed the mechanics of the annual membership award "cut off" date is March 1.  
Created an Outstanding Service Award to be presented at the spring conference.
- \*Established procedures for the quickly upcoming election.
- \*Heard Treasurer's report indicating a concern for membership and the decline in income resulting. Southern section's drop in membership was discussed particularly, but there was concern for the total group.
- \*Split duties of Treasurer; tasks will now include only finances. Membership will be V.P.'s responsibility.
- \*Heard Al Baum discuss San Joaquin Section's status. Membership 60 to 70; over \$5,000 in treasury; Monterey conference discussed; Monterey Beach Hotel is already booked for 1989.  
Alice Spendlove is retiring this year.
- \*Heard Bill Walker's Bay Section report (by Francis Weaver) 89 members, \$2,500 in treasury. Fall (S.F.) conference is in planning stages. A \$500 Scholarship is to be awarded a continuation student.
- \*Heard Mike Jimenez discuss Southern section. Membership is down, approximately \$2,000 in treasury. Spring Palm Springs conference 1989 discussed; ideas solicited. January Mini-conference went well. Del Royer and Jack Erickson are retiring; a list of retirees and honorary members is being prepared.
- \*Delta Sierra has 20 members, Jesse Ortiz reports, treasury of \$3,400. Details of upcoming conference discussed. Luncheons and workshops are being planned for Delta Sierra in the remainder of the year.
- \*Heard Bill Booth's Intercom report. Newsletter will now be mailed from the editor's office; too many problems with section distribution. Copies will be available for the Sacramento Conference.
- \*Considered CASCWA's positions on various bills presented by Lee Lundberg. See "Legislative" section.



Jesse Ortiz and John Burton provide input for the Board meeting

# CASCWA EXECUTIVE BOARD GETS SERIOUS ABOUT CASCWA'S ROLE AND PURPOSE



On "Leap Day" Feb. 29, 1988 your CASCWA Board locked itself into a "think tank" atmosphere to consider what we're all about and to plan direction for the future. With the help of Kathy Yates as facilitator some solid steps were taken. here's the result in outline form:

## A. CASCWA'S VISION

TO DEVELOP AND SUPPORT SAFE, SECURE PEACEFUL AND EFFECTIVE SCHOOLS.

## B. CASCWA'S MISSION

TO SERVE AS A SOURCE OF INFORMATION AND AN INITIATOR OF ACTIVITIES DESIGNED TO MAINTAIN MAXIMUM STUDENT ATTENDANCE AND CONTROL IN KEEPING WITH EXISTING LAWS AND STUDENT RIGHTS.

## C. CASCWA'S GOALS

### 1. Internal Communication

Goal Statement: To keep members informed of recent law/legislative changes, current trends, and exemplary programs.

#### Objectives/Activities:

- \* develop and update position papers
- \* develop new NCR membership forms, (i.e. 3 copies)
- \* continue newsletter/direct mailing
- \* continue utilization of computerized services
- \* use of technology
- \* newsletters/exec board to get copy of each section newsletter
- \* keep us alive and moving
- \* article with a proposed problem/answer in next issue/poll members for questions

### 2. Expanded Membership

Goal Statement: To expand C.A.S.C.W.A. Membership to include ALL school districts.

#### Objectives/Activities:

- \* develop questionnaire for each school district to identify its appointed CWA supervisor pursuant to Ed Code 48240 (with "carrot"/incentive to return questionnaire by "X" and receive "Y".
- \* identify and develop/promote benefits
- \* expand into other networks for membership, (e.g. teachers, ACSA, CPS)...carrot consideration, i.e. book, LA Code index + newsletter, 3 hole-punched juicy item for binder attached to intercom)
- \* get info/services out to members in a regular, consistent manner

### 3. Professional Development

Goal Statement: To improve the competencies of the membership to enhance their skills as C.A.S.C.W.A. personnel.

#### Objectives/Activities:

- \* job sharing
- \* need assessment
- \* training
- \* share job descriptions (county vs districts)

### 4. Services/Training

Goal Statement: To provide professional training and development for CWA personnel.

#### Objectives/Activities:

- \* provide at least one annual "road show" for each CASCWA section
- \* participate in inter-organizational workshops (ACSA, CTA, PTA, CSBA, etc.)
- \* assist/participate with CASCWA section in state conferences & section workshops
- \* provide certificates of completion/attendance to workshop participants

### 5. Promotion

Goal Statement: Promote and develop a comprehensive public relations program

#### Objectives/Activities:

- \* appoint an executive board member to coordinate a state "P.R." program
- \* develop a marketing plan and timeline for implementation
- \* identify organizations (agencies that could utilize (potential) services of CASCWA organization)
- \* develop ACSA "Project Leadership program ('Book') on CASCWA/CWA

### 6. Legislation

Goal Statement: Develop plans and strategies to promote legislation to ensure safe, secure, peaceful and effective schools

#### Objectives/Activities:

- \* identify and monitor all bills re: safe, secure, peaceful and effective schools
- \* establish CASCWA positions on identified bills
- \* communicate CASCWA positions to legislators and affected agencies
- \* monitor and lobby identified bills in legislative process
- \* communicate and assist in implementation of ALL chaptered bills

### 7. Products

Goal Statement: To develop products to increase the effectiveness of CWA services and the awareness of CASCWA.

#### Objectives/Activities:

- \* establish a committee which would produce a minimum of two video tapes (safe school and CASCWA)
- \* develop a reference sheet listing important Ed Code sections, (i.e., back of membership goals)
- \* establish an effective procedure to monitor and revise CASCWA Handbook
- \* update and redistribute tri-fold CASCWA brochure
- \* new state acc. training manual
- \* explore relationship with California Laws Relating to Minors book
- \* blank binders

8. Coordination

Goal Statement: To develop and expand coordination with other professional organizations.

Objectives/Activities:

- \* identify and utilize dual membership on executive board and committees of statewide youth services organizations (mailing to membership requesting information)
- \* establish one permanent state CASCWA state mailing address (location)
- \* identify list of agencies with whom to coordinate
- \* increase awareness of CASCWA vision/mission goals and those of other organizations
- \* coordinate efforts around similar interests, (e.g. legislation)
- \* host a meeting of various agencies (at State SARB)

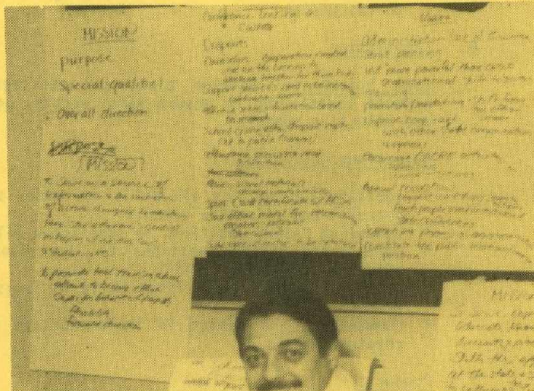
9. Research and Development

Goal Statement: to develop, identify and compile research related to Child Welfare and Attendance.

Objectives/Activities:

- \* provide a mechanism to distribute significant research on subjects of CASCWA concern (e.g., colleges, universities, districts, etc.)
- \* to distribute significant current/recent research and resources on various topics.
- \* establish relationship with IHE's to assist with current updated research
- \* identify areas of potential research
- \* appoint a state CASCWA executive board position to coordinate research and development

The next steps involve a priority ranking of the objectives and activities and development of an action plan. Your CASCWA Board wants your input at this point particularly. Look these over and let your officers know what you think!



Mike Jimenez appears satisfied with the product of the Think Tank as he peers into the picture

## RESERVE JUNE 3rd FOR BIG SOUTHERN CAL CASCWA DAY

For all of those able to make it, June 3rd ought to be a landmark day. Lillie Wilson tells us that an all day special intensive workshop is planned to appeal to CASCWA personnel in particular (Recent Court Rulings). This is to be followed in the evening with an earth shaking (in L.A. of course) affair honoring Del Royer and Jack Ericksen. The celebration will include a social hour at 6:00, dinner at 7:00, "roast" to begin at 8:00 and last as long as you can tolerate the raucous humor! Lillie says no location has been settled on yet, but news will be soon forthcoming. If you can't wait, call her at (213) 922-6234.

## REYNOSO AND CECIL WILLIAMS TO HIGHLIGHT SPRING CONFERENCE

The Spring CASCWA Spring Conference scheduled for the April 27-29 at Woodlake Inn, Sacramento is all set. The conference theme "California 2000-Preparing for the Future" is very appropriate when one looks at the changes in the state of California.

The conference features many excellent speakers with diverse topics dealing with public schools and social concerns affecting us all. Invited guest speakers include Dr. Manuel Perry, Lawrence Livermore Laboratory. Dr. Perry will be opening the conference with the general session on "The Nature of California by Year 2000". Dr. Perry is noted statewide for his excellent presentations on demographic changes and their implications on education, social, and employment issues.

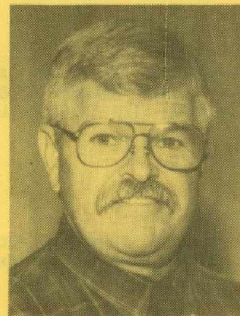
The Wednesday night keynote speaker is Cecil Williams, Glide Memorial Church, San Francisco. Reverend Williams is recognized statewide in particular in the Black community for his leadership and inspirational presentations dealing with current issues of California.

The Honorable Cruz Reynoso a former California Supreme Court Justice will be the Thursday luncheon speaker on issues relating to law and at-risk students.

Included in the conference agenda will be two receptions, one of them honoring retirees. Two meals, a planned raffle, personalized CASCWA wine glasses, and good company assure your visit is an educational and fun experience.

For more information please contact Jesse Ortiz at (916) 366-4426 or Roy Brassesso (209) 944-4676.

## BAUM REPORTS SAN JOAQUIN ACTIVITIES



AL BAUM  
San Joaquin  
Section President

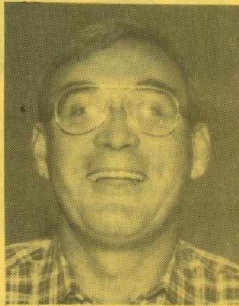
Well, it looks like the year's drawing to a close - it's gone by so fast I can hardly believe it! But, I'm looking forward to the Spring Conference in Sacto - looks like it's gonna' be a great one - probably not quite as good as the Fall (87) conference, but, let's face it folks, "When you're hot, you're hot!!" Yes, our Section hosted Fall conference was simply "megafantasmagoria." And our Section membership is the highest it's ever been - eat your heart out "Mikey" Jimenez!!

The two-day State Board meeting Feb. 29 - Mar. 1 was, to me, the most productive Board meeting I've attended during my two-year reign as Section President. We've formulated some dynamite goals and directives for our State Organization that are truly, "State of the Art!!" Hopefully, by Spring Conference (or, during same), you'll be told what's going on. I think the leadership of our State CASCWA has been most pro-active, professional, and unselfishly committed to improving our organization. Jake Colburn is doing fine, though he said he's going "nuts" being at home. He did tell me that he's heard from several school districts in Connecticut, re., their adoption of the "California SARB" attendance model. And who told 'em about SARB three years ago (in person)? Why, Jake, of course. Jake, you stay well and be mellow O.K.?

A few "kudos" for our Section "doers and movers"; Sam, you're the "bestest" treasurer that ever was, thanks to Helen, right?; and Verna Growdon (our new sec'y) - she's doing a fantastic job; Ruben Rodriguez has helped increase our membership if we don't win the State membership plaque (if Jimenez can find it!), well, something's wrong with the "system." Oh, yes, don't forget Pam Erickson, State sec'y from our Section what a "tiger." Last, but not least, Dr. Booth (I call him 'Bill'), what can I say; you're the best Intercom editor ever.

Almost forgot: Year end Section in Merced, May 20 to honor Alice Spendlove - She's retiring - more details will come at a later date. So, until next time, my thought for the day: "To let go does not mean to stop caring; it means I can't do it for someone else."

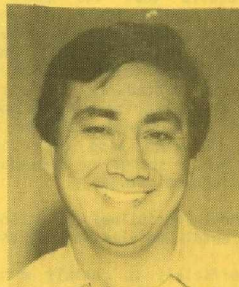
## BAY SECTION BEGINS FALL CONFERENCE PLANNING



WILLIAM WALKER  
Bay Section President

We had our last Bay Section meeting in Hayward where our slate of officers was formed. Elections will be at the May 20th meeting to be held in Oakland. A committee was formed to begin preparations for Fall Conference 1988 to be held at the Westin Airport Hotel, San Francisco! Mark your calendars for "Maintain and Motivate in '88" to be held November 2-4!! Carolyn Scott from East Palo Alto is the conference chair and was nominated for President of Bay section for 1988-89. We hope we have won the membership trophy as everyone has worked hard in our section to dethrone Southern Section! I have a new position. I am now principal of Renaissance High School (728-6344) in La Selva Beach. Remainder of officers nominated for next year: Bob Brazil, V.P.; Secretary, John McKeown; Treasurer, Kathy Kirkendahl; Legislative Reps., Angelo Madrigal and Shan Lawson; Retired-honorary Life Rep. Adrian Cibilich (Cib).

## DELTA SIERRA DOINGS



JESSE ORTIZ  
Delta Sierra  
Section President

Delta-Sierra section has been extremely busy preparing for the Fall Conference. We are looking forward to a very informative and exciting conference.

On March 21st the Delta-Sierra section co-sponsored with the Sacramento County Office of Education a workshop in the recent special education case regarding expulsions. The workshop was attended by approximately 45 people and featured Mr. Barry Zolotar an attorney with the State Department of Education. The section is in the process of planning a luncheon in late May with a keynote speaker, also on this date the new section board will be introduced and installed.

We hope to see everyone at the Woodlake Inn on April 27-29.

## SOUTHERN SECTION WRAPS UP YEAR



MICHAEL JIMENEZ  
Southern Section  
President

Well, it appears as if the other C.A.S.C.W.A. Sections decided to take up the membership challenge and I am proud to see that the membership in the other sections has increased. However, I was so busy pursuing membership I let Southern Section slip and for that little act of indiscretion, I feel 100 lashes with a wet noodle is in order.

I hope the Spring break finds you all rested and relaxed. Just think, this time next year all C.A.S.C.W.A. members throughout the state will be making plans for the 1989 Spring Conference to be held in Palm Springs at the Gene Autry Hotel. I know this Spring conference will be hard to beat and will be looking forward to going to Sacramento once again.

In closing, I'd like to take this time to thank all of the Southern Section officers who have worked with me this past year. They are Don Holton, President Elect; Cindy Wallace Guerrero, Vice President; Elizabeth Monson, Secretary; and Humberto Lopez, Treasurer. In addition a special thanks and good luck next year goes to Don Holton who, believe me, is a stand up dynamite individual and C.A.S.C.W.A. Southern Section most certainly will be in good, if not better, hands for the coming year.



## MORE INTERESTING RESEARCH FINDINGS

**AFTER-SCHOOL WORK AND GRADES** High-school students' grades suffer when they work in part-time jobs for more than 20 hours a week, a new study by George Washington University researchers has found. Based on interviews with 446 college-bound students employed by seven fast-food restaurant chains nationwide, the study found that students who worked more than 20 hours a week had an average grade of B while those who worked less than 20 hours a week had a B-plus. A follow-up study found that, among students maintaining an A average, fewer than one in four worked more than 20 hours a week; among students with lower grades, between two-fifths and three-fourths worked at least that much. These findings suggest that there may be a "safe upper boundary" of 20 hours a week of employment while attending high school.

**MYTHS ABOUT STUDYING** In a recent research paper from Far West Laboratory for Educational Research and Development, there were listed some mistaken beliefs held by students about studying which stand in the way of developing good study practices. These myths are:

When in doubt, repeat and repeat until the content is "stamped in."

Content repetition or copying notes are not generally very good ways to spend study time. The most effective study activities are those that involve elaborating on the content to be learned, making the ideas more personally meaningful, or drawing connections among the main points in the materials.

Studying should be done only when absolutely necessary; wait until a big test is coming to really put effort into studying.

Last minute studying may be successful if the exam requires rote recall only and if it is not useful to remember the material after the exam. However, for tests that require comprehension and for long-term retention, periodic review of material is much more beneficial than crash study sessions.

It doesn't matter how much you study; the teacher still has control over how well you do in the course.

Many students do not believe that their efforts will make much difference in their performance. Either they perceive the task as too difficult, or they do not see relationships between studying activities and course outcomes. If they are not using effective strategies, they may be correct in their judgements.

Poor performance is an indication of low ability.

Many unsuccessful students believe that they are unable to succeed. Poor performance in the past has been interpreted by them as a sign of low ability rather than as a signal that their study methods need to be improved.



# LEGISLATION

## LEGISLATURE MOVES INTO HIGH GEAR



LEE LUNDBERG  
Chairman, Legislation

Once again the forefront of CASCWA's Action is in the legislative area and Lee Lundberg is carrying the banner. Actual Pupil attendance, Learnfare and Electronic Devices legislation has consumed a great deal of effort on the part of Lee's committee and the results are encouraging thus far. Lee may be calling upon you for help; jump at the chance!

Here's a rundown on current legislation of concern to CASCWA:

BILL	SPONSOR	SUBJECT	CASCWA POSITION
AB1841	Harris	Juvenile Court Law	Watch

This bill would provide that in the discretion of the juvenile court, a ward may be ordered to be on probation without supervision of a probation officer. This bill would provide that the juvenile court may levy a fine against the minor up to the amount that could be imposed on an adult for the same offense.

AB1218	Polanco	Continuation Classes	Support
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This bill would permit a child who will be between the ages 16 and 18, inclusive, to take a leave of absence from compulsory continuation education classes, or if exempted pursuant to a specified provisions of existing law, from the school that the child attends, for purposes of supervised travel, study, training or work otherwise unavailable to the student for a period of up to two semesters, if specialized conditions are met.

AB1425	La Follette	Public Schools of Choice	Watch
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This bill would repeal the provisions regarding alternative schools and authorize the establishment of "public schools of choice," as defined, for the purpose of flexibility of teaching style, curriculum, and classroom scheduling on the basis of individual pupil educational plans, as specified. This bill would impose a requirement of the school district to hold formal hearings regarding the establishment of public schools of choice in response to the request of parents or guardians of pupils in the district, as specified. The bill would require annual notification to parents and guardians regarding this information this bill is under the sponsorship of LeARN.

AB2110	Wright	Pupil Attendance	Watch
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This bill would authorize the adoption of regulations for a teacher to reduce a grade or to assign a failing grade to a student with excessive excused or unexcused absences, as specified. This bill is clarifying the SB813 board attempt. The governing board must adopt the policy.

AB2583	Sterling	Crime Report	Support
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This bill specifies that the principal of each school shall complete school crime reports. This bill would extend the application of those provisions by requiring each principal

or director of a school, program, or camp under county superintendent of schools to forward a complete report regarding those crimes to the county superintendent of schools. The previous school crime report applied only to local districts. This bill would make it a misdemeanor for a school principal or director to fail to report, as required, but willfully and knowingly conceal information concerning crimes or to make a false report of incidents of those crimes.

AB2695	Allen	Residency Requirements	Strongly Oppose
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This bill is an extension of Allen's previous AB2071 which has caused a great deal of confusion in the state. This bill extends provisions of that bill to include that an elementary school pupil is a resident for the requirements of attendance in an adjoining school district if this school is near the parent's place of employment. This bill would allow the county board of education to make the final determination regarding residence and disputes over which school is nearest to the place of employment. This bill also addresses the parents distance from the school for a reasonable response in an emergency. This bill would require that the hours of employment be concurrent with the regular hours of school attendance. The bill would require the parent to provide certification to the district of residence that these requirements have been complied with and would require the district of residence to develop procedures to verify confirming employment. This bill would require a pupil newly admitted to be admitted for the full school year or the remainder of the school year. It would also give first priority to pupils transferring for a second or subsequent year and to brothers and sisters of current students.

AB2794	Allen	School Discipline:	Strongly Oppose
		Parental Consultation	

This bill would require school officials to consult with a victim or victim's parents or guardians. The bill would also require school officials to consult with the victim or the victims parents or guardians in determining the placement of the pupil in any school within the district where the victim is enrolled. The law would require that a student or parent who has been a victim should participate in disciplinary action to be administered by school officials against pupils who caused or attempted to cause physical injury of that person.

AB2800	Eaves	Pupil Discipline	Sponsor
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This bill is sponsored by CASCWA and would limit the possession of electronic receiving and sending devices on school campuses. It would create a separate section of code that would allow local boards and principals to prohibit the possession or use of electronic receiving or sending devices on campus, except with the permission of the principal.

AB3808	Leonard	Learnfare	Support
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This bill is advocating the attendance of students on AFDC.

AB3809	Leonard	School Attendance	Support
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This bill is advocating the Actual Attendance Package.





# THE COURTS

## HONIG V. DOE DECISION SHAKES CALIFORNIA

On January 20, 1988, the United States Supreme Court rendered its decision in *Honig v. Doe*, a case in which the San Francisco Unified School District (SFUSD) suspended two emotionally disturbed students pending the completion of expulsion proceedings. The school district's removal of the students was necessitated by their violent and disruptive conduct. The first student, Doe, filed a suit in Federal District Court, in which the second, Smith, intervened. Their complaint alleged that the suspension and proposed expulsion violated the "stay-put" provision of the Education of the Handicapped Act (EHA) which mandates that a disabled child "shall remain in his/her then current educational placement" pending completion of any exclusionary proceedings. The District Court ruled in favor of the students and the United States Court of Appeals affirmed with slight modifications.

California Superintendent of Public Instruction, Bill Honig, argued that Congress could not have intended the stay-put provision to be read literally, for such a construction would lead to the unintended result of returning violent or dangerous students to school while the lengthy EHA proceedings run their course. The Court disagreed.

"EHA Section 1415 (e) (3) is unequivocal in its mandate that 'the child shall remain in the then current educational schools of the unilateral authority they had traditionally employed to exclude disabled students, particularly emotionally disturbed students, from school.'" The Court noted, however, that Congress did not leave school administrators powerless to deal with such students, since implementing regulations allow the use of normal, non-placement-changing procedures, including temporary suspensions for up to 10 school days for students posing an immediate threat to others' safety, and authorizing school officials to seek injunctive relief under EHA Section 1415 (e) (2) in appropriate cases.

Note, the Court stated that a suspension of longer than 10 days would constitute a change in placement which is prohibited by the EHA. Thus, the 20 day language in Education Code Section 48903 is not applicable to handicapped students.

Finally, the decision effectively repeals Education Code Section 48915.5 (expulsion of pupils with exceptional needs enrolled in special education classes).

Finkle and Stroup

## INTOXICATED STUDENT'S EXPULSION UPHeld

The Journalism Club of Northview High School sponsored a dance on the evening of April 4, 1986 in the Doug Tew Community Center in Dothan, Alabama. Two Northview teachers were assigned as chaperones, and two off-duty police were hired to keep order. David Carroll, an eighteen-year-old senior, and a juvenile friend, were very intoxicated when they arrived at the dance. David and his friend were seen staggering through the lobby outside the dance floor and vomiting on the wall and floor. They were both arrested for public intoxication.

After a hearing before the school board, where David was present with his attorney, the board voted to expel David from the school system for the remainder of the school year.

David sued the school district on the ground that the juvenile court reinstated his juvenile friend in school with a finding that the board had violated the friend's right to equal protection of the laws through its unequal enforcement of the board's Code of Student Conduct. The Court of Civil Appeals of Alabama upheld the expulsion. The court held that the court was not bound by the holding in juvenile court because David and his friend are obviously not the same person and the juvenile court had no jurisdiction over David.

David also sought to have his expulsion set aside by contending that there has been selective enforcement by the district of its Code of Student Conduct. On the night of the dance, the police stopped two other males who had been drinking and sent them away before they could get inside. The court stated that it "doesn't feel that (David) can justify his actions and avoid discipline simply because these policemen did two other people favors by barring them from the dance and thus possible punishment themselves."

West's Legal Alert

## LAWYERS URGED TO PRESS PROP 8 CASES

The following article appeared in *The Recorder*, the Bay area legal newspaper, on September 21, 1987. Read it closely, the theme seems to be "jump on the bandwagon, lawyers!"

It has been more than five years since California voters amended the Constitution to give students and staff in the state's schools the "inalienable right to attend campuses which are safe, secure and peaceful."

Yet not a single appellate court has given the provision any teeth by handing down a definitive ruling that a student or teacher assaulted on campus can sue for damages. And only a handful of suits are working their way towards trial, an attorney said Friday during a seminar at the State Bar of California annual meeting.

The lack of potential plaintiffs is not to blame. Judging from the figures cited by supporters of Proposition 8, the 1982 anti-crime measure that included the landmark "safe schools" provision, as many as 300,000 students and teachers have become victims of crimes in public schools since the clause entered the Constitution.

It is only a matter of time before victims of campus crime, either individually or en masse in a class action, begin pocketing damage awards from school districts, said Oakland attorney Kevin S. Washburn. Those suits will force school districts to take action to end the violence, he added.

Washburn is handling a case that has produced what apparently is the only monetary award to date that can be attributed, albeit indirectly, to the save schools clause.

In May 1986, Alameda County Superior Court Judge Richard Bartalini held that the Oakland Unified School District is liable for damages for failing to protect Washburn's client, high school student Stephen Hosemann, from a known schoolyard bully.

In a separate civil suit, Hosemann also got \$20,000 from the parents of his attacker through their homeowners insurance policy. The parents' insurance company, which Washburn said had already spent \$40,000 on attorney's fees, decided to buy its way out of the case and forgo the costs of a trial.

"So we have been vindicated," Washburn said. "We have been paid for a violation of this constitutional right."

A constitutional claim in a case against the Vallejo Unified School District in Solano County was thrown out by a trial judge, Washburn acknowledged. The judge ruled that the provision doesn't create absolute liability by school districts for crimes on school premises.

But as for his own case, Washburn said, "We aren't contending that there's absolute liability. It's impossible for schools

to be the absolute insurers of the safety of the schools. All we're saying is that schools should be liable when they fail to take reasonable steps to ensure the safety of students and teachers."

In Hosemann's case, the bully had beaten up Hosemann and others before, yet school administrators refused to remove him except for brief suspensions from school.

Other strong cases also are moving through the courts, Washburn said. Washburn is handling two cases now in the very early stages of litigation involving a murder on campus and a rape.

Even if these plaintiffs win, hundreds of thousands of other victims of school crime over the past five years will find no remedy in the state Constitution, Washburn acknowledges. But he finds some solace in the long struggle of lawyers to put school desegregation laws into effect. More than three decades after the Supreme Court handed down its decision in *Brown v. Board of Education*, the struggle goes on.

Decades from now, lawyers still could be battling for the inalienable right of students and teachers in California to have safe schools.

Eventually, Washburn said, they will win.

The Bay Area Recorder

## BOYS AND BOOZE UNCOVERED BY SEARCH

While on a high school band field trip to Hawaii from Chattanooga, Tennessee, Wendy Webb and her roommates were getting ready to go shopping when Thomas Mc Cullough, the high school principal, used a key to enter their hotel room without warning. He told them that the front desk had informed him to search the room for alcoholic beverages. He searched the room, bathroom, and personal effects of the four girls, but found no alcohol.

That evening, McCullough held a meeting and told students that he had reason to believe that the rules had been violated. He told them that anyone caught with alcohol or illegal drugs would be sent home. Later that evening McCullough was told by another chaperone that on the previous night, some students had used an unoccupied room adjacent to, and sharing a balcony with, Webb's room. A hotel security officer and McCullough entered the unoccupied room and saw a boy on the balcony of the room. The boy fled into Webb's room where he was apprehended by the security officer. A search of the unoccupied room revealed a supply of beer and wine. As he promised, McCullough sent the four girls home on the earliest available flight.

Webb sued the school administrators for alleged violations of her Fourth Amendment right to be free from unreasonable searches. The court denied Webb's claims, stating that McCullough had a source of authority to search her room beyond his role of principal of the high school. He had a limited scope of in loco parentis over Webb. "The trip to Hawaii was an appropriate circumstance for the operation on in loco parentis. The principal was acting as both a representative of the state and in loco parentis in his task of searching Webb's room."

## NO SCHOOL, NO CAR?

The state Senate's Education Committee chairman wants to take the car keys away from 15, 16 and 17-year-olds who don't stay in school and maintain passing grades.

Senator Gary Hart recently unveiled legislation that would require state officials to deny drivers' licenses to applicants under age 18 who drop out of school, are expelled or failing to make "satisfactory progress" toward graduation.

"There is nothing that seems to be more important (to many students) than having that right to drive," the Santa Barbara Democrat told reporters at a Capitol press conference.

"And there's nothing more important for our society than for those students to have a good education."

The bill, SB2802, is aimed at cutting the state's "very serious" 30 percent dropout rate, which Hart said leads to higher costs for society in terms of crime and welfare.

His bill would allow students to obtain a learner's permit at 15½ and a driver's license at age 16 only if they make satisfactory progress toward graduation and follow school attendance policies.

The students also must not commit any of four expulsion offenses listed in the state Education Code:

- Possession of a weapon on school grounds.
- Sale of drugs.
- Robbery or extortion.
- Causing serious bodily harm to another.

Students who fail to meet those requirements could not get a license until they turn 18, obtain a high school diploma, pass a high school proficiency exam or convince a court to grant an employment hardship license.

The bill would not change current requirements requiring students to have driver's education classes.

Associated Press

## PASS TO PLAY HAS "A MOSTLY POSITIVE IMPACT"

A statewide report on California's "Pass to Play" law concludes that it has had "a mostly positive impact" on high schools and junior highs, but that about 35% of the state's school districts are not sufficiently helping students who fall below a "C" average.

The report, written by the state Department of Education, analyzes the impact of the law that requires all students in grades 7 through 12 to have a minimum 2.0 grade-point average in order to participate in sports or other extracurricular activities.

The state Board of Education, meeting in Costa Mesa on Thursday, accepted and briefly discussed the report, which was written by state Department of Education staff.

Board member Armen Sarafian said he is concerned about the lack of academic help given to students who fall below a 2.0 grade-point average. However, no specific recommendations were made by the board during Thursday's meeting.

Under study in the report was Assembly Bill 2613, a measure authored by Assembly Speaker Willie Brown (D-San Francisco) and which became law on Jan. 1, 1987. The Legislature, in a budget bill in 1986, ordered the state Department of Education to study the impact of the new law often called "Pass to Play" law.

The legislature specifically directed that "the study shall also report on the activities districts undertook to improve the academic performance of students ineligible to participate in extracurricular activities as a result of AB2613."

The report surveyed a sample of the state's junior highs and high schools and found that student barred from sports and other activities because of their grade averages often find no academic help to become eligible again.

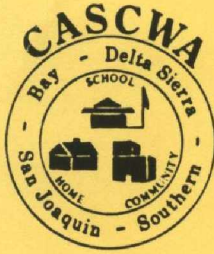
"Ineligible students were not targeted for special support services by 35% of the (surveyed school) district," the report said.

School districts not giving extra help to below-C-average students cited lack of money for counselors. One school district official, not cited by name in the report, said: "It is nice to have rules and regulations, but when you do not have the money for staff to support the regulations, what good are the rules? We can easily identify the problem, but we can only bandage the wound."

The report did not identify the 127 school districts in the state that were selected as the "stratified sample." Likewise, the report did not list by name the school district reporting no extra help to students ruled out of sports and other activities because of grade averages.

In saying that the new law has "a mostly positive impact" on the schools, the report said: "AB2613 appears to be working as intended. . . Recommendations regarding changes in these policies and their implementations would be premature at this time."





## CALIFORNIA ASSOCIATION OF SUPERVISORS OF CHILD WELFARE AND ATTENDANCE

### A POSITION STATEMENT

*Where we stand on . . .*

### *Attendance Accounting Reform*

Education is an opportunity and a right. Children and youth who exercise this right to attend school regularly, have full opportunity for the basic education necessary to become knowledgeable and contributing members of society. Absence from school, regardless of the reason, limits the pupils' educational opportunities. Because of the direct negative effect on academic achievement, promotion, graduation, sense of worth, and employment potential of our students, we have a responsibility to encourage and increase student attendance.

CASCWA recognizes that poor school attendance is the most frequently identified symptom of the potential dropout. Pupils who leave school prior to completion, face statistically higher unemployment rates and lower earnings than do other workers; they are more likely to require public assistance; and they are more likely to engage in criminal activity. CASCWA believes students must attend school regularly and willingly to receive a quality education.

CASCWA recognizes the link between attendance and the amount of apportionment revenue earned by schools. The current funding system for average daily attendance (ADA) encourages schools to classify questionable absences as apportionment absences because of the otherwise potential loss in ADA. CASCWA believes all absences, excused and unexcused, adversely affect a pupil's academic achievement, although CASCWA does recognize there are legitimate reasons for absences.

CASCWA advocates a reform in the state ADA funding system from the current accounting procedure to one that would require a combination of actual attendance data and a fixed absence percentage factor to determine monthly earned apportionment.

CASCWA believes the reformed attendance accounting system would motivate schools and districts to develop and implement programs and strategies that would increase actual student attendance for apportionment and academic achievement.

CASCWA believes that the recommended system would simplify attendance accounting bookkeeping procedures and, thus, would make time available for attendance personnel to implement incentive strategies for improving attendance.

If not deliverable  
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 2526 E. Hedges  
 Fresno, CA 93703



A POSITION STATEMENT

Where we stand on  
 Attendance Accounting Reform

Education is an opportunity and a right. Children and youth who exercise the right to attend school regularly have full opportunity for the basic education necessary to become contributing members of society. Absence from school, regardless of the reason, limits the public educational opportunities. Absence of the child from school has a negative effect on academic achievement, promotion, graduation rates of youth and employment opportunities. We have a responsibility to encourage and increase student attendance.



# RENEW YOUR MEMBERSHIP

ANNUAL MEMBERSHIP APPLICATION  
 CALIFORNIA ASSOCIATION OF SUPERVISORS OF CHILD WELFARE AND ATTENDANCE

MEMBERSHIP YEAR - JUNE 1, 19\_\_ TO MAY 31, 19\_\_

NAME \_\_\_\_\_ Mrs. \_\_\_\_\_ Mr. \_\_\_\_\_  
 (Last) PLEASE PRINT (First) Miss \_\_\_\_\_  
 Ms. \_\_\_\_\_ Dr. \_\_\_\_\_ SECTION \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_ BUSINESS PHONE ( ) \_\_\_\_\_  
 (Street) (City) (Zip) (Area Code)

POSITION \_\_\_\_\_

SCHOOL DISTRICT \_\_\_\_\_ COUNTY \_\_\_\_\_

MAIL TO:

John Burton  
 Vice President, Membership  
 Los Angeles County Office of Education  
 9300 E. Imperial Highway  
 Downey, CA 90242

DUES: (Check One)

- ( ) Active \$30.00 per membership year
- ( ) Associate 20.00 per membership year
- ( ) Institutional 30.00 per membership year
- ( ) Retired 10.00 per membership year
- ( ) Honorary Life N/C permanent designation
- ( ) Honorary N/C current membership year only

\_\_\_\_\_  
 (Signature)