

AMENDED IN SENATE AUGUST 13, 2019

AMENDED IN SENATE JUNE 20, 2019

AMENDED IN ASSEMBLY MAY 16, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 901

Introduced by Assembly Member Gipson

February 20, 2019

An act to amend Sections 1981, 2574, 48260.5, 48263, 48267, 48268, and 48269 of the Education Code, and to amend Sections 236, 258, 601, 601.3, 650, 652, 653.5, and 654 of, to add Section 651.5 to, *and* to repeal Section 653 of, ~~and to repeal and add Section 650 of,~~ the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 901, as amended, Gipson. Juveniles.

(1) Existing law authorizes a pupil to be referred to a school attendance review board, or to the probation department for services if the probation department has elected to receive these referrals, if the pupil is habitually truant, a chronic absentee, or is habitually insubordinate or disorderly at school. Existing law requires the school attendance review board or probation officer to direct those pupils or their parents or guardians to make use of community services, if available. Upon a determination that available community services cannot resolve the problem of truancy or insubordination, existing law authorizes the school attendance review board or probation officer to notify the district attorney in a county that has elected to participate in a truancy mediation program. In a county that has not elected to participate in a truancy mediation program, existing law authorizes the

county superintendent of schools to petition the juvenile court on behalf of a pupil for proper disposition of a case. In a county that has not established a school attendance review board, existing law authorizes the school district to notify the district attorney or probation officer, as specified, that available community resources cannot resolve the problem of truancy or insubordination.

~~This bill would repeal the authority of those persons and entities to refer a pupil to the school attendance review board, district attorney, or probation officer, respectively, because the pupil was insubordinate or disorderly. The bill would repeal the authority of the county superintendent of schools to petition the juvenile court on behalf of a pupil, as described above, in a county that has not elected to participate in a truancy mediation program. The bill would make conforming changes to related provisions.~~

(2) Existing law authorizes a county board of education to establish and maintain one or more community schools. Existing law authorizes the county board of education to enroll pupils in a county community school who meet specified criteria.

This bill would additionally authorize a county board of education to enroll a pupil in a county community school who is referred by a school attendance review board, or in counties without a school attendance review board, referred by a school district, when the pupil is between 12 and 17 years of age, inclusive, and has been reported as a truant 4 or more times per school year or is a chronic absentee.

(3) Existing law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, as specified. The local control funding formula calculation for county superintendents of schools includes, among other components, an alternative education grant that is based, in part, on the average daily attendance of pupils attending schools operated by a county office of education who are enrolled for specified reasons, including, among others, being on probation or parole and in attendance in a school.

This bill would additionally include for purposes of that part of the alternative education grant the average daily attendance of pupils attending schools operated by a county office of education who are enrolled because the pupil was referred by a school attendance review board, or in counties without a school attendance review board, referred by a school district, when the pupil is between 12 and 17 years of age,

inclusive, and has been reported as a truant 4 or more times per school year or is a chronic absentee. The bill also would delete an obsolete provision.

(2)

(4) Existing law requires a school district to notify a pupil's parent or guardian of the pupil's truancy, including that the pupil may be subject to prosecution. Existing law requires a pupil who has once been adjudged an habitual truant or habitually insubordinate or disorderly during attendance at school by the juvenile court who is reported as truant, as specified, to be brought to the attention of the juvenile court and the pupil's probation or parole officer. Existing law authorizes the court to render judgment that a parent or guardian of an insubordinate or disorderly pupil deliver the pupil to school daily, as specified. Existing law authorizes the suspension of that judgment upon the execution of a bond in the amount of \$200.

This bill would revise and recast those provisions to repeal the requirements that those habitually truant, insubordinate, or disorderly pupils be brought to the attention of the juvenile court and the pupil's probation or parole officer. The bill would repeal the authority of the court to require the delivery of a pupil who is insubordinate or disorderly to school daily and the respective bond provisions. The bill would repeal the requirement that a school district notify a truant pupil's parent or guardian that they may be subject to specified provisions.

(3)

(5) Existing law permits a probation department to engage in activities designed to prevent juvenile delinquency, including rendering direct and indirect services to persons in the community. Under existing law, a probation department is not limited to providing services only to those persons who are on probation and under supervision, but is authorized to provide these services to any juveniles in the community.

This bill would clarify that these services or programs that are offered to minors or minor's parents or guardians who are not on probation are voluntary, as specified, and would prohibit a probation department from taking specified actions as part of providing those services or programs to minors not on probation, including, among other things, maintaining a formal or informal caseload or creating mandated-probation conditions.

(4)

(6) Existing law places a person who is between 12 and 17 years of age within the jurisdiction of the juvenile court for certain offenses, including, among others, that the person habitually refuses to obey the

reasonable and proper orders or directions of their parents or is habitually truant, as specified. Existing law authorizes a juvenile court to adjudge a person under these circumstances to be a ward of the court. Existing law authorizes a peace officer or school administrator to issue a notice to appear to a minor who is within the jurisdiction of the juvenile court pursuant to this provision.

This bill would delete the authority of the juvenile court to adjudge a person who is between 12 and 17 years of age as a ward of the court based on truancy, and the authority of a school administrator to issue a notice to appear to a minor under these provisions. Prior to issuing notices to appear under these provisions, the bill would instead require peace officers to refer any minor under their jurisdiction to community-based diversion, and, if unavailable, would require the probation department to offer those services. To the extent the bill would impose new duties on local entities, the bill would impose a state-mandated local program.

Existing law also authorizes a probation officer or district attorney to petition the court to make a truant minor a ward of the court after the conclusion of certain meetings with the minor's parents or guardians. Existing law authorizes truancy mediation programs to be established by the district attorney or the probation officer.

The bill would repeal the authority of the district attorney and probation officer to petition the court under the circumstances described above, and would require those officials to cooperate in determining whether another person or entity should be operating their truancy mediation programs, as specified. By imposing new duties on local entities, the bill would impose a state-mandated local program.

(5)

(7) Upon receipt of an application to commence proceedings in the juvenile court, as specified, existing law requires a probation officer to make any investigation the officer deems necessary to determine whether proceedings in the juvenile court should be commenced. Existing law requires the probation officer to make a referral for family services, if determined appropriate.

This bill would require the probation officer to refer the youth to services provided by health agencies, community-based organizations, as defined, school districts, appropriate non-law enforcement agencies, or the probation department. By imposing new duties on probation officers, the bill would impose a state-mandated local program.

(6)

(8) Existing law requires a probation officer to cause an affidavit to be taken within 48 hours to a prosecuting attorney in certain cases, including, but not limited to, when the minor has previously been placed in informal probation.

This bill would repeal the requirement that the probation officer cause an affidavit to be filed under that circumstance.

~~(7)~~

(9) Existing law authorizes a probation officer who, after investigation of an application for a petition or any other investigation the probation officer is authorized to make, concludes that a minor is within the jurisdiction of the juvenile court, or will probably soon be within that jurisdiction, to, in lieu of filing a petition to declare a minor a dependent child of the court or a ward of the court, or requesting that a petition be filed by the prosecuting attorney to declare a minor a ward of the court, as specified, with consent of the minor and the minor's parent or guardian, delineate specific programs of supervision for the minor, not to exceed 6 months, and attempt to adjust the situation that brings the minor within the jurisdiction of the court or creates the probability that the minor will soon be within that jurisdiction. Existing law requires the probation officer to immediately file a petition or request the filing of a petition upon the failure of a minor to participate in those programs, as specified. Existing law requires the program of supervision to require the parents or guardians of the minor to participate with the minor in counseling or education programs and specifies that the minor's parents may be required to reimburse the county for the cost of services rendered to the minor's family. Existing law also authorizes the probation officer to maintain and operate counseling and education centers, and requires the probation officer to prepare followup reports with respect to programs of supervision undertaken pursuant to these provisions.

This bill would delete the authority of a probation officer to take the above-described actions when the probation officer concludes that a minor is probably within the jurisdiction of the juvenile court, and would instead authorize a probation officer, in lieu of *filing a petition or to declare a minor a ward of the court* or requesting that a petition be filed by the prosecuting attorney to declare a minor a ward of the court, as specified, to refer the minor to certain services and, if those services are provided by the probation department, delineate specific programs of supervision for the minor, not to exceed 6 months, and attempt to adjust the situation that brings the minor within the jurisdiction of the court. The bill would authorize the filing of a petition for the failure of

a minor to participate in those programs, as specified. The bill would instead require the program of supervision under these provisions to encourage the parents or guardians of the minor to participate with the minor in counseling or education programs and delete the authority for the minor’s parents to be required to reimburse the county for the cost of services rendered to the minor’s family.

The bill would also revise and recast the provision that authorizes counseling and education centers, and would further authorize the probation officer, to contract with certain entities to provide vocational training or skills, counseling and mental health resources, educational supports, and arts, recreation, and other youth development services.

(8)

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) In enacting this act, it is the intent of the
 2 Legislature that cities and counties work closely with minors,
 3 parents or guardians of minors, school districts, community
 4 partners, and system officials to create coordinated diversion
 5 opportunities in their counties.

6 (b) It is further the intent of the Legislature that cities and
 7 counties work closely with youth, parents or guardians, school
 8 districts, community partners, and system officials to serve and
 9 protect youth only as needed, avoiding any contact with the
 10 juvenile justice system.

11 (c) One of the most common ways for a minor to come into
 12 contact with the juvenile justice system is a citation for truancy.
 13 Truancy charges can also lead to more serious contact with court
 14 and probation, including long-term probation supervision or
 15 detention. It is the intent of the Legislature that truancy and other
 16 status offenses be diverted from citation, arrest, and court.

1 (d) It is further intended that probation officers serve to intervene
2 in the lives of young people to prevent further involvement in the
3 justice system and recidivism, including prioritizing prefilng
4 diversion when a minor is brought by law enforcement to probation
5 custody, serving youth who are already in court as an alternative
6 to further court involvement, serving as an alternative to court for
7 youth who receive citations, serving as an alternative to detention
8 or incarceration, providing a noncustodial alternative to
9 incarceration for a violation of probation, or providing a
10 county-based alternative to state custody within the Division of
11 Juvenile Facilities.

12 (e) Finally, the Legislature has recognized and is committed to
13 addressing the fact that disproportionate contact with law
14 enforcement, higher rates of criminalization, and harsher sanctions
15 for African American and Latinx youth also lead to alarming racial
16 and gender disparities across the state. Youth of color are
17 disproportionately represented at every stage of the juvenile justice
18 system. Youth of color are disproportionately referred to probation.

19 *SEC. 2. Section 1981 of the Education Code is amended to*
20 *read:*

21 1981. The county board of education may enroll pupils in a
22 county community school who are any of the following:

23 (a) Expelled from a school district for any reason other than
24 those specified in subdivision (a) or (c) of Section 48915.

25 (b) (1) Referred to a county community school by a school
26 district as a result of the recommendation by a school attendance
27 review board. A pupil shall not be referred to a county community
28 school by a school district pursuant to this subdivision unless the
29 school district and the county office of education determine all of
30 the following:

31 (A) The county community school has space available to enroll
32 the pupil.

33 (B) The county community school meets the educational needs
34 of the pupil.

35 (C) (i) The parent, guardian, or responsible adult of the pupil
36 has not expressly objected to the referral based on one or more of
37 the following reasons:

38 (I) Reasonable concerns related to the pupil's safety.

39 (II) Geographic accessibility.

40 (III) Inability to transport.

1 (IV) The school does not meet the pupil’s educational needs.
 2 (ii) The school district may require the objection to be in writing
 3 if it has advised the parent, guardian, or responsible adult that they
 4 may object, in writing, for one of these reasons.

5 (2) If the county community school recommended pursuant to
 6 paragraph (1) is not geographically accessible to the pupil, the
 7 school attendance review board shall also include in its
 8 recommendation a school option for the pupil that is geographically
 9 accessible to the pupil and meets the criteria specified in paragraph
 10 (1).

11 (3) If the parent, guardian, or responsible adult of the pupil
 12 objects for any of the reasons described in subclauses (I) to (IV),
 13 inclusive, of clause (i) of subparagraph (C) of paragraph (1), the
 14 school district may either address the express objection or find an
 15 alternative placement in another comprehensive or continuation
 16 school within the school district. If the school district has offered
 17 the pupil all other options, the school district may refer the pupil
 18 to the county community school.

19 (4) The pupil has the right to return to ~~his or her~~ *the pupil’s* prior
 20 school or another appropriate school within ~~his or her~~ *the pupil’s*
 21 school district at the end of the semester following the semester
 22 when the acts leading to referral occurred. The right to return shall
 23 continue until the end of the pupil’s 18th year of age, except that
 24 a pupil with exceptional needs, consistent with Section 56041 of
 25 this code and Section 1412(a)(1)(A) of Title 20 of the United States
 26 Code, shall have the right to return until ~~he or she~~ *the pupil* turns
 27 22 years of age.

28 (c) (1) (A) On probation, with or without the supervision of a
 29 probation officer and consistent with an order of a juvenile court,
 30 who are considered to be wards of the court under Sections 601
 31 and 602 of the Welfare and Institutions Code and ordered placed
 32 pursuant to Sections 725, 729.2, and 791 of, and paragraph (2) of
 33 subdivision (a) of Section 727 of, the Welfare and Institutions
 34 Code.

35 (B) Under the supervision of a probation officer, with the
 36 consent of the minor and the minor’s parent or guardian, pursuant
 37 to Section 654 of the Welfare and Institutions Code.

38 (C) Under the supervision of a probation officer pursuant to
 39 Section 726 and paragraph (3) of subdivision (a) of Section 727
 40 of the Welfare and Institutions Code with the consent of the pupil’s

1 parent, guardian, or responsible adult appointed by the juvenile
2 court to make educational decisions for the pupil. The enrollment
3 of a minor covered by this paragraph in a county community school
4 shall be consistent with paragraph (2) of subdivision (c) of Section
5 726 of the Welfare and Institutions Code, which provides that all
6 educational and school placement decisions shall seek to ensure
7 that the youth is in the least restrictive educational program, has
8 access to the academic resources, services, and extracurricular and
9 enrichment activities that are available to all pupils, and are based
10 on the best interests of the child.

11 (D) Unless specifically ordered by a juvenile court, nothing in
12 this subdivision shall be construed to conflict with the existing
13 rights of a parent, guardian, or responsible adult appointed by the
14 juvenile court pursuant to Section 726 of the Welfare and
15 Institutions Code to make educational placement decisions for the
16 minor.

17 (E) With respect to a pupil's enrollment in a county community
18 school pursuant to subparagraph (B) or (C), and consistent with
19 paragraph (2) of subdivision (c) of Section 726 of the Welfare and
20 Institutions Code and California Rule of Court 5.651, all of the
21 following shall apply:

22 (i) The attorney for, or the person holding the educational rights
23 of, a pupil who is under the jurisdiction of the delinquency court
24 may use the procedures set forth in California Rule of Court 5.651
25 to address any change of placement that results in the enrollment
26 of the pupil in a county community school that is not ~~his or her~~
27 *the pupil's* school of origin.

28 (ii) The attorney or the person holding the educational rights
29 appointed by the court for a pupil who is under the jurisdiction of
30 the delinquency court may, during a regularly scheduled hearing,
31 raise any concerns with respect to whether the enrollment of the
32 pupil in a county community school is meeting the educational
33 needs of the pupil.

34 (iii) Nothing in this subparagraph is intended to limit in any
35 way the rights or responsibilities of any person as set forth in
36 paragraph (2) of subdivision (c) of Section 726 of the Welfare and
37 Institutions Code and California Rule of Court 5.651.

38 (2) On probation or parole and not in attendance at any school,
39 where enrollment is with the consent of the parent, guardian, or
40 responsible adult, or the pupil, if ~~he or she~~ *the pupil* is 18 years of

1 age or older. Nothing in this subdivision shall impact the provision
2 of services or funding for youth up to 25 years of age pursuant to
3 subdivision (b) of Section 1982, as that section read on September
4 25, 2013.

5 (3) Expelled for any of the reasons specified in subdivision (a)
6 or (c) of Section 48915.

7 (4) Enrollment in a county community school pursuant to this
8 subdivision shall be consistent with subdivision (b) of Section
9 48645.5.

10 (d) Pupils whose school districts of attendance, or, for pupils
11 who do not have school districts of attendance, school districts of
12 residence, have, at the request of the pupil's parent, guardian, or
13 responsible adult, approved the pupil's enrollment in a county
14 community school, subject to the following:

15 (1) A pupil shall not be enrolled in a county community school
16 pursuant to this subdivision unless the school district determines
17 that the placement will promote the educational interests of the
18 pupil and the county community school has space available to
19 enroll the pupil.

20 (2) A parent, guardian, or responsible adult of a pupil enrolled
21 in a county community school pursuant to this subdivision may
22 rescind the request for the placement, and the pupil shall be
23 immediately reenrolled in the school that the pupil attended at the
24 time of the referral, or, with the consent of the parent, guardian,
25 or responsible adult, another appropriate school.

26 *(e) (1) Notwithstanding subdivision (b), referred by a school*
27 *attendance review board, or in counties without a school*
28 *attendance review board, referred by a school district, when the*
29 *pupil is between 12 and 17 years of age, inclusive, and has been*
30 *reported as a truant four or more times per school year pursuant*
31 *to Section 48260 or is a chronic absentee as defined in Section*
32 *60901.*

33 *(2) This subdivision does not conflict with the existing rights of*
34 *a parent, guardian, or responsible adult appointed by the juvenile*
35 *court pursuant to Section 726 of the Welfare and Institutions Code*
36 *to make educational placement decisions for the minor.*

37 ~~(e)~~

38 (f) The procedures outlined in subdivisions (b) to (e), inclusive,
39 of Section 51225.2 govern the transfer of credits, records, including
40 special education records, and grades required pursuant to

1 subdivision (a) of Section 48645.5 and Section 49068 when the
2 pupil transfers to and from the county community school.

3 (f)

4 (g) For purposes of this section, “geographically accessible”
5 means that the pupil can reasonably travel to and from the school
6 and is able to pay for any transportation costs that are above and
7 beyond the costs to attend ~~his or her~~ *the pupil’s* school of residence
8 or prior school, whichever is farther away.

9 *SEC. 3. Section 2574 of the Education Code is amended to*
10 *read:*

11 2574. For the 2013–14 fiscal year and for each fiscal year
12 thereafter, the Superintendent annually shall calculate a county
13 local control funding formula for each county superintendent of
14 schools as follows:

15 (a) Compute a county office of education operations grant equal
16 to the sum of each of the following amounts:

17 (1) Six hundred fifty-five thousand nine hundred twenty dollars
18 (\$655,920).

19 (2) One hundred nine thousand three hundred twenty dollars
20 (\$109,320) multiplied by the number of school districts for which
21 the county superintendent of schools has jurisdiction pursuant to
22 Section 1253.

23 (3) (A) Seventy dollars (\$70) multiplied by the number of units
24 of countywide average daily attendance, up to a maximum of
25 30,000 units.

26 (B) Sixty dollars (\$60) multiplied by the number of units of
27 countywide average daily attendance for the portion of countywide
28 average daily attendance, if any, above 30,000 units, up to a
29 maximum of 60,000 units.

30 (C) Fifty dollars (\$50) multiplied by the number of units of
31 countywide average daily attendance for the portion of countywide
32 average daily attendance, if any, above 60,000, up to a maximum
33 of 140,000 units.

34 (D) Forty dollars (\$40) multiplied by the number of units of
35 countywide average daily attendance for the portion of countywide
36 average daily attendance, if any, above 140,000 units.

37 (E) For purposes of this section, countywide average daily
38 attendance means the aggregate number of annual units of average
39 daily attendance within the county attributable to all school districts
40 for which the county superintendent of schools has jurisdiction

1 pursuant to Section 1253, charter schools authorized by school
2 districts for which the county superintendent of schools has
3 jurisdiction, and charter schools authorized by the county
4 superintendent of schools.

5 (4) For the 2014–15 fiscal year and each fiscal year thereafter,
6 adjust each of the rates provided in the prior year pursuant to
7 paragraphs (1), (2), and (3) by the percentage change in the annual
8 average value of the Implicit Price Deflator for State and Local
9 Government Purchases of Goods and Services for the United States,
10 as published by the United States Department of Commerce for
11 the 12-month period ending in the third quarter of the prior fiscal
12 year. This percentage change shall be determined using the latest
13 data available as of May 10 of the preceding fiscal year compared
14 with the annual average value of the same deflator for the 12-month
15 period ending in the third quarter of the second preceding fiscal
16 year, using the latest data available as of May 10 of the preceding
17 fiscal year, as reported by the Department of Finance.

18 (b) Determine the enrollment percentage of unduplicated pupils
19 pursuant to the following:

20 (1) (A) For the 2013–14 fiscal year, divide the enrollment of
21 unduplicated pupils in all schools operated by a county
22 superintendent of schools in the 2013–14 fiscal year by the total
23 enrollment in those schools in the 2013–14 fiscal year.

24 (B) For the 2014–15 fiscal year, divide the sum of the enrollment
25 of unduplicated pupils in all schools operated by a county
26 superintendent of schools in the 2013–14 and 2014–15 fiscal years
27 by the sum of the total enrollment in those schools in the 2013–14
28 and 2014–15 fiscal years.

29 (C) For the 2015–16 fiscal year and each fiscal year thereafter,
30 divide the sum of the enrollment of unduplicated pupils in all
31 schools operated by a county superintendent of schools in the
32 current fiscal year and the two prior fiscal years by the sum of the
33 total enrollment in those schools in the current fiscal year and the
34 two prior fiscal years.

35 (D) (i) For purposes of the quotients determined pursuant to
36 subparagraphs (B) and (C), the Superintendent shall use a county
37 superintendent of schools' enrollment of unduplicated pupils and
38 total pupil enrollment in the 2014–15 fiscal year instead of the
39 enrollment of unduplicated pupils and total pupil enrollment in

1 the 2013–14 fiscal year if doing so would yield an overall greater
2 percentage of unduplicated pupils.

3 (ii) It is the intent of the Legislature to review each county office
4 of education’s enrollment of unduplicated pupils for the 2013–14
5 and 2014–15 fiscal years and provide one-time funding, if
6 necessary, for a county office of education with higher enrollment
7 of unduplicated pupils in the 2014–15 fiscal year as compared to
8 the 2013–14 fiscal year.

9 (E) For purposes of determining the enrollment percentage of
10 unduplicated pupils pursuant to this subdivision, enrollment in
11 schools or classes established pursuant to Article 2.5 (commencing
12 with Section 48645) of Chapter 4 of Part 27 of Division 4 of Title
13 2 and the enrollment of pupils other than the pupils identified in
14 clauses (i) to (iii), inclusive, of subparagraph (A) of paragraph (4)
15 of subdivision (c), shall be excluded from the calculation of the
16 enrollment percentage of unduplicated pupils.

17 (F) The data used to determine the percentage of unduplicated
18 pupils shall be final once that data is no longer used in the current
19 fiscal year calculation of the percentage of unduplicated pupils.
20 This subparagraph does not apply to a change that is the result of
21 an audit that has been appealed pursuant to Section 41344.

22 (2) For purposes of this section, an “unduplicated pupil” is a
23 pupil who is classified as an English learner, eligible for a free or
24 reduced-price meal, or a foster youth. For purposes of this section,
25 the definitions in Section 42238.01 of an English learner, a pupil
26 eligible for a free or reduced-price meal, and foster youth shall
27 apply. A pupil shall be counted only once for purposes of this
28 section if any of the following apply:

29 (A) The pupil is classified as an English learner and is eligible
30 for a free or reduced-price meal.

31 (B) The pupil is classified as an English learner and is a foster
32 youth.

33 (C) The pupil is eligible for a free or reduced-price meal and is
34 classified as a foster youth.

35 (D) The pupil is classified as an English learner, is eligible for
36 a free or reduced-price meal, and is a foster youth.

37 (3) (A) Under procedures and timeframes established by the
38 Superintendent, commencing with the 2013–14 fiscal year, a county
39 superintendent of schools annually shall report the enrollment of
40 unduplicated pupils, pupils classified as English learners, pupils

1 eligible for free and reduced-price meals, and foster youth in
 2 schools operated by the county superintendent of schools to the
 3 Superintendent using the California Longitudinal Pupil
 4 Achievement Data System.

5 (B) The Superintendent shall make the calculations pursuant to
 6 this section using the data submitted through the California
 7 Longitudinal Pupil Achievement Data System.

8 (C) The Controller shall include instructions, as appropriate, in
 9 the audit guide required by subdivision (a) of Section 14502.1, for
 10 determining if the data reported by a county superintendent of
 11 schools using the California Longitudinal Pupil Achievement Data
 12 System is consistent with pupil data records maintained by the
 13 county office of education.

14 (c) Compute an alternative education grant equal to the sum of
 15 the following:

16 (1) (A) For the 2013–14 fiscal year, a base grant equal to the
 17 2012–13 per pupil undeficitated statewide average juvenile court
 18 school base revenue limit calculated pursuant to Article 3
 19 (commencing with Section 2550) of Chapter 12, as that article
 20 read on January 1, 2013. For purposes of this subparagraph, the
 21 2012–13 statewide average juvenile court school base revenue
 22 limit shall be considered final as of the annual apportionment for
 23 the 2012–13 fiscal year, as calculated for purposes of the
 24 certification required on or before February 20, 2014, pursuant to
 25 Sections 41332 and 41339.

26 (B) Commencing with the 2013–14 fiscal year, the per pupil
 27 base grant shall be adjusted by the percentage change in the annual
 28 average value of the Implicit Price Deflator for State and Local
 29 Government Purchases of Goods and Services for the United States,
 30 as published by the United States Department of Commerce for
 31 the 12-month period ending in the third quarter of the prior fiscal
 32 year. This percentage change shall be determined using the latest
 33 data available as of May 10 of the preceding fiscal year compared
 34 with the annual average value of the same deflator for the 12-month
 35 period ending in the third quarter of the second preceding fiscal
 36 year, using the latest data available as of May 10 of the preceding
 37 fiscal year, as reported by the Department of Finance.

38 (2) A supplemental grant equal to 35 percent of the base grant
 39 described in paragraph (1) multiplied by the enrollment percentage
 40 calculated in subdivision (b). The supplemental grant shall be

1 expended in accordance with the regulations adopted pursuant to
2 Section 42238.07.

3 (3) (A) A concentration grant equal to 35 percent of the base
4 grant described in paragraph (1) multiplied by the greater of either
5 of the following:

6 (i) The enrollment percentage calculated in subdivision (b) less
7 50 percent.

8 (ii) Zero.

9 (B) The concentration grant shall be expended in accordance
10 with the regulations adopted pursuant to Section 42238.07.

11 (4) (A) Multiply the sum of paragraphs (1), (2), and (3) by the
12 total number of units of average daily attendance for pupils
13 attending schools operated by a county office of education,
14 excluding units of average daily attendance for pupils attending
15 schools or classes established pursuant to Article 2.5 (commencing
16 with Section 48645) of Chapter 4 of Part 27 of Division 4 of Title
17 2, who are enrolled pursuant to any of the following:

18 (i) Probation-referred pursuant to Sections 300, 601, 602, and
19 654 of the Welfare and Institutions Code.

20 (ii) On probation or parole and not in attendance in a school.

21 (iii) Expelled for any of the reasons specified in subdivision (a)
22 or (c) of Section 48915.

23 (iv) *Referred by a school attendance review board, or in counties*
24 *without a school attendance review board, referred by a school*
25 *district, when the pupil is between 12 and 17 years of age,*
26 *inclusive, and has been reported as a truant four or more times*
27 *per school year pursuant to Section 48260 or is a chronic absentee*
28 *as defined in Section 60901.*

29 (B) Multiply the number of units of average daily attendance
30 for pupils attending schools or classes established pursuant to
31 Article 2.5 (commencing with Section 48645) of Chapter 4 of Part
32 27 of Division 4 of Title 2 by the sum of the base grant calculated
33 pursuant to paragraph (1), a supplemental grant equal to 35 percent
34 of the base grant calculated pursuant to paragraph (1), and a
35 concentration grant equal to 17.5 percent of the base grant
36 calculated pursuant to paragraph (1). Funds provided for the
37 supplemental and concentration grants pursuant to this calculation
38 shall be expended in accordance with the regulations adopted
39 pursuant to Section 42238.07.

40 (C) Add the amounts calculated in subparagraphs (A) and (B).

1 (d) Add the amount calculated in subdivision (a) to the amount
 2 calculated in subparagraph (C) of paragraph (4) of subdivision (c).

3 (e) Add all of the following to the amount calculated in
 4 subdivision (d):

5 (1) The amount of funding a county superintendent of schools
 6 received for the 2012–13 fiscal year from funds allocated pursuant
 7 to the Targeted Instructional Improvement Block Grant program,
 8 as set forth in Article 6 (commencing with Section 41540) of
 9 Chapter 3.2 of Part 24 of Division 3 of Title 2, as that article read
 10 on January 1, 2013.

11 (2) (A) ~~(i)~~—The amount of funding a county superintendent of
 12 schools received for the 2012–13 fiscal year from funds allocated
 13 pursuant to the Home-to-School Transportation program, as set
 14 forth in former Article 2 (commencing with Section 39820) of
 15 Chapter 1 of Part 23.5 of Division 3 of Title 2, former Article 10
 16 (commencing with Section 41850) of Chapter 5 of Part 24 of
 17 Division 3 of Title 2, and the Small School District Transportation
 18 program, as set forth in former Article 4.5 (commencing with
 19 Section 42290) of Chapter 7 of Part 24 of Division 3 of Title 2, as
 20 those articles read on January 1, 2013.

21 ~~(ii)~~

22 (B) If a home-to-school transportation joint powers agency,
 23 established pursuant to Article 1 (commencing with Section 6500)
 24 of Chapter 5 of Division 7 of Title 1 of the Government Code for
 25 purposes of providing pupil transportation, received an
 26 apportionment directly from the Superintendent pursuant to Item
 27 6110-111-0001 of Section 2.00 of the Budget Act of 2012, as
 28 identified in clause (i) of subparagraph (A) of paragraph (2) of
 29 subdivision (a) of Section 2575, the joint powers agency may
 30 identify the member local educational agencies and transfer
 31 entitlement to that funding to any of those member local
 32 educational agencies by reporting to the Superintendent, on or
 33 before September 30, 2015, the reassignment of a specified amount
 34 of the joint powers agency’s 2012–13 fiscal year entitlement to
 35 the member local educational agency. Commencing with the
 36 2015–16 fiscal year, the Superintendent shall add the reassigned
 37 amounts to the amounts calculated pursuant to this paragraph.

38 ~~(B) On or before March 1, 2014, the Legislative Analyst’s Office~~
 39 ~~shall submit recommendations to the fiscal committees of both~~
 40 ~~houses of the Legislature regarding revisions to the methods of~~

1 ~~funding pupil transportation that address historical funding~~
2 ~~inequities across county offices of education and school districts~~
3 ~~and improve incentives for local educational agencies to provide~~
4 ~~efficient and effective pupil transportation services.~~

5 ~~SEC. 2.~~

6 *SEC. 4.* Section 48260.5 of the Education Code is amended to
7 read:

8 48260.5. Upon a pupil's initial classification as a truant, the
9 school district shall notify the pupil's parent or guardian using the
10 most cost-effective method possible, which may include electronic
11 mail or a telephone call of the following:

12 (a) That the pupil is truant.

13 (b) That the parent or guardian is obligated to compel the
14 attendance of the pupil at school.

15 (c) That parents or guardians who fail to meet this obligation
16 may be guilty of an infraction and subject to prosecution pursuant
17 to Article 6 (commencing with Section 48290).

18 (d) That alternative educational programs are available in the
19 school district.

20 (e) That the parent or guardian has the right to meet with
21 appropriate school personnel to discuss solutions to the pupil's
22 truancy.

23 (f) For a pupil under 18 years of age but 13 years of age or older,
24 that the pupil may be subject to suspension, restriction, or delay
25 of the pupil's driving privilege pursuant to Section 13202.7 of the
26 Vehicle Code.

27 (g) That it is recommended that the parent or guardian
28 accompany the pupil to school and attend classes with the pupil
29 for one day.

30 ~~SEC. 3.~~

31 *SEC. 5.* Section 48263 of the Education Code is amended to
32 read:

33 48263. (a) If a minor pupil in a school district of a county is
34 a habitual truant, or is a chronic absentee, as defined in Section
35 60901, *or is habitually insubordinate or disorderly during*
36 *attendance at school*, the pupil may be referred to a school
37 attendance review board, or to the probation department for
38 services if the probation department has elected to receive these
39 referrals. The school district supervisor of attendance, or any other
40 persons the governing board of the school district or county may

1 designate, making the referral shall provide documentation of the
2 interventions undertaken at the school to the pupil, the pupil's
3 parents or guardians, and the school attendance review board or
4 probation department and shall notify the pupil and parents or
5 guardians of the pupil, in writing, of the name and address of the
6 school attendance review board or probation department to which
7 the matter has been referred and of the reason for the referral. The
8 notice shall indicate that the pupil and parents or guardians of the
9 pupil will be required, along with the referring person, to meet
10 with the school attendance review board or probation officer to
11 consider a proper disposition of the referral.

12 (b) (1) If the school attendance review board or probation
13 officer determines that available community services can resolve
14 the problem of the truant *or insubordinate* pupil, the school
15 attendance review board or probation officer shall direct the pupil
16 or the pupil's parents or guardians, or both, to make use of those
17 community services. The school attendance review board or
18 probation officer may require, at any time that it determines proper,
19 the pupil or parents or guardians of the pupil, or both, to furnish
20 satisfactory evidence of participation in the available community
21 services.

22 (2) If the school attendance review board or probation officer
23 determines that available community services cannot resolve the
24 problem of the truant *or insubordinate* pupil or if the pupil or the
25 parents or guardians of the pupil, or both, have failed to respond
26 to directives of the school attendance review board or probation
27 officer or to services provided, the school attendance review board
28 may, pursuant to Section 48263.5, notify the district attorney or
29 the probation officer, or both, of the county in which the school
30 district is located, or the probation officer may, pursuant to Section
31 48263.5, notify the district attorney, if the district attorney or the
32 probation officer has elected to participate in the truancy mediation
33 program described in that section.

34 (c) In any county that has not established a school attendance
35 review board, if the school district determines that available
36 community resources cannot resolve the problem of the truant *or*
37 *insubordinate* pupil, or if the pupil or the pupil's parents or
38 guardians, or both, have failed to respond to the directives of the
39 school district or the services provided, the school district, pursuant
40 to Section 48260.6, may notify the district attorney or the probation

1 officer, or both, of the county in which the school district is located,
2 if the district attorney or the probation officer has elected to
3 participate in the truancy mediation program described in Section
4 48260.6.

5 ~~SEC. 4.~~

6 *SEC. 6.* Section 48267 of the Education Code is amended to
7 read:

8 48267. Any pupil who has been found to be a person described
9 in Section 602 and as a condition of probation is required to attend
10 a school program approved by a probation officer, who is reported
11 as a truant from school one or more days or tardy on one or more
12 days without valid excuse, in the same school year or in a
13 succeeding year, *or habitually insubordinate or disorderly during*
14 *attendance at school*, shall be brought to the attention of the
15 juvenile court and the pupil's probation or parole officer within
16 10 days of the reported violation.

17 Notwithstanding Section 827 of the Welfare and Institutions
18 Code, written notice that a minor enrolled in a public school in
19 any of grades 7 to 12, inclusive, has been found by a court to be
20 a person described in Section 602 and as a condition of probation
21 is required to attend a school program approved by a probation
22 officer shall be provided by the juvenile court, within seven days
23 of the entry of the dispositional order, to the superintendent of the
24 school district of attendance, which information shall be
25 expeditiously transmitted to the principal or to one person
26 designated by the principal of the school that the minor is attending.
27 The principal or the principal's designee shall not disclose this
28 information to any other person except as otherwise required by
29 law.

30 ~~SEC. 5.~~

31 *SEC. 7.* Section 48268 of the Education Code is amended to
32 read:

33 48268. The court may render judgment that the parent,
34 guardian, or person having the control or charge of the pupil shall
35 deliver the pupil at the beginning of each schoolday, for the
36 remainder of the school term, at the school from which the pupil
37 is a truant or to a school designated by school authorities.

38 ~~SEC. 6.~~

39 *SEC. 8.* Section 48269 of the Education Code is amended to
40 read:

1 48269. If the parent, guardian, or other person having control
2 or charge of the pupil, within three days after the rendition of the
3 judgment executes a bond to the governing board of the school
4 district in the sum of two hundred dollars (\$200), conditioned that
5 the pupil will, during the remainder of the current school year,
6 regularly attend a public or private school in the city, or city and
7 county, or school district, the court may make an order suspending
8 the execution of the judgment so long as the condition of the bond
9 is complied with. The bond shall be filed with the secretary of the
10 board of education, or clerk of the board of trustees. All money
11 paid or collected on the bond shall be paid into the county treasury
12 as provided in Section 41001.

13 ~~SEC. 7.~~

14 *SEC. 9.* Section 236 of the Welfare and Institutions Code is
15 amended to read:

16 236. Notwithstanding any other law, probation departments
17 may engage in activities designed to prevent juvenile delinquency.
18 These activities include rendering direct and indirect services to
19 persons in the community. Probation departments shall not be
20 limited to providing services only to those persons on probation
21 being supervised under Section 330 or 654, but may provide
22 services to any juveniles in the community. Services or programs
23 offered to minors or minor's parents or guardians who are not on
24 probation are voluntary and shall not include probation conditions
25 or consequences as a result of not engaging in or completing those
26 programs or services. For minors not on probation, the provision
27 of services or programs under this section shall not be construed
28 to allow probation departments to maintain a formal or informal
29 caseload, establish formal or informal contracts with minors or
30 minor's parents or guardians, or create mandated-probation
31 conditions.

32 ~~SEC. 8.~~

33 *SEC. 10.* Section 258 of the Welfare and Institutions Code is
34 amended to read:

35 258. (a) Upon a hearing conducted in accordance with Section
36 257, and upon either an admission by the minor of the commission
37 of a violation charged, or a finding that the minor did in fact
38 commit the violation, the judge, referee, or juvenile hearing officer
39 may do any of the following:

40 (1) Reprimand the minor and take no further action.

1 (2) Direct that the probation officer undertake a program of
2 supervision of the minor for a period not to exceed six months, in
3 addition to or in place of the following orders.

4 (3) Order that the minor pay a fine up to the amount that an
5 adult would pay for the same violation, unless the violation is
6 otherwise specified within this section, in which case the fine shall
7 not exceed two hundred fifty dollars (\$250). This fine may be
8 levied in addition to or in place of the following orders and the
9 court may waive any or all of this fine, if the minor is unable to
10 pay. In determining the minor's ability to pay, the court shall not
11 consider the ability of the minor's family to pay.

12 (4) Subject to the minor's right to a restitution hearing, order
13 that the minor pay restitution to the victim, in lieu of all or a portion
14 of the fine specified in paragraph (3). The total dollar amount of
15 the fine, restitution, and any program fees ordered pursuant to
16 paragraph (9) shall not exceed the maximum amount which may
17 be ordered pursuant to paragraph (3). This paragraph does not limit
18 the right to recover damages, less any amount actually paid in
19 restitution, in a civil action.

20 (5) Order that the driving privileges of the minor be suspended
21 or restricted as provided in the Vehicle Code or, notwithstanding
22 Section 13203 of the Vehicle Code or any other provision of law,
23 when the Vehicle Code does not provide for the suspension or
24 restriction of driving privileges, that, in addition to any other order,
25 the driving privileges of the minor be suspended or restricted for
26 a period of not to exceed 30 days.

27 (6) In the case of a traffic related offense, order the minor to
28 attend a licensed traffic school, or other court approved program
29 of traffic school instruction pursuant to Chapter 1.5 (commencing
30 with Section 11200) of Division 5 of the Vehicle Code, to be
31 completed by the juvenile within 60 days of the court order.

32 (7) Order that the minor produce satisfactory evidence that the
33 vehicle or its equipment has been made to conform with the
34 requirements of the Vehicle Code pursuant to Section 40150 of
35 the Vehicle Code if the violation involved an equipment violation.

36 (8) (A) Order that the minor perform community service work
37 in a public entity or any private nonprofit entity, for not more than
38 50 hours over a period of 60 days, during times other than the
39 minor's hours of school attendance or employment. Work
40 performed pursuant to this paragraph shall not exceed 30 hours

1 during any 30-day period. The timeframes established by this
2 paragraph shall not be modified except in unusual cases where the
3 interests of justice would best be served. When the order to work
4 is made by a referee or a juvenile hearing officer, it shall be
5 approved by a judge of the juvenile court.

6 (B) For purposes of this paragraph, a judge, referee, or juvenile
7 hearing officer shall not, without the consent of the minor, order
8 the minor to perform work with a private nonprofit entity that is
9 affiliated with any religion.

10 (9) In the case of a misdemeanor, order that the minor participate
11 in and complete a counseling or educational program, or, if the
12 offense involved a violation of a controlled substance law, a drug
13 treatment program, if those programs are available. Fees for
14 participation shall be subject to the right to a hearing as the minor's
15 ability to pay and shall not, together with any fine or restitution
16 order, exceed the maximum amount that may be ordered pursuant
17 to paragraph (3).

18 (10) Require that the minor attend a school program without
19 unexcused absence.

20 (11) If the offense is a misdemeanor committed between 10
21 p.m. and 6 a.m., require that the minor be at the minor's legal
22 residence at hours to be specified by the juvenile hearing officer
23 between the hours of 10 p.m. and 6 a.m., except for a medical or
24 other emergency, unless the minor is accompanied by the minor's
25 parent, guardian, or other person in charge of the minor. The
26 maximum length of an order made pursuant to this paragraph shall
27 be six months from the effective date of the order.

28 (12) Make any or all of the following orders with respect to a
29 violation of the Fish and Game Code which is not charged as a
30 felony:

31 (A) That the fishing or hunting license involved be suspended
32 or restricted.

33 (B) That the minor work in a park or conservation area for a
34 total of not to exceed 20 hours over a period not to exceed 30 days,
35 during times other than the minor's hours of school attendance or
36 employment.

37 (C) That the minor forfeit, pursuant to Section 12157 of the Fish
38 and Game Code, any device or apparatus designed to be, and
39 capable of being, used to take birds, mammals, fish, reptiles, or
40 amphibia and that was used in committing the violation charged.

1 The judge, referee, or juvenile hearing officer shall, if the minor
2 committed an offense that is punishable under Section 12008 or
3 12008.1 of the Fish and Game Code, order the device or apparatus
4 forfeited pursuant to Section 12157 of the Fish and Game Code.

5 (13) If the violation charged is of an ordinance of a city, county,
6 or local agency relating to loitering, curfew, or fare evasion on a
7 public transportation system, as defined by Section 99211 of the
8 Public Utilities Code, or is a violation of Section 640 or 640a of
9 the Penal Code, order the minor to perform community service for
10 a total time not to exceed 20 hours over a period not to exceed 30
11 days, during times other than the minor's hours of school
12 attendance or employment.

13 (b) The judge, referee, or juvenile hearing officer shall retain
14 jurisdiction of the case until all orders made under this section
15 have been fully complied with.

16 ~~SEC. 9.~~

17 *SEC. 11.* Section 601 of the Welfare and Institutions Code is
18 amended to read:

19 601. (a) Any minor between 12 years of age and 17 years of
20 age, inclusive, who persistently or habitually refuses to obey the
21 reasonable and proper orders or directions of the minor's parents,
22 guardian, or custodian, or who is beyond the control of that person,
23 or who is a minor between 12 years of age and 17 years of age,
24 inclusive, when the minor violated any ordinance of any city or
25 county of this state establishing a curfew based solely on age is
26 within the jurisdiction of the juvenile court which may adjudge
27 the minor to be a ward of the court.

28 (b) Any peace officer may issue a notice to appear to a minor
29 who is within the jurisdiction of the juvenile court pursuant to this
30 section. Before issuing a notice to appear under this subdivision,
31 a peace officer shall refer a minor who is within the jurisdiction
32 of this section to community-based diversion. If community-based
33 diversion is unavailable, the probation department shall offer the
34 services.

35 ~~SEC. 10.~~

36 *SEC. 12.* Section 601.3 of the Welfare and Institutions Code
37 is amended to read:

38 601.3. (a) If the district attorney or the probation officer
39 receives notice from the school district pursuant to subdivision (b)
40 of Section 48260.6 of the Education Code that a minor continues

1 to be classified as a truant after the parents or guardians have been
2 notified pursuant to subdivision (a) of Section 48260.5 of the
3 Education Code, or if the district attorney or the probation officer
4 receives notice from the school attendance review board, or the
5 district attorney receives notice from the probation officer, pursuant
6 to subdivision (a) of Section 48263.5 of the Education Code that
7 a minor continues to be classified as a truant after review and
8 counseling by the school attendance review board or probation
9 officer, the district attorney or the probation officer, or both, may
10 request the parents or guardians and the child to attend a meeting
11 in the district attorney's office or at the probation department to
12 discuss the possible legal consequences of the minor's truancy.

13 (b) Notice of a meeting to be held pursuant to this section shall
14 contain all of the following:

15 (1) The name and address of the person to whom the notice is
16 directed.

17 (2) The date, time, and place of the meeting.

18 (3) The name of the minor classified as a truant.

19 (4) The section pursuant to which the meeting is requested.

20 (5) Notice that the district attorney may file a criminal complaint
21 against the parents or guardians pursuant to Section 48293 of the
22 Education Code for failure to compel the attendance of the minor
23 at school.

24 (c) Notice of a meeting to be held pursuant to this section shall
25 be served at least five days prior to the meeting on each person
26 required to attend the meeting. Service shall be made personally
27 or by certified mail with return receipt requested.

28 (d) At the commencement of the meeting authorized by this
29 section, the district attorney or the probation officer shall advise
30 the parents or guardians and the child that any statements they
31 make could be used against them in subsequent court proceedings.

32 (e) The truancy mediation program authorized by this section
33 may be established by the district attorney or by the probation
34 officer. The district attorney and the probation officer shall
35 coordinate their efforts and shall cooperate in determining whether
36 another public agency, a community-based organization, the
37 probation department, or the district attorney is best able to operate
38 a truancy mediation program in their county pursuant to this
39 section.

1 ~~SEC. 11.~~ Section 650 of the Welfare and Institutions Code is
2 repealed.

3 ~~SEC. 12.~~ Section 650 is added to the Welfare and Institutions
4 Code, to read:

5 650. Juvenile court proceedings to declare a minor a ward of
6 the court pursuant to Section 602 are commenced by the filing of
7 a petition by the prosecuting attorney.

8 *SEC. 13.* Section 650 of the Welfare and Institutions Code is
9 amended to read:

10 650. (a) Juvenile court proceedings to declare a minor a ward
11 of the court pursuant to Section 601 are commenced by the filing
12 of a petition by the probation officer except as specified in
13 subdivision (b): *officer.*

14 (b) Juvenile court proceedings to declare a minor a ward of the
15 court pursuant to subdivision (c) of Section 601.3 may be
16 commenced by the filing of a petition by the probation officer or
17 the district attorney after consultation with the probation officer.

18 (e)

19 (b) Juvenile court proceedings to declare a minor a ward of the
20 court pursuant to Section 602 are commenced by the filing of a
21 petition by the prosecuting attorney.

22 ~~SEC. 13.~~

23 *SEC. 14.* Section 651.5 is added to the Welfare and Institutions
24 Code, to read:

25 651.5. For purposes of this article, “community-based
26 organization” means a public or private nonprofit organization of
27 demonstrated effectiveness that is representative of a community
28 or significant segments of a community and provides educational,
29 physical, or mental health, recreational, arts, and other youth
30 development or related services to individuals in the community.

31 ~~SEC. 14.~~

32 *SEC. 15.* Section 652 of the Welfare and Institutions Code is
33 amended to read:

34 652. Whenever the probation officer has cause to believe that
35 there was or is within the county, or residing therein, a person
36 within the provisions of Section 602, the probation officer shall
37 immediately make an investigation the probation officer deems
38 necessary to determine whether proceedings in the juvenile court
39 should be commenced, including whether reasonable efforts, as
40 described in paragraph (5) of subdivision (d) of Section 727.4,

1 have been made to prevent or eliminate the need for removal of
2 the minor from the minor’s home. However, this section does not
3 require an investigation by the probation officer with respect to a
4 minor delivered or referred to an agency pursuant to subdivision
5 (b) of Section 626.

6 ~~SEC. 15.~~

7 *SEC. 16.* Section 653 of the Welfare and Institutions Code is
8 repealed.

9 ~~SEC. 16.~~

10 *SEC. 17.* Section 653.5 of the Welfare and Institutions Code
11 is amended to read:

12 653.5. (a) Whenever any person applies to the probation officer
13 to commence proceedings in the juvenile court, the application
14 shall be in the form of an affidavit alleging that there was or is
15 within the county, or residing therein, a minor within the provisions
16 of Section 602, or that a minor committed an offense described in
17 Section 602 within the county, and setting forth facts in support
18 thereof. The probation officer shall immediately make any
19 investigation the probation officer deems necessary to determine
20 whether proceedings in the juvenile court shall be commenced. If
21 the probation officer determines that it is appropriate to recommend
22 services to the family to prevent or eliminate the need for removal
23 of the minor from the minor’s home, the probation officer shall
24 make a referral to those services. The probation officer shall refer
25 the youth to services provided by a health agency,
26 community-based organization, school district, an appropriate
27 non-law enforcement agency, or the probation department.

28 (b) Except as provided in subdivision (c), if the probation officer
29 determines that proceedings pursuant to Section 650 should be
30 commenced to declare a person to be a ward of the juvenile court
31 on the basis that the minor is a person described in Section 602,
32 the probation officer shall cause the affidavit to be taken to the
33 prosecuting attorney.

34 (c) Notwithstanding subdivision (b), the probation officer shall
35 cause the affidavit to be taken within 48 hours to the prosecuting
36 attorney in all of the following cases:

37 (1) If it appears to the probation officer that the minor has been
38 referred to the probation officer for any violation of an offense
39 listed in subdivision (b), paragraph (2) of subdivision (d), or
40 subdivision (e) of Section 707.

1 (2) If it appears to the probation officer that the minor is under
2 14 years of age at the date of the offense and that the offense
3 constitutes a second felony referral to the probation officer.

4 (3) If it appears to the probation officer that the minor was 14
5 years of age or older at the date of the offense and that the offense
6 constitutes a felony referral to the probation officer.

7 (4) If it appears to the probation officer that the minor has been
8 referred to the probation officer for the sale or possession for sale
9 of a controlled substance as defined in Chapter 2 (commencing
10 with Section 11053) of Division 10 of the Health and Safety Code.

11 (5) If it appears to the probation officer that the minor has been
12 referred to the probation officer for a violation of Section 11350
13 or 11377 of the Health and Safety Code where the violation takes
14 place at a public or private elementary, vocational, junior high
15 school, or high school, or a violation of Section 245.5, 626.9, or
16 626.10 of the Penal Code.

17 (6) If it appears to the probation officer that the minor has been
18 referred to the probation officer for a violation of Section 186.22
19 of the Penal Code.

20 (7) If it appears to the probation officer that the minor has
21 committed an offense in which the restitution owed to the victim
22 exceeds one thousand dollars (\$1,000). For purposes of this
23 paragraph, the definition of “victim” in paragraph (1) of subdivision
24 (a) of Section 730.6 and “restitution” in subdivision (h) of Section
25 730.6 shall apply.

26 Except for offenses listed in paragraph (5), subdivision (c) shall
27 not apply to a narcotics and drug offense set forth in Section 1000
28 of the Penal Code.

29 The prosecuting attorney shall within their discretionary power
30 institute proceedings in accordance with their role as public
31 prosecutor pursuant to subdivision (b) of Section 650 and Section
32 26500 of the Government Code. However, if it appears to the
33 prosecuting attorney that the affidavit was not properly referred,
34 that the offense for which the minor was referred should be charged
35 as a misdemeanor, or that the minor may benefit from a program
36 of informal supervision, they shall refer the matter to the probation
37 officer for whatever action the probation officer may deem
38 appropriate.

39 (d) In all matters where the minor is not in custody and is already
40 a ward of the court or a probationer under Section 602, the

1 prosecuting attorney, within five judicial days of receipt of the
2 affidavit from the probation officer, shall institute proceedings in
3 accordance with their role as public prosecutor pursuant to
4 subdivision (b) of Section 650 of this code and Section 26500 of
5 the Government Code, unless it appears to the prosecuting attorney
6 that the affidavit was not properly referred or that the offense for
7 which the minor was referred requires additional substantiating
8 information, in which case they shall immediately notify the
9 probation officer of what further action they are taking.

10 ~~SEC. 17.~~

11 *SEC. 18.* Section 654 of the Welfare and Institutions Code is
12 amended to read:

13 654. (a) In any case in which a probation officer, after
14 investigation of an application for a petition or any other
15 investigation the probation officer is authorized to make, concludes
16 that a minor is within the jurisdiction of the juvenile court, or would
17 come within the jurisdiction of the court if a petition were filed,
18 the probation officer may, in lieu of *filing a petition to declare a*
19 *minor a ward of the court under Section 601* or requesting that a
20 petition be filed by the prosecuting attorney to declare a minor a
21 ward of the court under Section 602 and with consent of the minor
22 and the minor's parent or guardian, refer the minor to services
23 provided by a health agency, community-based organization,
24 school district, an appropriate non-law enforcement agency, or the
25 probation department. If the services are provided by the probation
26 department, the probation officer may delineate specific programs
27 of supervision for the minor, not to exceed six months, and attempt
28 thereby to adjust the situation that brings the minor within the
29 jurisdiction of the court. This section does not prevent the probation
30 officer from requesting the prosecuting attorney to file a petition
31 at any time within the six-month period or a 90-day period
32 thereafter. If the probation officer determines that the minor has
33 not participated in the specific programs within 60 days, the
34 probation officer may file a petition or request that a petition be
35 filed by the prosecuting attorney. However, when in the judgment
36 of the probation officer the interest of the minor and the community
37 can be protected, the probation officer shall make a diligent effort
38 to proceed under this section.

39 (b) The program of supervision of the minor undertaken pursuant
40 to this section may call for the minor to obtain care and treatment

1 for the misuse of, or addiction to, controlled substances from a
2 county mental health service or other appropriate community
3 agency.

4 (c) The program of supervision shall encourage the parents or
5 guardians of the minor to participate with the minor in counseling
6 or education programs, including, but not limited to, parent
7 education and parenting programs operated by community colleges,
8 school districts, or other appropriate agencies designated by the
9 court if the program of supervision is pursuant to the procedure
10 prescribed in Section 654.2.

11 (d) Further, a probation officer with consent of the minor and
12 the minor's parent or guardian may provide the following services
13 in lieu of filing a petition:

14 (1) Maintain and operate sheltered-care facilities, or contract
15 with private or public agencies to provide these services. The
16 placement shall be limited to a maximum of 90 days. Counseling
17 services shall be extended to the sheltered minor and the minor's
18 family during this period of diversion services. Referrals for
19 sheltered-care diversion may be made by the minor, the minor's
20 family, schools, any law enforcement agency, or any other private
21 or public social service agency.

22 (2) Maintain and operate crisis resolution homes, or contract
23 with private or public agencies offering these services. Residence
24 at these facilities shall be limited to 20 days during which period
25 individual and family counseling shall be extended to the minor
26 and the minor's family. Failure to resolve the crisis within the
27 20-day period may result in the minor's referral to a sheltered-care
28 facility for a period not to exceed 90 days. Referrals shall be
29 accepted from the minor, the minor's family, schools, law
30 enforcement, or any other private or public social service agency.

31 (3) Maintain and operate counseling and educational centers,
32 or contract with community-based organizations or public agencies
33 to provide vocational training or skills, counseling and mental
34 health resources, educational supports, and arts, recreation, and
35 other youth development services. These services may be provided
36 separately or in conjunction with crisis resolution homes to be
37 operated by the probation officer. The probation officer shall be
38 authorized to make referrals to those organizations when available.

1 (e) At the conclusion of the program of supervision undertaken
2 pursuant to this section, the probation officer shall prepare and
3 maintain a followup report of the actual program measures taken.

4 ~~SEC. 18.~~

5 *SEC. 19.* If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.