

CITY OF GRASS VALLEY
Memorandum for
CITY COUNCIL MEETING OF 10/28/03
Prepared on 10/17/ 2003

TO: Grass Valley City Council
Via Gene Haroldsen, City Administrator

FROM: John Foster, Chief of Police

SUBJECT: Continuance of Daytime Curfew/Truancy Ordinance

RECOMMENDATION

Introduce Daytime Curfew Truancy Ordinance as permanent without renewal clauses.

STAFF REPORT

In September of 2000, the City of Grass Valley adopted Ordinance 9.17 pertaining to Daytime Curfew/Truancy.

This ordinance was introduced due to the city having a compelling municipal interest in the protection of juveniles from crime, protecting the public from juvenile crime, assuring the exercise of parental control over and responsibility for children and in reducing the opportunities for juvenile crime. Finally, this was about keeping our children safe and in school.

I am happy to report to you that this ordinance has successfully achieved its purpose and intent. During the past three years, the police department staff has actively enforced this ordinance. In school year 2000/2001, 38 citations were issued, in school year 2001/2002, 64 citations were issued, and so this year, 30 citations have been issued to-date. Of the 132 issued during the past three years, only 18 have been issued to repeat offenders. 98% of the juvenile offenders have been students in attendance at secondary/continuation type schools. During the past three years the number of calls for service regarding problems with juveniles in the downtown area during school hours has decreased 72%. In addition, school attendance at Earle Jamieson and Sierra Foothill High Schools has increased in each of the past three years.

Thus, these figures would indicate this ordinance is effective in deterring daytime juvenile crime, truancy violations and increased attendance at the secondary/continuation type schools. Finally, during the past three years police staff has received no formal citizen complaints regarding the application of this ordinance.

Therefore, the extensive research done and collaboration with the school district in the preparation of this ordinance has generated a comprehensive and successful city ordinance that should be continued to protect the welfare of our community and children.

FISCAL IMPACT

None if the ordinance is renewed. There would be a minor loss of revenue generated by citations if the ordinance is discontinued.

(Ordinance Cont' next page)

ORDINANCE NO. _____

**AN ORDINANCE OF THE GRASS VALLEY CITY COUNCIL CONTINUING
IN EFFECT CHAPTER 9.17 OF THE GRASS VALLEY MUNICIPAL CODE
PERTAINING TO A CURFEW DURING SCHOOL HOURS FOLLOWING A
REVIEW OF ITS EFFECTIVENESS**

THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, STATE OF CALIFORNIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Section 9.17 is hereby added to the Grass Valley Municipal Code to read as follows:

Chapter 9.17

Curfew During School Hours

Section 9.17.010 Purpose and Intent.

State law requires all persons between the ages of 6 and 17 to attend school. Regular school attendance provides important benefits not only to the students themselves but also to the health, safety and welfare of all residents within the County. Regular school attendance promotes employability upon graduation and reduces delinquency as well as the potential for future dependency upon public assistance.

The community as a whole suffers when a minor student is not attending school. Truancy or unexcused absenteeism from school results in a loss of educational opportunities to the student and a loss of revenue to the school. Truancy also often leads to vandalism, petty theft, daytime burglaries, and other criminal activity. Truants often tend to loiter in and about public places; frequently, persons going about their lawful business as well as public property become the targets of the delinquent behaviors of truants when they should be in school.

It is the intent of the City Council of the City of Grass Valley, by this Chapter and in cooperation and coordination with the Truancy Prevention and Enforcement Programs of the Nevada County Superintendent of Schools and the ten school districts of Western Nevada County, by the exercise of the City's traditional curfew powers over

minors, to establish and enforce a curfew upon minors of school age on school days during the hours between 8:00 a.m. and 2:00 p.m., with stated exceptions, so as to provide protection for the community and public property from the deleterious effects of truancy. This Chapter is not intended to abridge or interfere with the lawful rights of parents or other legal guardians or to contravene or supercede the laws of the State of California dealing with such matters.

Section 9.17.020. Curfew.

It shall be unlawful for any minor subject to compulsory full-time education or to compulsory continuation education to be found away from his or her home between the hours of 8:00 a.m. and 2 p.m. who is absent from school without lawful excuse as defined herein within the city.

Section 9.17.030. Definitions.

For the purposes of this Chapter, the following words and phrases shall be construed as set forth in this section unless it is apparent from the context that a different meaning is intended.

- A. "*Absent from school*" shall mean being found away from a public school facility, home school or private school during school attendance hours.
- B. "*Compulsory Education or Compulsory Continuing Education*" shall have the meaning set forth in California Education Code section 48200, et seq.
- C. "*School Attendance Review Board (SARB)*" shall mean and include any administrative panel established by a school district or the Office of the County Superintendent of Schools pursuant to the authority of California Education Code section 48320, et seq.
- D. "*School District*" shall mean and include any of the ten school districts in Western Nevada County or any successor school district that governs the operation of secondary schools within the County.

E. "*Minor of School Age*" shall mean and include any person who is age 6 through 17.

Section 9.17.040. Lawful excuses for absence from school.

Section 9.17.020 shall not apply if a minor has one of the following excuses:

A. Going directly to or returning directly from a school sponsored sporting event, dance or other activity in which the minor is authorized to participate, or the minor is otherwise under the supervision of school personnel.

B. The absence is connected with or required by a school-approved or school-related business, trade, profession, occupation or program in which the minor is lawfully engaged, such as a work study or work experience program, subject to verification by a proper school authority.

C. The minor has written permission from the school or the school district to be absent from a school campus, and has in his/her possession a valid, dated, school-issued off campus permit;

D. Going to or returning directly from minor's own medical appointment or that of the minor's dependent child, provided the minor has possession of a written, dated, verification of the medical appointment.

E. The minor's own illness.

F. The minor is subject to lawful quarantine order.

G. For the reasons and under the conditions otherwise described at Education Code section 48205(a).

Section 9.17.050 Penalties.

A minor who is found in a public place in violation of Section 9.17.020 shall be subject to the following:

A. Upon a minor's first violation of this Chapter, the issuance of a citation by any peace officer advising the minor of the opportunity to clear the violation without further proceedings by paying a penalty sanction in the amount of \$25.00 (plus court costs and

assessments) or by making arrangements to perform supervised community service for 12 hours time during non-school hours.

B. Upon a minor's second violation of this Chapter, the issuance of a citation by any peace officer advising the minor that the violation may be administratively cleared by paying a penalty sanction in the amount of \$50.00 (plus court costs and assessments) or by making arrangements to perform 12 hours of supervised community service.

C. Upon any third or subsequent violation, the issuance of a citation advising the minor of the opportunity to clear the violation by paying a penalty sanction in the amount of \$75.00 (plus court costs and assessments) or by making arrangements to perform 12 hours of supervised community service during non-school hours.

D. In the event a minor served with any citation hereunder fails to pay the prescribed penalty sanction within ten (10) days thereafter and has not made written arrangements promising to perform supervised community service, or in the case of any minor who has failed without compelling reason to perform promised community service within the time allotted, the minor shall be served with a Notice to Appear before the juvenile court hearing officer, as applicable, for proceedings in accordance with California Welfare & Institutions Code section 601(b). To the extent authorized by the employing public education agency, a school attendance administrator may issue Notices to Appear hereunder as provided in subdivision (d) of Section 601 of the California Welfare & Institutions Code.

E. It is the sense of the City Council that consistent application of the suspension, delay or revocation of the driving privileges of minors found in violation of this Chapter who have also been determined to be habitual truants by the proper authority as provided by California Vehicle Code section 13202.7 may be the most effective means to secure compliance with compulsory attendance short of making the minor a ward of the juvenile court. Therefore, it is the intent of this Chapter that a preference to drive to school on the part of a truant minor for whom free school bus transportation is available,

shall not, standing alone, constitute a sufficient personal or family hardship for the purposes of subdivision (c) of Section 13202.7 of the Vehicle Code.

Section 9.17.060. Arrest of minors.

A peace officer or a probation officer may arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time education or to compulsory continuation education found away from his/her home and who is absent from school without valid excuse within the City of Grass Valley or any school district therein."

SECTION 2. SEVERABILITY

If any section of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other section or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application and to this end the provisions of this Ordinance are severable.

SECTION 3. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 4. SUNSET REVIEW. FINDINGS.

This ordinance when first adopted in October 2000 provided for a review three (3) years after its date of adoption to determine its effectiveness and whether it should continue to be in effect after such time. The Council finds that in school year 2000/2001, thirty-eight (38) citations were issued; in school year 2001/2002, sixty-four (64) citations were issued, and this year as of October 17th thirty (30) citations have been issued. Of the one hundred and thirty-two (132) citations issued during the past three years, only eighteen (18) have been issued to repeat offenders. Ninety-eight percent of the juvenile offenders have been students in attendance at secondary/continuation type schools. During the past three years the number of calls

for service regarding problems with juveniles in the downtown area during school hours has decreased seventy-two percent. In addition school attendance at Earle Jamieson and Sierra Foothill High Schools has increased in each of the past three years. The city council therefore finds that the ordinance should continue to remain in effect and be vigorously enforced until such time as it may be amended or repealed.

INTRODUCED and first read at a regular meeting of the City Council on the 28th day of October 2003.

FINAL PASSAGE AND ADOPTION by the City Council of the City of Grass Valley was at a meeting thereof held on the ____ day of _____, 2003, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Patti Ingram, Mayor

APPROVED AS TO FORM:

ATTEST:

Claude Biddle, City Attorney

Bobbi Poznik, City Clerk