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City Council
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DAVID T. SHUEY, *COUNCILMEMBER*

October 19, 2016

VIA U.S. REGULAR MAIL AND
REQUESTED EMAIL TO: epant@contracosta.courts.ca.gov

Michael Simmons, Foreperson
Civil Grand Jury 2015-16, Contra Costa County
725 Court Street
P O Box 431
Martinez, CA 94553-0091

Re: City Response No. 2 to Civil Grand Jury Report No. 1615

Dear Mr. Simmons:

Pursuant to a letter dated June 24, 2016 addressed to members of the Clayton City Council pertaining to Civil Grand Jury Report No. 1615, "Truancy and Chronic Absences in Contra Costa County Schools," our City replied in a timely fashion to the findings and recommendations contained therein. However, on Recommendation No. 17 the City responded it would need further time to analyze the recommendation for a daytime curfew.

At its regular public meeting on October 18th, our City Council did further consider this Recommendation and we now provide City Response No. 2 accordingly and within the timeframe allowed by applicable law.

Sincerely,

Howard Geller
Mayor

Attachment: 1. City Response No. 2 to Civil Grand Jury Report No. 1615 [1 pp.]

cc: Honorable Clayton City Council Members
Honorable John T. Laettner, Judge of the Superior Court



CITY OF CLAYTON RESPONSE NO. 2 TO
CIVIL GRAND JURY REPORT NO. 1615
“Truancy and Chronic Absence in Contra Costa County Schools”
2015-16 CONTRA COSTA COUNTY CIVIL GRAND JURY

The City of Clayton, California provides this additional response (“Response No. 2) to Civil Grand Jury Report No. 1615, “Truancy and Chronic Absence in Contra Costa County Schools”, issued by the 2015-16 Civil Grand Jury of Contra Costa County on 22 June 2016. Pursuant to page 26 of the Report, this City was required to further respond to Recommendation No.17, adhering to format guidelines prescribed by the California Penal Code (Section 933.05).

RECOMMENDATIONS

17. *The City of Clayton should consider adopting a policy to promulgate, enforce, and promote a daytime curfew.*

City Final Response

After further review, it is determined the recommendation will not be implemented because it is not warranted or is not reasonable.

Based on CA Education Code, Sections 48264 and 48265, a peace officer may arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time education found to be away from his or her house and who is absent from school without valid excuse within the city. With this already established law there is no further need to create additional local law or policy to enforce a daytime curfew.

The majority of truancy issues occur at the high school level. This City does not have a high school in its jurisdiction and the described issue of truancy has not been of any concern at either the middle or elementary public schools.

The City Attorney has reviewed these two sections of the state Education Code and agrees with this analysis and its existing enforceability. There are no new enforcement tools necessary for the City to employ in this regard, and the City will continue to enforce truancy as it is encountered.

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