

Statutes that Apply to Truancy

The following is a list of applicable statutes and definitions to assist in the understanding of 601(b) truancy cases.

Education Code § 48200 et. seq.

This is the compulsory school attendance section which mandates school attendance for youths between the ages of 6 and 18 years. It also mandates that parents or guardians send the pupil to school.

Education Code § 48260

Defines the truant as one who is absent from full day or continuation school without valid excuse for more than any 30-minute period during the schoolday on three occasions in one school year or any combination thereof. **The minor who meets either criterion must be reported to the school district.**

Education Code § 48260.5

Upon pupil's initial classification as a truant, the school district must notify the parents or guardian of the student's truancy status by first class mail or other reasonable means, and requires that such notice include the following:

that the pupil is truant.

- (a) that the parent, guardian, or person with charge of the child is obligated to compel the attendance of the pupil at school.
- (b) that parents or guardians or person with charge of the child who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with § 48290) of Chapter 2 of part 27.
- (c) that alternative educational programs are available in the district.
- (d) that the parent, guardian or person with charge of the child has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
- (e) that the pupil may be subject to prosecution under § 48264.
- (f) that the pupil may be subject to suspension, restriction, or delay of the pupil's driving
- (g) privilege pursuant to § 13207.7 of the Vehicle Code.
- (h) that it is recommended that the parent, guardian or person with charge of the child accompany the pupil to school and attend classes with the pupil for one day.

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| Education Code § 48261 | Mandates that the pupil who has been reported truant to the school district per Education Code § 48261 and is again absent one or more days without valid excuse, shall again be reported to the school district. |
| Education Code § 48262 | Any pupil who has been reported as truant four or more times per school year is an habitual truant <i>provided that a conscientious effort has been made to hold at least one conference with the parent or guardian and the minor.</i> |
| Education Code § 48263 | Authorizes referral of the habitual truant, or excessively absent minor, to a SARB. It further authorizes a petition request if all SARB efforts fail. |
| Education Code § 48264 | Authorizes the arrest of truants. |
| Education Code § 48264.5 | Authorizes the court to order 20 to 40 community service hours within 90 days and/or a fine of up to \$100.00. |
| Education Code § 48265 | Provides for the delivery of arrested truants to parents, school, or a nonsecure youth facility. |
| Education Code § 48291 | Mandates referral to SARB of the parent or guardian, or other person with charge of child, who violates the compulsory education laws. If efforts by SARB fail, the school district shall request a criminal complaint. Should a criminal complaint be filed, SARB is to be notified as to reasons for the rejection. |
| Education Code § 48292 | Authorizes the school district to seek the filing of a criminal complaint against the parent or guardian who does not comply with compulsory education statutes. |
| Education Code § 48293 | Describes the penalties for parents who fail to comply with Education Code Education Code § 48200. <ul style="list-style-type: none"> (a) the violation is an infraction punishable by <ul style="list-style-type: none"> 1. first conviction: fine of not more than \$100.00 2. second conviction: fine of not more than \$250.00 3. third or subsequent conviction: fine of not more than \$500.00. In lieu of a fine, the parent or guardian may be ordered to participate in parenting classes. (b) willful violation of the court order is punishable as contempt. |

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| Education Code § 48450 | Describes the duties of parents regarding students who attend continuation schools. |
| Education Code § 48452 & 48453 | Authorizes the seeking of a criminal complaint against parents or guardians who fail to comply with Education Code § 48450. |
| Education Code § 48454 | <p>Parent, guardian, or person with charge of the child who fails to send their minors to compulsory continuation school, per Education Code § 48450, may be guilty of a misdemeanor which is punishable as follows:</p> <ol style="list-style-type: none"> <li data-bbox="808 693 1395 766">(1) first conviction: \$50.00 fine, or five days in jail. <li data-bbox="808 766 1395 903">(2) second or subsequent conviction: not less than \$50.00 or more than \$500.00 fine, jail for not less than five days or more than 25 days, or both. |
| Welfare & Institutions Code § 601(b) | Refers to the habitually truant minor who fails to respond to SARB wherein SARB determines available public or private services are insufficient, inappropriate, or unable to correct the habitual truancy of a minor. 601(b) minors are not to be removed from the custody of parents except during school hours. This limits the consequences that can be imposed on 601(b) truants. |
| Welfare & Institutions Code § 601.2 | Authorizes SARB to refer the parents or guardian for adult filing for violation of Education Code § 48293 & 48454. |
| Welfare & Institutions Code § 601.3(a), (e), (f) | Authorizes the District Attorney's office to establish a truancy mediation program and mandates guidelines to be followed in conducting mediations with parent and their truant children. Subdivision (e) gives the DA the power to file a 601 petition on a truant minor after mediation and after consulting with the probation officer. |

Vehicle Code § 13202.7

Authorizes the juvenile court to suspend or delay the driving privilege for one year of any minor 13-18 years old who is a § 601(b) ward. If the student does not yet have the privilege to drive, the delay in issuing the driving privilege is subsequent to the time the person becomes legally eligible to drive. For each successive time the minor is found to be an habitual truant, the court may suspend or delay the eligibility for the driving privilege for one additional year.

Vehicle Code § 14607.6(c)(1)

Authorizes a peace officer to impound a car wherein the driver is unable to produce a valid driver's license. This applies regardless of ownership.

**Related Legislation
Education Code § 42238.8**

Method for calculating school funding based on actual daily attendance. The determination of an excused or unexcused absence is irrelevant for accounting purposes. **However**, it is still relevant for purposes of enforcement of the compulsory education laws and for the determination of whether a student is truant (in other words, for purposes of prosecution – it is still necessary to identify the unexcused absences).

Welfare & Institutions Code § 11253.5

Authorizes the county CALWORKS office to reduce a family's welfare grant if it is determined that a child is "not regularly attending school as required."

