

SARB Statutory References

Compulsory Full-Time Education *Education Code 48200*

Each person between the ages of 6 and 18 years not exempted under the provisions of this chapter or Chapter 3 (commencing with Section 48400) is subject to compulsory full-time education. Each person subject to full-time education and each person subject to compulsory continuation education not exempted under the provisions of Chapter 3 (commencing at Section 48400) shall attend the public full-time day school or continuation school or classes for the full time designated as the length of the schoolday by the governing board of the school district in which the residency of either the parent or legal guardian is located and each parent, guardian, or other person having control or charge of the pupil shall send the pupil to the public full time day school or continuation school or classes for the full time designated as the length of the schoolday by the governing board of the school district in which the residence of either parent or legal guardian is located. Unless otherwise provided for in this code, a pupil shall not enrolled for less than the minimum schoolday established by law (Amend. Stats. 1987, Ch. 1452)

Excused Absences: *Education Code 48205*

- 1) Illness
- 2) Quarantine by county or city health officer
- 3) Medical, dental, optometrical, chiropractic appointments
- 4) Funeral service of immediate family (1 day if in CA, 3 days if outside CA)
- 5) Jury duty
- 6) Illness or medical appointment of student's child
- 7) "Justifiable personal reasons" including appearance in court; funeral service; religious holiday, ceremony or retreat (4 hours per semester); employment conference requested in writing by the parent or guardian and approved by the principal or designee.

Definition of Truant: *Education Code 48260*

Any pupil subject to compulsory full-time education who is absent from school without valid excuse more than three days or tardy (or absent) in excess of 30 minutes on each of more than three days in one school year is a truant and shall be reported to the attendance supervisor or to the superintendent of the school district. (Amended Stats 1969, Ch. 992)
(3 absences)

Definition of Truant Repeat: *Education Code 48261*

Any pupil who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be reported as a truant to the attendance supervisor or the superintendent of the district (Amended Stats. 1969, Ch. 992)
(3 + 1 absence)

Habitual Truant: Education Code 48262

Any pupil is deemed an habitual truant who has been reported as a truant three or more times per school year, provided that no pupil shall be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with parent or guardian of the pupil and the pupil himself, after filing of either of the reports required by Section 48260 or Section 48261. (Amended Stats. 1976, Ch. 1010)

(3 + 2 absences)

Truancy Mediation Program: Education Code 48260.6

(a) In any county which has not established a county school attendance review board pursuant to Section 48321, the school district may notify the district attorney or the probation officer of the county in which the school district is located, by first-class mail or other reasonable means, of the following if the district attorney or the probation officer has elected to participate in the truancy mediation program described in subdivision (d):

- (1) The name of each pupil who has been classified as a truant.
- (2) The name and address of the parent or guardian of each pupil who has been classified as a truant.

(b) The school district may also notify the district attorney or the probation officer as to whether the pupil continues to be classified as a truant after the parents have been notified pursuant to subdivision (a) of Section 48260.5.

(c) In any county which has not established a county school attendance review board, the district attorney or the probation officer of the county in which the school district is located may notify the parents or guardians of every truant, by first-class mail or other reasonable means, that they may be subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27 for failure to compel the attendance of the pupil at school.

(d) If the district attorney or the probation officer is notified by a school district that a child continues to be classified as a truant after the parents or guardians have been notified pursuant to subdivision (a) of Section 48260.5, the district attorney or the probation officer in any county which has not established a county school attendance review board may request the parents or guardians and the child to attend a meeting in the district attorney's office or at the probation department pursuant to Section 601.3 of the Welfare and Institutions Code to discuss the possible legal consequences of the child's truancy. Notice of the meeting shall be given pursuant to Section 601.3 of the Welfare and Institutions Code (Added Stats 1984, Ch. 754)

Truant – Warning, Weekend Study, S.A.R.B.: Education Code 48264.5

Any minor who is a truant pursuant to Section 48260 is subject to the following:

- (a) Upon the first truancy, the pupil may be personally given a written warning by any peace officer specified in Section 830.1 of the Penal Code. A record of the written warning may be kept at school for a period of not less than two years, or until the pupil graduates, or transfers from that school. If the pupil transfers, the record may be forwarded to any school receiving the pupil's school records. A record of the written warning may be

maintained by the law enforcement agency in accordance with that law enforcement agency's policies and procedures.

- (b) Upon the second truancy within the same school year, the pupil may be assigned by the school to an after school or weekend study program located within the same county as the pupil's school. If the pupil fails to successfully complete the assigned study program, the pupil shall be subject to subdivision (c).
- (c) Upon the third truancy within the same school year, the pupil may be referred to, and required to attend, an attendance review board or a truancy mediation program pursuant to Section 48263 or pursuant to Section 601.3 of the Welfare and Institution Code. If the district does not have a truancy mediation program, the pupil may be required to attend a comparable program deemed acceptable by the school district's attendance supervisor. If the pupil does not successfully complete the truancy mediation program or other similar program, the pupil shall be subject to subdivision (d).
- (d) Upon the fourth truancy within the same school year, the pupil shall be classified a habitual truant, as defined in Section 48262, and shall be within the jurisdiction of the juvenile court which may adjudge such a pupil to be a ward of the court, the pupil shall be required to do one or more of the following:
 - (1) Performance at court-approved community services sponsored by either a public or private nonprofit agency for not less than 20 hours but not more than 40 hours over a period not to exceed 90 days, during a time other than the pupil's hours of school attendance or employment. The probation officer shall report to the court the failure of the pupil to comply with this paragraph.
 - (2) Payment of a fine by the pupil of not more than one hundred dollars for which the parent or guardian of the pupil may be jointly liable.
 - (3) Attendance of a court-approved truancy prevention program.
 - (4) Suspension or revocation of driving privileges pursuant to Section 13202.7 of the Vehicle Code. This subdivision shall apply only to a pupil who has attended a school attendance review board program, a program operated by a probation department acting as a school attendance review board, or a truancy mediation program pursuant to subdivision (c). (Add Stats. 19947, ch. 1023)

Limit on Being Out of School: Education Code 49100

No minor having a permit to work and no minor under the 18 years of age, who is otherwise required by law to attend school, shall be out of school and unemployed for a period longer than 10 consecutive days while the public schools are in session, but shall enroll and attend school.

Failure to Comply Penalties: Education Code 48293

- (a) Any parent, guardian, or other person having control or charge of any pupil who fails to comply with this chapter, unless excused or exempted therefrom, is guilty of an infraction and shall be punished as follows:
 - (1) Upon a conviction, by a fine of not more than one hundred dollars (\$100).
 - (2) Upon a second conviction, by a fine of not more than two hundred fifty dollars (\$250).
 - (3) Upon a third or subsequent conviction, if the person has willfully refused to comply with this section, by a fine of not more than five hundred dollars (\$500).

In lieu of imposing the fines prescribed in paragraphs (1), (2) and (3), the court may order the person to be placed in a parent education and counseling program.

- (b) A judgement that a person convicted of an infraction be punished as prescribed in subdivision (a) may also provide for the payment of the fine within a specified time or in specified installments, or for participation in the program. A judgement granting a defendant time to pay the fine or prescribing the days of attendance in a program shall order that if the defendant fails to pay the fine, or any installment thereof, on the date that it is due, or fails to attend a program on a prescribed date, he or she shall appear in court on that date for further proceedings. Willful violation of the order is punishable as contempt. (Amend. Stats. 1990, Ch. 391)

Court Order to Deliver Student to School: *Education Code 48268*

The court, in addition to any judgement it may make regarding the pupil, may render judgement that the parent, guardian, or person having the control or charge of the pupil shall deliver him at the beginning of each school day, for the remainder of the school term, at the school from which he is a truant, or in which he has been insubordinate or disorderly during attendance, or to a school designated by school authorities.

Parent's Bond to Secure Attendance of Pupil: *Education Code 48269*

If the parent, guardian, or other person having control or charge of the child, within three days after the rendition of the judgement executes a bond to the governing board of the school district in the sum of two hundred dollars (\$200), conditioned that the child will, during the remainder of the current school year, regularly attend some public or private school in the city, or city and county, or school district, and not be insubordinate or disorderly during attendance, then the court may make an order suspending the execution of the judgement so long as the condition of the bond is complied with. The bond shall be approved by the judge of the court, and be filed with the secretary of the board of education, or clerk of the board of trustees.

Juvenile Court, jurisdiction: *Welfare and Institutions Code 601(b)*

If a minor has four or more trancies within one school year as defined in Section 48260 of the Education Code or a school attendance review board or probation officer determines that the available public and private services are insufficient or inappropriate to correct the habitual truancy of the minor, or to correct the minor's persistent of habitual refusal to obey the reasonable and proper orders or directions of school authorities, or if the minor fails to respond to directives of a school attendance review board or probation officer or to services provided, the minor is then within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court. However, it is the intent of the Legislature that no minor who is adjudged a ward of the court pursuant solely to this subdivision shall be removed from the custody of the parent or guardian except during school hours.

Defiance of SARB, Meeting with District Attorney or Probation Officer *Welfare and Institutions Code 601.3*

- (a) If the district attorney or the probation officer receives notice from the school district pursuant to subdivision (b) of Section 48260.6 of the Education Code that a minor

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

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

- (1) The name and address of the person to whom the notice is directed.
- (2) The date, time and place of the meeting.
- (3) The name of the minor classified as a truant.
- (4) The section pursuant to which the meeting is requested.
- (5) Notice that the district attorney may file a criminal complaint against the parents or guardians pursuant to Section 48293 of the Education code for failure to compel the attendance of the minor at school.

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

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

(e) Upon completion of the meeting authorized by this section, the probation officer or district attorney, after consultation with the probation officer, may file a petition pursuant to Section 601 if the district attorney or the probation officer determines that available community resources cannot resolve the truancy problem, or if the pupil or the parents or guardians of the pupil, or both, have failed to respond to services provided or to the directives of the school, the school attendance review board, the probation officer, or the district attorney.

(f) The truancy mediation program authorized by this section may be established by the district attorney or by the probation officer. The district attorney and the probation officer shall coordinate their efforts and shall cooperate in determining which office is best able to operate a truancy mediation program in their county pursuant to this section.

Arrest of truants: *Education Code 48264*

The attendance supervisor or his or her designee, a peace officer, a school administrator or his or her designee, 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 or her home and who is absent from school without valid excuse within the county, city, or city and county, or school district.

Delivery of truants: *Education Code 48265*

Any person arresting or assuming temporary custody of a minor pursuant to Section 48264 shall forthwith deliver the minor either to the parent, guardian, or other person

having control, or charge of the minor, or to the school from which the minor is absent, or to a nonsecure youth service of community center designated by the school or district for counseling prior to returning such minor to his home or school, or to a school counselor or pupil services and attendance officer located at a police station for the purpose of obtaining immediate counseling from the counselor or officer prior to returning or being returned to his home or school, or, if the minor is found to have been declared an habitual truant, he shall cause the minor to be brought before the probation officer of the county having jurisdiction over minors.

Resisting, Delaying or Obstructing Officer; Punishment: Penal Code 148

(a)(1) Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office of employment, when no other punishment is prescribed, is punishable by a fine not exceeding one thousand dollars (\$1000), imprisonment in a county jail not exceeding one year, or both that fine and imprisonment.

Contributing to the Delinquency of a Minor: Penal Code 272

Every person who commits any acts or omits the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of 18 years to come within the provisions of Sections 300, 601, or 602 of the Welfare and Institutions Code or which act or omission contributes thereto, or any person who, by any act or omission, or by threats, commands or persuasion, induces or endeavors to induce any person under the age of 18 years or any ward or dependant child of the juvenile court to fail or refuse to conform to a lawful order of the juvenile court, or to do or to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause any such person to become or to remain a person within the provisions of Sections 300, 601, or 602 of the Welfare and Institutions Code, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than one year, or by both such a fine and imprisonment in a county jail, or may be released on probation for a period not exceeding five years. For purposes of this section, a parent or legal guardian to any person under the age of 18 years shall have duty to exercise reasonable care, supervision, protection, and control over their minor child.

Habitual Truant, Suspension, delay or restriction of driving privileges: Vehicle Code 13202.7

(a) Any minor under the age of 18 years, but 13 years of age or older, who is an habitual truant within the meaning of Section 48262 of the Education Code, or who is adjudged by the juvenile court to be a ward of the court under subdivision (b) of Section 601 of the Welfare and Institutions Code, may have his or her driving privileges suspended for one year by the court. If the minor does not yet have the privilege to drive, the court may order the department to delay issuing the privilege to drive for one year subsequent to the time the person becomes legally eligible to drive. However, if there is no further truancy in the 12-month period, the court, upon petition of the person affected, may modify the order imposing the delay of the driving privilege. For each successive time the minor is found to be an habitual truant, the

court may suspend the minor's driving privilege for a minor possessing a driver's license, or delay the eligibility for the driving privilege for those not in possession of a driver's license, for one additional year.

- (b) Whenever the juvenile court suspends a minor's driving privilege pursuant to subdivision (a), the court may require all driver's licenses held by the minor to be surrendered to the court. The court shall, within 10 days following the surrender of the license, transmit a certified abstract of the findings, together with any driver's licenses surrendered, to the department.
- (c) When the juvenile court is considering suspending or delaying a minor's driving privilege pursuant to subdivision (a), the court shall consider whether a personal or family hardship exists that requires the minor to have a driver's license for his or her own, or a member of his or her family's, employment or for medically related purposes.
- (d) The suspension, restriction, or delay of a minor's driving privilege pursuant to this section shall be in addition to any other penalty imposed by law on the minor.