

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2616

Introduced by Assembly Member Carter

February 24, 2012

An act to amend ~~Section 48263.6~~ Sections 48260, 48260.5, and 48264.5 of the Education Code, relating to ~~truancy~~ school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2616, as amended, Carter. ~~Truancy: chronic truant. School districts: truancy.~~

Existing law defines a truant as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse 3 full days in one school year, or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof, and requires a school district to notify a pupil's parent or legal guardian, as specified, when a pupil is initially classified as a truant. Existing law specifies that a pupil who is required to be reported as a truant may be required to attend makeup classes, as specified.

This bill would remove the requirement that a pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse 3 full days in one school year, or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof, is a truant, and instead authorizes a school to use its discretion to classify a pupil as a truant under those circumstances. The bill would require a school district to

notify a pupil's parent or legal guardian, as specified, when a pupil is initially classified as a truant at the discretion of the school. The bill also would specify that a pupil who is classified as a truant at the discretion of the school may be required to attend makeup classes, as specified, and would make nonsubstantive changes to these provisions.

~~Existing law defines a truant as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse 3 full days in one school year, or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof. Existing law defines a chronic truant as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10% or more of the schooldays in one school year, from the date of enrollment to the current date, provided that the appropriate school district officer or employee has complied with specified provisions of law.~~

This bill would make a nonsubstantive change to that latter provision.

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

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

1 *SECTION 1. Section 48260 of the Education Code is amended*
2 *to read:*

3 48260. (a) ~~Any~~—A pupil subject to compulsory full-time
4 education or to compulsory continuation education who is absent
5 from school without valid excuse three full days in one school year
6 or tardy or absent for more than any a 30-minute period during
7 the schoolday without a valid excuse on three occasions in one
8 school year, or any combination thereof, ~~is~~ *may be classified as a*
9 *truant and, if the school, in its discretion, classifies the pupil as a*
10 *truant, the truant shall be reported to the attendance supervisor or*
11 *to the superintendent of the school district.*

12 (b) Notwithstanding subdivision (a), it is the intent of the
13 Legislature that school districts shall not change the method of
14 attendance accounting provided for in existing law and shall not
15 be required to employ period-by-period attendance accounting.

16 *SEC. 2. Section 48260.5 of the Education Code is amended to*
17 *read:*

1 48260.5. Upon a pupil's initial classification as a truant, *If a*
2 *school, in its discretion, classifies a pupil as a truant*, the school
3 district shall notify the pupil's parent or *legal* guardian using the
4 most cost-effective method possible, which may include electronic
5 mail or a telephone call:

6 (a) That the pupil is truant.
7 (b) That the parent or *legal* guardian is obligated to compel the
8 attendance of the pupil at school.

9 (c) That parents or *legal* guardians who fail to meet this
10 obligation may be guilty of an infraction and subject to prosecution
11 pursuant to Article 6 (commencing with Section 48290) of Chapter
12 2 of Part 27.

13 (d) That alternative educational programs are available in the
14 *school* district.

15 (e) That the parent or *legal* guardian has the right to meet with
16 appropriate school personnel to discuss solutions to the pupil's
17 truancy.

18 (f) That the pupil may be subject to prosecution under Section
19 48264.

20 (g) That the pupil may be subject to suspension, restriction, or
21 delay of the pupil's driving privilege pursuant to Section 13202.7
22 of the Vehicle Code.

23 (h) That it is recommended that the parent or *legal* guardian
24 accompany the pupil to school and attend classes with the pupil
25 for one day.

26 *SEC. 3. Section 48264.5 of the Education Code is amended to
27 read:*

28 48264.5. Any minor ~~who is required to be reported who the~~ *school district, in its discretion, classifies* as a truant pursuant to
29 Section 48260 or 48261 may be required to attend makeup classes
30 conducted on one day of a weekend pursuant to subdivision (c) of
31 Section 37223 and is subject to the following:

32 (a) The first time a truancy report ~~is required~~, *may be issued*,
33 the pupil may be personally given a written warning by any peace
34 officer specified in Section 830.1 of the Penal Code. A record of
35 the written warning may be kept at the school for a period of not
36 less than two years, or until the pupil graduates, or transfers, from
37 that school. If the pupil transfers, the record may be forwarded to
38 ~~any~~ *the* school receiving the pupil's school records. A record of
39 the written warning may be maintained by the law enforcement

1 agency in accordance with that law enforcement agency's policies
2 and procedures.

3 (b) The second time a truancy report is required *may be issued*
4 within the same school year, the pupil may be assigned by the
5 school to an afterschool or weekend study program located within
6 the same county as the pupil's school. If the pupil fails to
7 successfully complete the assigned study program, the pupil shall
8 be subject to subdivision (c).

9 (c) The third time a truancy report is required *may be issued*
10 within the same school year, the pupil shall be classified a habitual
11 truant, as defined in Section 48262, and may be referred to, and
12 required to attend, an attendance review board or a truancy
13 mediation program pursuant to Section 48263 or pursuant to
14 Section 601.3 of the Welfare and Institutions Code. If the *school*
15 district does not have a truancy mediation program, the pupil may
16 be required to attend a comparable program deemed acceptable
17 by the school district's attendance supervisor. If the pupil does not
18 successfully complete the truancy mediation program or other
19 similar program, the pupil shall be subject to subdivision (d).

20 (d) The fourth time a truancy is required to be reported *may be issued*
21 within the same school year, the pupil shall *may* be within
22 the jurisdiction of the juvenile court which *that* may adjudge the
23 pupil to be a ward of the court pursuant to Section 601 of the
24 Welfare and Institutions Code. If the pupil is adjudged a ward of
25 the court, the pupil shall be required to do one or more of the
26 following:

27 (1) Performance at court-approved community services
28 sponsored by either a public or private nonprofit agency for not
29 less than 20 hours but not more than 40 hours over a period not to
30 exceed 90 days, during a time other than the pupil's hours of school
31 attendance or employment. The probation officer shall report to
32 the court the failure of the pupil to comply with this paragraph.

33 (2) Payment of a fine by the pupil of not more than one hundred
34 dollars (\$100) for which a parent or guardian of the pupil may be
35 jointly liable.

36 (3) Attendance of a court-approved truancy prevention program.

37 (4) Suspension or revocation of driving privileges pursuant to
38 Section 13202.7 of the Vehicle Code. This subdivision shall apply
39 only to a pupil who has attended a school attendance review board
40 program, a program operated by a probation department acting as

1 a school attendance review board, or a truancy mediation program
2 pursuant to subdivision (c).

3 ~~SECTION 1. Section 48263.6 of the Education Code is~~
4 ~~amended to read:~~

5 ~~48263.6. Any pupil subject to compulsory full-time education~~
6 ~~or to compulsory continuation education who is absent from school~~
7 ~~without a valid excuse for 10 percent or more of the schooldays~~
8 ~~in one school year, from the date of enrollment to the current date,~~
9 ~~is deemed a chronic truant, if the appropriate school district officer~~
10 ~~or employee has complied with Sections 48260, 48260.5, 48261,~~
11 ~~48262, 48263, and 48291.~~

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