

AMENDED IN SENATE AUGUST 6, 2012  
AMENDED IN ASSEMBLY MAY 9, 2012  
AMENDED IN ASSEMBLY MAY 2, 2012  
AMENDED IN ASSEMBLY APRIL 18, 2012  
AMENDED IN ASSEMBLY MARCH 29, 2012  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2616**

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**Introduced by Assembly Member Carter**

February 24, 2012

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An act to amend Sections 48260 and 48264.5 of the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2616, as amended, Carter. 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. Existing law specifies that a pupil who is required to be reported as a truant is subject to specified penalties for the first through fourth instances that a truancy report is issued to a pupil.

This bill would identify specific reasons that constitute a valid excuse for which a pupil may be absent from school for purposes of being classified as a truant. The bill would revise certain penalties resulting

from the issuance of specified truancy reports; and would specify that the first time a truancy report is issued, the pupil and, as appropriate, the pupil’s parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the pupil’s attendance. The bill would specify that the 2nd time a truancy report is issued, the pupil may be personally given a written warning by a peace officer, as specified, and that the 4th time a truancy report is issued, a pupil who is adjudged a ward of the court may instead be required to pay a fine of not more than \$50, as specified. The bill also would make nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 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) A pupil subject to compulsory full-time education  
 4 or to compulsory continuation education who is absent from school  
 5 without a valid excuse three full days in one school year or tardy  
 6 or absent for more than a 30-minute period during the schoolday  
 7 without a valid excuse on three occasions in one school year, or  
 8 any combination thereof, shall be classified as a truant and shall  
 9 be reported to the attendance supervisor or to the superintendent  
 10 of the school district.  
 11 (b) Notwithstanding subdivision (a), it is the intent of the  
 12 Legislature that school districts shall not change the method of  
 13 attendance accounting provided for in existing law and shall not  
 14 be required to employ period-by-period attendance accounting.  
 15 (c) For purposes of this article, a valid excuse includes, but is  
 16 not limited to, the reasons for which a pupil shall be excused from  
 17 school pursuant to Sections 48205 and 48225.5 and may include  
 18 other reasons that are within the discretion of school administrators  
 19 and, based on the facts of the pupil’s circumstances, are deemed  
 20 to constitute a valid excuse.  
 21 SEC. 2. Section 48264.5 of the Education Code is amended to  
 22 read:  
 23 48264.5. ~~Any~~A minor who is classified as a truant pursuant  
 24 to Section 48260 or 48261 may be required to attend makeup

1 classes conducted on one day of a weekend pursuant to subdivision  
2 (c) of Section 37223 and is subject to the following:

3 (a) The first time a truancy report is issued, the pupil and, as  
4 appropriate, the parent or legal guardian, may be requested to  
5 attend a meeting with a school counselor or other school designee  
6 to discuss the root causes of the attendance issue and develop a  
7 joint plan to improve the pupil's attendance.

8 (b) The second time a truancy report is issued within the same  
9 school year, the pupil may be given a written warning by a peace  
10 officer as specified in Section 830.1 of the Penal Code. A record  
11 of the written warning may be kept at the school for ~~a period of~~  
12 not less than two years; or until the pupil graduates or transfers  
13 from that school. If the pupil transfers from that school, the record  
14 may be forwarded to the school receiving the pupil's school  
15 records. A record of the written warning may be maintained by  
16 the law enforcement agency in accordance with that law  
17 enforcement agency's policies and procedures. The pupil may also  
18 be assigned by the school to an afterschool or weekend study  
19 program located within the same county as the pupil's school. If  
20 the pupil fails to successfully complete the assigned study program,  
21 the pupil shall be subject to subdivision (c).

22 (c) The third time a truancy report is issued within the same  
23 school year, the pupil shall be classified as a habitual truant, as  
24 defined in Section 48262, and may be referred to, and required to  
25 attend, an attendance review board or a truancy mediation program  
26 pursuant to Section 48263 or pursuant to Section 601.3 of the  
27 Welfare and Institutions Code. If the school district does not have  
28 a truancy mediation program, the pupil may be required to attend  
29 a comparable program deemed acceptable by the school district's  
30 attendance supervisor. If the pupil does not successfully complete  
31 the truancy mediation program or other similar program, the pupil  
32 shall be subject to subdivision (d).

33 (d) The fourth time a truancy is issued within the same school  
34 year, the pupil may be within the jurisdiction of the juvenile court  
35 that may adjudge the pupil to be a ward of the court pursuant to  
36 Section 601 of the Welfare and Institutions Code. If the pupil is  
37 adjudged a ward of the court, the pupil shall be required to do one  
38 or more of the following:

39 (1) Performance at court-approved community services  
40 sponsored by either a public or private nonprofit agency for not

1 less than 20 hours but not more than 40 hours over a period not to  
2 exceed 90 days, during a time other than the pupil's hours of school  
3 attendance or employment. The probation officer shall report to  
4 the court the failure of the pupil to comply with this paragraph.

5 (2) Payment of a fine by the pupil of not more than fifty dollars  
6 (\$50) for which a parent or legal guardian of the pupil may be  
7 jointly liable. The fine described in this paragraph shall not be  
8 subject to *the assessments of* Section 1464 of the Penal Code *or*  
9 *any other applicable section.*

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

11 (4) Suspension or revocation of driving privileges pursuant to  
12 Section 13202.7 of the Vehicle Code. This subdivision shall apply  
13 only to a pupil who has attended a school attendance review board  
14 program, a program operated by a probation department acting as  
15 a school attendance review board, or a truancy mediation program  
16 pursuant to subdivision (c).