



The CLASS Program

Community Leadership in Achieving Student Success

PROCEDURES MANUAL 2016-2017

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Mission

Promoting student success by identifying and addressing the root causes of truancy.

CLASS is a program led by the Office of the District Attorney, in partnership with various county agencies and community organizations, to provide meaningful prevention and intervention efforts against truancy.

The purpose of the CLASS program is:

- To reduce truancy,
- To identify and ameliorate the root causes of truancy,
- To refer or provide need services to students and families struggling with truancy,
- To hold students and parents accountable under compulsory education laws.

CLASS Program Overview

STEP 1	TRUANCY NOTIFICATION LETTER 1
<p><u>3</u> unexcused absences OR <u>18</u> unexcused absences (Or <u>12</u> period absences if on "block" schedule)</p>	Schools send home a letter informing parents of their child's unexcused absences and the relevant laws regarding school attendance.
STEP 2	AFTER SCHOOL MEETING (ASM)
<p><u>6</u> unexcused absences OR <u>36</u> unexcused absences (Or <u>24</u> period absences if on "block" schedule)</p>	Schools invite students and parents to a group after school meeting to discuss school attendance policies, student and parent accountability, social and legal consequences of truancy, and available resources.
STEP 3	ADMINISTRATOR MEETING (AM)
<p><u>9</u> unexcused absences OR <u>54</u> unexcused absences (Or <u>12</u> period absences if on "block" schedule)</p>	Schools invite students and parents to a one-on-one meeting with an administrator to address individual attendance and intervention needs. An attendance contract may be signed and resources or programs may be referred.
STEP 4	TRUANCY MEDIATION TEAM (TMT)
<p><u>12</u> unexcused absences OR <u>72</u> unexcused absences (Or <u>48</u> period absences if on "block" schedule)</p>	Schools invite students and parents to a one-on-one meeting with an administrator to address continuing truancy and re-evaluate intervention plans. Representatives from the District Attorney, local law enforcement, and county or community organizations may be present to assist. A contract may be signed and resources or programs may be referred.
STEP 5	SCHOOL ATTENDANCE REVIEW BOARD (SARB)
<p><u>14</u> unexcused absences OR <u>84</u> unexcused absences (Or <u>56</u> period absences if on "block" schedule)</p>	Schools refer students and parents to the School Attendance Review Board, a panel of representatives from the district, county, and community to review cases of excessive truancy. A contract may be signed and resources or programs may be referred, subject to a referral of the students to Probation and the parents to the District Attorney.

Per Education Code §48200 school attendance is mandatory for all students between the ages of 6-18. A student is truant IF he/she accrues **3** or more unexcused absences OR is tardy for 30 minutes or more on **3** occasions OR any combination of full day absences, period absences and/or is tardy for more than 30 minutes in **ONE** school year.

District Attorney Informational Letter

The School or District Office should send the District Attorney Informational Letter to all students and parents at the beginning of each new school year. The DA Informational Letter is a message from District Attorney Joyce Dudley welcoming all students and parents into the new school year, reminding them of the importance of education, and informing them of their responsibilities under compulsory education laws.

A. When to Send the District Attorney Informational Letter

The School or District Office should send the DA Letter to all students and parents at the beginning of each new school year. The DA Letter may be included in the back-to-school packet, school newsletter, or sent separately.

B. Sample

Please refer to page 24 and 25 for a sample of the District Attorney's Informational Letter in English and in Spanish. A sample may also be found at www.sbceo.org under "Truancy School Attendance" of the site index.

Step 1 – Truancy Notification Letter 1

When students accrue 3 unexcused absences, schools **must** send home Truancy Notification Letter 1 to the parents or guardians. At this step, a meeting with the student and parents or guardians is not required.

A. When to Send Truancy Notification Letter 1

Per Education Code § 48260, an unexcused absence is defined as a full day absence or a tardy or absence for more than 30 minutes during the school day, without valid excuse. Thus, for the purposes of the CLASS program, Truancy Notification Letter 1 should be sent home when a student accrues 3 days of unexcused absences, or its equivalent in period absences.

B. Contents of the Letter

Per Education Code § 48260.5, Truancy Notification Letter 1 **must** contain the following notifications:

- (a) That the pupil is truant.
- (b) That the parent or guardian is obligated to compel the attendance of the pupil at school.
- (c) That parents or guardians who fail to meet this obligation maybe guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27.
- (d) That alternative educational programs are available in the district.
- (e) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
- (f) That the pupil may be subject to prosecution under Section 48264.
- (g) That the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Section 13202.7 of the Vehicle Code.
- (h) That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

C. Documentation

Schools should document the sending of Truancy Notification Letter 1 in the database under the student's intervention log. In addition, schools should maintain a copy of the letter. The purpose of the documentation is to ensure compliance with the Education Code and allow for a referral to Probation and/or the District Attorney, if necessary.

D. Mandated Cost Recovery

Schools may apply for reimbursement of the cost of sending Truancy Notification Letter 1 per year. For fiscal year 2010-11, the State Controller's Office reimbursed \$18.29 per Truancy Notification Letter 1. Applications and questions relating to mandated cost recovery should be directed to the State Controller's Office.

E. Sample

Please refer to page 26 and 27 for a sample of Truancy Letter 1 in English and in Spanish. The sample may also be found at www.sbceo.org under "Truancy School Attendance" of the site index.

Step 2 – After School Meeting (ASM)

When students accrue **6 unexcused absences**, schools should send home Truancy Notification Letter 2 to the parents or guardians. At this step, schools should invite students and their parents or guardians to attend a group after school meeting.

A. When to Send Truancy Notification Letter 2

Per Education Code § 48260, an unexcused absence is defined as a full day absence or a tardy or absence for more than 30 minutes during the school day, without valid excuse. Thus, for the purposes of the CLASS program, Truancy Notification Letter 2 should be sent home when a student accrues 6 days of unexcused absences, or its equivalent in period absences.

B. Contents of the Letter

Truancy Notification Letter 2 should inform parents and guardians that, under Education Code § 48262, the student has accrued enough unexcused absences to be deemed a habitual truant. In addition, parents and guardians should be invited to attend a group after school meeting to discuss school attendance policies, student and parent accountability, social and legal consequences of truancy, and available resources.

C. Content of the Meeting

It is recommended that an After School Meeting be conducted by a school administrator and a District Attorney representative. At the school's discretion, additional representatives may participate, such as probation officers, law enforcement officers, school counselors, representatives of local program and service providers, and health professionals. Schools should coordinate with the District Attorney in scheduling meetings.

School Representatives

It is recommended that the school representative(s) be prepared to discuss:

- School attendance policies
- How to access and read student attendance records
- Confirming up-to-date parent or guardian contact information
- Common errors in attendance records and how to avoid/address them
- Frequently used school extensions
- Available on-campus resources and programs

District Attorney Representatives

The District Attorney representative will bring informational handouts and discuss the following (PowerPoint presentation if necessary equipment is available):

- Compulsory education laws
- Excused vs. unexcused absences
- The five steps of the CLASS program
- The social and legal consequences of truancy
- Local county and community resources
- Suggest options so families can coordinate a plan to improve student's school attendance

D. Documentation

Schools should document the sending of Truancy Notification Letter 2 and the actual meeting in the database under the student's intervention log. Schools should indicate if a student and family attended the meeting. In addition, schools should maintain a copy of the letter. The purpose of the documentation is to ensure compliance with the Education Code and allow for a referral to Probation and/or the District Attorney, if necessary.

E. Mandated Cost Recovery

Mandated cost recovery does not apply.

F. Sample

Please refer to page 27 and 28 for a sample of Truancy Letter 2 in English and in Spanish. The sample letter and a PowerPoint presentation may also be found at www.sbceo.org under "Truancy School Attendance" of the site index.

Step 3 – Administrator Meeting (AM)

When students accrue **9 unexcused absences**, schools should send home Truancy Notification Letter 3 to the parents or guardians. At this step, schools should invite students and their parents or guardians to attend a one-on-one meeting with a school administrator.

A. When to Send Truancy Notification Letter 3

Per Education Code § 48260, an unexcused absence is defined as a full day absence or a tardy or absence for more than 30 minutes during the school day, without valid excuse. Thus, for the purposes of the CLASS program, Truancy Notification Letter 3 should be sent home when a student accrues 9 days of unexcused absences, or its equivalent in period absences.

B. Contents of the Letter

Truancy Notification Letter 3 should inform parents and guardians that, under Education Code § 48261, any student who has once been reported as truant and who is again absent from school without valid excuse for one or more days shall again be reported as truant to the attendance supervisor or the superintendent of the district. In addition, parents and guardians should be invited to attend a one-on-one meeting with a school administrator.

C. Content of the Meeting

It is recommended that an Administrator Meeting be conducted by a school administrator to meet with one student and family at a time to address individual attendance and intervention needs. Representatives from the District Attorney or other outside agencies do not attend this meeting. However, the school administrator may choose to have other school-based faculty assist in the meetings. An attendance contract may be signed at the end of the meeting.

School Representatives

It is recommended that the school representative(s) be prepared to discuss:

- Student's individual attendance pattern
- Student's grades and progress in school
- Student's behavior and discipline record
- Reason(s) for student's truancy
- Available local resources and programs
- Confirming up-to-date parent or guardian contact information
- Frequently used school extensions

D. Documentation

Schools should document the sending of Truancy Notification Letter 3 and the actual meeting in the database under the student's intervention log. Schools should indicate if a student and family attended the meeting. In addition, schools should maintain a copy of the letter and the attendance contract, if any. The purpose of the documentation is to ensure compliance with the Education Code and allow for a referral to Probation and/or the District Attorney, if necessary.

E. Mandated Cost Recovery

Mandated cost recovery does not apply.

F. **Sample**

Please refer to page 29 and 30 for a sample of Truancy Letter 3 in English and in Spanish. The sample letter and contract may also be found at www.sbceo.org under “Truancy School Attendance” of the site index.

Step 4 – Truancy Mediation Team Meeting (TMT)

When students accrue **12 unexcused absences**, schools should send home Truancy Notification Letter 4 to the parents or guardians. At this step, schools should invite students and their parents or guardians to attend a one-on-one meeting with a school administrator and District Attorney representative.

A. When to Send Truancy Notification Letter 4

Per Education Code § 48260, an unexcused absence is defined as a full day absence or a tardy or absence for more than 30 minutes during the school day, without valid excuse. Thus, for the purposes of the CLASS program, Truancy Notification Letter 4 should be sent home when a student accrues 12 days of unexcused absences, or its equivalent in period absences.

B. Contents of the Letter

Truancy Notification Letter 4 should inform parents and guardians that, under Education Code § 48261, any student who has once been reported as truant and who is again absent from school without valid excuse for one or more days shall again be reported as truant to the attendance supervisor or the superintendent of the district. In addition, parents and guardians should be invited to attend a one-on-one meeting with a school administrator and District Attorney Representative.

C. Content of the Meeting

It is recommended that a Truancy Mediation Team Meeting be conducted by a school administrator and a District Attorney representative. At the school's discretion, additional representatives may participate, such as probation officers, law enforcement officers, school counselors, representatives of local program and service providers, and health professionals. An attendance contract may be signed at the end of the meeting. Schools should coordinate with the District Attorney in scheduling meetings.

School Representatives

It is recommended that the school representative(s) be prepared to discuss:

- Student's individual attendance pattern
- Student's grades and progress in school
- Student's behavior and discipline record
- Reason(s) for student's truancy
- Prior attempts at intervention

District Attorney Representatives

The District Attorney representative will bring informational handouts and discuss the following:

- Reason(s) for continued truancy
- Compulsory education laws
- Excused vs. unexcused absences
- The School Attendance Review Board
- The social and legal consequences of truancy
- Local county and community resources
- Attempt to devise a plan to assist in improving student's school attendance

D. Documentation

Schools should document the sending of Truancy Notification Letter 4 and the actual meeting in the database under the student's intervention log. Schools should indicate if a student and family attended the meeting. In addition, schools should maintain a copy of the letter and the attendance contract, if any. The purpose of the documentation is to ensure compliance with the Education Code and allow for a referral to Probation and/or the District Attorney, if necessary.

E. Mandated Cost Recovery

Mandated cost recovery does not apply.

F. Sample

Please refer to page 31 and 32 for a sample of Truancy Letter 4 in English and in Spanish. The sample letter and contract may also be found at www.sbceo.org under "Truancy School Attendance" of the site index.

Step 5 – School Attendance Review Board (SARB)

When students accrue **14 unexcused absences**, schools should refer students and their parents or guardians to the School Attendance Review Board. At this step, schools should prepare a referral form and a student packet, then forward it to the local SARB Secretary. The SARB Secretary will schedule the SARB hearing and notify all parties of the time, date, and location to attend.

A. When to Refer to SARB

Per Education Code §§ 48260.5, 48262, and 48263, a student may be referred to the SARB if

- (1) The school sent home the initial truancy notification letter after 3 unexcused absences,
- (2) The student continued to be habitually truant, and
- (3) The school has made a conscientious effort to hold at least one conference with the student and the parents or guardians.

Thus, for the purposes of the CLASS program, schools should refer a student to SARB when a student accrues 14 days of unexcused absences, or its equivalent in period absences, and the previous interventions of the CLASS Program have been completed.

B. Contents of the SARB Referral

A SARB referral must include a referral form and a student packet. The SARB Referral Form must be completed to include student information, parent or guardian information, general truancy and attendance information, and summary of interventions held. The student packet must include a copy of the student's transcript, attendance records, intervention records, behavior and discipline records, emergency contact card, and outside cover of the student's cumulative file.

C. Attending the SARB Hearing

Once the referring school is notified of the date and time of the SARB hearing(s) by the SARB Secretary, a school administrator must attend to present on the case(s) the school has referred. In addition, the school administrator must bring an updated attendance record for each student.

School Representatives

When presenting its cases, it is recommended that the school representative(s) be prepared to discuss:

- Student's individual attendance pattern
- Student's grades and progress in school
- Student's behavior and discipline record
- Reason(s) for student's truancy
- Prior attempts at intervention
- Reason(s) for SARB referral

The SARB will then discuss the case with the student and parents or guardians and attempt to resolve the truancy. Any motions or referrals made by the SARB will be documented by a SARB Contract, copies of which will be provided to all parties.

D. Mandated Cost Recovery

Mandated cost recovery does not apply.

E. Sample

Please refer to page 33 and 34 for a sample of the SARB Referral Form and SARB Contract, which may also be found at www.sbceo.org under “Truancy School Attendance” of the site index.

TRUANCY PROSECUTION

Per Education Code § 48263, the SARB may refer a minor to Probation and/or the parents or guardians to the District Attorney. SARB may make such referrals if it finds that available community services cannot resolve the truancy, or the student, parents or guardians, or both have failed to respond to the directives of the SARB or to the services provided. If the District Attorney files charges, the school may be requested to provide additional records and provide an appropriate witness to attend court and testify at trial.

A. Subpoenaing Records for Trial

In the event of a trial, the District Attorney will need to subpoena the school's custodian of records to produce all the necessary records and appear in court as a witness to testify about those records. In some cases, it may be sufficient for the custodian of records to submit an affidavit signed under penalty of perjury along with the records rather than personally appearing in court as a witness. The custodian of records must declare in the affidavit the same information he/she would have otherwise testified in court.

B. When to Submit Records

Under *California Evidence Code § 1270*, the custodian of records must submit the requested records and affidavit to the Juvenile Court **within 5 days** of service of the subpoena for records.

C. What Records to Submit

The records requested will be listed on the subpoena. They should be page-numbered and provided directly to the Juvenile Court. The records requested will typically include:

- (1) Student Data Screen Printout—containing name, DOB, photo (if available), address information, parent information;
- (2) Student Attendance Screen Printout for current school year;
- (3) Copies of all Truancy Letters sent—with dates and recipient names/address;
- (4) Contact Log—chronicling all parent/student contact and mediation/intervention attempts for current school year; and
- (5) SARB Records—chronicling referral to SARB and scheduled hearing date.

D. The Affidavit

An affidavit by the custodian must accompany the records. It should be attached to the student packet as the front page. Generally, the affidavit must state:

- (1) The affiant is the duly authorized custodian of records or other qualified witness and has authority to certify the records;
- (2) The copy is a true copy of all records described in the subpoena duces tecum;
- (3) The records were prepared by the personnel of the business in the ordinary course of business at or near the time of the act, condition, or event;
- (4) The identity of the records; and
- (5) A description of the mode of preparation of the records.

E. Packaging, Sealing, and Sending the Records

The records and affidavit must be sealed within two envelopes. The inner envelope should contain the affidavit and records requested. In addition, the inner envelope must be stapled with the first page of the original subpoena. The inner envelope must be sealed and then placed in the outer envelope, which also must be sealed and addressed to the Clerk of the Court of the appropriate Juvenile Court as follows:

<p>Clerk of the Santa Barbara Juvenile Court Department 14 4500 Hollister Ave. Santa Barbara, CA 93110</p> <p>THIS ENVELOPE CONTAINS SUBPOENAED RECORDS FOR</p> <p>MM/DD/YY {Court Hearing Date}</p>	<p>Clerk of the Santa Maria Juvenile Court Department SMJ1 4285 California Blvd, Suite B Santa Maria, CA 93455</p> <p>THIS ENVELOPE CONTAINS SUBPOENAED RECORDS FOR</p> <p>MM/DD/YY {Court Hearing Date}</p>
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F. Sample

Please refer to page 35 and 36 for a sample subpoena and affidavit. If you have any further questions, please contact the Truancy Division of the District Attorney’s Office.

Fast-tracking

Fast-tracking refers to more quickly processing students and parents or guardians through the interventions of the CLASS Program. Fast-tracking allows schools to more quickly refer a severe case of truancy to the SARB or the District Attorney, while meeting all legal requirements of the Education Code.

A. Who is Eligible for Fast-tracking?

It is recommended that fast-tracking only apply to the following cases:

- Students who made it to the SARB level in a previous year, and continues to be truant in the current year
- Students who made it to the TMT level two consecutive years should be automatically referred to SARB the second year and any year afterwards.

B. Fast-tracking a Student and Parent or Guardian

Per the Education Code, certain truancy interventions must be repeated with the start of every new school year. Specifically, schools are required to send the initial truancy notification letter and to attempt to hold conference with the student and parents or guardians every new school year, regardless of interventions conducted for a specific student in the previous year. However, fast-tracking would allow schools to more quickly bring eligible students and parents or guardians to the attention of SARB or the District Attorney as follows:

Triggers	Intervention	Legal Requirement
3 unexcused absences, or its equivalent in period absences	Truancy Notification Letter 1	Education Code §§ 48260, 48260.5
6 unexcused absences, or its equivalent in period absences	Administrator Meeting or Truancy Mediation Team	Education Code § 48262
9 unexcused absences, or its equivalent in period absences	SARB	Education Code § 48263

Relevant Statutes

Education Code § 48200 – Compulsory education.

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 compulsory full-time education and each person subject to compulsory continuation education not exempted under the provisions of Chapter 3 (commencing with Section 48400) shall attend the public full-time day school or continuation school or classes and 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 and 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 the parent or legal guardian is located.

Unless otherwise provided for in this code, a pupil shall not be enrolled for less than the minimum schoolday established by law.

Education Code § 48205 – Excused absences.

(a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

- (1) Due to his or her illness.
- (2) Due to quarantine under the direction of a county or city health officer.
- (3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- (4) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- (5) For the purpose of jury duty in the manner provided for by law.
- (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
- (7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- (8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
- (9) For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

(b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be

reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) "Immediate family," as used in this section, has the same meaning as set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

Education Code § 46011 – Verification of illness or quarantine.

Absences due to illness or quarantine shall be verified by the district or the county superintendent of schools in such manner as the Superintendent of Public Instruction may provide.

Education Code § 48260 – Definition of truant.

(a) A pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30-minute period during the schoolday without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.

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

(c) For purposes of this article, a valid excuse includes, but is not limited to, the reasons for which a pupil shall be excused from school pursuant to Sections 48205 and 48225.5 and may include other reasons that are within the discretion of school administrators and, based on the facts of the pupil's circumstances, are deemed to constitute a valid excuse.

Education Code § 48260.5 – Notice to parent or guardian.

Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or guardian using the most cost-effective method possible, which may include electronic mail or a telephone call:

(a) That the pupil is truant.

(b) That the parent or guardian is obligated to compel the attendance of the pupil at school.

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

(d) That alternative educational programs are available in the district.

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

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

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

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

Education Code § 48261 – Subsequent report of truancy.

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.

Education Code § 48262 – Habitual truant.

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 a parent or guardian of the pupil and the pupil himself, after the filing of either of the reports required by Section 48260 or Section 48261. For purposes of this section, a conscientious effort means attempting to communicate with the parents of the pupil at least once using the most cost-effective method possible, which may include electronic mail or a telephone call.

Education Code § 48263 – Referral to SARB.

If any minor pupil in any district of a county is an habitual truant, or is irregular in attendance at school, as defined in this article, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a school attendance review board or to the probation department for services if the probation department has elected to receive these referrals. The supervisor of attendance, or any other persons the governing board of the school district or county may designate, making the referral shall notify the minor and parents or guardians of the minor, in writing, of the name and address of the board or probation department to which the matter has been referred and of the reason for the referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be required, along with the referring person, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral.

If the school attendance review board or probation officer determines that available community services can resolve the problem of the truant or insubordinate pupil, then the board or probation officer shall direct the pupil or the pupil's parents or guardians, or both, to make use of those community services. The school attendance review board or probation officer may require, at any time that it determines proper, the pupil or parents or guardians of the pupil, or both, to furnish satisfactory evidence of participation in the available community services.

If the school attendance review board or probation officer determines that available community services cannot resolve the problem of the truant or insubordinate pupil or if the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives of the school attendance review board or probation officer or to services provided, the school attendance review board may, pursuant to Section 48263.5, notify the district attorney or the probation officer, or both, of the county in which the school district is located, or the probation officer may, pursuant to Section 48263.5, notify the district attorney, if the district attorney or the probation officer has elected to participate in the truancy mediation program described in that section. If the district attorney or the probation office has not elected to participate in the truancy mediation program described in Section 48263.5, the school attendance review board or probation officer may direct the county superintendent of schools to, and, thereupon, the county superintendent of schools shall, request a petition on behalf of the pupil in the juvenile court of the county. Upon presentation of a petition on behalf of a pupil, the juvenile court of the county shall hear all evidence relating to the petition. The school attendance review board or the probation officer

shall submit to the juvenile court documentation of efforts to secure attendance as well as its recommendations on what action the juvenile court shall take in order to bring about a proper disposition of the case.

In any county which has not established a school attendance review board, if the school district determines that available community resources cannot resolve the problem of the truant or insubordinate pupil, or if the pupil or the pupil's parents or guardians, or both, have failed to respond to the directives of the school district or the services provided, the school district, pursuant to Section 48260.6, may notify the district attorney or the probation officer, or both, of the county in which the school district is located, if the district attorney or the probation officer has elected to participate in the truancy mediation program described in Section 48260.6.

Education Code § 48264.5 – Penalties for minors.

A minor who is classified as a truant pursuant to Section 48260 or 48261 may be required to attend makeup classes conducted on one day of a weekend pursuant to subdivision (c) of Section 37223 and is subject to the following:

(a) The first time a truancy report is issued, the pupil and, as appropriate, the 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.

(b) The second time a truancy report is issued within the same school year, the pupil may be given a written warning by a peace officer as specified in Section 830.1 of the Penal Code. A record of the written warning may be kept at the school for not less than two years or until the pupil graduates or transfers from that school. If the pupil transfers from that school, the record may be forwarded to the 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. The pupil may also be assigned by the school to an afterschool 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) The third time a truancy report is issued within the same school year, the pupil shall be classified as a habitual truant, as defined in Section 48262, and 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 Institutions Code. If the school 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) The fourth time a truancy is issued within the same school year, the pupil may be within the jurisdiction of the juvenile court that may adjudge the pupil to be a ward of the court pursuant to Section 601 of the Welfare and Institutions Code. If the pupil is adjudged 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 fifty dollars (\$50) for which a parent or legal guardian of the pupil may be jointly liable. The fine described in this paragraph shall not be subject to the assessments of Section 1464 of the Penal Code or any other applicable section.

- (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).

Education Code § 48293 – Penalties for parents or guardians.

(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 first 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 judgment 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 judgment 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.

(c) The court may also order that the person convicted of the violation of subdivision (a) immediately enroll or reenroll the pupil in the appropriate school or educational program and provide proof of enrollment to the court. Willful violation of an order under this subdivision is punishable as civil contempt with a fine of up to one thousand dollars (\$1,000). An order of contempt under this subdivision shall not include imprisonment.

Penal Code § 270.1 – Parent or guardian of a chronic truant.

(a) A parent or guardian of a pupil of six years of age or more who is in kindergarten or any of grades 1 to 8, inclusive, and who is subject to compulsory full-time education or compulsory continuation education, whose child is a chronic truant as defined in Section 48263.6 of the Education Code, who has failed to reasonably supervise and encourage the pupil's school attendance, and who has been offered language accessible support services to address the pupil's truancy, is guilty of a misdemeanor punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment. A parent or guardian guilty of a misdemeanor under this subdivision may participate in the deferred entry of judgment program defined in subdivision (b).

(b) A superior court may establish a deferred entry of judgment program that includes the components listed in paragraphs (1) to (7), inclusive, to adjudicate cases involving parents or guardians of elementary school pupils who are chronic truants as defined in Section 48263.6 of the Education Code:

- (1) A dedicated court calendar.
- (2) Leadership by a judge of the superior court in that county.
- (3) Meetings, scheduled and held periodically, with school district representatives designated by the chronic truant's school district of enrollment. Those representatives may include school psychologists, school counselors, teachers, school administrators, or other educational service providers deemed appropriate by the school district.

(4) Service referrals for parents or guardians, as appropriate to each case that may include, but are not limited to, all of the following:

- (A) Case management.
- (B) Mental and physical health services.
- (C) Parenting classes and support.
- (D) Substance abuse treatment.
- (E) Child care and housing.

(5) A clear statement that, in lieu of trial, the court may grant deferred entry of judgment with respect to the current crime or crimes charged if the defendant pleads guilty to each charge and waives time for the pronouncement of judgment and that, upon the defendant's compliance with the terms and conditions set forth by the court and agreed to by the defendant upon the entry of his or her plea, and upon the motion of the prosecuting attorney, the court will dismiss the charge or charges against the defendant and the same procedures specified for successful completion of a drug diversion program or a deferred entry of judgment program pursuant to Section 851.90 and the provisions of Section 1203.4 shall apply.

(6) A clear statement that failure to comply with any condition under the program may result in the prosecuting attorney or the court making a motion for entry of judgment, whereupon the court will render a finding of guilty to the charge or charges pled, enter judgment, and schedule a sentencing hearing as otherwise provided in this code.

(7) An explanation of criminal record retention and disposition resulting from participation in the deferred entry of judgment program and the defendant's rights relative to answering questions about his or her arrest and deferred entry of judgment following successful completion of the program.

(c) Funding for the deferred entry of judgment program pursuant to this section shall be derived solely from nonstate sources.

(d) A parent or guardian of an elementary school pupil who is a chronic truant, as defined in Section 48263.6 of the Education Code, may not be punished for a violation of both this section and the provisions of Section 272 that involve criminal liability for parents and guardians of truant children.

(e) If any district attorney chooses to charge a defendant with a violation of subdivision (a) and the defendant is found by the prosecuting attorney to be eligible or ineligible for deferred entry of judgment, the prosecuting attorney shall file with the court a declaration in writing, or state for the record, the grounds upon which that determination is based. 270.5. (a) Every parent who refuses, without lawful excuse, to accept his or her minor child into the parent's home, or, failing to do so, to provide alternative shelter, upon being requested to do so by a child protective agency and after being informed of the duty imposed by this statute to do so, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500).

Penal Code § 272 – Contributing to the delinquency of a minor.

(a) (1) Every person who commits any act 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 Section 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 dependent 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 that person to become or to remain a person within the provisions of Section 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 fine and imprisonment in a county jail, or may be released on probation for a period not exceeding five years.

(2) For purposes of this subdivision, a parent or legal guardian to any person under the age of 18 years shall have the duty to exercise reasonable care, supervision, protection, and control over their minor child.

(b) (1) An adult stranger who is 21 years of age or older, who knowingly contacts or communicates with a minor who is under 14 years of age, who knew or reasonably should have known that the minor is under 14 years of age, for the purpose of persuading and luring, or transporting, or attempting to persuade and lure, or transport, that minor away from the minor's home or from any location known by the minor's parent, legal guardian, or custodian, to be a place where the minor is located, for any purpose, without the express consent of the minor's parent or legal guardian, and with the intent to avoid the consent of the minor's parent or legal guardian, is guilty of an infraction or a misdemeanor, subject to subdivision (d) of Section 17.

(2) This subdivision shall not apply in an emergency situation.

(3) As used in this subdivision, the following terms are defined to mean:

(A) "Emergency situation" means a situation where the minor is threatened with imminent bodily harm, emotional harm, or psychological harm.

(B) "Contact" or "communication" includes, but is not limited to, the use of a telephone or the Internet, as defined in Section 17538 of the Business and Professions Code.

(C) "Stranger" means a person of casual acquaintance with whom no substantial relationship exists, or an individual with whom a relationship has been established or promoted for the primary purpose of victimization, as defined in subdivision (e) of Section 6600 of the Welfare and Institutions Code.

(D) "Express consent" means oral or written permission that is positive, direct, and unequivocal, requiring no inference or implication to supply its meaning.

(4) This section shall not be interpreted to criminalize acts of persons contacting minors within the scope and course of their employment, or status as a volunteer of a recognized civic or charitable organization.

(5) This section is intended to protect minors and to help parents and legal guardians exercise reasonable care, supervision, protection, and control over minor children.

AFFIDAVIT OF THE CUSTODIAN OF RECORDS

I, [Name of Custodian], declare as follows:

I am the duly authorized custodian of records for [School District/School Site] and I have the authority to certify the records herein.

I have been an employee of [School District/School Site] for [#] years as the [Job Title]. My duties include overseeing the keeping and maintaining of school attendance records and submitting these records to court for truancy. I have personal knowledge of how the records are created by the individual schools, different departments, and the school district.

I am familiar with the mode of preparation for these documents. The method of record keeping has been established to ensure the trustworthiness of the records. The records were prepared by school personnel in the ordinary course of business at or near the time of the act, condition, or event. Only certain school personnel have access to the records herein. Our records are password-protected and not available to all school personnel or the general public. These records are kept to track student attendance and performance. The student's attendance, grades, discipline, notification of truancy, mediation and intervention attempts, SARB referrals and documents, and other school-related documents are kept in the student's Cumulative File and the school district's computer system.

I [personally collected / supervised the collection of the records herein]. The records have been collected from the student's Cumulative File and the school district's computer system.

The copies provided are true copies of the records described in the subpoena duces tecum for student, [Name of Student], DOB: [mm/dd/yy].

The records were mailed or delivered to the Juvenile Court for a hearing on [Court Hearing Date], and include the following, totaling [#] pages: Attendance records for the above-named student for the [School Year] school year, including Truancy Notification Letters, Mediation and Intervention attempts, SARB intervention attempts, student and parent/guardian information, and other documents regarding attendance.

I declare under penalty of perjury that the foregoing is true and corrected and that this was executed on [Date] in [City], California.

[Signature] _____
[Name, Job Title]
[School District]

