



# Alameda County District Attorney's Truancy & Attendance Program



Alameda County District Attorney's Office  
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The booklet is also available online at: [atschool.alcoda.org](http://atschool.alcoda.org)

# 2019 / 2020 SCHOOL YEAR

**W**elcome to the 2019/2020 school year. The Alameda County District Attorney's Office is committed to working with every school and school district in the county to ensure that each student receives the education he or she needs and deserves. Please use the information presented here as you embark upon strategies to improve school attendance and as you address cases of chronic truancy. We are eager to hear from you – feel free to share any new strategies that you have found helpful. Send us your questions or concerns and let us know what is working best for you.

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## WHAT IS NECESSARY TO FILE

In Alameda County, we have three distinct tracks for Truancy Cases:

Parent/Guardian Charged with an Education Code Infraction

Parent/Guardian Charged with a Misdemeanor Offense

Minor Placed in Truancy Mediation and/or Juvenile Court

For Ed. Code infraction cases filed in Adult or Juvenile cases placed into Juvenile Court, specific conditions must exist:

1. The minor is an “habitual truant” as defined in California Education Code Sections 48260, 48261 and 48262, and
2. The minor/parents/guardian failed to follow the directives of the School Attendance Review Board

Parent/Guardian charged with Misdemeanor

1. The minor is a “Chronic Truant” (as defined in California Education Code Section 48263.6) and is six years of age or older and in K-8.
2. The minor/parents/guardian failed to follow the directives of the School Attendance Review Board

## WHAT HAPPENS WHEN THE CASE IS REFERRED TO THE DISTRICT ATTORNEY’S OFFICE

### I. WHEN PARENTS VIOLATE THE COMPULSORY EDUCATION LAWS

Education Code Section 48293 violation is filed in Superior Court.

1. This charge is an infraction.
2. The parents are entitled to a court trial if they want to contest the charges.
3. The legal consequences to the parent include a fine up to \$500 and/or parenting classes and counseling.
4. There is no jail time for this violation.

**OR**

Penal Code Section 270.1 violation is filed.

1. This charge is a misdemeanor.
2. Procedures for Truancy Court established by P.C. sec 270.1 shall be adhered to.
3. The parent/defendant is entitled to a jury trial if they want to contest the charges.
4. The legal consequences to the parent include a fine not exceeding \$10,000 or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

## **II. WHEN SECONDARY SCHOOL STUDENTS ARE HABITUALLY TRUANT AND VIOLATE DIRECTIVES OF SARB**

The student and parent will be ordered to attend a mediation hearing with representatives from the District Attorney's Office, the probation department and community based organizations (including the Lincoln Child Center and agencies of the D.P.N.)

1. The mediation will take place at the District Attorney's Office.
2. A Deputy District Attorney will be present.
3. Case Managers will be present when appropriate.
4. A Case Plan will be created and implemented that will include school visits, home visits, counseling, and/or tutoring as deemed appropriate.
5. The student's attendance will be monitored by the Probation Department. The student and parent will return to the mediation hearing room for progress reports throughout the following year.

If the student continues to have poor attendance, a petition pursuant to Welfare and Institutions Code Section 601 will be filed in Juvenile Court and the student and parent will be ordered to appear. Once on formal probation, students will be monitored for a minimum of one school year by a Juvenile Court judge.

### **WHAT IS INVOLVED IN PROVING THE STUDENT IS AN "HABITUAL TRUANT"**

The following must exist (for either Parent Truancy or Student Truancy cases):

1. The student was absent from school without a valid excuse for three days (E.C. 48260) (or was tardy or absent for more than any 30 minute period during one school day without a valid excuse on each of the three days, or any combination thereof.) The student is now deemed a truant. ("Truancy #1)
2. Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or guardian, by using the most cost-effective method possible, which may include electronic mail or a telephone call. (E.C. 48260.5)
3. The student who had once been reported as a truant and who was again absent from school without a valid excuse on one or more days, or tardy on one or more days (30+ minutes), shall again be reported as a truant. (E.C. 48261) (Truant Days 2 and 3).
4. The student who had been reported as a truant three or more times per school year is deemed an habitual truant. (E.C. 48262).
5. A "conscientious effort" was made to hold a conference with the parent and student (E.C. 48262)

Once 1 through 5 are established, then the student is an habitual truant within the definition of Education Code Section 48262.

The student and parent can then be referred to the SARB (see below)

**NOTE: STEPS ONE THROUGH FIVE AS WELL AS THE SARB HEARING MUST TAKE PLACE WITHIN ONE SCHOOL YEAR!**

**WHAT IS NECESSARY TO PROVE THE STUDENT IS A “CHRONIC TRUANT”**

The student was absent from school without a valid excuse for ten percent or more of the school days 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 EC sections 48260, 48260.5, 48261, 48262, 48263, and 48291.

**WHAT IS INVOLVED IN PROVING THE STUDENT/PARENT FAILED TO FOLLOW THE DIRECTIVES OF SARB**

The following must exist:

If the student and parent attended SARB:

1. SARB contract.
2. Violations after the date of the SARB hearing.

If the student and parent failed to attend SARB:

1. Copies of the notification letters of the SARB meeting(s).
2. Documentation or witnesses to show student/parent did not attend.
3. Violations after the SARB date.

**WITNESSES NECESSARY FOR COURT**

Person(s) who can testify from *first-hand* knowledge to the following:

1. The identity of the minor and/or the parent who is in court.
2. There were no valid excuses for any of the alleged unexcused absences.
3. Absences alleged were reported to the parents as mandated by the Education Code.
4. Efforts were made at the appropriate time to address the absenteeism.
5. SARB hearing and SARB directives.
6. All school and district level efforts have failed to correct the truancy problem.

# REFERRAL DOCUMENTATION





## Helpful Hints

As you begin to create a referral, please keep this list in mind:

1. If you cannot contact the family, it's likely the DA's Office won't be able to either. Before sending your referral, check to see that the address, phone numbers and e-mail addresses are current.
2. If there are two parents involved in the student's life, each one must have received the NOT's as well as notice of the SART and SARB hearing. Please make sure that you are sending notices to both parents so that each receives due process.
3. When writing your narrative summary, describe the dynamic that you have found contributes to the truancy. Do not simply write out in sentence form the number of days missed. What we need from you are insights that the school, the SART and/or the SARB has gleaned. That helps us create the best possible plan of action for the student and family.
4. We need the parents' dates of birth. Please ask for those at time of SART or SARB.
5. We always communicate with you after every court hearing and mediation. Please create a method to track the future dates of the cases you've referred.

Thank you!

**DISTRICT ATTORNEY REFERRAL**

Pupil: \_\_\_\_\_

School District: \_\_\_\_\_

School: \_\_\_\_\_

Interpreter required: \_\_\_\_\_ Spanish? \_\_\_\_\_ Other? \_\_\_\_\_

**REQUIREMENTS**

The items below are necessary for a referral to the District Attorney. The copies must be clear and legible. Please do not fill out by hand.

- \_\_\_\_\_ District Attorney Truancy Referral face page
- \_\_\_\_\_ Narrative summary of problem
- \_\_\_\_\_ Letter sent on first truancy and all subsequent letters
- \_\_\_\_\_ School site interventions and SART contract
- \_\_\_\_\_ Notification letters for SARB hearing and SARB contracts (even if unsigned)
- \_\_\_\_\_ Attendance printout – computer for current and prior school year
- \_\_\_\_\_ Witness List (include all current addresses and phone numbers)

**DISTRICT LETTERHEAD**

Date \_\_\_\_\_

To: Alameda County District Attorney

From: \_\_\_\_\_ (District Contact Person)

Phone: \_\_\_\_\_

**Student and Family Information**

Name	DOB	Sex	Grade	School
Address (Number/Street/City/Zip)				
Father/Stepfather	DOB	Address		Phone
Mother/Stepmother	DOB	Address		Phone
Guardian	DOB	Address		Phone
				Cell

Father/Stepfather Email
Mother/Stepmother Email
Guardian Email

**Attendance Pattern and Summary**

Current Year # days \_\_\_\_/180

*Previous Year 180 days*

Full days Attended	Partial days attended (tardy/left early/missed periods)	Full Days absent w/excused reason	Full Days absent w/o excused reason		<i>Days Attended</i>	<i>Full Days Absent</i>	<i>Full Days Truant</i>

**Truant and Habitual Truant Notification**

	Date Truancy letter mailed/delivered
1 <sup>st</sup> truancy notification	
2 <sup>nd</sup> truancy notification	
3 <sup>rd</sup> truancy notification	
4 <sup>th</sup> truancy notification	

**School Site Meeting With Parent/Guardian**

Pursuant to E.C. 48262, a conference with the parent/guardian of the student and the student and an “appropriate district employee” was scheduled for \_\_\_\_\_

Date

Date and mode of notification to parent/guardian (i.e. letter, phone call etc.)

\_\_\_\_\_

\_\_\_\_\_

Outcome: Attended \_\_\_ Yes \_\_\_ No

**School Attendance Review Board Findings**

SARB Hearing held on: \_\_\_\_\_

Date

Date and mode of notification (i.e. letter, phone call etc.) \_\_\_\_\_

\_\_\_\_\_

Outcome: Attended \_\_\_ Yes \_\_\_ No

Contract: Signed \_\_\_ Yes \_\_\_ No

I certify under penalty of perjury under the laws of the State of California that the foregoing information is correct.

\_\_\_\_\_  
Signature of SARB Chairperson

\_\_\_\_\_  
Date

## Narrative Summary

**Prepared By:** \_\_\_\_\_

### **Grade Level: Elementary**

Nadia Johnson was enrolled in the San Lorenzo Unified School District on August 27, 2013 as a kindergarten student. In her first three years of the school at High Point Elementary, Nadia was chronically absent from school, missing an average of 22 days a year. Nadia and her mother Ms. Johnson were first invited to SART 2015-2016 school year when Nadia was in 2<sup>nd</sup> grade. Ms. Johnson did not attend but did agree to meet with the CWA a few days later at the district office. While in the meeting, Ms. Johnson shared she worked graveyard shifts in Tracy and would catch traffic coming back to take Nadia to school. Ms. Johnson also had an inter-district transfer from Oakland Unified School District attend school here in San Lorenzo. CWA let Ms. Johnson know that would be revoked if attendance did not improve. Ms. Johnson then shared she is in a homeless situation so CWA had her fill out a McKinney Vento form.

Shortly after SART, Nadia's attendance did not improve, instead decreased dramatically. Ms. Johnson was then invited to SARB where she did attend. In SARB, Ms. Johnson states she had a new job where she starts at 6:00am in San Francisco. She said she did not have anyone to take Nadia to school but her grandmother has started helping. Ms. Johnson then shared she wanted to put Nadia in home schooling because she could not take her to school. Nadia's teacher then shared that Nadia needs one on one attention and cannot learn on her own. The SARB board then suggested enrolling Nadia at another elementary school which is around the corner from their residence. Ms. Johnson declined and said that she would push home schooling.

Currently this school year has been one of the worst for Nadia on both academic and attendance categories. In the beginning of the school year Nadia began to miss school as well as be tardy. After the office assistant asked mother why they were attending school so late, Ms. Johnson shared that they had to move to Stockton but will still attend High Point Elementary. Nadia then missed a week and a half of school and Ms. Johnson did not answer phone calls from both High Point staff and CWA. Shortly after the phone calls made home on 12/19/16, CWA received a transfer request from Stockton Unified School District for Nadia. On 3/6/17 Ms. Johnson went to High Point Elementary School to enroll Nadia again in SLZUSD. After registering Nadia, CWA was informed so she went to the address provided by Ms. Johnson to do a home visit. At the home visit, Ms. Johnson was not there and the resident stated she had gone to WIC to pick up milk. After two more attempts, CWA met with Nadia's mother and spoke about attendance. At that time, Ms. Johnson looked as if she was under the influence, so CWA decided to end the conversation.

About two months passed and Nadia's attendance did not improve. After several times Nadia arrived to school hours late, office assistant asked Nadia where she lives, that's when Nadia stated she lived in Stockton. Since Ms. Johnson is in the McKinney Vento program she does not require living in our district but uses an address in our district for mailing purposes. CWA called Ms. Johnson to let her know she will be referring her to the District Attorney's office but Ms. Johnson did not answer. Ms. Johnson instead called College Prep High School which is in charge of home study and requested her daughter be put in home schooling. Our home study program denied her request because of Nadia's necessities and academic level. CWA attempted to call Ms. Johnson again and she would not answer her calls. SARB Chairperson then called Ms. Johnson to talk to her about the situation. Ms. Johnson stated that she would rather have Nadia in home schooling because she does not want to go to court. Since that conversation, Nadia still continues to miss school, missing the last two and a half weeks of school.

Overall, the general concern for Nadia is that she is in 3<sup>rd</sup> grade and academically has fallen behind. In addition, the fear is that if we cannot get a hold of her attendance now and identify the key factors contributing to her truancy, she will be set up for failure. It is the opinion of the Student Support Services Department, the SARB board, and the staffs involved at High Point Elementary School, that this matter be moved forward to the District Attorney and respectfully request a citation hearing in this matter.

## SAMPLE—RECORD OF CONTACTS

### **PREPARED BY JANE DOE, ATTENDANCE CLERK**

#### September 30, 2015

John and Jane Doe were absent on 9/28. I called mom to verify absence and she said she had to go out of town on a medical emergency. I told her it would be an unexcused absence and she became angry because I was penalizing her children for her medical appointment.

The children have been tardy several times: 10/02, 10/03, and 10/10. Twice they came in with a note asking to have the children excused because of a family emergency. The children shrink when they come in. I can see they feel badly. On 10/10 the kids said mom had to go to the dentist.

#### October 16, 2015

Mr. Greeley had a conversation with Jane today to find out why the kids were arriving late. She said she now has an alarm clock and since she and her brother sleep together she will be responsible for getting them up on time.

I have sent both SARB letters already.

#### January 5, 2016

John and Jane were absent on January 4. I asked Jane why they had been absent and she shrugged her shoulders. I said “Jane, you weren’t sick, were you?” She said, “No, but I will bring a note tomorrow. Mom called later that day to say the kids had been out sick.

#### March 14, 2016

I have had little contact with mom. Her phone is disconnected so it is more difficult to justify absences. The kids were both absent on 3/2 and 3/6. Jane had a doctor’s appointment on the 6<sup>th</sup> and brought in the note from the doctor’s office. She was the only one seen. John was absent. No reason was given. He unfortunately also missed his field trip to the farm because of this absence although mom had signed the permission slip. Both John and Jane’s teachers are very concerned about their frequent absence and tardies.

#### April 10, 2016

The kids continue to come late to school fairly frequently. In questioning them, the most I can get out of them is a shrug and some looking at each other. Occasionally I get a note from mom that they were late because they weren’t feeling well. Mom is very difficult to get a hold of.

## **SAMPLE DA UPDATE FOR COURT**

**Student Name: Logan Dunn**

**Date: 9/12/16**

This is the first update in the 2016-2017 school year for Logan Dunn. So far this school year, Logan has been absent two days without a valid reason and has been late less than 30 minutes twice.

Left early excused	1
Absent	2
Tardy less than 30 min	2

**Student Name: Logan Dunn**

**Date: 10/3/16**

Since requesting the D.A. Intervention on 5/9/2016, Logan Dunn was tardy greater than 30 minutes one time, one tardy, and one unexcused absence. This was until the end of the school year that concluded on 6/13/16.

Community Elementary school is a year round school that began on 7/18/16. At the time of writing, Logan has on record two unexcused absences, two tardies, and excused early from school one day. Currently, his school is off track until October 14, 2016.

**Student Name: Logan Dunn**

**Date: 12/5/16**

Community Elementary is a year round school. At the time of the last update on October 3<sup>rd</sup>, Community Elementary was off track until October 14, 2016. Since, the school reconvened Logan has on record one unexcused absence on October 15. During the week of October 21-25:

- 1- Left early excised- went home ill
- 1- Verified medical with doctor's note
- 1- Excused tardy- first day back from being sick
- 1- Left early more than 30 minutes unexcused

Since October 28, he has only one tardy.

**Student Name: Logan Dunn**

**Date: 2/27/2017**

Since the last update on 12/5/2017, Logan's attendance is as follows:

Absences-5

Tardies- 6

Ms. Dunn has not excused the absences as she had been doing the previous trimester. Mom has been informed that her lapse in excusing her sons' absences has led him to be truant. She has been reminded about our policy for excusing Logan's absences.

**Student Name: Logan Dunn**

**Date: 3/13/2017**

Since the last update on 2/27/2017, Logan has been to school on time and every day. On 3/12/17, the Youth Services Coordinator for Community Elementary, Susan Johnson submitted a nomination to the Young African-American Student Awards given by HUSD. Logan is nominated for the Improved Attendance Award. Ms. Dunn has been communicating and meeting with school staff daily since last update.

**Student Name: Logan Dunn**

**Date: 5/6/17**

Since the last update on 3/13/17, Logan has one absence and two medical absences. The Youth Services Coordinator for Community Elementary, Susan Johnson nominated Logan for the Improved Attendance Award given by the Young African-American Student Awards hosted by HUSD. Logan won the award at the ceremony on 4/30/17. Ms. Dunn has been communicating well with the Youth Services Coordinator, Ms. Johnson, and the attendance clerk, Ms. Grace almost daily, since the last update. Logan's teacher, Ms. Paulson shared that Logan tested below average but he is making progress in class. Further, since his attendance has improved, he is demonstrating that he understands more of the material than she had been showing.



# Attendance Worksheet (OPTIONAL)

Instructions: Complete as contacts are made or actions occur.

Name of Student:
Address:
Telephone:
School and District:

Contact by	Date	Method of Contact*	Indicate purpose of contact/action and briefly describe response (include comments made by person contacted)

\*Method of Contact: telephone, correspondence, home visit, observed off campus, conference, agency contacts, SARB, other

# Attendance Narrative (OPTIONAL)

\_\_\_\_\_ Total school days possible as of \_\_\_\_\_  
(Date)

## UNEXCUSED ABSENCES

\_\_\_\_\_

(List dates absent)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## UNEXCUSED TARDIES (Over 30 minutes)

\_\_\_\_\_

(List dates tardy)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Optional SAMPLE**  
**ATTENDANCE CLARIFICATION**

Attendance record as of \_\_\_\_\_ is as follows:

Days of enrollment: \_\_\_\_\_

Days present: \_\_\_\_\_

Unexcused absences: \_\_\_\_\_

Excused absences: \_\_\_\_\_

Tardies over 30 minutes: \_\_\_\_\_

**DATES OF UNEXCUSED ABSENBCEs**

**DATES OF UNEXCUSED TARDIES  
(OVER 30 MINUTES)**

List dates here

Today's date: \_\_\_\_\_

Total school days as of today: \_\_\_\_\_

Total unexcused incidents: \_\_\_\_\_

Percent of school missed: \_\_\_\_\_%

# Notification of Truancy

The use of uniform attendance forms within the SARB's area builds consistency and helps expedite processing of paperwork.

*Education Code* Section 48260.5 requires very specific language for the first notification of truancy, but most attendance documents can be modified to suit the population served by the SARB.

**Note:** Assembly Bill 1610 (2010) amended the initial truancy notice mandate and the habitual truancy notice mandate to state that districts may use the most cost-effective method possible for notification, which may include electronic mail or a telephone call.

## First Notification of Truancy

[Sample of required letter to parent or guardian; issue on school district letterhead.]

[Date:] \_\_\_\_\_

Dear Parent/Guardian:

Our records indicate that your child, **[ADD NAME OF CHILD]**, in the **[ADD GRADE LEVEL]** grade was absent for more than 30 minutes on: **[ADD DATE(S) OF ABSENCE HERE]** without a valid excuse. When a student is absent without a valid excuse, the student is considered truant according to California law.

### Unexcused Absences

California *Education Code Section 48260*—Any pupil subject to full-time education who is absent from school without valid excuse for more than 30 minutes on each of three days in one school year is a truant and shall be reported to the attendance supervisor of the superintendent of the school district.

Upon a pupil's initial classification as a truant, the school district is required to notify you, the pupil's parent/guardian, of the following (*Education Code Section 48260.5*):

1. That the pupil is truant.
2. That the parent/guardian is obligated to compel the attendance of the pupil at school.
3. That parents/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.
4. Alternative educational programs available in the district.
5. The right to meet with appropriate school personnel to discuss solutions to the pupil's truancy. (Added Statutes, 1983, Chapter 498)
6. The pupil may be subject to arrest under *Education Code Section 48264*.
7. The pupil may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to *Vehicle Code Section 13202.7*.
8. That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day (Added Statutes, 1983, Chapter 498)

If your child is absent due to a chronic illness or other unavoidable circumstances, please contact the school attendance clerk. Absences or excessive tardies for any reason affect your child's education and reduce opportunities for success in school. Tardies also interrupt instruction and interfere with the learning environment for all pupils. If the school attendance record is inaccurate, please inform the school attendance clerk.

If your child's attendance does not improve, we will need to schedule a conference to discuss the situation. We would like to understand the barriers to your child's attendance and discuss how we can work together to make sure your child is in class and learning.

Our goal is to assist you in educating your child. We can be successful if your child is in school every day and on time.

Sincerely,

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**[Administrator's Signature]**

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**[Date]**

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**[Administrator's Name (typed or printed)]**

**Second Notification of Truancy or Excessive Absences**

[(Issue on school site letterhead)]

[Date] \_\_\_\_\_

Student's Name \_\_\_\_\_ Student ID# \_\_\_\_\_

Parent's Name \_\_\_\_\_ Parent's Phone Number \_\_\_\_\_

Address \_\_\_\_\_

Dear Parent/Guardian:

This **SECOND LETTER** is to inform you that your child continues to have an attendance problem.

Date(s) of excused absences \_\_\_\_\_

Date(s) of unexcused absences  
\_\_\_\_\_

Date(s) of tardies (31+ minutes) \_\_\_\_\_

Total absences to date  
\_\_\_\_\_

1. An appointment has been made for you and your child to meet with \_\_\_\_\_ to consider a proper plan for correcting this problem.
2. Parent(s)/guardian(s) and student are requested to attend the following meeting.

YOUR SCHEDULED APPOINTMENT IS AS FOLLOWS:

Date \_\_\_\_\_

Time \_\_\_\_\_

Location \_\_\_\_\_

*Labor Code Section 230.8 requires certain employers to allow employees to attend school conferences.*

Failure to appear will result in a referral for further action.

For unexcused absence or tardies:

*Education Code* Section 48261—Subsequent Report of Truancy. Any pupil who has been reported as a truant and who is again absent from school without a 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.

Students with unexcused absences may be assigned weekend school to make up work missed during regular attendance (*Education Code* Section 37223).

We appreciate your cooperation in being prompt for your appointment.

Principal or Designee: \_\_\_\_\_

Attachment: Copy of Attendance Record  
cc: Cumulative folder/student's teacher(s)



## Third Truancy Letter

Date \_\_\_\_\_

Re: \_\_\_\_\_

[Student's name]

Dear Parent/Guardian:

You were last notified of your child's truancy on \_\_\_\_\_. This third notice informs you that your child is now considered a habitual truant.

### Additional date(s) of truanancies

Unexcused days absent \_\_\_\_\_ Tardies (31+ minutes) \_\_\_\_\_

### History of attendance

Attendance record as of \_\_\_\_\_ is as follows:

Days of enrollment \_\_\_\_\_ Days present \_\_\_\_\_

Unexcused absences \_\_\_\_\_ Excused absences \_\_\_\_\_

Tardies (31+ minutes) \_\_\_\_\_

**Education Code Section 48262—Habitual Truant:** Any pupil deemed an habitual truant and 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 filing of either of the reports required of **Education Code Section 48260 or 48261.**

The school has attempted to work with you to solve your child's attendance problems. These attempts have been unsuccessful. It will now be **mandatory** for you and your child to attend a School Attendance Review Board (SARB) meeting. Your scheduled appointment is as follows:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

You and your child are required to attend this conference (**Education Code Section 48321.5**). Failure to attend may result in a referral to the District Attorney's Office or law enforcement. If you have any questions regarding this meeting, you may contact

\_\_\_\_\_ at \_\_\_\_\_

**Notification Letter of SARB Referral**

[Note: Districts may send this letter when the school has exhausted site-level resources and referrals.]

Date \_\_\_\_\_ School \_\_\_\_\_

Dear \_\_\_\_\_:

This letter informs you that after repeated discussion, conferences, meetings, and contract(s), your student, \_\_\_\_\_, has not improved his/her attendance. Your student was again absent/tardy on the following date(s):

\_\_\_ Truant or unexcused absence on \_\_\_\_\_

\_\_\_ Tardy on \_\_\_\_\_

\_\_\_ Excessive excused absence on \_\_\_\_\_

**Education Code Section 48621**—Subsequent Report of Truancy: Any pupil who has once been reported as a truant and who is again absent from school without a valid excuse one or more days, or tardy on one or more days, shall again be reported as truant to the attendance supervisor or the superintendent of the district.

**Education Code Section 48262**—Habitual Truant: Any pupil deemed an habitual truant and 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 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 *Education Code* Section 48260 or 48261.

Unfortunately, it has become necessary to refer this matter to the district School Attendance Review Board (in English, sometimes known as SARB). We have exhausted all resources available to our school site and are now required to make this referral.

**Education Code Section 48263**—If any minor in any district of a county is a 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.

You will be contacted by the supervisor of Child Welfare and Attendance concerning the scheduled hearing before the School Attendance Review Board (SARB). If you have any questions concerning this hearing, please call my office at \_\_\_\_\_ between 7:30 a.m. and 4:30 p.m.

Sincerely,

\_\_\_\_\_  
Principal (or designee)

cc: Student file

Child Welfare and Attendance Supervisor

# STATUTES THAT APPLY TO TRUANCY



## STATUTES THAT APPLY TO TRUANCY

The following is a partial list of applicable statutes and definitions to assist in the understanding of truancy cases. For a full and easy to access listing of sections, please refer to the California Department of Education web site.

<http://www.cde.ca.gov/ls/ai/cw/documents/schoolattendance.pdf>

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 of guardians send the pupil to school.

Education Code § 48260 (a): Any pupil subject to compulsory full-time education or compulsory continuation education who is absent from school without a valid excuse three full days or tardy or absent more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or the superintendent of the school district.

Education Code § 48260.5: Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or guardian, by using the most cost-effective method possible, which may include electronic mail or a telephone call:

- (a) That the pupil is a 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 the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

Education Code § 48261: Mandates that the pupil who has been reported truant to the school district per Education Code § 48260 and is again absent one or more days without valid excuse, shall again be reported to the school district.

- 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 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 the 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 § 48263.6: Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for ten percent or more of the school days in one school year, from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate school district officer or employee has complied with *EC sections* 48260, 48260.5, 48261, 48262, 48263, and 48291.
- Education Code § 48264: Authorizes the arrest of truants.
- Education Code § 48264.5: Any minor who is required to be reported 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 required, 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 written warning may be kept at the 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) The second time a truancy report is required 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) The third time a truancy report is required within the same school year, the pupil shall be classified 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 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 required to be reported within the same school year, the pupil shall be within the jurisdiction of the juvenile court which 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 juvenile 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 to comply with this paragraph.

(2) Payment of a fine by the pupil of not more than one hundred dollars (\$100) for which a 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, or a truancy mediation program pursuant to subdivision (c).

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 not 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 (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 there from, 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 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.

Education Code § 48293 (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 it is due, he or she shall appear in court on that date for further proceedings. Willful violation of this order is punishable as contempt.

Education Code § 48293 (c):

The court may also order that the person convicted of the violation of subdivision (a) immediately enroll or re-enroll 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.

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:

Parent, guardian, or person with charge of the child who fails to send their minor(s) to compulsory continuation school, per Education Code § 48450, may be guilty of a misdemeanor which is punishable as follows:

- (1) First conviction: Fine of \$50 or five (5) days in jail.
- (2) Second of subsequent convictions: Fine of not less than \$50 or more than \$500 or not less than five (5) days or more than 25 days in jail, or both.

*Penal Code* Section 270.1.

(a) A parent or guardian of a pupil of six years of age or more who is in kindergarten or any of grades one to eight, 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 *EC*, 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 *EC*:

(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 non-state sources.



(d) A parent or guardian of an elementary school pupil who is a chronic truant, as defined in Section 48263.6 of the *EC*, 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.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the *Government Code*, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Welfare and 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 and Institutions  
Code § 601.2:

Authorizes SARB to refer the parents or guardian for adult filing for violation of Education Code § 48293 or 48454.

Welfare and Institutions  
Code § 601.3(a)(e)(f)

Authorizes the District Attorney's Office to establish truancy mediation program and mandates guidelines to be followed in conducting mediations with parent and their truant children. Subdivision (e) gives the District Attorney 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 a 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.

## **Excused Absences**

### **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, optometric, 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.
- (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 therefore. 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 that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

# USEFUL RESOURCES & SAMPLE LETTERS



**[Welcome to School Letter from Principal]**

[Issue on school letterhead]

**[Date here]**

**[Add here the name and address of parents.]**

Regarding: \_\_\_\_\_

Dear Parent:

The school year is beginning soon, and I want to welcome you as our partner in your child's education. We value, appreciate, and seek out your involvement and collaboration for the success of your child.

We are asking all parents to help us ensure the regular, on-time attendance of their children at school. We monitor attendance closely because research has shown that regular attendance is vital for the success of children in school. California law states that absences are excused only if the child is ill or there is an excuse which meets the requirements of the California *Education Code* Section 48205. Even excused absences that cause your child to miss significant amounts of school can cause your child to fall behind in class.

*Education Code* Section 48260 defines a truant as a pupil who has missed more than 30 minutes on three days without valid excuse in one school year. Our goal is to have all children present in school every day and on time. Our district's policy is that we may require verification of absences due to illness or quarantine, if your child has missed school for three consecutive days. Please be aware that going "out of town" when school is in session with your child is an unexcused absence.

I look forward to working with you in a meaningful partnership for your child.

We at **[ADD HERE NAME OF SCHOOL]** will work very hard with you to ensure that your child receives the best education possible. We are depending on you, and we want to thank you for entrusting us with your child. To provide your child with an outstanding education, your child must maintain excellent attendance.

Enclosed you will find a copy of this year's school calendar to assist in your family's scheduling.

If you have any questions, please feel free to call us at **[PHONE NUMBER HERE]** .

Sincerely,

\_\_\_\_\_  
Principal

**[Attendance Letter from District Superintendent]**  
[Issue on school district letterhead]

**[Date]**

Dear Parents/Guardians:

Welcome back to school!

**[ADD DISTRICT NAME]** is dedicated to academic achievement and success for all pupils. Regular school attendance is a critical part of that success. Our district is committed to increasing the attendance rate in all district schools. High attendance rates result in improved academic skills, as well as social and emotional growth for our pupils.

The district will strive to be sure that pupils are in school on time, every day. Please carefully read pages **[ADD PAGE NUMBERS HERE]** in the parent handbook regarding attendance. Included in the handbook are the laws pertaining to excused and unexcused absences. If your child must miss school more than three days, please contact the school as soon as possible; medical verification may be required. We also would like to work with you to help ensure that your child can make up for what he or she missed in class. This will prevent your student from having unexcused absences that may hinder his or her progress in school.

If you have any questions regarding attendance, please contact your child's school. I wish you and your student a very successful school year!

Sincerely,

---

District Superintendent

## **Excessive Excused Absences**

If your child is absent due to a chronic illness or other unavoidable circumstances, please contact the school attendance clerk. Absences or excessive tardies for any reason affect your child's education and increase the chances for failure. Tardies also interrupt the classroom and interfere with the learning environment for all students. If the school attendance record is inaccurate, please inform the school attendance clerk.

Failure to improve your child's attendance will result in a conference with a representative from school.

Our goal is to assist you in educating your child. We can be successful if your child is in school every day and on time.

Sincerely,

---

Administrator's Signature

---

Date

---

Administrator's Name (typed or printed)

[Chronic Absence Letter]

[Date] \_\_\_\_\_

Dear Parent/Guardian:

Our records indicate that your child, **[NAME OF STUDENT]**, has been chronically absent from school. A student is chronically absent from school when he or she has missed 10 percent or more of the days he or she has been enrolled in school.

In many cases, absences from school are unavoidable due to health problems or other circumstances. However, chronic absenteeism can have a drastic impact on your child's education. Children chronically absent in kindergarten and first grade are much less likely to learn to read by the end of third grade. By sixth grade, chronic absence is a proven early warning sign of drop-out. By ninth grade, good attendance can predict graduation even better than eighth-grade test scores. Clearly, going to school regularly matters!

We would like to help resolve any problems that may be causing your child to miss school. Please call me at **[PHONE NUMBER]** at your earliest convenience. I would like to learn more about what is making it difficult for your child to get to school and work together with your family to see if we can help improve your child's attendance.

Sincerely,

---

School Principal

## SARB Confirmation of Directives Letter

Date \_\_\_\_\_

Dear \_\_\_\_\_,  
Parent(s)/guardian(s)

I appreciate your attendance at the School Attendance Review Board (SARB) meeting  
on \_\_\_\_\_.

This letter is to remind you that you and your child/children are expected to follow the SARB directives. If you or your child/children fail to comply with the directives, the school will refer the case for law enforcement and/or the District Attorney's Office for legal action.

Your cooperation and participation in this process is critical to the future success of your student. It is vital that you follow through with SARB directives.

Please contact me if I can be of further assistance at \_\_\_\_\_.

Sincerely,

---

Chair  
School Attendance Review Board



## SARB Congratulations Letter

Date \_\_\_\_\_

Dear Parent(s)/guardian(s) \_\_\_\_\_:  
(name)

Thank you for your continued support and follow-through with the directives that you and your child/children, \_\_\_\_\_ signed at the meeting of the School Attendance Review Board.

\_\_\_\_\_ is following each directive, and your cooperation in working with your child/children and the school has sent a strong signal that school is important. Please remember the attendance directives will remain in effect through \_\_\_\_\_'s graduation.

We are pleased with \_\_\_\_\_'s progress and hope both you and \_\_\_\_\_ have benefited from these directives. You are welcome to contact our office at any time that you feel you need any kind of assistance at \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Chairperson, School Attendance Review Board (SARB)

cc: Principal

# School Refusal

## What is it?

- School refusal describes a child who refuses to go to school on a regular basis or has problems staying in school. Children with school refusal may complain of physical symptoms shortly before it is time to leave for school or repeatedly ask to visit the school nurse.
- It commonly takes place between the ages of five and six and between ten and eleven, and at times of transition, such as entering middle and high school.
- You can't punish your child out of school refusal. It's a form of anxiety that demands treatment.
- A child can still have school refusal even if he/she attends school most days.

## Common Warning Signs?

- Physical complaints such as headaches or stomach pain
- Frequent requests to go to the nurse's office
- Frequent requests to call home or go home during the day
- Difficulty or resistance to getting out of bed in the morning to go to school despite no apparent signs of illness
- Absences on significant days, such as test or presentation day

## What can cause it?

- Starting school, moving, and other stressful life events may trigger the onset of school refusal.
- Students may refuse to attend school to escape from a situation that causes anxiety or to gain attention from a parent or other caregiver
- Fear that he/she won't do well in school
- Bullying
- Separation anxiety
- Social/performance anxiety
- Generalized anxiety disorder
- Depression

## How to help?

- Talk openly about school refusal and their reasons behind it, do not guilt or punish your child severely for refusing
- Arrange a meeting with the school counselor, or with a therapist (psychotherapist)
- Meet with your child's teacher
- Family therapy
- Mental health services
- Cognitive behavior therapy
- Homeschooling

-

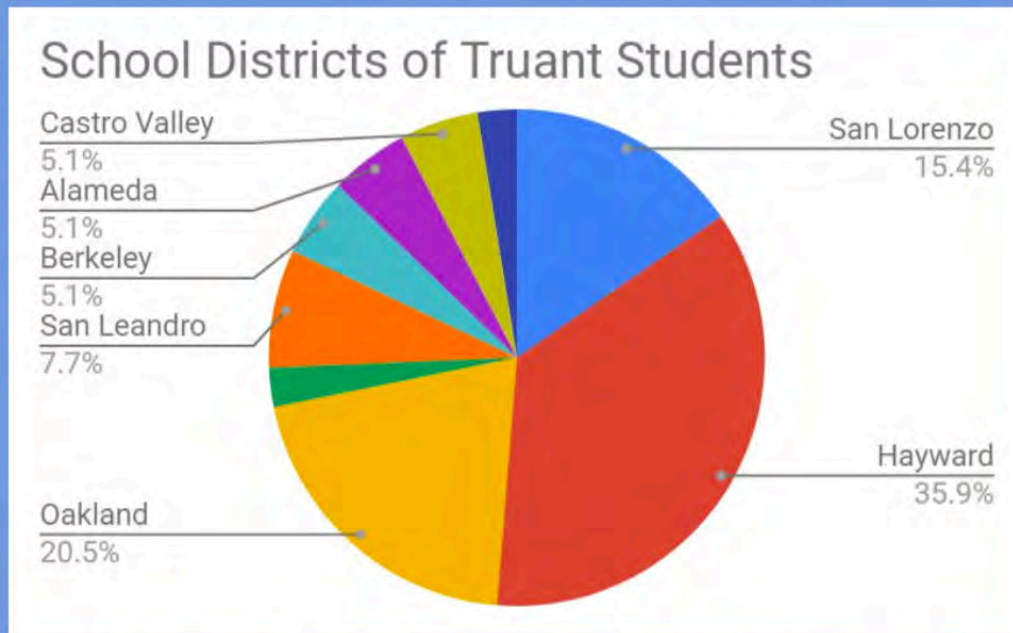
## Works Cited

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4. <https://tinyurl.com/yab5n3p6> (pdf of information for educators)
5. <http://hechingerreport.org/for-anxious-students-a-teacher-who-comes-to-your-house-might-be-the-answer/>
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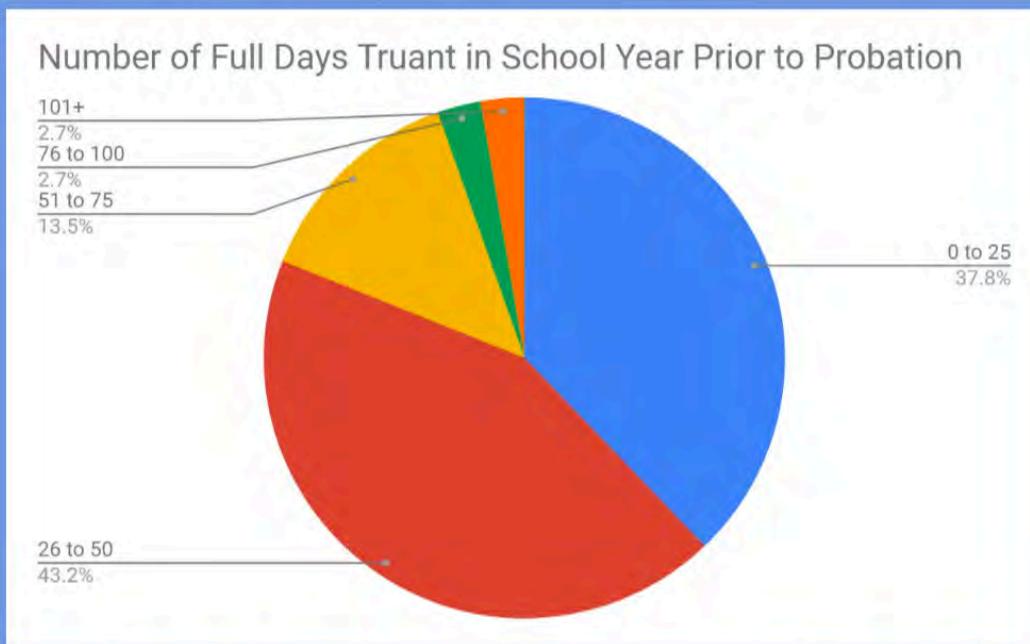
# TRUANCY & ATTENDANCE PROGRAM STATISTICS 2018/2019 SCHOOL YEAR



# PROGRAM STATISTICS - 2018/2019 SCHOOL YEAR

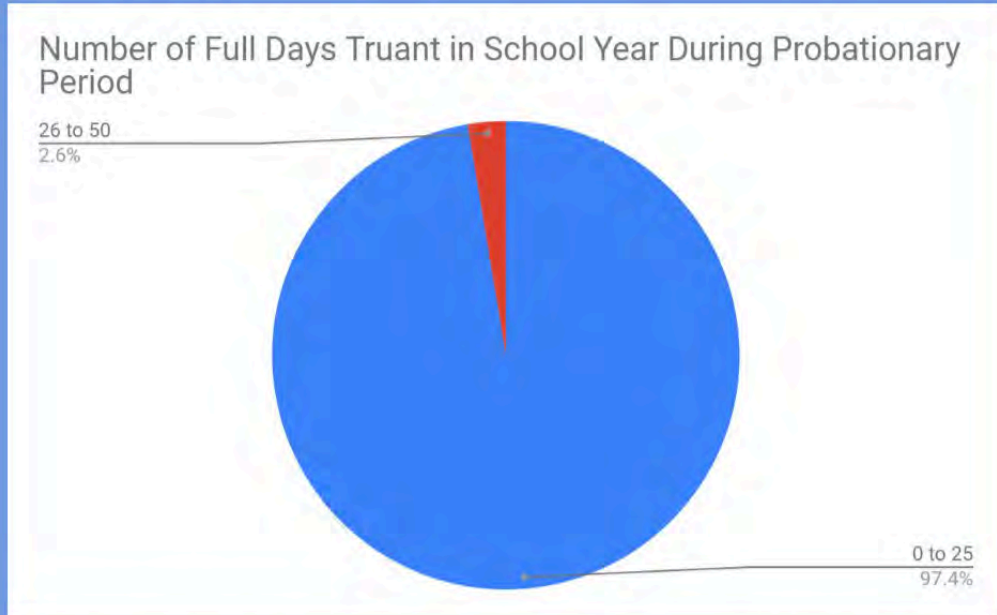


Sampling 38 students whose parents/guardians appeared in Parent Truancy court during the 2018- 2019 school year. 35.9% of truancy cases were from Hayward Unified School District.

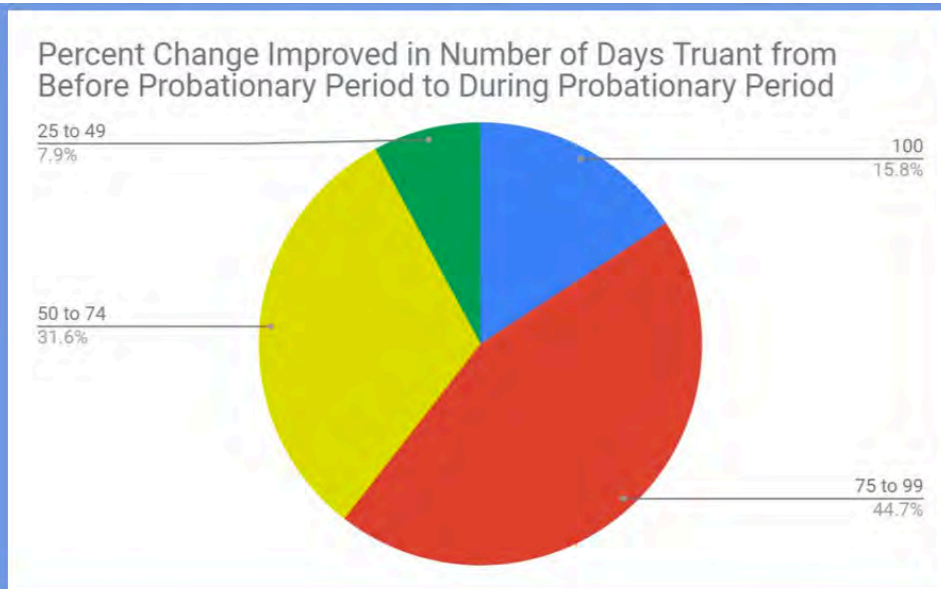


Sampling 38 students whose parents/guardians appeared in Parent Truancy court during the 2018- 2019 school year. Most families are referred to truancy court when their student has been truant between 0 and 50 full days.

# PROGRAM STATISTICS - 2018/2019 SCHOOL YEAR

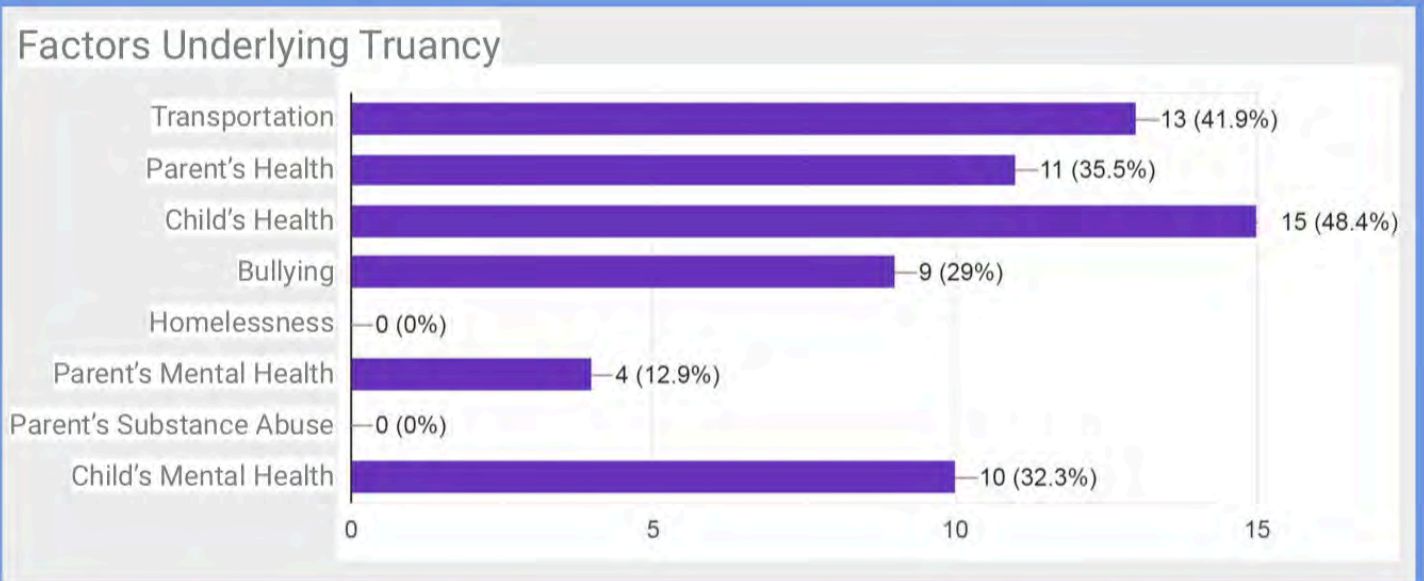


Sampling 38 students whose parents/guardians appeared in Parent Truancy court during the 2018- 2019 school year. 97.4% of students have a number of full days truant between 0 and 25 during their probationary period.

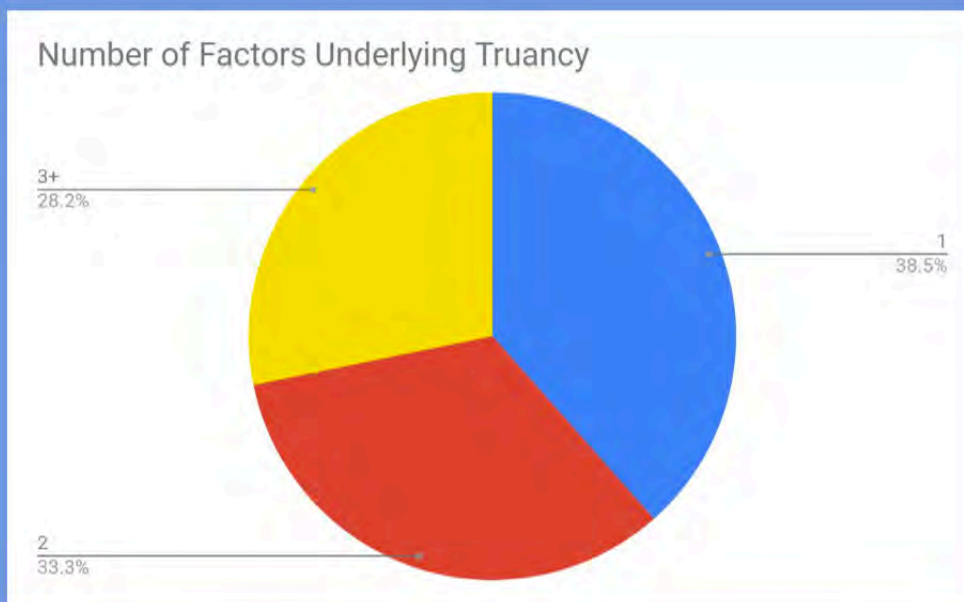


Sampling 38 students whose parents/guardians appeared in Parent Truancy court during the 2018-2019 school year. 60.5% of truancy cases improved in the number of days truant from before probationary period to during probationary period between 75 and 100%.

# PROGRAM STATISTICS - 2018/2019 SCHOOL YEAR



Sampling 38 students whose parents/guardians appeared in Parent Truancy court during the 2018- 2019 school year. Most truancy cases were due to a mix of problems regarding transportation, physical health, and mental health.



Sampling 38 students whose parents/guardians appeared in Parent Truancy court during the 2018- 2019 school year. Many families have multiple factors leading up to truancy.

# MEDIA COVERAGE





# Truancy court: Parents get support, kids get to school

Jill Tucker

Updated 8:32 am, Saturday, June 21, 2014

In the past two years, the parents of 30 Alameda County children were dragged into Superior Court and charged with violating state truancy laws.

Their children had missed weeks and weeks of school; in some cases, they had been absent nearly every day.

None of the typical interventions worked - meetings with teachers or principals, phone calls home, threats by the district. The parents, a summons in hand, stood often in fear before Judge Gloria Rhynes, a no-nonsense jurist who most days of the week metes out justice to murderers and other felons.

But truancy court is different. It's not about punishing parents. It's about helping them. "Certainly, I have to follow the guidelines of the law," she said. "But I see myself as an encourager."

On Friday, that encouragement paid off as Rhynes acknowledged the much improved attendance of all the students and then dismissed the criminal case against their parents.

"I came to the courtroom expecting the worst," said single mom Adrian Allen. "It was totally different."

Prosecuting parents for violating the state Education Code is a last resort and used in only the most difficult cases, Assistant District Attorney Teresa Drenick said. In the past 10 years, 740 parents have been prosecuted and charged with truancy infractions and 85 to 90 percent of their 1,000 children have shown improved attendance.

"I think it is a combination of the power of a courtroom and the justice system coupled with the assistance that's provided through all of the case management and health care providers plus the fact the parents are mandated to come back to court on a regular basis," she said. "What it shows is that the justice system, over and above everything else, is powerful and doesn't necessarily need to be punitive."

## **Overwhelmed with life**

By far the biggest reason kids are chronically absent from school is that the parents are "overwhelmed with life," Drenick said.

Getting their kids up and out the door to school becomes secondary to other struggles.

There are often health issues, transportation problems, homelessness and family turmoil.

The program has increased the kinds of support offered to families over the past decade, with home visits by nurses now included as well as help registering for health insurance under the Affordable Care Act.

"That's one of the things that this court takes away is the ability to have an excuse," Drenick said. "Yeah, we get this is a really big problem in your life, but it can't stop you from getting your child to school."

Allen and her son, Isaiah, moved to Oakland from Modesto and the transition was hard.

Isaiah struggled to make friends and keep up academically.

"I was keeping him home because he was making himself physically sick," Allen said. "He was shutting down."

And then, after a house fire, they were homeless for a time.

Through the Alameda County district attorney's truancy program, a social worker was assigned to the family, helping guide Allen and her son through the troubles.

## **‘Totally the opposite’**

That wasn't what Allen expected when she was charged and brought to court. She thought it would be sterile and punitive. "It was totally the opposite," she said. "It worked out extremely beyond what I expected."

The now-14-year-old had much better attendance this last school year.

For so many families, there had been a complete shift since their first court appearance and their last one on Friday, Rhynes said.

"These parents are parents who always loved their children. That's not the problem," she said in her chambers before the celebratory hearing. "But love is not just a feeling."

It's also about doing what's best for your child and that includes prioritizing an education, the judge said.

Just after 9 a.m., Rhynes asked for the first case of the day. Carlos Medina approached the bench with his 9-year-old daughter, Chloe.

"What a difference a year makes," Drenick said, as she made a motion for the judge to dismiss the case against Medina and his wife.

In the previous two years, Chloe had missed whole weeks of school and many days in between.

Her parents, who worked long hours, hadn't prioritized school given that Chloe was advanced academically.

With support from case workers and after several appearances before the judge, the family shifted priorities and Chloe recorded perfect attendance last year.

"I'll miss you, judge," Chloe said softly as she stood before Rhynes with her father.

The judge smiled.

"Where is my banger thing?" Rhynes said before grabbing her gavel and giving it a good whack on her bench. "Case dismissed."

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