



Alameda County District Attorney's Truancy Program



**Alameda County District Attorney's Office
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The Prosecution Process

WHAT IS NECESSARY TO FILE

In order to file a case, two conditions must exist:

**Parent/Guardian Charged with Education Code Infraction
Minor Placed in Truancy Mediation and/or Juvenile Court**

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 Truancy 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.

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 (see page 25) 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 \$2,000 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 TRAUNT AND VIOLATE DIRECTIVES OF SARB

The student and parent will be ordered to attend a mediation hearing with representatives from the Probation Department and the District Attorney’s Office.

1. The mediation will take place at the Probation Department.
2. A Deputy Probation Officer and a Deputy District Attorney will be present.

3. Case Managers will be present when appropriate.
4. A Case plan will be created and implemented, to include school visits, home visits, counseling, and/or tutoring as deemed appropriate.
5. The student's attendance will be monitored by Probation. The student and parent will return to the 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.

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.) This is the first truancy.
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, shall again be reported as a truant. (E.C. 48261) This is the second and third truancy.
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) This is the fourth truancy.
5. A "conscientious effort" was made to hold a conference with the parent and student (E.C. 48262)

NOTE: STEPS 1 - 5 MUST OCCUR WITHIN A SINGLE SCHOOL YEAR.

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

WHAT IS NECESSARY TO PROVE THE STUDENT IS A "CHRONIC TRUANT"

1. 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.

If the student and parent failed to attend SARB:

1. Copies of the notification letters of the SARB meetings.
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 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.
4. Conference attempt.
5. SARB hearing and SARB directives.
6. All school and district level efforts have failed to correct the truancy problem.

NOTE: If an interpreter was used during any of the conversations that will be testified about, then that interpreter must be on the witness list.

Referral Documentation

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.

- _____ District Attorney Truancy Referral
- _____ Narrative summary of problem
- _____ Record of Contacts
- _____ Letter sent on first truancy
- _____ SARB contracts, if any; notification letters for SARB meeting if parents did not attend
- _____ Attendance Explanatory Narrative
- _____ Attendance printout – computer
- _____ 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

Attendance Pattern and Summary

Current Year # days _____ *Previous Year 180 days*

Full days Attended	Partial days attended	Days absent w/excused reason	Days absent w/o excused reason		<i>Days Attended</i>	<i>Days Absent</i>	<i>Truant?</i>

Truant and Habitual Truant Identification

	Date Truancy letter mailed
1 st truancy notification	
2 nd truancy notification	
3 rd truancy notification	
4 th 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

Necessary Items for Filing with the District Attorney

Certified copies of:

- Minor’s student attendance record (including explanatory narrative and a legend for notations)
- Record of contacts with the minor and/or parents/guardians identifying who made the contact and explanation reported by the person contacted.
- Evidence of efforts to hold a conference with the parents/guardians, per E.C. section 48262, and the results thereof.
- Record of SARB contracts, including oral and written statements of the minor and parents/guardians, and the result of SARB referrals, if any.
- Any appropriate academic and behavioral records.
- Narrative Summary of Problem
- Letter sent on first truancy
- Witness List
- Verification of Referral to Delinquency Prevention Network and/or other appropriate resources.

Attendance Worksheet

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

SAMPLE—NARRATIVE SUMMARY #1

PREPARED BY _____

Student Name:

Date of Referral:

Susie Que is a 1st grader at _____ school; she began in Kindergarten the school year 2009-2010.

Susie's truancy continues into the current 2010-2011 school year.

G. Burnette, Outreach Worker, Harry Cole, CWA, and Principal Schaffer met with mother, Ms. Que, October 14, 2010 regarding truancy issues. Ms. Que displayed unconcern through out the meeting, stating "I don't appreciate being here!" Cole explained to Ms. Que the process of clearing absences. Ms. Que stated that she is a single parent with 6 children; preparing them in the mornings is very hard. Burnette offered counseling services with Youth and Family Services and resources with Family Resource Center.

Ms. Que mentioned that her older son was having upcoming surgery schedule at Children's Hospital, which may prevent Susie and her sister Ella from attending school. Burnette explained to Ms. Que that it is the responsibility of the parent to ensure children attend school daily; absences are not excuse if a sibling is ill. A doctor's note is requested due to pass and present truancy. Ms. Que says she was not able to reach anyone in the office to clear absences. Cole offered Ms. Que his personal cell number along with e-mail address to have at her convenience to excuse further absences. Burnette followed up with Cole due to the continuation of excessive absences. Cole says there has not been any response from Ms. Que regarding why children are out of school. The family was referred to SARB Hearing February 9, 2011. Ms. Que was not in attendance, and she did not telephone to reschedule.

G. Burnette was informed 5/26/11 by Cole a Student Study Team was scheduled at 8am for Ella and Ishmael regarding retaining both children. Ms. Que did not attend.

PREPARED BY _____

Student Name:

Date of Referral:

Truancy summary:

Michaela Andrews, a 9th grader, has had difficulties with attendance since the first week of school. During 2010-2011 school year at _____ school, Michaela missed school so much that her grades have suffered. Her absences are a mix of cuts and illnesses called in by her mother. When she does make it to school, she is often tardy. This pattern is a continuance of middle school.

Michaela's truancy does not seem to be connected to drugs or other at risk behavior, but by a general lack of caring for school. Most recently on March 3, Michaela's mom called us to let us know that Michaela wasn't concerned with getting to school on time and instead cared more for painting her nails and fixing her hair. At another point, Michaela's parents had to literally drag her to school while she was kicking and screaming. Her parents were so concerned about her behavior that they immediately talked to the SRO on campus about how to handle Michaela.

Michaela's truancy is unfortunate and she seems to be wasting the innate intelligence that most of her teachers see in her. Michaela is very bright and capable as noted in her middle school grades and STAR scores. Some strategies we have used include, but not limited to, counseling, parent meetings involving SART and SARB, detentions, and Saturday school. Her parents have been very supportive of the school efforts to correct Michaela's attendance issues and have often initiated the contact with us.

Sincerely,

SAMPLE—RECORD OR CONTACTS
PREPARED BY JANE DOE, ATTENDANCE CLERK

September 30, 2010 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. Hers. 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, 2010 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, 2011

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.

January 19, 2011

Mom came in for me to fill out CalWORKS paperwork. The name of the social worker was not on the paperwork. Mr. Greeley happened to be in the front office at the time and we told her we needed the top part of the form filled out. She took it back to the social worker and brought it back. She did not want to wait for me to fill it out because she had an important appointment. The forms were on the desk for a good three weeks before she came to pick them up. When she came in she asked why I had not called her to tell her they were done. I told her it is the parent’s responsibility to check on this.

March 14, 2011

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 6th 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, 2011

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.

Attendance Narrative

_____ Total school days possible as of _____
(Date)

UNEXCUSED ABSENCES

(List dates absent)

UNEXCUSED TARDIES (Over 30 minutes)

(List dates tardy)

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 ABSENCES

**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: _____%

First Notification of Truancy or Excessive Absences

(Sample of required letter to parent or guardian; issue on school district letterhead.)

Please note: the school district is responsible for ensuring that the letter that is sent out is kept up to date and in compliance with the current *Education Code*.

Date: _____

Dear Parent/Guardian:

Our records indicate that your child, _____, in the _____ grade was absent for more than 30 minutes on: _____ without a valid excuse. **Therefore, your child is considered a truant according to California's legal definition below.**

Unexcused Absences

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).

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)

Second Notification of Truancy or Excessive Absences

(Issue on school district letterhead.)

Parent's name _____ Date _____
Student's name _____ School _____
Address _____ Student ID# _____

Dear Parent/Guardian:

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

Number of excused absences _____ Number of
unexcused absences _____ Number of tardies
(31+ minutes) _____ **TOTAL**

1. The School Attendance Review Team (SART) has received a referral on behalf of your child regarding excessive excused absences, tardies, or unexcused absences.
2. An appointment has been made for you and your child to meet with SART to consider a proper plan for correcting this problem.
3. Both parents are requested to attend. Please bring your child.

YOUR SCHEDULED APPOINTMENT IS AS FOLLOWS: Date

_____ Time
_____ Location

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.

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)

Fourth Notification of Truancy

(Issue on school district letterhead.)

(Note: Many districts use this notification to declare a student habitually truant and/or schedule a SARB hearing or other intervention.)

Date _____ Re: _____
(Student's name) Dear Parent/Guardian:

Your child was last reported as a truant on _____. This fourth letter informs you that your child is now considered a habitual truant.

Additional date(s) of trancies (at least one additional)

Unexcused _____ Tardies (31+ minutes) _____

History of attendance

Attendance record as of _____ is as follows:

Days of enrollment _____ Days present _____ Unexcused absences _____ Excused absences _____ Tardies _____

Education Code Section 48262—Habitual Truant: Any pupil deemed a habitual truant and has been reported as a truant three or more times per school year, provided that no pupil shall be deemed a 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) hearing. Your scheduled appointment is as follows:

Date _____
Time _____
Location _____

You are required to attend this conference (*Education Code* Section 48321.5). **Failure to attend or reschedule will result in a referral to the District Attorney's Office.** If you need to reschedule this meeting please call the SARB Office at _____.

CalWORKS or probation referrals may result in Juvenile Court action. CalWORKS benefits may be sanctioned if your child continues to have attendance problems. A parent who fails to meet his/her obligation may be guilty of an infraction and subject to prosecution (*Education Code* Section 48290). Complaints filed with the District Attorney may go to court and result in fines and court-ordered parent education/counseling programs.

Signature of SARB Chairperson _____

___ Phone
___ Face-to-face
___ Other

Meeting confirmed with parent on _____
(Date)

By _____
(Case Manager)

Signature

cc: Cumulative file
Student's teacher(s)
Principal
Originator
District file

SAMPLE WITNESS LIST

Representative of Child Welfare and Attendance Office

Name _____

Address _____

Telephone _____

SARB Representative

Name _____

School District _____

Address _____

Telephone _____

School Employee to Identify Minor

Name _____

School Attendance Clerk _____

School Name _____

Address _____

Telephone _____

Additional Witness(s)

Name _____

Title _____

Address _____

Telephone _____

Parent/Guardian

Name _____

Address _____

Telephone _____

Statutes That Apply To Truancy

STATUTES THAT APPLY TO TRUANCY

Following is a list of applicable statutes and definitions to assist in the understanding of truancy cases:

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.

RELATED LEGISLATION

Education Code § 42238.8: Method for calculating school funding based on actual daily attendance. The determination of an excused or unexcused absence is irrelevant for accounting purposes. **HOWEVER**, it is still relevant for purposes of enforcement of the compulsory education laws and for the determination of whether a student is truant (in other words, for purposes of prosecution—it is still necessary to identify the unexcused absences).

Welfare & Institutions Code § 11253.5: Authorizes the county CalWORKS office to reduce a family’s welfare grant if it is determined that a child is not “regularly attending school as required.”

11253.5.

(a) All children in an assistance unit for whom school attendance is compulsory, except individuals who are eligible for the Cal-Learn Program under Article 3.5 (commencing with Section 11331), for any period during which that article is operative, and children subject to a county school attendance project under Article 2 (commencing with Section 18236) of Chapter 3.3 of Part 6, shall be required to attend school.

(b) Applicants for and recipients of aid under this chapter shall be informed of the attendance requirement and it shall be included in the recipient's welfare-to-work plan under Section 11325.21.

(c) A recipient shall cooperate in providing the county with documentation routinely available from the school or school district of regular attendance of all applicable children in the assistance unit when the county determines it is appropriate.

(d) If it is determined by the county that any eligible child under the age of 16 years is not regularly attending school as required, the needs of all adults in the assistance unit shall not be considered in computing the grant of the family under Section 11450 unless it has been determined by the county that good cause exists.

(e) If it is determined by the county that any child in the assistance unit who is age 16 years or older is not regularly attending school as required, or participating pursuant to a welfare-to-work plan, the needs of the child shall not be considered in computing the grant of the family under Section 11450 unless it has been determined by the county that good cause exists.

<p>CalWORKS – School Attendance Requirements</p>	<p>Are all children required to attend school?</p> <p>All children (including MFG) ages 6 through 17 in the AU must attend school regularly. This applies to children in public schools, those receiving home schooling or attending private school. Children enrolled in Cal-Learn are exempt.</p>
	<p>When is school attendance verified?</p> <p>Parents/caretaker relatives must provide documentation of regular</p>

	attendance at intake and at redetermination and/or when adding a child (including MFG) to the AU..
	<p>What is acceptable school verification?</p> <p>The EW must review the absence information using the most recent report card. If there are 9 or fewer absences the child is considered in “regular attendance.”</p> <p>The school must complete the PA 1725 (LEADER generated), School Attendance/Enrollment Verification, if the report card:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Indicates 10 or more absences; or <input type="checkbox"/> Does not show absences; or <input type="checkbox"/> Is unavailable; or <input type="checkbox"/> Does not contain legible data.
	<p>If the school determines that the child is not in regular attendance, will the cash aid be reduced?</p> <p>If the school determines that the child has 10 or more unexcused absences or the PA 1725, School Attendance/Enrollment Verification, was not returned by the parent/caretaker relative, the grant is lowered, resulting in a penalty, as follows: The needs of the parent(s)/caretaker relative in the AU if the child(ren) is under the age of 16 (if both parents are in the home, the needs of both parents must be applied); or The child’s needs if the child(ren) is age 16 or older.</p>
	<p>When can a school penalty be cured?</p> <p>If the penalty was caused by failure to provide documentation, the penalty is cured when one of the following is provided:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A report card showing 9 or fewer absences for the most recent completed term or period; or <input type="checkbox"/> The PA 1725, School Attendance/Enrollment Verification, with Part A completed showing “in regular attendance” or “attendance record in dispute.” <p>If the penalty was due to an initial verification of “not in regular attendance,” the penalty is cured when the parent/caretaker relative provides the PA 1725 form with Part A completed by the school showing “in regular attendance.”</p>
	<p>If the child is age 16 and does not attend school regularly, is there a penalty?</p> <p>The child (16 or 17 years old) remains a member of the AU, but the child’s needs are not allowed.</p>

Helpful Forms

Beginning-of-School Letter from Principal

(Issue on school letterhead.)

Date _____

(Name of parents and address)

Re: _____

Dear Parent:

The school year is beginning soon. As you may already know, school attendance is required for all children ages six through eighteen.

Last year, your child had an excessive number of absences or tardies. This year we will monitor your child's attendance closely and will insist that your child attend school regularly and on time unless she or he is ill.

State law states that absences are excused **only** if the child is ill or there is a death in the immediate family (1–3 day limit). All other absences are unexcused. Any tardy over 30 minutes, except for medical reasons, is also unexcused. If your child has three unexcused absences and/or tardies, he or she will be considered truant. After four more unexcused absences or tardies, you could find yourself before a judge and paying a fine.

Many parents are unaware that going “out of town” with their children during school is an unexcused absence, as are “family emergencies.” In both cases, planning ahead can avoid unexcused absences and possible prosecution by the _____ District Attorney's Office. Some parents think that lying about illnesses will solve the problem. It is our district's policy that we may require a doctor's note for three consecutive days of absence. **[If we feel that your child is absent excessively (over 10%), we can require a doctor's note for every absence.*]**

It is our hope that during the summer you have planned and organized so that school is a number-one priority in your family. Make carpooling arrangements, plan trips for holidays and vacations, and have a back-up person available to take your child to school if you are ill or otherwise unable to do so.

If you must go out of town, have your child do independent study. Teachers need one week's notice to prepare materials.

We at _____ work very hard to ensure that your child receives the best education possible. We cannot do that if your child is not in school—on time, every day, when she or he is healthy. Please help us to provide your child with the outstanding education she or he deserves.

Thank you very much for your cooperation. Enclosed you will find a copy of the next year's school calendar.

If you have any questions, please feel free to call us at _____.

Sincerely,

_____, Principal

cc: _____, Manager of Guidance, Child Welfare and Attendance

Cumulative folder

***Use this portion only if applicable to your school district.**

END OF KINDERGARTEN LETTER
*****SCHOOL LETTERHEAD*****

(Date)

Parents name
Street address
City, State zip code

Re: _____ (Student's name)

Dear Parent:

Your child will soon be finishing kindergarten. As you probably know, kindergarten is not required in California. However, school attendance is required from the ages of 6 through 18.

This year your child had an excessive number of absences or tardies. In first grade, when your child is required to be in school, we will be insistent that your child attends school regularly, on time, unless she/he is ill.

The law states that absences are **excused** only if the child is ill or there are deaths in the immediate family (1-3 day limit). All other absences are unexcused. Any tardy over 30 minutes, except for medical reasons is also unexcused. If your child has 3 unexcused absences and/or tardies, s/he will be considered truant. After 4 more unexcused absences or tardies, you could find yourself before a judge paying a fine.

Many parents are unaware that going "out of town" with your child during school is an unexcused absence as are "family emergencies." In both cases, planning ahead can made these absences excused or warranted, thus avoiding unexcused absences and possible prosecution by the Alameda County District Attorney's Office. *[Some parents think that lying about illnesses will solve the problem. It is our District's policy that we may require a doctor's note for 3 consecutive days absent. If we feel that your child is absent excessively (over 10%), we can require a doctor's note for every absence.]

It is our hope that during the summer, you will plan and organize so that school is a number one priority in your family. Make carpooling arrangements for Fall; plan trips for holidays and vacations. Have a back-up person available to take your child(ren) to school if you are ill or unable to do so. If you must go out of town, have your child(ren) do independent study. Teachers need 1 week notice to prepare materials.

We at _____ School, work very hard to insure that your child receives the best education possible. We cannot do that if your child is not in school, on time, every day, when s/he is healthy. Please help us to provide your child with the outstanding education s/he deserves.

Thank you very much for your cooperation. Enclosed you will find a copy of next year's school calendar. If you have any questions, please feel free to call us at _____.

Sincerely,
_____, Principal ***Only use if this portion is applicable to your school district.**

Attendance Letter from District Superintendent

(Issue on school district letterhead.)

Date _____

Dear Parents/Guardians:

_____ School District is dedicated to academic achievement and success for all students. Regular school attendance is an integral part of that success. The district's Attendance Improvement Program has been successful in increasing the attendance rate for the past two years. The result is improved academic skills and social and emotional growth for our students.

This year the Dropout Prevention Teams and the Attendance Improvement Teams will be aggressive in making sure that students are in school on time, every day. Please read carefully pages _____ in the Parent Information Handbook regarding attendance. Included in that information are the laws pertaining to truancy, excused absences, and unexcused absences. [If your child is absent three or more consecutive days or more than 10% of the school days, a medical verification may be required.*] Please note that if your child is out of school for more than four days, you may ask that he or she be assigned short-term independent study. This will prevent your student from having unexcused absences and will help maintain his or her academic program.

If you have any questions regarding attendance, please contact your school principal. I wish you and your student a most successful school year.

Sincerely,

District Superintendent

***Use this portion only if applicable to your school district.**

SAMPLE

CONGRATULATIONS LETTER

Date

Mrs. Jane Doe
123 Main Street
Anywhere, CA 94000

Dear Mrs. Doe:

We are writing this letter to thank you for your continued support and follow through of the agreement that you and your son, _____, signed in front of the School Attendance Review Board. _____ has been able to follow each and every item on the agreement. Your cooperation in working with you son and the school has sent a strong signal to _____ that school is important and that you will follow through.

Please give _____ our congratulations on his/her educational success thus far. The attendance agreement will remain in effect through _____'s graduation. We are pleased with his program thus far and hope that both you and _____ have benefited from this agreement.

You are welcome to contact our office at any time you feel that you need help or support.

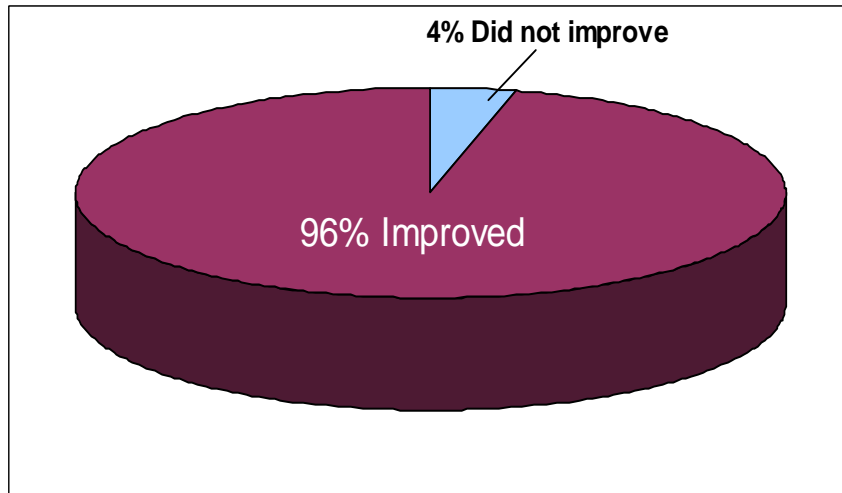
Sincerely,

_____, Chairperson
School Attendance Review Board
Telephone: _____

cc: Principal

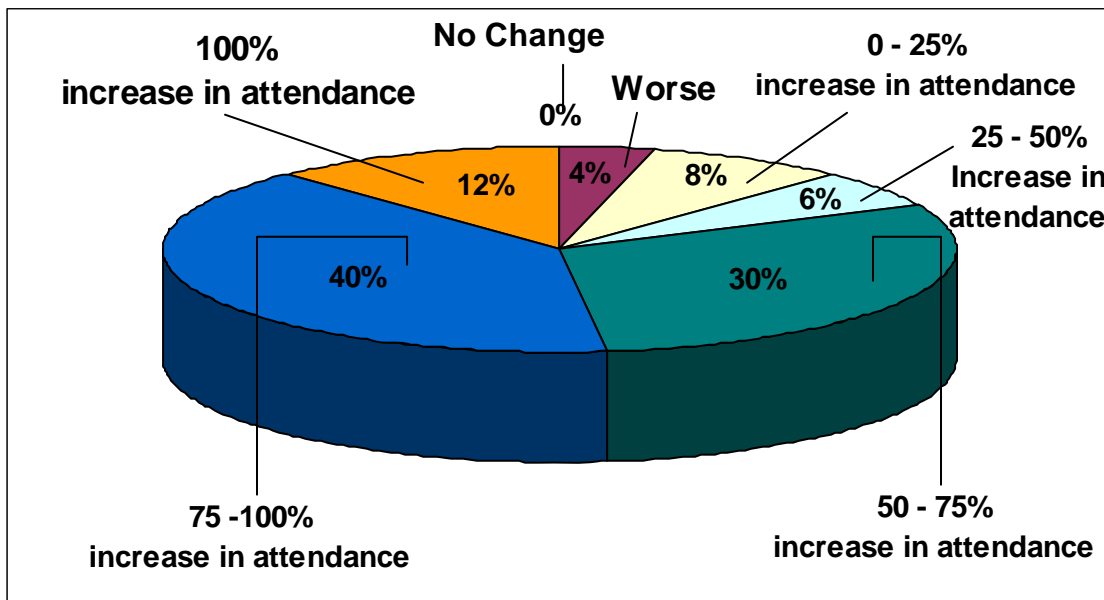
**Alameda County Truancy Program
Statistics 2008 - 2011**

Changes in Attendance After Probationary Period In Parent Truancy Court (2010 – 2011 S.Y.)



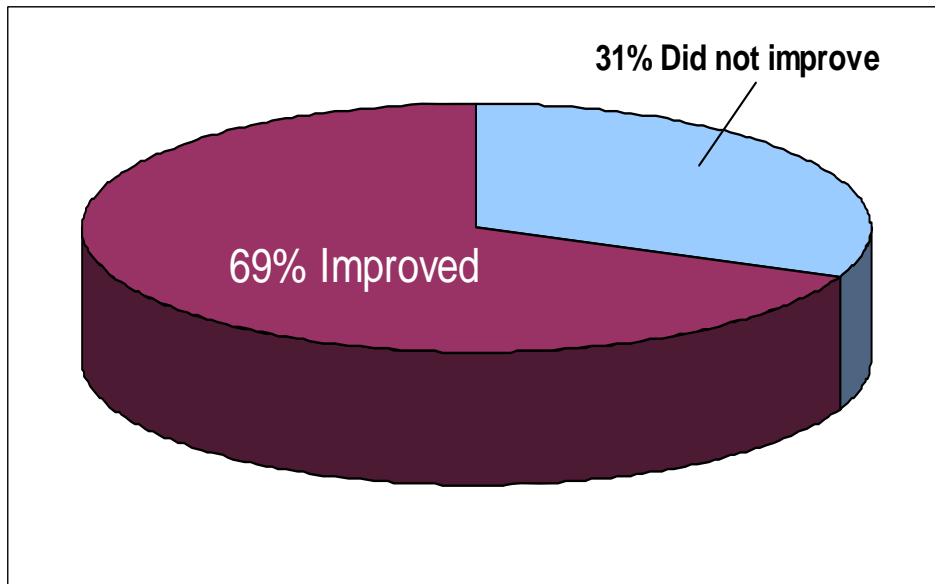
- ❖ Sampling of 53 students whose parents/guardians appeared in Parent Truancy Court during the 2010 – 2011 school year
- ❖ Of the students who did not show improvement in attendance, most exhibited substantial decrease in daily tardies. The primary issue of this group was typically the number of tardies, as opposed to the number of unexcused absences.

Detailed Explanation of Parent Truancy Cases – Full Day Attendance (2010 – 2011 S.Y.)



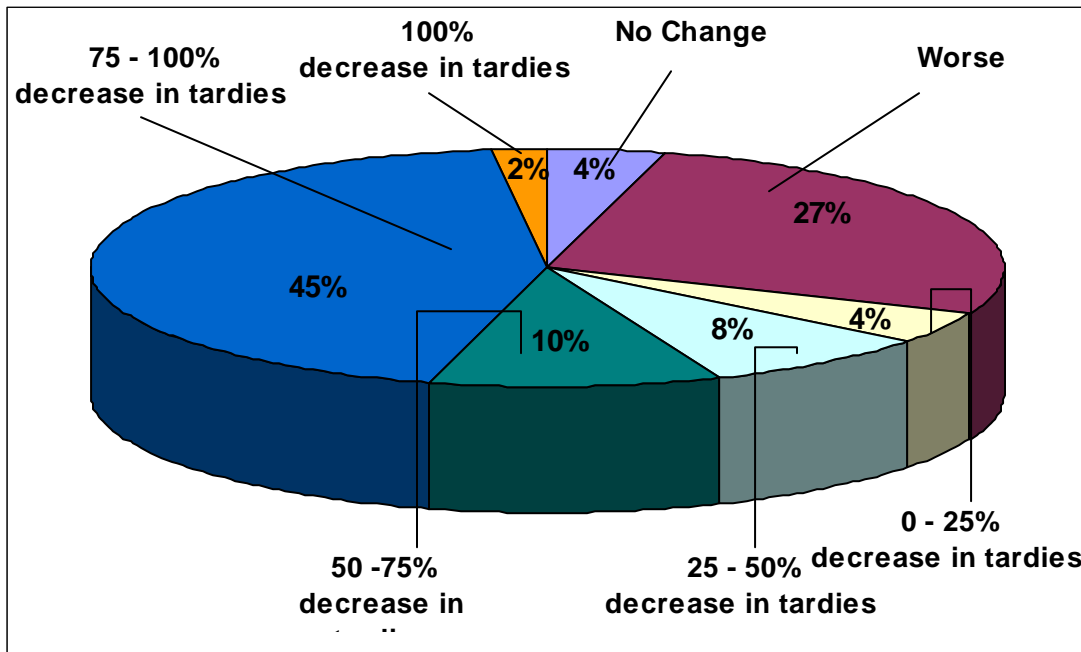
- ❖ Sampling of 53 students during the 2010 – 2011 school year

Changes in On-Time Attendance After Probationary Period In Parent Truancy Court (2010 –2011 S.Y.)



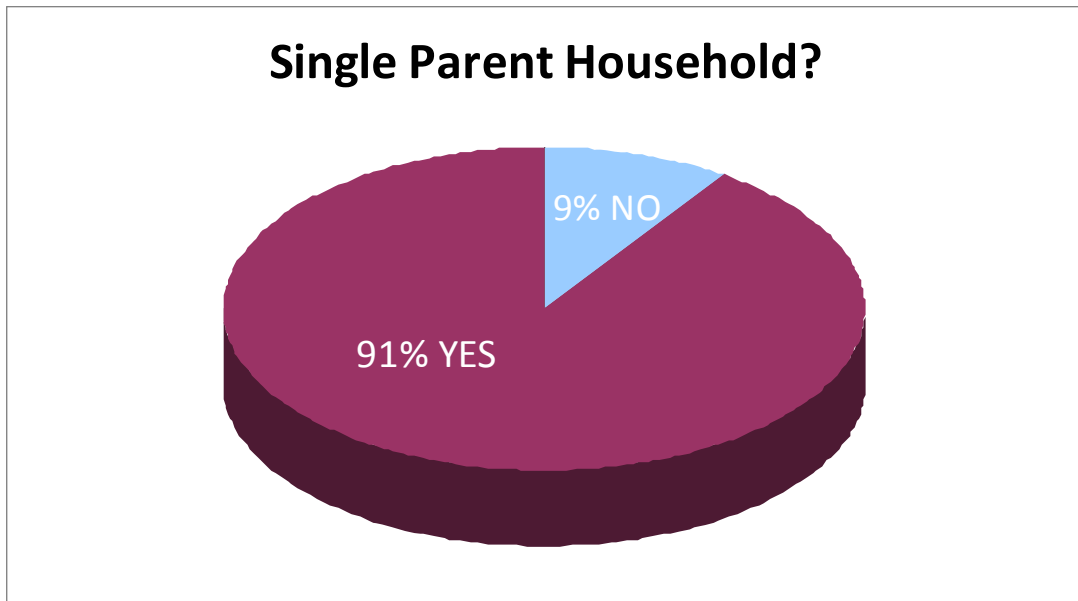
- ❖ Sampling of 53 students during the 2010 – 2011 school year
- ❖ Of the students who did not improve in their on-time arrival, most showed a substantial increase in full day attendance. Also, the main issue of these students was typically the number of absences they had rather than the number of tardies they had.

Detailed Explanation – On-Time Attendance (2010 –2011 S.Y.)



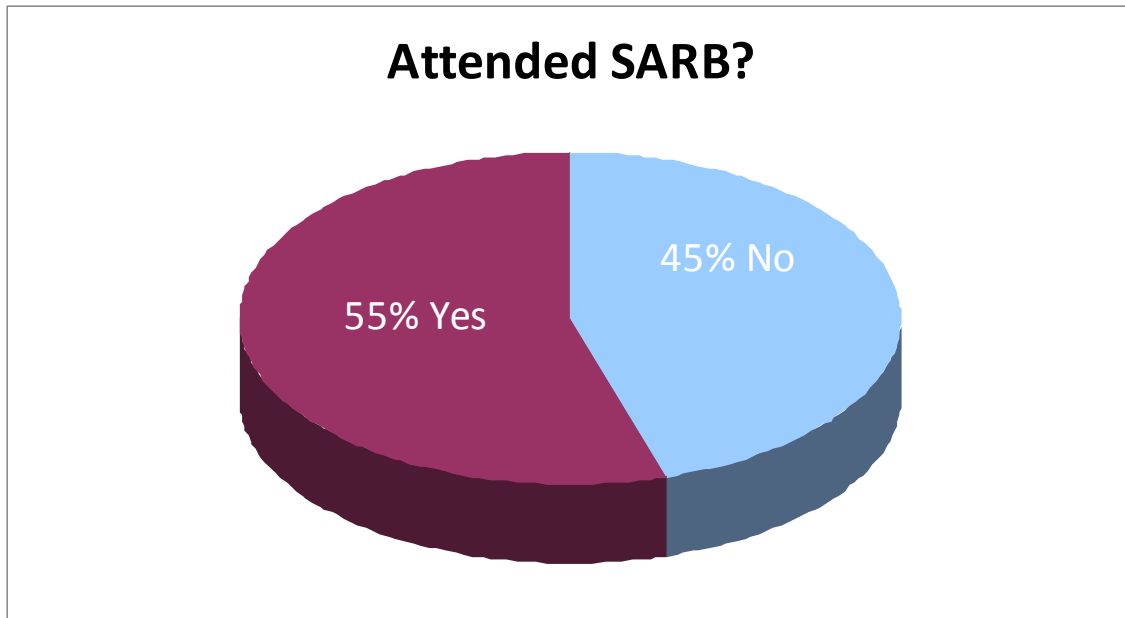
- ❖ Sampling of 53 students during the 2010 – 2011 school year

Composition of The Family Household – Parent Truancy Cases (2010 –2011 S.Y.)



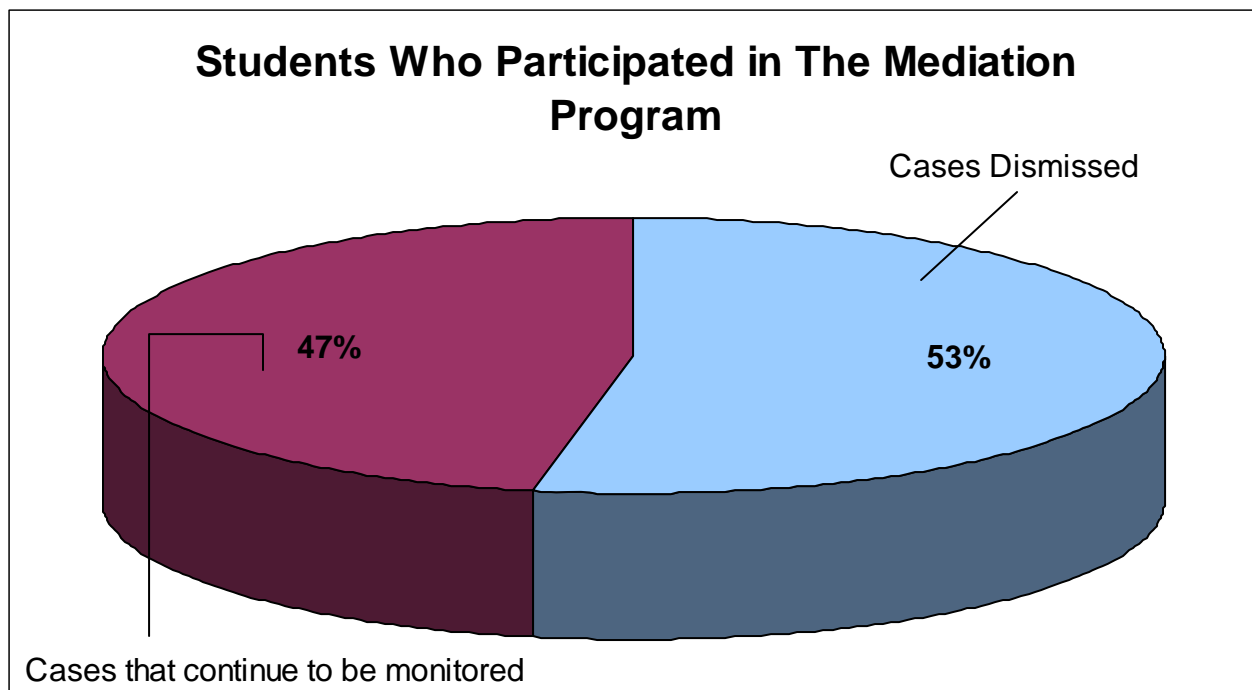
- ❖ Sampling of 53 students during the 2010 – 2011 school year

Family SARB History – Parent Truancy Cases (2010 –2011 S.Y.)

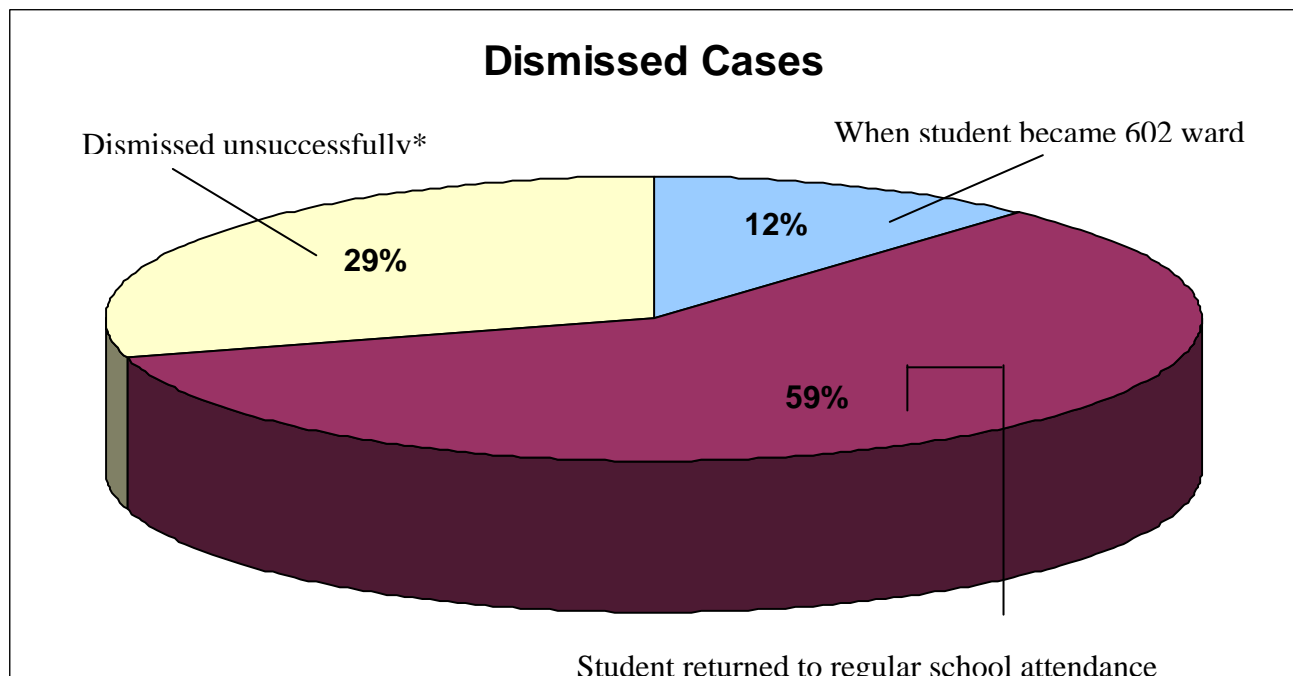


- ❖ Sampling of 53 students during the 2010 – 2011 school year

Student Mediation 2010/2011 SY

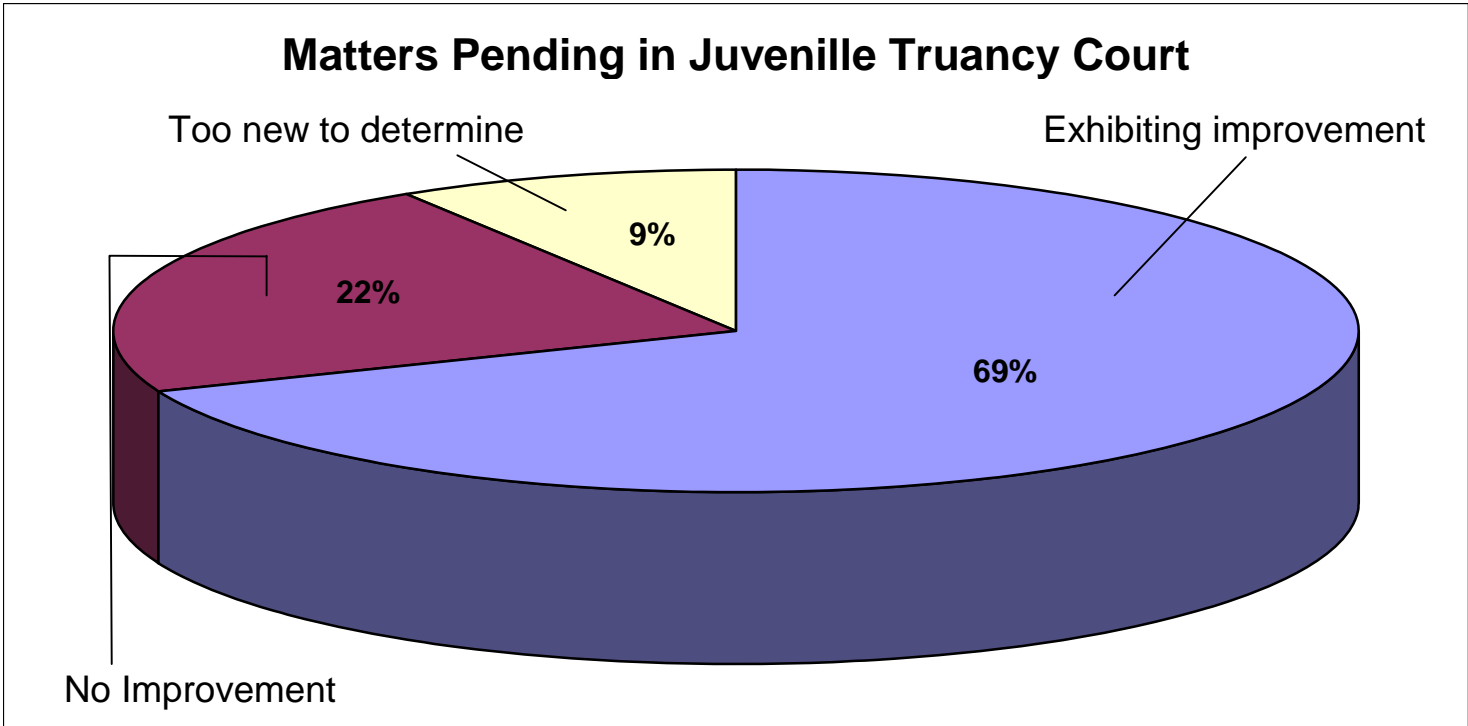


32 students participated in the Mediation Program. Of the 32, 17 matters were dismissed. The remaining students have all shown improved attendance, and will continue to be monitored until they have participated in Mediation for one year.



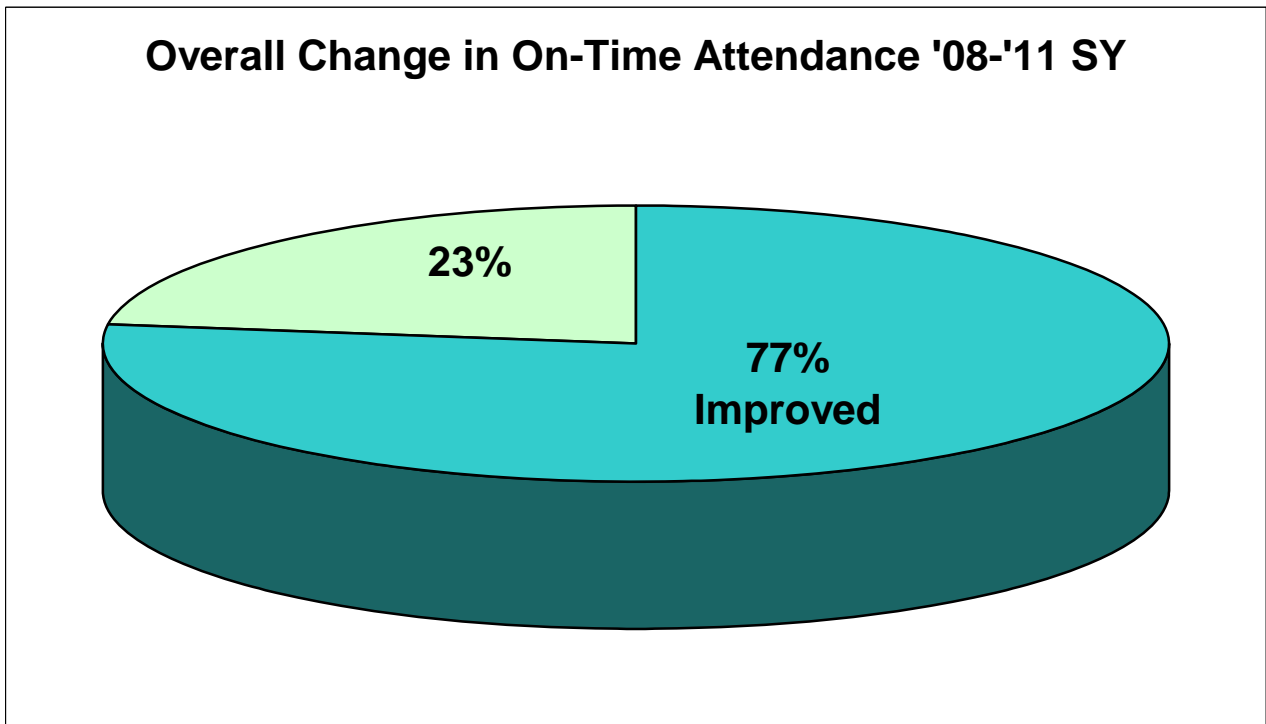
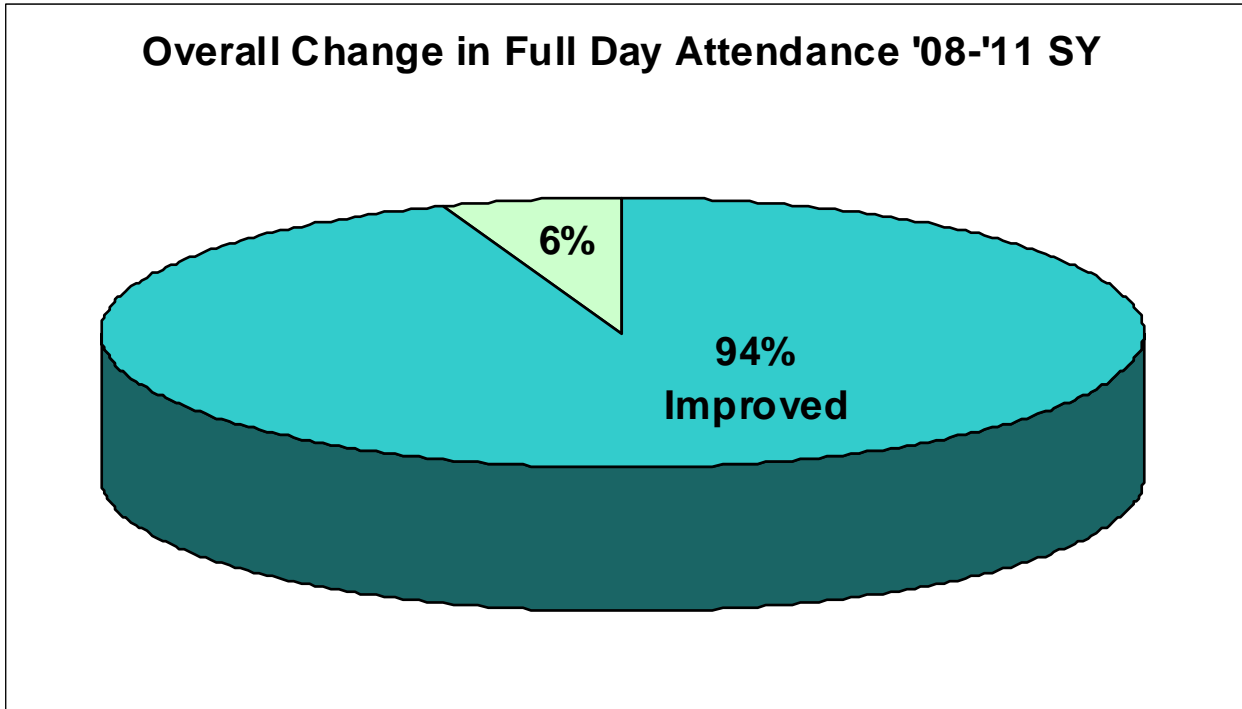
- *Despite participation in Mediation for an academic year: the student did not return to consistent, regular attendance, the student was over the age of 16.5, OR the student had total credits toward graduation < 20.

W & I §601 Juvenile Truancy Court 2010/2011 SY



- Exhibiting Improvement = Slight Improvement (fewer cuts, fewer tardies), Good Improvement (daily attendance, some cuts, some tardies), & Excellent Improvement (daily attendance, no cuts, few tardies)

2008 – 2011 SY Statistics
Parent Truancy Court



Media

San Francisco Chronicle

Truancy: Alameda County court educates families

Jill Tucker, Chronicle Staff Writer

Saturday, June 18, 2011



Paul Chinn / The Chronicle

Judge Gloria Rhynes hugs Jerome Hunter after he completed the truancy prevention program in Oakland. More than two dozen parents prosecuted for their children's truancy had their cases dismissed after the family completed a program and the students raised their school attendance records.

Third-grader Jerome Hunter walked into an Alameda County courtroom Friday with a shiny medal around his neck and held it up to the judge.

"It's for perfect attendance," he said.

Superior Court Judge Gloria Rhynes beamed as she pulled the Oakland 9-year-old in for a hug.

Just 10 months earlier, Jerome's mother, Doris Scott, had stood in the same spot before Rhynes, pleading guilty to a common crime, but one rarely prosecuted across California: truancy.

By state law, if a child is truant, a parent or guardian can be held legally responsible.

State law considers a child truant after six unexcused absences. All those prosecuted had children who missed much more, said Deputy District Attorney Teresa Drenick.

Last fall, about 100 Alameda County parents faced Rhynes for the same charge. The courtroom was the last-ditch effort in what had been an already long and legally mandated bureaucratic battle by school officials to address truancy.

The charge is an infraction of the state Education Code, on a legal par with a traffic ticket. The violation comes with a \$100 fine.

But officials aren't pulling parents into court only to penalize them, Drenick said.

The point is to get the kids back to class.

"It is not a court of punishment," she said. "We're doing everything we can to eradicate the barriers."

Reasons for missing class

With help from outside agencies, families are referred to counseling, health care and other services to overcome the obstacles leading to their children's truancy. Most of the students are in elementary or middle school.

On Friday, about 30 of those 100 families stood before Rhynes on the third floor of the René C. Davidson Courthouse in Oakland with a smile on their faces.

They were the success stories.

The causes of chronic absenteeism and truancy range from family health issues, homelessness, substance abuse and depression to transportation problems or even obesity.

A 280-pound third-grader, for example, didn't go to school in part because she couldn't fit into the elementary school seats, Rhynes said.

Drenick has heard it all.

"The baby has the flu, it's raining, and nobody went to bed until after midnight," she said. School can quickly take a backseat on the priority list, and one day missed quickly becomes 40.

"Sometimes just coming into court and the shock of it can wake people up from a stupor," she said.

One by one on Friday, the judge slammed her gavel on her bench, dismissing each case and erasing the minor convictions from the parents' record.

For Scott, it had been a long and stressful journey.

The previous year, Jerome missed 43 days of school - more than eight weeks of learning and almost one-fourth of the school year.

Stabilizing the family

Plagued with asthma, Jerome was often out ill, spending many nights at the hospital. Other family issues, including custody issues related to extended family, created increased instability.

With the legal case hanging over her head, his mother accepted the wide range of services and guidance offered by the court. Once a month, she appeared before Rhynes to give an update.

Her son's asthma improved. And Scott finally quit smoking.

"It was hard," she said. "I was trying to stop on my own."

And Jerome went to school - every day. He had the medal to prove it.

"Case dismissed," Rhynes said as she congratulated the mother and son.

Drenick prosecuted her first truancy case eight years ago. Other counties across the state have begun following her lead.

While about 425 Alameda County families have seen the inside of the courtroom for the violation since 2004, the problem is much greater. In Oakland, 1 out of every 7 children missed almost four weeks of schools - absences that were often excused for illness or other reasons.

Yet the vast majority of families who Drenick charged with the infraction eventually had their cases dismissed within a couple of years because their children's attendance improved.

But for some families, it was a steep journey to get back on track.

The child of one parent prosecuted was either late or absent 117 of the 180 school days in the 2009-2010 school year.

Family dysfunction took the form of irregular bed times, and the student was too tired to get up in the morning to go to school.

With the help of parenting classes and other services, the family turned it around.

This year, the girl didn't miss one day, a perfect attendance record that qualified her for a school raffle.

She won a bicycle.

Preventing future prisoners

While most district attorneys fight hard for convictions, Drenick is quite happy to see her cases dismissed.

With third-grade truancy rates used to predict future prison populations, the deputy district attorney is working to keep a case file from landing on her desk some years from now that features the mug shots of any of these children.

"We're trying to save these kids," she said. "You can't save the world, but we're trying to save the families that come before us."

This article appeared on page **C - 1** of the San Francisco Chronicle

Read more: <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2011/06/17/BA4J1JVDEG.DTL#ixzz1Q93NNQuZ>

San Francisco Chronicle

Truancy court in Oakland is for parents

Elementary school: When students repeatedly miss class, adults are charged

April 17, 2010 By Matthal Kuruvila, Chronicle Staff Writer



One by one, mothers stepped forward to face Alameda County Superior Court Judge Cecilia Castellanos and explain why their children have repeatedly failed to show up to elementary school.

One mom said she couldn't find her son's school. Another blamed traffic. One said her son was repeatedly tardy to class because he had difficulty opening his locker.

To each, Judge Castellanos said, "That's not an excuse," and ordered them back to truancy court for a follow-up.

Castellanos' court on the third floor of the René C. Davidson Courthouse in Oakland is where, every Friday, parents from cities throughout Alameda County are prosecuted for failing to get their children to elementary school and sometimes middle school. The children generally range in age from 6 to 15.

Under state law, a child is truant if he or she has three unexcused absences of 30 minutes or more at least three times a year. Schools do the early intervention. The truancy court generally sees parents whose kids have missed 20 or more days. Older children who miss school face truancy charges in Juvenile Court.

429 parents charged

Some 429 parents of mostly elementary school children were charged in this Alameda County truancy court between January 2004 and December 2010, said Deputy District Attorney Teresa Drenick. More than 85 percent of the parents greatly reduced their children's truancy by 75 percent or more.

Truancy is gaining greater attention locally and around the state as cities and counties find ways to get kids back in the classroom. In Richmond, city leaders last week approved a curfew that bans school-age kids from the streets during school hours.

In Oakland, Police Chief Anthony Batts says he believes that curbing truancy will help reduce crime. State lawmakers, meanwhile are considering two bills, including one by state Sen. Mark Leno, D-San Francisco, that would increase penalties for parents of truant children and allow districts to better track habitual truants.

The parents coming into Alameda County Superior Court on Fridays represent the promise and the limits of the truancy court.

One of them was Ericka Edwards.

Her daughter was enrolled in school for 174 days last year, when she was a first-grader. But she missed 79 days of school. Edwards' son, then a fourth-grader, had a similar record.

After Edwards pleaded guilty in truancy court in January and started her probation, neither child has had an unexcused absence, Drenick said.

Edwards said the court helped. She said she had struggled with depression, but the threat of arrest and fines of up to \$500 prompted change.

"Going to see the judge, you've got to get it together," Edwards said in an interview. "I figured this is the time, 'be strong now.' I guess it was something God was telling me to do and forced it upon me."

Truancy damages schools in a number of ways, said Troy Flint, a spokesman for the Oakland Unified School District. Lower attendance means less money for the schools. If the district were to increase its 94.5 percent attendance rate to the statewide average of 95.5 percent, that would mean an estimated \$1.4 million more in state funding.

'They can't learn'
But it's not just money.

"If students aren't in school, they can't learn," Flint said. And those who don't regularly attend bring social ills back to schools. "Students more likely to be involved with drugs and gangs are disenchanting with school."

Oakland police Lt. Michael Johnson said truant teens are often at the center of crime. Getting them back in school is vital. But government agencies can't be expected to handle truancy by themselves, he said.

"If you see somebody at a store, the store owner needs to call and help," he said. "It just can't be handled by the Police Department and the district. It takes the whole community."

Drenick said the majority of parents she's seen with truant children are single parents, particularly single mothers. Some have mental illnesses. She estimates that 20 to 25 percent of the mothers are victims of domestic violence.

Even though the court has largely succeeded with those who come in, Drenick knows the problem won't ever disappear. That hasn't diminished her faith in the court.

"For every little kid who we get an education for, that means we've won," said Drenick. "Just because this problem doesn't go away doesn't mean you give up on the individual kids."

http://articles.sfgate.com/2010-04-17/bay-area/20853623_1_truancy-court-parents-of-truant-children-habitual-truants/1