



CITING MINORS FOR HABITUAL TRUANCY

Protocol for SARB

Pursuant to California Welfare and Institutions (WIC) Code Section 256, students who are not on probation, deferred entry of judgment, or court ordered diversion, and who have been deemed an **Habitual Truant**, per Education Code § 48262, may be cited into Informal Juvenile Court for violation of WIC601(b), an infraction. The Honorable Commissioner Sefton has agreed to hear these cases, wherein penalties of completing 20 – 40 hours of community service, paying a maximum fine of \$50.00, and/or suspension of driver's license, per Vehicle Code § 13202.7, may be enforced. Students who are on probation, deferred entry of judgement, or court ordered diversion should be referred to the Probation Department.

In order to ensure consistent enforcement, the following procedures have been established for School Attendance Review Boards (SARBs) or the County Truancy Board:

1. School personnel, having followed the procedures required by Education Code sections 48260, 48260.5, 48261, and 48262 deemed a student an **Habitual Truant** and referred the student to a School Attendance Review Board (SARB) within their school district or to the County Truancy Board.
2. The SARB or County Truancy Board shall confirm that the student and the student's parent(s) or guardian(s) were notified of the following:
 - a. That the pupil is truant.
 - b. That the parent or guardian is obligated to compel the attendance of the pupil at school.
 - c. That parents or guardians who fail to meet this obligation may be found 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 education programs are available in the district.
 - e. That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
 - f. That the pupil may be subject to prosecution under Section 48264.
 - g. That the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Section 13202.7 of the Vehicle Code.
 - h. That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.
3. A Verification of Habitual Truant form shall be issued at a school district's SARB Hearing or by the County Truancy Board, regardless if a parent fails to appear.
 - a. The signed original is to be given to a representative from the student's school so that it may be placed in the student's cumulative records folder.
 - b. A copy may be issued to Law Enforcement if in attendance, or provided at a later time.
 - c. A copy shall be made available to the student and/or their parent(s)/guardian(s).
4. Once the aforementioned requirements have been met, school personnel may refer a student who has been deemed an habitual truant to the appropriate law enforcement agency and request that s/he be cited.