



CITING MINORS FOR HABITUAL TRUANCY

Protocol for School Personnel

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 Personnel:

1. School personnel shall adhere to the following procedures required by California Education Code in deeming a student an habitual truant:
 - a. **EC Section 48260:** Any pupil subject to compulsory full-time education who is absent from school without a valid excuse three full days in one school year shall be classified as a truant, and as such shall be reported to the attendance supervisor or superintendent of the school district.
 - b. **EC Section 48260.5:** Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent(s)/guardian(s), using the most cost-effective method possible (which may include electronic mail or a telephone call) of the following:
 - That the pupil is truant.
 - That the parent or guardian is obligated to compel the attendance of the pupil at school.
 - 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.
 - That alternative education programs are available in the district.
 - That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
 - That the pupil may be subject to prosecution under Section 48264.
 - 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.
 - That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

- c. **EC Section 48261:** Any pupil who has once been reported as a truant and who is again absent from school without valid excuse one or more day(s), shall again be reported as a truant to the attendance supervisor or superintendent of the school district.
 - d. **EC Section 48262:** A pupil is deemed an **Habitual Truant** when they have been reported as a truant three or more times in one school year, provided that 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.
2. Once a student has been deemed an habitual truant, school personnel may refer the pupil to a School Attendance Review Board (SARB) within their school district or to the County Truancy Board.
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 placed in the student's cumulative records folder.
 - b. A copy shall be issued to Law Enforcement.
 - c. A copy shall be made available to the student and/or their parent(s)/guardian(s).
4. School personnel may refer any student who has been deemed an habitual truant and who is again absent from school without a valid excuse on one or more days to the appropriate law enforcement agency and request that s/he be cited.
5. School personnel should provide Law Enforcement with the following:
 - a. A signed copy of the Verification of Habitual Truant form (if not previously provided).
 - b. A copy of the student's current school attendance with a definition of attendance codes.
 - c. A copy of the student's demographics or Emergency Card.