



STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
KAMALA D. HARRIS
ATTORNEY GENERAL

May 1, 2013

Dear County and District Superintendents:

California is facing an alarming truancy problem, which impacts not only truant students and their families, but also schools, law enforcement, and the community as a whole.

Over 1.8 million students, almost 30 percent of the state's student body, were truant in California in the 2010-11 school year.¹ **Over 700,000 of those truant students – about 40 percent – were in elementary school.** In fact, approximately 24 percent of all elementary school students were truant in 2010-2011.² California law places a duty on us – parents, educators, and law enforcement – to ensure that our young children attend school every day. This duty is especially critical when it comes to elementary school children, who are too young to shoulder sole responsibility for getting themselves to school each morning.

We have basic laws in California that require school districts to take certain steps when students are truant. They include the following obligations:

1. Truancy Classification and Reporting Requirement

School districts are required to classify as “truant” any pupil who is absent from school without a valid excuse for three full days in one school year or tardy or absent for more than a 30-minute period during the school day without a valid excuse on three occasions, or any such combination. They also must report to the attendance supervisor or to the district superintendent any pupil who is classified as “truant.”³

¹ California Department of Education, Data Quest, accessed April 30, 2013, <http://dq.cde.ca.gov/dataquest/Expulsion/ExpReports/StateExp.aspx?cYear=2010-11&cChoice=ExpData1&Pageno=1>.

² California Department of Education, Data Quest, accessed April 30, 2013, <http://dq.cde.ca.gov/dataquest/expulsion/ExpReports/ExpOtherSchool.aspx?sType=6061&dType=none&co=All%20Counties&TheYear=2010-11&sortby=b>.

³ Education Code section 48260.

2. *Required Notification of First Truancy*

The school district **must notify the pupil's parent or guardian of the pupil's first truancy** by the most cost-effective method possible (which may include electronic mail or a telephone call). The notification must include the following information:

- (1) That the pupil is truant;
- (2) That the parent or guardian is obligated to compel the attendance of the pupil at school;
- (3) 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 (Education Code sections 48290 et seq.);
- (4) That alternative educational programs are available in the district;
- (5) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy;
- (6) That the pupil may be subject to prosecution under Education Code section 48264;
- (7) That the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Vehicle Code section 13202.7; and
- (8) That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.⁴

3. *Required Reporting of Subsequent Truancies*

When a pupil who has once been reported as a truant is again absent from school without a valid excuse one or more days, or tardy on one or more days, the school district shall again report the student as a truant to the attendance supervisor or the superintendent of the school district.⁵

4. *Required Notification of Third Truancy/Designation as "Habitual Truant"*

After a pupil has been reported as a truant three or more times in a school year, an appropriate school district officer or employee **must make a "conscientious effort" to hold at least one meeting with the pupil's parent or guardian and the pupil.** If the school district makes such a conscientious effort, the pupil is deemed a "habitual truant." The requirement that the school district make a conscientious effort means "attempting to communicate with the

⁴ Education Code section 48260.5.

⁵ Education Code section 48261.

parents of the pupil at least once using the most cost-effective method possible, which may include electronic mail or a telephone call.”⁶

For your convenience, a sample First Notification of Truancy Letter and a sample Third Truancy Letter (Habitual Truant), in multiple languages, are available on the California Department of Education (CDE) Website at <http://www.cde.ca.gov/ls/ai/sb/sarbhandbook.asp> and in the State School Attendance Review Board (SARB) Handbook, at Appendix A, pp. 63-64 and 70.


This early intervention is essential: parents and guardians must be informed as early as possible of their child’s attendance problem and be included from the start in the efforts to resolve the issue before it becomes more serious. The school district and the School Attendance Review Board (SARB) must work closely with pupils who have school attendance issues and their families in order to keep pupils in school, on track, and out of the juvenile justice system. In order to be effective, these efforts must start from the beginning of children’s enrollment in elementary school.

The Attorney General’s Office is currently preparing an analysis of elementary school truancy in California and its impact on public safety. My office plans to issue a public report that will describe in more detail the negative public safety consequences and poor outcomes for children who become truant in elementary school. The report will also identify basic truancy enforcement and prevention strategies that require the engagement of parents, educators, law enforcement, and others.

To help our office with this effort, and to give truancy the serious attention it deserves, we need to hear from you. I encourage you to contact Deputy Attorney General Catherine Z. Ysrael to discuss what anti-truancy efforts your district has undertaken or that you believe would be helpful in your district’s efforts to reduce truancy and chronic absence among elementary school children. Deputy Attorney General Ysrael can be reached at (916) 324-5437.

Thank you for your attention to this important issue. I look forward to working with you to combat truancy and improve student attendance across California. Our safety and prosperity as a state depend on it.

Sincerely,


KAMALA D. HARRIS
Attorney General

cc: The Honorable Tom Torlakson, Superintendent of Public Instruction
Dr. Michael Kirst, President, State Board of Education

⁶ Education Code section 48262.