

# A Review of California's Compulsory Education Laws

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LEGISLATIVE ANALYST'S OFFICE

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## **INTRODUCTION**

Chapter 465, Statutes of 2000 (SB 1913, McPherson), requires the Legislative Analyst's Office (LAO), in consultation with the California District Attorney's Association (CDAA) and the State Department of Education (SDE), to report to the Legislature regarding the implementation of newly established penalties for parents who violate the state's compulsory education laws. In this report, we:

- Provide background information on the state's compulsory attendance laws and the interventions to be taken if these laws are violated, as well as explain how homeschooling served as the impetus for important provisions of Chapter 465.
- Review the implementation of these laws and interventions.
- Recommend the Legislature: (1) clarify existing laws related to homeschooling and truancy penalties, and (2) improve related data-collection efforts.

## **CALIFORNIA'S COMPULSORY EDUCATION LAWS**

California's compulsory education laws require children between six and eighteen years of age to attend school, with a limited number of specified exceptions. Under state law, a pupil who, without a valid excuse, is absent from school for three full days in one school year, or is tardy or absent for more than 30 minutes during the school day on three occasions in one school year, is considered truant. Once a student is designated a truant, state law requires schools, districts, counties, and courts to intervene to ensure that parents and pupils receive certain services to assist them in complying with attendance laws. When these various interventions fail—meaning parents or guardians still do not send a child to school or a student misses an unlawful amount of school—the matter is referred to the courts. Courts can then use penalties or other measures to seek compliance. Essentially, these various interventions exist to ensure that pupils remain in school and that a pattern is not established that could lead to their dropping out of school later in their educational career.

### **Graduation and Dropout Rates Suggest Many Students Get Lost in the System**

The ultimate goal of truancy prevention programs provided by School Attendance and Review Boards (SARBs) and prosecutions by the district attorneys is to help reduce the number of dropouts in the state's education system and increase the number of high school graduates. According to the most recent data (2001-02) from SDE, around 11 percent of students officially drop out before graduation.

An alternative dropout measure is to compare the enrollment of a cohort of eighth grade students, and measure how many of them graduate five years later. In 1997-98, the state had 412,604 students enrolled in eighth grade. In 2001-02 (five school years later), 325,928 students graduated from school. This measure of a graduation rate suggests that 79 percent of students graduate, resulting in a 21 percent dropout rate over the five-year period.

While there are technical problems with both of these measures, the discrepancies suggest (1) some real problems with the state's data collection process regarding the high school dropout rate, and (2) that many students are falling through the cracks.

### **Specific Interventions Required if Parent Violates Compulsory Education Laws**

State law requires the following interventions if a parent violates compulsory attendance laws.

***School-Level Interventions.*** The school must: (1) report the truant pupil to the district's attendance supervisor, (2) notify the parent or guardian that the pupil is truant, and (3) provide the pupil and parent with certain interventions—such as providing the pupil with counseling and tutoring and requiring the parent to attend a parenting class.

***District-Level Interventions.*** If the school-level interventions are unsuccessful, the school district will refer the student and the parent to the district's SARB or, if the district does not have a standing SARB, to the county office of education's (COE) SARB. In either case, the SARB is composed of parents, representatives from the school district, and members of the community at large—including representatives from law enforcement, welfare and mental health agencies, youth services agencies, and the district attorney's office. The SARB members work collaboratively to diagnose the problem and recommend solutions to overcome the specific circumstances that are contributing to truancy. If parents refuse to respond to SARB directives, the SARB may refer the case to the district attorney for legal interventions. Alternatively, school districts may bypass the district attorney's office entirely and file against offenders in traffic court.

***County and Court Interventions.*** In addition to a SARB, most COEs operate formal truancy mediation programs in coordination with the district attorney and/or county probation offices. A SARB may refer cases to these programs as a last intervention before the pupil or parent faces legal prosecution. Typically, it is only in the most egregious

gious cases where these efforts are unsuccessful and legal action is subsequently pursued by the district attorney. When legal action is needed, district attorneys have three options they may use to prosecute offenders. As described in Figure 1, the penalties associated with these options vary in severity—ranging from community service or participation in a parent education program to one year in jail and a \$2,000 fine.

### Chapter 465 Clarifies Courts’ Authority

Chapter 465 gave courts the legal authority to order parents who violate the state’s truancy laws to enroll their child immediately in the appropriate school or program. Prior to Chapter 465, many courts followed this practice without specific statutory authority to do so.

Chapter 465 codifies the practice and prevents legal challenges that could potentially arise. Chapter 465 also allows courts to assess a fine of up to \$1,000 if a parent does not comply with the order. Additionally, Chapter 465 retained pre-existing legal penalties that allowed courts to levy lesser fines for truancy violations or, in lieu of these fines, to place a parent in a parent education and counseling program. Later in the report, we discuss other legal options that courts may use against noncompliant parents; however, the focus of this report is on the use of Chapter 465 and the penalties within Education Code Section 48293.

<b>Figure 1 District Attorneys’ Options in Dealing With Truancy</b>	
<b>Education Code Section 48293</b>	
<b>Applicable to:</b> Parents/guardians of children violating the state’s compulsory attendance laws.	<b>Sanctions Include:</b> <ul style="list-style-type: none"> <li>• Fines, which increase for each infraction or conviction.</li> <li>• Mandatory participation in parent education or counseling program (often in lieu of a fine).</li> <li>• Court order to immediately enroll child in school. Willful violation of this order is punishable as civil contempt with a fine of up to \$1,000. Violations are infractions (that is, a court cannot require jail time).</li> </ul>
<b>Penal Code Section 272</b>	
<b>Applicable to:</b> Parents/guardians found guilty of contributing to delinquency of minors.	<b>Sanctions Include:</b> <ul style="list-style-type: none"> <li>• \$2,000 fine.</li> <li>• Jail time not to exceed one year in a county jail.</li> <li>• Both fine and jail time. Violations are misdemeanors.</li> </ul>
<b>Welfare and Institutions Code Section 601</b>	
<b>Applicable to:</b> Pupils failing to comply with the state’s attendance laws.	<b>Sanctions Include:</b> <ul style="list-style-type: none"> <li>• Attend school and be placed on probation.</li> <li>• Perform court-approved community service.</li> <li>• Fine of not more than \$100—for which parent is jointly liable.</li> <li>• Attend court truancy prevention program.</li> <li>• Suspension or revocation of driving privileges.</li> </ul>

## **Chapter 465 Highlights Unresolved Questions Relating to Homeschooling Law**

Within the context of the state’s compulsory education laws, homeschooling remains a controversial issue. This is because statute is silent as to whether homeschooling satisfies mandatory attendance laws. In the late 1990s, the Superintendent of Public Instruction (SPI) questioned the legality of homeschooling—stating that it was not authorized in California law. She asserted that children in these settings could be determined to be truant, thereby placing homeschooling families at greater risk of being referred for truancy prosecution.

### **Statute Currently Authorizes Some Nonpublic-School Options**

Although statute is silent regarding homeschooling, it does include two provisions authorizing nonpublic-school educational options. These are: (1) the private school exemption for children enrolled full time in a private school, and (2) the private tutoring exemption for children who are instructed at least three hours each day and 175 days per year by a teacher holding a valid California teaching credential. In addition to these exemptions, homeschooling families may participate in independent-study and distance-learning programs supported by public schools. Homeschooling families, however, typically claim the first exemption listed above because they prefer the independence and flexibility of schooling at home without any government regulation.

During deliberations on SB 1913, the homeschooling community raised concerns that the bill as then drafted would negatively affect parents engaged in the homeschooling of their children. These homeschooling advocates argued that SB 1913 would provide governmental agencies greater latitude in which to refer homeschooling families for truancy prosecution and would impede their rights to educate their children. As a result of these concerns, the Legislature included the following provisions in the bill: (1) a sunset date (January 1, 2005) on the court’s authority to order a person who had violated compulsory education laws to immediately enroll the child in the appropriate school or program, and (2) a requirement that LAO report to the Legislature prior to the sunset date on the implementation of Chapter 465. These provisions were primarily included to determine the impact of Chapter 465 on homeschooling families and to provide an automatic mechanism for repealing Chapter 465 if it was found to adversely affect homeschooling families.

## **REVIEWING THE IMPLEMENTATION OF THE STATE’S ATTENDANCE LAWS**

To analyze truancy practices, we consulted with SDE, CDAA, and local officials responsible for truancy and SARB-related issues. In addition, we attended a state SARB meeting held by SDE and surveyed 20 COEs and district attorney offices to collect information and data on their implementation of Chapter 465. The counties selected

were a stratified sample representing a mix of small, medium, and large counties. Of the 20 counties from which we requested information, 15 provided us with data to complete this report. Specifically, the COEs provided us with annual SARB summary reports containing: (1) the total number and type of referrals and (2) actions taken by the SARB. County district attorney offices provided us with information on the total number of SARB-referred cases prosecuted and their outcome. Below, we summarize the information we received and discuss our findings.

## Findings

Our findings fall into one of two general categories—some findings relate to the availability and quality of truancy information, and other findings relate to the types of penalties most commonly used in response to truancy violations.

### Information About Truancy Violations Is Inadequate

Using the data sources discussed above, we found that: (1) a majority of the counties surveyed do not collect or report countywide SARB information, (2) the actual number of cases prosecuted by district attorneys is unavailable, (3) the number of cases referred to traffic court is unavailable, and (4) agencies do not regularly share truancy information or coordinate follow-up efforts. We discuss each of these findings below.

***Majority of Counties Surveyed Do Not Collect or Report Countywide SARB Information.*** State law requires school districts to gather and transmit to their COE: (1) the number and types of referrals to local SARBs and (2) the number of referrals to the district attorney. The COEs are responsible for annually summarizing this information in a reportable format. These reports provide the public with information regarding countywide truancy violations and intervention actions. More importantly, they highlight the role that SARBs serve in ensuring that troubled youth and their families receive the services they require to comply with the attendance laws.

Figure 2 shows the number of cases referred to SARBs, by county. As the figure indicates, a majority of the counties that participated in our survey do not collect or report this SARB information. We cannot discern whether this is attributed to the failure of school districts to gather and transmit SARB data to COEs, or whether COEs are failing to summarize transmitted data. While many of these counties offered to collect this information for the purposes of this report, only seven of the 20 counties already had collected this information in a reportable format. Technically, the failure to collect and summarize this information is a violation of state law. No penalty, however, exists for noncompliance because SDE currently is not required to monitor the collection of these data.

***Actual Number of Cases Prosecuted by District Attorneys Unavailable.*** While those SARB reports that are completed typically contain the total number of cases referred to the district attorney's office for legal intervention, the reports do not contain: (1) the actual number of cases prosecuted by the district attorney or (2) the filing option used in the prosecution procedure. To collect information regarding the actual number of cases



prosecuted under Education Code Section 48293, we contacted the county district attorneys in our survey group. We found that none of them collected or reported this information in an accessible form. Furthermore, none of the district attorney offices reported this information back to the COE. For the most part, in response to our data requests, district attorney offices had to undertake manual counts of all prosecuted truancy cases.

**Figure 2**  
**Only 7 of 20 Surveyed Counties Collect SARB Data**

	Total SARB Referrals	
	2001-02	2002-03
<b>Counties Collecting SARB Data</b>		
Los Angeles <sup>a</sup>	6,303	6,020
San Bernardino	2,259	2,681
Ventura	1,530	1,336
Shasta	651	734
Imperial	126	185
Amador	94	49
San Diego <sup>b</sup>	—	—
<b>Totals</b>	<b>10,963</b>	<b>11,005</b>
<b>Counties Not Collecting SARB Data</b>		
Contra Costa	Sacramento	
Fresno	San Luis Obispo	
Humboldt	Santa Barbara	
Inyo	Santa Clara	
Kern	Solano	
Monterey	Tulare	
Napa		
<sup>a</sup> At the time of this report, two large school districts had not yet submitted their data to the county and their numbers are excluded from the total. <sup>b</sup> San Diego reports collecting and summarizing SARB information; however, despite repeated requests, no information was provided to us.		

**Number of Cases Referred to Traffic Court Unavailable.** In requesting the information related to the total number of truancy cases filed under Education Code Section 48293, we were unable to collect information regarding the cases referred to traffic court. As stated earlier in this report, school districts may bypass the district attorney’s office entirely and file truancy cases directly in traffic court. We were unable to collect information regarding the cases filed in adult traffic court (with the exception of San Bernardino County, which files all their cases in adult traffic court) because many courts lack a system to track these cases and are not required to report on these cases.

**Agencies Do Not Regularly Share Truancy Information or Coordinate Follow-Up Efforts.** Throughout the year, school district and county SARBs oversee a large number of cases. Each of these cases requires the coordination of services and follow-up efforts among various agencies. We found that these agencies focus on completing their individual role in the truancy intervention process, but the overall coordination of information is poor. Discussions with SARB personnel, for example, revealed that courts often fail to report the outcome of truancy cases to school districts in a timely manner. We

also found that follow-up on SARB and court cases tends to be poor because courts and school districts often do not have sufficient personnel to complete the follow-up efforts. Given these problems, the SARB is often relied upon to complete the follow-up efforts. The SARBs, however, are typically overwhelmed with their own workload—such that their ability to effectively monitor these cases is limited.

## Penalties Used in Response to Truancy Violations

Although we undertook considerable effort to ensure the accuracy of the truancy data and information that counties provided, the data limitations and issues discussed above are significant concerns to keep in mind while reviewing the remainder of this report. As a result of these limitations, our next set of findings focuses only on the cases filed through the district attorney’s office in juvenile court because these had the most complete information available.

**SARBs Resolve Virtually All Cases Referred to Them.** For the limited number of counties for which we received data from both SARBs and district attorneys, we reviewed how SARBs dealt with truancy cases referred to them. As Figure 3 shows, very few SARB cases are ever prosecuted by district attorneys. Instead, the local or county SARB manages the vast majority of the cases themselves or through some combination of district attorney/probation involvement in the form of a mediation program. For example, Figure 3 shows that in 2001-02 and 2002-03, Los Angeles County had a total of 12,323 SARB cases.

Of these, the SARB resolved approximately 99 percent of the cases, with 1 percent prosecuted by the district attorney’s office. The trend is similar for the other counties listed. While the courts play a relatively minor role in solving truancy problems, they still provide SARBs with a “credible threat” when discussing the seriousness of truancy with parents and students.

**Figure 3**  
**SARBs Rely Little on Courts to Resolve Truancy Issues**

2001-02 and 2002-03

Counties Collecting SARB Data	Resolved by SARB		Prosecuted by District Attorney	
	Number	Percent	Number	Percent
Los Angeles	12,323	99%	142	1%
San Bernardino	4,940	89	555	— <sup>a</sup>
Ventura	2,866	97	94	3
Shasta	1,385	84	223	16
Imperial <sup>b</sup>	311	—	—	—
Amador	143	87	18	13
<b>Totals</b>	<b>21,968</b>	<b>95%</b>	<b>1,032</b>	<b>5%</b>

<sup>a</sup> San Bernardino directs all their truancy cases into traffic court and bypasses the district attorney's office.

<sup>b</sup> Imperial County officials informed us that they do not use Education Code Section 48293 in truancy cases, and have never filed against the parent in any of their truancy cases. Typically, they utilize the Welfare and Institutions Code to file against pupils.

**Counties Seek Prosecution at Different Rates.** Of the 20 counties our office contacted, the district attorneys in 13 counties provided us with information on the number of prosecutions they had made in each of the last two years. This data is displayed in Figure 4. The data suggest that counties have very different strategies on when to prosecute parents for their children’s truancy problems. As discussed below, San Bernardino has an aggressive approach. While San Bernardino serves less than one-fourth the number of students that Los Angeles does, San Bernardino prosecutes almost four times



as many parents. Similarly, Amador County, with enrollment of around 5,000 students, has as many prosecutions as Contra Costa County, which serves over 160,000 students.

***Education Code Penalties More Commonly Used Than Penal or Welfare Penalties.***

**Figure 4**  
**Education Code Section 48293**  
**Violations Prosecuted by**  
**District Attorneys**

County	2001-02	2002-03	County Two-Year Total
San Bernardino <sup>a</sup>	299	256	555
Shasta	136	87	223
Monterey	50	104	154
Los Angeles	68	74	142
Ventura	9	85	94
Santa Clara	35	45	80
Solano	20	20	40
San Diego	—	53	53
Contra Costa	7	11	18
Amador	4	14	18
Santa Barbara	—	15	15
Inyo	3	2	5
Napa	—	4	4
Sacramento <sup>b</sup>	—	—	—
Imperial <sup>b</sup>	—	—	—
<b>Totals</b>	<b>631</b>	<b>770</b>	<b>1,401</b>

<sup>a</sup> San Bernardino moves all their truancy cases directly into traffic court and bypasses the district attorney's office.  
<sup>b</sup> Sacramento and Imperial Counties do not use Education Code Section 48293 to prosecute truancy violations and thus do not have any such filings to report.

We found that the penalties specified in the Education Code (rather than the Penal Code and the Welfare and Institutions Code) are typically the first ones used by district attorneys. This is probably because the Education Code penalties are generally viewed as the least invasive and traumatic to the family involved in a truancy violation. Moreover, many of the district attorneys we spoke with stated that the focus of the court is not to penalize the parent with fines or to incarcerate the parent but to provide opportunities for the parent to change the negative behavior pattern for which they are being prosecuted. Generally, most courts only use the more serious penalties (identified in Penal Code Section 272) for repeat offenses or when Education Code penalties have failed. District attorneys informed us, however, that it is often difficult to use the Penal Code penalties because the jail time penalty heightens the burden of proof that the law requires and because school district documentation is not always complete.

***Education Code Penalties Used Most Frequently at Elementary Level.*** We

found that the Education Code penalties are used most frequently to prosecute parents or guardians of elementary students. This is because courts believe that elementary students are dependent on the parent or guardian for their attendance at school to a larger extent than are middle school or high school students. In middle school and high school cases, courts typically hold the pupils themselves responsible for truancy violations. In these cases, district attorneys use Welfare and Institutions Code Section 601 to file against the pupil. (There are instances, however, where district attorneys use Education Code Section 48293 to prosecute parents of middle or high school level pupils. This generally occurs in situations where the parent requires the pupil to remain at home to care for younger siblings.)

***Fines Assessed for County Strategy or When Probation Violated.*** Figure 5 summarizes information relating to judges' penalty assessments. As indicated, approximately 781 of the cases prosecuted over the course of the past two years (2001 and 2002) were assessed fines. Over 70 percent of these cases (555) were from San Bernardino County. As a policy, this county directly refers truancy cases to traffic court and always assesses a fine to ensure compliance with the attendance laws. Most of the remaining 226 cases were from two counties (Santa Clara and Ventura), which decided as a policy to use the fine as a final tool or punishment in a series of interventions to ensure compliance. These counties had strong truancy prevention programs in place and believed that if the parent was still in defiance of the mandatory attendance laws then they should be fined to ensure compliance.

In researching other instances of the use of fines, we found that fines were generally assessed only after a parent had failed to comply with the judge's previous penalty assessment (probation or parenting classes). In Monterey County, for example, judges typically provide parents with a probationary period in which to correct the truancy problem. It is not until the parent fails to comply with the judge's order that a fine is imposed. There are cases, however, where a judge chose to impose both a fine and alternative penalty. For example, the practice in Santa Clara County is always to assess a fine and require parents to attend parenting classes.

**Figure 5**  
**Assessment of Education Code Section 48293**  
**Penalty Options by Counties**

2001-02 and 2002-03

County District Attorney's Office	Fine Assessed		Fine Stayed	
	Fine Assessed	Parenting Classes Required	Court Probation Assessed	Parenting Classes Required
San Bernardino <sup>a</sup>	555	—	—	—
Santa Clara	80	80	—	—
Ventura	83	—	—	11
Monterey	20	—	134	—
Amador	18	—	—	—
Contra Costa	7	—	18	—
San Diego	6	—	21	26
Santa Barbara	5	—	8	2
Solano	4	—	36	—
Inyo	3	—	2	—
Napa	—	—	4	—
Shasta	—	—	223	—
Los Angeles <sup>b</sup>	—	—	—	—
Imperial <sup>c</sup>	—	—	—	—
<b>Totals</b>	<b>781</b>	<b>80</b>	<b>446</b>	<b>39</b>

<sup>a</sup> San Bernardino cites all their truancy cases directly into traffic court and bypasses the district attorney's office.

<sup>b</sup> Due to the large number of cases and staffing shortages, the Los Angeles County District Attorney's Office was unable to provide outcome information for all the cases provided. Instead, they provided an overview of how penalties are assessed in their county. Judges in this county typically assess alternative penalties first. It is only when a parent has failed to comply with the judge's order or for repeat offenses that a monetary penalty is assessed.

<sup>c</sup> Imperial County responded to our request for information but it does not use the Education Code Section 48293 in truancy cases and thus does not have any cases to report.

**Judges Often Stay Fines and Assess Alternative Penalties for First Offense.** Of the 13 counties providing us with data, 10 counties indicated that it was a common practice for judges to “stay” the fines (when a judge stays the fine, he suspends imposition of the fine on the condition that the parent complies with the judge’s requirements), and provide parents with other opportunities to correct the truancy problem. These include: (1) providing the parent a specified period of time (ranges statewide from three months to six months) to correct truancy problems and (2) allowing the parent to attend a parent education and counseling program (often provided through adult education). The Los Angeles County District Attorney’s Office, for example, informed us that their judges typically assess an alternative penalty because they believe these alternatives provide parents opportunities to eliminate the truancy problem without having to assess a fine on families who might have difficulty paying the fine.

Figure 5 shows that in the past two years, judges stayed the fine on 485 cases and provided instead an alternative punishment. They provided a probationary period as punishment in a majority of these cases (446 of the 485 cases). In these instances, the judge ordered a parent to comply with the mandatory attendance laws and provided a specified period in which to correct the truancy problem. These cases were dismissed and no fine was assessed if the pupil had no absences during the probation period. If the pupil missed school at any time during the probation period, the parent was assessed the fine and, if necessary, further legal action was taken. In 39 of the cases in which the fine was stayed, parents were ordered to attend parenting classes. If the parent completed the classes, no fine was assessed. If they failed to complete the classes, however, the judge assessed a fine.

**Analysis of Enrollment Option Created by Chapter 465.** As discussed earlier, Chapter 465 provides courts the authority to order parents to immediately enroll a truant pupil in school. Our review found courts almost always order parents to enroll a child and provide proof of enrollment. Chapter 465 is used primarily to “reenroll” pupils—that is, require them to return to the school in which they were enrolled or an alternative school. While this authority is also available for use in cases where a child has never been enrolled in school, we did not come across any such cases during our review. Staff informed us that while it is commonly understood that Chapter 465 may be used to reenroll pupils in school, the law is phrased in a way that implies the court may use its authority only in situations where a child has never been enrolled in school. They suggested that the law be clarified to eliminate this existing ambiguity.

**Summary of Findings on Penalties.** In sum, current education law provides the courts with a great deal of latitude and a variety of penalties and tools to work with parents to achieve compliance with the compulsory attendance laws. Counties appear to have specific strategies to address truancy issues. Of the counties surveyed, five of the 11 rely more heavily on fines than alternative punishments, while the remaining six rely more heavily on alternative strategies. Some courts and district attorneys believe the focus of court involvement in truancy cases is not to penalize the parent with fines but to provide opportunities to parents to change the underlying negative behavior

patterns leading to truancy. Other counties as a policy assess monetary fines in all cases regardless of the circumstances. Some do so because they think it is the best strategy to address the problem. Others do so because they lack the resources to provide alternative penalties, or they have a truancy program in place and believe that, if the parent is still noncompliant, then a monetary fine should be assessed. Essentially, courts have a variety of penalty options to use against parents who neglect their parental responsibilities and violate the state's compulsory attendance laws. The use of certain penalty options over others is largely dependent on: (1) the county's philosophy towards truancy and (2) the resources available within that county to assist truants and their parents.

## LAO RECOMMENDATIONS

Our review of Chapter 465 identified various issues related to state truancy laws. Below, we recommend actions to: (1) clarify the state's compulsory education laws, (2) improve data collection and sharing, and (3) review the effectiveness of the truancy-related parent education classes.

### Clarify Compulsory Education Laws

***Clarify Circumstances Under Which Homeschooling Is a Legitimate Option.*** To date, we are not aware of any homeschooling parent who has been prosecuted for a truancy violation. Legal issues concerning homeschooling, however, remain an unresolved issue. The ambiguity in current law in this area is exemplified by the recent change in policy by the SPI. Under the prior SPI, SDE stated that homeschooling was illegal. Under the current SPI, SDE no longer states that homeschooling is illegal but relies on local education agencies (LEAs) to decide whether a child who attends a home-based private school is truant. We recommend this ambiguity be clarified in statute.

***Remove Sunset Date in Chapter 465.*** State attendance laws exist to ensure the development of an informed citizenry. State law requires various governmental entities (including school districts and local departments of social services, child protective services, and probation) to intervene in truancy cases to ensure compliance with the compulsory attendance laws. When these interventions fail to resolve the truancy problem, the courts are looked to as the final governmental entity with specific authority to enforce compliance and assess penalties for noncompliance. Our review also found that even before SARBs refer cases to the court for assistance, they use the threat of court involvement as a tool against uncooperative parents to achieve compliance with the attendance laws. In discussions with SARB representatives, they informed us that parents are more responsive to their interventions when notified that they could face prosecution for noncompliance.

We believe that Chapter 465 and the penalties specified in Education Code Section 48293 provide courts with explicit authority to enforce the mandatory attendance laws and are supportive of the state's role in developing an informed citizenry. We found that court involvement: (1) has been limited to those cases where local interventions have been unsuccessful in resolving the truancy problem, (2) is used by SARBs and

local truancy representatives as a credible threat to ensure compliance with the compulsory attendance laws, and (3) has not been used against homeschooling families in the counties we surveyed. Chapter 465 is scheduled to sunset January 1, 2005. We recommend the Legislature remove this sunset date and extend Chapter 465 because: (1) it provides clear authority for courts to enforce the mandatory attendance laws, (2) it provides SARBs with a credible threat to motivate change in parents who violate the compulsory attendance laws, and (3) no abuses of this authority against homeschooling families have been identified.

***Clarify the Language in Chapter 465.*** Some district attorneys indicated that the law is phrased in a way that implies the court may use its authority only in situations where a child has never been enrolled in school and not in a situation where a student would be reenrolling in school. We recommend the Legislature revise the law to eliminate this ambiguity. Specifically, we recommend the following amendment to Education Code Section 48293(c):

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

### **Improve Data Collection and Sharing**

In collecting information related to truancy violations, we found the availability and quality of truancy data to be inadequate. Specifically, we found that: (1) a majority of the counties surveyed do not collect or report countywide SARB information, (2) the actual number of cases prosecuted by district attorneys is unavailable, (3) the number of cases referred to traffic court is unavailable, and (4) agencies do not regularly share truancy information or coordinate follow-up efforts.

We recommend SDE: (1) enforce the current law requiring school districts and county offices of education to collect and report SARB information in an accessible format, (2) explore methods of assisting LEAs and courts in collecting and sharing truancy information, and (3) strengthen coordination between relevant agencies. (Since statute already requires school districts to collect this information, this would not require a higher level of service than required under state law, thus not resulting in a new state mandate.) We believe SARB reports provide the public and the Legislature with important information related to SARB effectiveness in curbing school attendance and behavior issues. Furthermore, providing LEAs and courts assistance related to the collection and sharing of truancy information and in strengthening follow-up procedures could ensure that fewer cases fall through the cracks and more are successfully resolved.

Currently, the SPI convenes a state SARB four times per year to provide recommendations regarding the needs and services of high-risk youth, including truants. In addition to this advisory role, the state SARB has created a SARB handbook to provide LEAs with guidance related to the SARB process. We believe that SDE, in conjunction with the state SARB, should work collaboratively to develop procedures that would assist LEAs and courts in collecting and sharing truancy information and strengthening follow-up procedures. These procedures should be added to the SARB handbook and disseminated in a cost effective manner to ensure that LEAs have the guidance necessary to effectively complete their role in the intervention process.

### **Review Effectiveness of Parenting Classes**

In our discussions with district attorneys, they indicated that the parenting classes available as an alternative truancy penalty may not be very effective in developing parenting skills and correcting negative behaviors. Typically, these classes are provided through an adult education program and tend to be very general in nature and inappropriately suited for meeting the needs of parents whose children are truant.

We recommend that the Legislature direct the state SARB to develop a curriculum that would be more effective in assisting parents of truants referred to parenting classes in modifying their behavior and complying with the compulsory attendance laws. We believe this activity could be undertaken within existing resources.