

AMENDED IN SENATE APRIL 6, 2010

SENATE BILL

No. 1148

Introduced by Senator Alquist

February 18, 2010

~~An act to amend Section 48260 of the Education Code, relating to~~
An act to amend Section 48264.5 of, and to add Section 48263.6 to, the
Education Code, relating to pupil attendance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1148, as amended, Alquist. ~~Pupil attendance.~~ *attendance: chronic truancy.*

~~Existing~~

(1) Existing law defines a truant as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse 3 full days in one school year, or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof.

This bill would define a chronic truant as any pupil subject to compulsory full-time education or to compulsory continuing education who is absent from school without valid excuse for 10% or more of the schooldays 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 specified provisions of law.*

(2) Existing law requires school districts to establish, maintain, and destroy pupil records according to regulations adopted by the State Board of Education. Existing law requires these regulations to establish state policy as to what items of information shall be placed into pupil records.

This bill would require that, if a pupil is determined to be a chronic truant, this information be placed in the pupil’s permanent record. Because this requirement would increase the duties of school districts, it would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
 State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48263.6 is added to the Education Code,
 2 to read:
 3 48263.6. Any pupil subject to compulsory full-time education
 4 or to compulsory continuation education who is absent from school
 5 without valid excuse for 10 percent or more of the schooldays in
 6 one school year, from the date of enrollment to the current date,
 7 is deemed a chronic truant, provided that the appropriate school
 8 district officer or employee has complied with Sections 48260,
 9 48260.5, 48261, 48262, 48263, and 48291.
 10 SEC. 2. Section 48264.5 of the Education Code is amended to
 11 read:
 12 48264.5. Any minor who is required to be reported as a truant
 13 pursuant to Section 48260 or 48261 may be required to attend
 14 makeup classes conducted on one day of a weekend pursuant to
 15 subdivision (c) of Section 37223 and is subject to the following:
 16 (a) The first time a truancy report is required, the pupil may be
 17 personally given a written warning by any peace officer specified
 18 in Section 830.1 of the Penal Code. A record of the written warning
 19 may be kept at the school for a period of not less than two years,
 20 or until the pupil graduates, or transfers, from that school. If the
 21 pupil transfers, the record may be forwarded to any school
 22 receiving the pupil’s school records. A record of the written
 23 warning may be maintained by the law enforcement agency in

1 accordance with that law enforcement agency's policies and
2 procedures. *If a pupil is determined to be a chronic truant, as*
3 *defined in Section 48263.6, that information shall be recorded in*
4 *the pupil's permanent record.*

5 (b) The second time a truancy report is required within the same
6 school year, the pupil may be assigned by the school to an
7 afterschool or weekend study program located within the same
8 county as the pupil's school. If the pupil fails to successfully
9 complete the assigned study program, the pupil shall be subject to
10 subdivision (c).

11 (c) The third time a truancy report is required within the same
12 school year, the pupil shall be classified a habitual truant, as
13 defined in Section 48262, and may be referred to, and required to
14 attend, an attendance review board or a truancy mediation program
15 pursuant to Section 48263 or pursuant to Section 601.3 of the
16 Welfare and Institutions Code. If the district does not have a
17 truancy mediation program, the pupil may be required to attend a
18 comparable program deemed acceptable by the school district's
19 attendance supervisor. If the pupil does not successfully complete
20 the truancy mediation program or other similar program, the pupil
21 shall be subject to subdivision (d).

22 (d) The fourth time a truancy is required to be reported within
23 the same school year, the pupil shall be within the jurisdiction of
24 the juvenile court which may adjudge the pupil to be a ward of the
25 court pursuant to Section 601 of the Welfare and Institutions Code.
26 If the pupil is adjudged a ward of the court, the pupil shall be
27 required to do one or more of the following:

28 (1) Performance at court-approved community services
29 sponsored by either a public or private nonprofit agency for not
30 less than 20 hours but not more than 40 hours over a period not to
31 exceed 90 days, during a time other than the pupil's hours of school
32 attendance or employment. The probation officer shall report to
33 the court the failure of the pupil to comply with this paragraph.

34 (2) Payment of a fine by the pupil of not more than one hundred
35 dollars (\$100) for which a parent or guardian of the pupil may be
36 jointly liable.

37 (3) Attendance of a court-approved truancy prevention program.

38 (4) Suspension or revocation of driving privileges pursuant to
39 Section 13202.7 of the Vehicle Code. This subdivision shall apply
40 only to a pupil who has attended a school attendance review board

1 program, a program operated by a probation department acting as
2 a school attendance review board, or a truancy mediation program
3 pursuant to subdivision (c).

4 *SEC. 3. If the Commission on State Mandates determines that*
5 *this act contains costs mandated by the state, reimbursement to*
6 *local agencies and school districts for those costs shall be made*
7 *pursuant to Part 7 (commencing with Section 17500) of Division*
8 *4 of Title 2 of the Government Code.*

9 ~~SECTION 1. Section 48260 of the Education Code is amended~~
10 ~~to read:~~

11 ~~48260. (a) Any pupil subject to compulsory full-time education~~
12 ~~or to compulsory continuation education who is absent from school~~
13 ~~without valid excuse three full days in one school year or tardy or~~
14 ~~absent for more than any 30-minute period during the schoolday~~
15 ~~without a valid excuse on three occasions in one school year, or~~
16 ~~any combination thereof, is a truant and shall be reported to the~~
17 ~~attendance supervisor or to the superintendent of the school district.~~

18 ~~(b) Any pupil subject to compulsory full-time education or to~~
19 ~~compulsory continuing education who is absent from school~~
20 ~~without valid excuse for 10 percent or more of the schooldays in~~
21 ~~one school year is a chronic truant.~~

22 ~~(c) Notwithstanding subdivisions (a) and (b), it is the intent of~~
23 ~~the Legislature that school districts shall not change the method~~
24 ~~of attendance accounting provided for in existing law and shall~~
25 ~~not be required to employ period-by-period attendance accounting.~~