

## **Compulsory School Attendance:** **The Laws You Need to Know**

### **What are the school attendance requirements in California?**

- Every person between the ages of six (6) years and eighteen (18) years of age is required to attend school. (Education code sec. 48200.)
- Students are expected to attend school regularly and on time.
- Parents and guardians are required to send their children to school.

### **What is considered a valid legal absence?**

- Absences are allowed for the following causes, when verified;
  - a) A student's illness (not parent's or other family member's)
  - b) Quarantine by a county or city health officer;
  - c) Medical, dental or eye appointments;
  - d) Attending the funeral of an immediate family member:  
One (1) day in California; three (3) days out of California. Immediate family member means student's mother/father, brother/sister, child, grandmother/grandfather, or spouse, spouse's mother/father, spouse's child, spouse's brother/sister, or any relative living in the immediate household of the student (education Code 48205.);
  - e) Court appearance when the student has a subpoena with his/her name on it;
  - f) Religious instruction/exercises (max of (4) days per school month, student must attend school at least the minimum school day for his/her grade level)
  - g) Religious holiday/retreat/ceremony (max of four (4) hours per semester) with prior parent request and approval from school.

### **Excused Notes by Parents**

- As a courtesy to the parent a school may accept notes from parents for absences or tardies. If absences or tardies become excessive, parent notes will no longer be accepted. **Parent notes will not be accepted for illness under the SART and SARB contract.**
- Excused absences will have to be verified according to Education Code 46011. They must be turned in within 72 hours (3 days) of returning to school.
- Verified absence due to illness or quarantine is allowed.  
Verification may be by one of the following: school/public health nurse, attendance supervisor, physician, principal, teacher, or any other qualified employee of the school district. (CCR Title 5, Sec. 421, Education Code Sec. 46011)

### **When a student is considered truant?**

- Students between the ages of six (6) and eighteen (18) who are absent from school without valid excuse for three (3) full days in one school year, or tardy or absent on three (3) occasions in a school year for more than any 30 minute period during the school day without valid excuse, or a combination of the two, is considered a truant and the parent or guardian must be notified of the truancy and the requirement of compulsory education. (Education Code Sec. 48260 & 48260.5)

### **What if the truancy continues?**

- Any student who has once been reported as truant and who is again absent from school without valid excuse one or more days, or tardy one or more days, shall again be reported to the school district as truant. (Education Code sec. 48261)
- When a student is reported to the district three (3) or more times in a school year as a truant, the student is a “habitual truant”. Provided that the district has made a good faith effort to meet with the parent/guardian of the student. (Education Code sec.48262.)

### **What can happen to “habitual truants?”**

- The student can be referred to the School Attendance Review Board (SARB) and if the school attendance does not improve, the student and /or parents can be referred to Juvenile Court. (Education Code sec. 48263, Welfare and Institution Code 601.2)
- Juvenile Court may declare the student a ward of the court. Additional penalties for habitual truants in Juvenile court include community service hours up to a \$100 fine (with parents jointly liable), attendance at a truancy prevention program, withdrawal of a work permit and the suspension of a driver’s license for one year. (Education Code sec. 48264.5.)

### **What are the consequences for parents of school children who continue to fail to send their children to school?**

- After the School Attendance Review Board (SARB) meeting, parents who fail to comply with compulsory education laws can be referred to Juvenile Court and fined \$100 for the first violation, \$250 for the second violation, and \$500 for the 3<sup>rd</sup> violation. As an alternative, parents can be placed in a parent education and counseling program. (Education Code sec. 48293.)
- Parents who violate education laws can also be prosecuted for neglecting their child’s education. The charge is “Contributing to the Delinquency of a Minor,” a county Jail and up to a \$2500 fine for each child.
- Additionally, parents can be ordered to deliver their child to school every school day for the remainder of the school year. (Education Code sec. 48268.)

### **What are the best ways for parents to avoid violation of the Compulsory School Attendance Laws?**

- When your child is ill, either bring the child to school to have the illness verified by school personnel, or take the child to a doctor or medical facility to have the illness verified. Get a note from the doctor and give it to the school attendance office. Keep a copy for yourself.
- If your child has a serious, ongoing medical condition be sure to discuss it with the school nurse. If necessary, sign a release form so that the nurse can speak directly with the treating physician.
- If there is any doubt about whether your child is too ill to attend school, bring your child to school and have the nurse check him/her out.
- Always be on time to school. Remember, tardies and lates are just as serious as absences because they interfere with learning.
- Try to make doctor and dental appointments after school or on school holidays.
- Schedule family trips and vacations during school holidays and breaks.