

## CONCURRENCE IN SENATE AMENDMENTS

AB 461 (Ahrens)

As Amended September 5, 2025

Majority vote

**SUMMARY**

Repeals the criminal offense for parents who fail to reasonably supervise and encourage pupil school attendance resulting in chronic truancy.

**Senate Amendments**

Remove the revision to the requirement for school attendance for children in an assistance unit (AU) in California Work Opportunity and Responsibility to Kids (CalWORKs).

**COMMENTS**

*Compulsory Education.* In California, education is mandatory for children between six and 18 years of age unless exempt for limited reasons. California enforces this by holding CalWORKs families accountable by withholding aid amount or making it a misdemeanor punishable by up to \$2,000. In recent years, there has been an effort to take more of a carrot approach rather than a stick approach. For example, SB 691 (Portantino), Chapter 863, Statutes of 2024, revised truancy notices to include language explaining the importance of attendance and notifying the family of possible services available, including school personnel availability and mental health services, rather than a threatening approach notifying them that they may be prosecuted.

*Truancy.* The existing criminal liability on parents of truant children was enacted in 2010 by SB 1317 (Leno), Chapter 647, Statutes of 2010, which was sponsored by then-San Francisco District Attorney Kamala Harris.

In San Francisco, where she was the district attorney from 2004 to 2010, [Harris] implemented a truancy initiative that introduced the threat of prosecution of parents and guardians when children habitually missed school. That initiative became the model for a 2010 state law that Harris sponsored which adopted strict penalties for parents of truant students: a fine not to exceed \$2,000, jail time not to exceed one year, or both.

The penalties could be applied if a student was habitually truant, meaning they missed 10% or more of the school year and only after parents had been offered a range of support services to address the student's truancy. Truancy courts were created where the penalties could be deferred so long as the students begin attending school. While attorney general from 2011 to 2017, her office created an on-line truancy hub with truancy reports from 2013 to 2016.

The first arrests under the law were in 2011 of five parents in Orange County. The arrest option has since become controversial as districts focus first on how to solve the problems leading to truancy.

In 2013, the Department of Justice (DOJ) released the report *In School and On Track: Attorney General's 2013 Report on California's Elementary School Truancy and Absenteeism Crisis* on truancy in California detailing the legal framework for prosecution and relevant statistics:

California law provides district attorneys with broad discretion whether to investigate, charge, and prosecute any type of case in his or her county. As a public prosecutor, this discretionary power also includes the ability to seek alternative methods to resolve a matter—even in a situation in which a crime has been committed. After prosecutorial proceedings have begun, district attorneys can pursue many options to achieve their goal of getting a child back into the classroom on a full-time basis.

Nearly all of the district attorneys surveyed for this report said they rarely prosecute violations of Penal Code section 270.1. On average, district attorneys reported prosecuting 3-6 Section 270.1 cases per year. This low number of prosecutions is due to the fact that early intervention strategies like assemblies, SART meetings and SARB hearings, and mediation programs are highly successful.

There may be extreme cases in which every effort to get a child back to school has been exhausted that are appropriate for prosecution. For example, using Penal Code

270.1, the Kings County District Attorney's office prosecuted a mother whose two elementary school children had a combined 116 absences in a single school year. The mother had disregarded and failed to respond to 15-20 previous outreach efforts. However, the district must engage in multiple intervention steps before a parent is prosecuted to provide extensive opportunities for families to correct attendance problems.

The DOJ report noted that Education Code Sections 48291, 48292, and 48293; Education Code Sections 48264 and 48264.5, subd. (d) and Welfare and Institutions Code Sections 601 and 602 provide for the prosecution of truant students. Their research indicated that, understandably, prosecutors rarely, if ever, prosecute elementary school students for truancy; therefore, this report focuses on the laws relating to, and the prosecution of, the parents of truant elementary school students, rather than the prosecution of students themselves.

According to an EdSource article, over 234,000 students enrolled in Santa Clara County during the 2023-24 school year, the Santa Clara District Attorney's office heard 130 truancy cases — although some of those cases were from the previous school year. Infractions were issued to 34 parents; 28 were dismissed as student attendance improved, and six parents pleaded guilty. Those six were issued fines, and their court fees were waived. The remaining cases were continued.

However, some other counties took a more punitive approach. Merced County in 2017 initiated an anti-truancy effort that included the arrest of 10 parents for failing to send their children to school. They were charged with misdemeanors, contributing to the delinquency of a minor.

*This bill* repeals Penal Code Section 270.1, which subjects a parent or guardian who allows their child to become chronically truant, which is defined as being absent from school without a valid excuse for 10% or more of the schooldays in one school year, to misdemeanor penalties. According to the sponsors of this bill, criminal penalties and loss of crucial aid pushes families deeper into poverty and increases chances of family separation.

*Equity Implications:* Education is foundational for helping individuals escape generational poverty. However, schools that serve socioeconomically disadvantaged (SED) students tend to have higher rates of chronic absenteeism. Only 2% of the most affluent schools (those serving

0–24% SED students) experience extreme levels of chronic absence. In comparison, 60% of schools serving 75% or more SED students have extreme levels of chronic absence. Students who are involved in the foster care system, are experiencing homelessness, and have been identified as having a disability have extraordinarily high levels of chronic absenteeism. In addition, Native American, Black, and Pacific Islander students have exceptionally high rates of chronic absence. For these populations, chronic absenteeism both reflects and exacerbates inequities. These high rates can reflect challenges facing students and families in the community (e.g., lack of access to health care, unreliable transportation, housing, and food insecurity, etc.) and within the school (e.g., bullying, unwelcoming school climate, biased disciplinary or attendance practices, or lack of a meaningful and culturally relevant curriculum). Such difficulties can affect students' learning ability and cause them to fall farther behind because they miss invaluable instruction.

### **According to the Author**

"Criminalizing parents for their children's truancy ignores the root causes of absenteeism and only deepens family hardships, especially as many immigrant families now fear sending their children to school. [This bill] ensures support and resources to keep students in school and on track for success."

### **Arguments in Support**

According to coalition of organizations co-sponsoring the bill, including End Child Poverty California and Western Center on Law and Poverty, "Current law criminalizes parents of children six and older for school attendance issues, imposing fines and jail time instead of offering support. Data show deep racial disparities in which kids are deemed chronically absent, put in a position for the criminal penalties for parents even if the child's attendance is not under their control. Several recent reports highlight the threat to school attendance for vulnerable populations including immigrant children and families, LGBTQ+ youth, and other populations of students that also experience disproportionate rates of poverty."

### **Arguments in Opposition**

No opposition on file.

## **FISCAL COMMENTS**

According to the Senate Appropriations Committee on August 29, 2025:

- 1) Ongoing General Fund costs of \$141,000 annually to increase the cash aid grant for families who currently have a truancy penalty (49 cases); a one-time General Fund administration cost of \$1,000 to recalculate the monthly grant; and a one-time General Fund cost of \$276,000 for automation.
- 2) Unknown costs to counties for administration. Costs would be potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

## **VOTES:**

### **ASM HUMAN SERVICES: 5-1-0**

**YES:** Lee, Calderon, Elhawary, Jackson, Celeste Rodriguez

**NO:** Castillo

**ASM PUBLIC SAFETY: 7-0-2**

**YES:** Schultz, Mark González, Bonta, Harabedian, Nguyen, Ramos, Sharp-Collins

**ABS, ABST OR NV:** Alanis, Lackey

**ASM APPROPRIATIONS: 11-2-2**

**YES:** Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

**NO:** Dixon, Tangipa

**ABS, ABST OR NV:** Sanchez, Ta

**ASSEMBLY FLOOR: 60-9-10**

**YES:** Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Flora, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

**NO:** Alanis, Davies, DeMaio, Dixon, Gallagher, Hadwick, Patterson, Tangipa, Wallis

**ABS, ABST OR NV:** Bains, Castillo, Chen, Ellis, Jeff Gonzalez, Hoover, Lackey, Macedo, Sanchez, Ta

**UPDATED**

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