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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair  
2025 - 2026 Regular

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**Bill No:** AB 461                      **Hearing Date:** July 15, 2025  
**Author:** Ahrens  
**Version:** March 24, 2025  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Truancy: CalWORKs: school attendance*

### HISTORY

**Source:** End Child Poverty California  
SEIU California  
Western Center on Law and Poverty  
California Partnership to End Domestic Violence  
California Welfare Directors Association  
Coalition of California Welfare Rights Organizations  
End Poverty California  
Parent Voices California  
Project Student Parents are Reimagining CalWORKs

**Prior Legislation:** SB 691 (Portantino), Ch. 863, Stats. of 2024  
AB 901 (Gipson), Ch. 323, Stats. of 2020  
SB 1317 (Leno), Ch. 647, Stats. of 2010

**Support:** Black Women for Wellness Action Project; California Coalition of California Welfare Rights Advocates; California Public Defenders Association; California State PTA; California State Treasurer; Californians United for a Responsible Budget; Center on Juvenile and Criminal Justice; Child Care Law Center; Communities United for Restorative Youth Justice; Courage California; Debt Free Justice California; Disability Rights California; Drug Policy Alliance; Ella Baker Center for Human Rights; Grace Institute - End Child Poverty in CA; Initiate Justice Action; Mid-City Community Advocacy Network; Mission Economic Development Agency; Parent Voices California; Project SPARC; Smart Justice California; Southeast Asia Resource Action Center; The Children's Partnership; Vera Institute of Justice; Western Center on Law & Poverty; Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School

**Opposition:** None known

**Assembly Floor Vote:** 60 - 9

## PURPOSE

***The purpose of this bill is to repeal the criminal offense for parents who fail to reasonably supervise and encourage pupil school attendance resulting in chronic truancy, and to revise the requirement for school attendance for children in an assistance unit (AU) in California Work Opportunity and Responsibility to Kids (CalWORKs).***

*Existing federal law* establishes the federal Temporary Assistance for Needy Families (TANF) program, which provides block grants to states to develop and implement their own state welfare-to-work programs designed to provide cash assistance and other supports and services to low-income families. (42 U.S.C. § 601 et seq.)

*Existing law* establishes the CalWORKS program to provide cash assistance and other social services for low-income families through the federal TANF program. (Welf. & Inst. Code, § 11200 et seq.)

*Existing law* requires any individual who is required to participate in welfare-to-work activities to enter into a written welfare-to-work plan with the county welfare department after assessment, but no more than 90 days after the date that a recipient's eligibility for aid is determined or the date the recipient is required to participate in welfare-to-work activities. (Welf. & Inst. Code, § 11325.21, subd. (a).)

*Existing law* establishes qualifying welfare-to-work activities, including employment, on-the-job training, community service, adult basic education, and other specified activities. (Welf. & Inst. Code, § 11322.6.)

*Existing law* requires all children in a CalWORKs AU for whom school attendance is compulsory to attend school, as specified. (Welf. & Inst. Code, § 11253.5, subd. (a).)

*Existing law* provides that each person between the ages of 6 and 18 years old is subject to compulsory full-time education unless exempt. (Ed. Code, § 48200.)

*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 a valid excuse 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, as specified, on three occasions in one school year, or any combination thereof. (Ed. Code, § 48260.)

*Existing law* defines "chronic truant" as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10% or more of the schooldays in one school year, as specified. (Ed. Code, § 48263.6.)

*Existing law* establishes a process for notifying a pupil's parent of the pupil's truancy and provides that, upon the fourth truancy report, a pupil is within the jurisdiction of the juvenile court, which may adjudge the pupil to be a ward of the court. (Ed. Code, §§ 48260.5, 48264.5; Welf. & Inst. Code, § 601, subd. (b).)

*Existing law* provides that any parent, guardian, or other person having control or charge of any pupil who fails to comply with the compulsory education law, unless excused or exempted, is guilty of an infraction and subject to the following punishment:

- Upon a first conviction, by a fine of not more than \$100;
- Upon a second conviction, by a fine of not more than \$250;
- Upon a third or subsequent conviction, if the person has willfully refused to comply, by a fine of not more than \$500. Authorizes the court to order the person to be placed in a parent education and counseling program in lieu of imposing the fines prescribed. (Ed. Code, § 48293, subd. (a).)

*Existing law* provides that a parent or guardian of a pupil six years of age or older and in kindergarten or any of grades 1 through 8, whose child is a chronic truant, and who has failed to reasonably supervise and encourage the pupil's school attendance, is guilty of a misdemeanor punishable by a fine not exceeding \$2,000, or by imprisonment in the county jail not exceeding one year, or by both that fine and imprisonment. (Pen. Code, § 270.1.)

*Existing law* provides every person who commits any act or omits the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of 18 years to come within the jurisdiction of the juvenile court, or which act or omission contributes to, or any person who, by any act or omission, or by threats, commands, or persuasion, induces or endeavors to induce any person under the age of 18 years or any ward of the juvenile court to fail or refuse to conform to a lawful order of the juvenile court, or to do or to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause that person to become or to remain a person within the jurisdiction of the juvenile court, is guilty of a misdemeanor punishable by a fine not exceeding \$2,500, or by imprisonment in the county jail for not more than one year, or by both, or may be released on probation for a period not exceeding five years. (Pen. Code, § 272, subd. (a).)

*This bill* repeals the criminal penalty provision of law.

*This bill* provides that the following apply if the county human services agency is informed that any child in the AU is not attending school as required:

- The county human services agency must screen the family to determine eligibility for family stabilization services and in accordance with county policy and procedures.
- The child, if they are 16 years of age or older, may voluntarily participate in the welfare-to-work program as long as the welfare-to-work activities do not interfere with the child's compliance with the Compulsory Education Law or attendance or progress in school.

*This bill* provides that a child who is not attending school as required by the Compulsory Education Law remains eligible for services that may lead to attendance in school.

*This bill* specifies that the provisions related to the county human services agency become operative on July 1, 2026, or on the date that the Department of Social Services notifies the

Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section, whichever date is later.

## COMMENTS

### 1. Need For This Bill

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. AB 461 ensures support and resources to keep students in school and on track for success.

### 2. CalWORKS

CalWORKs is the state's primary cash assistance program. CalWORKs implements the federal TANF program and provides eligible low-income families with cash grants and supportive services aimed at helping them to secure education, training, and employment. Parents are required to develop and participate in a welfare-to-work plan unless exempt or otherwise not required to participate. CalWORKs-approved welfare-to-work activities include public or private sector subsidized or unsubsidized employment; on-the-job training; community service; secondary school, adult basic education and vocational education and training when the education is needed for the recipient to become employed; specific mental health, substance use disorders, or domestic violence services if they are necessary to obtain or retain employment; and a number of other activities necessary to assist a recipient in obtaining unsubsidized employment.

### 3. Compulsory Education and Truancy

Under state law, education is compulsory for children between 6 and 18 years of age unless exempt. (Ed. Code, § 48200.) Education Code section 48260 defines a truant as a student who is subject to compulsory full-time or continuation education who is absent from school without a valid excuse 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 in one school year, or any combination of those. A student who has been reported as a truant three or more times per school year, and after an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the student and the student is deemed a habitual truant. (Ed. Code, § 48262.) Current law defines chronic truant as a student who is subject to compulsory full-time or continuation education who is absent from school without a valid excuse for 10 percent or more of school days in one school year. (Ed. Code, § 48263.6.)

One way that the state enforces the compulsory education mandate is by withholding aid from CalWORKs families. State law also makes it a misdemeanor punishable by imprisonment of up to one year in county jail or a fine of up to \$2,000 for a parent or guardian whose child is a chronic truant and who has failed to reasonably supervise and encourage the pupil's school attendance.

The statute establishing criminal liability for parents of truant children—Penal Code section 270.1—was enacted via SB 1317 (Leno), Chapter 647, Statutes of 2010. SB 1317 was sponsored by the then-San Francisco District Attorney and modeled after the Office’s truancy initiative. Penal Code section 270.1 also authorized superior courts to establish a deferred entry of judgment program to adjudicate cases involving parents and guardians of students who are chronic truants.

In recent years, there has been a movement away from penalizing truancy, instead focusing on support services. 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.

The proponents of this bill argue that punitive approaches to truancy have not improved school attendance and note that certain groups of students are disproportionately truant. As a result, existing penalties exacerbate the challenges those families are facing. The bill’s proponents additionally underscore the negative effect of the federal government’s immigration policy on school attendance as a reason to reconsider some of the current penalties associated with truancy.

This bill expands upon previous efforts by repealing the criminal penalty for a parents or guardian whose child is a chronic truant. This bill also revises existing law pertaining to a child in a family receiving a CalWORKs grant and who is not attending school. Specifically, this bill provides that the county human services agency must screen the family to determine eligibility for family stabilization services and authorizes a child who is 16 or older to voluntarily participate in the welfare-to-work program as long as those activities do not interfere with the child’s school attendance.

#### **4. Argument in Support**

According to the coalition of organizations co-sponsoring the bill, including End Child Poverty California and Western Center on Law and Poverty:

By eliminating harmful penalties such as fines of up to \$2,000, jail time of up to one year, and sanctions in the California Work Opportunity and Responsibility to Kids (CalWORKs) program, this bill removes barriers that move families deeper into hardship. Instead of criminalization, this bill paves the way for families and children to be offered more help, not less.

...

Low-income families risk losing a child’s portion of their CalWORKs grant if a 16- or 17-year-old stops attending school, pushing assistance below half the federal poverty line and removing parents from Welfare-to-Work. AB 461 will remove burdensome financial sanctions on CalWORKs parents when their children are considered chronically truant. According to the California Budget and Policy Center, California sanctions families of about 60,000 children with a monthly sanction amount that varies from \$120 to \$235. These sanctions can cost families up to one-fifth of their total CalWORKS benefits. ... By cutting vital

support, sanctions increase the risk of homelessness and crisis for vulnerable youth and families.

...

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.

...

The current federal administration's removal of the sensitive locations policy, which previously protected schools from immigration enforcement, has heightened fears of deportation among immigrant families, leading many parents to keep their children home and resulting in increased chronic truancy.

...

Punitive policies have been found to be ineffective in addressing school attendance ... This bill follows the evidence that families struggling to support their children are better off when their government reaches out a hand rather than close a door. It will do this by:

- Repealing the Penal Code mandating jail time and a fine of up to \$2,000 for a family whose child is failing to meet attendance goals;
- Retaining Education Code which establish processes for educators and community leaders to meet with and hold parents accountable when their children are not attending school regularly; and,
- Replacing Welfare and Institutions Code that establishes a CalWORKs sanction related to chronic truancy with a new section that establishes a process for county human services agencies to offer assistance to the family and youth.

-- END --