

Assembly Bill 2382

Ending the Truancy Double Penalty for Poor School Children Assemblymember Bradford (D – Inglewood)

Issue

California's truancy rate is too high. A recent report published by the Office of Attorney General reported that poverty was a significant cause of poor school attendance.

Current law requires that a financial penalty be exacted from families who rely on a basic needs grant through the California Work Opportunity and Responsibility to Kids (CalWORKs) program when their children are not regularly attending school. This financial penalty is duplicative of the financial and penal code penalties applied to all school children through the newly implemented School Attendance Review Board (SARB) process and above and beyond those assigned to children who are not poor.

Poor families should not be penalized twice for poor school attendance, increasing the likelihood of hardship and familial instability and reducing the likelihood that they will regularly attend school.

BACKGROUND

In California, all children are required to attend school. Effective 2011, Education Code and Penal Code allows for financial and civil penalties for students who are determined truant and their parents; and established the School Attendance Review Board (SARB) process to support families in ameliorating truancy. As years of academic research has shown, families who live with incomes below the federal poverty level (FPL) struggle to maintain regular school attendance for their children.

Recent research published by the Office of the Attorney General confirms that poverty contributes to California's truancy rates for many reasons, including poor health that is exacerbated by poverty.

For poor families who depend on a CalWORKs basic needs grant, there is an additional penalty when children do not regularly attend school.

A family whose child is not in regular attendance is subject to a reduction in their grant. The maximum grant, without a penalty, is just 41% of the FPL. Considering the state's new Penal Code and Education Code penalties, the CalWORKs attendance penalty is duplicative and harmful, making a family less stable and a child less likely to attend school.

This policy not only harms poor children who are struggling to attend school while their families are experiencing homelessness, job loss, illness and other impacts of poverty, but it also complicates program administration. Tracking school attendance can be onerous for administering agencies struggling with high caseloads and is duplicative of efforts that school districts and SARBs are now doing.

THIS BILL

While retaining the requirement that children attend school, AB 2382 would end the truancy double penalty for poor school children and their families and standardize the definition of attendance to align with Education Code Definitions.

SUPPORT

Sponsors:

Children Defense Fund, California
Western Center on Law and Poverty
9-to-5 National Association for Working Women

FOR MORE INFORMATION

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