



[INSERT SCHOOL NAME]
[INSERT SCHOOL ADDRESS]
[INSERT CITY, STATE ZIP]
[INSERT PHONE NUMBER]

Attendance and the Law

CA Ed Code for Compulsory Attendance

Compulsory Attendance Laws

Compulsory attendance is the law in California from age 6 until the age of 18. (Education Code (E.C.)

Children ages 6 to 18, unless exempted or excluded, are subject to compulsory full time education and must:

- Be enrolled in a full-time education program
- Attend school punctually and regularly
- Be scheduled to attend the statutory minimum day for grade level or program as defined by the local governing board

Minimum day standards establish the minimum length of time each student must be enrolled and attending school. However, full time attendance (the full length of time established by their class schedule) is required of all students (Ed Code section 48200). The minimum day standard varies depending on the grade level and program of instruction (see Chapter 3).

Students may meet compulsory attendance requirements through minimum day attendance in a variety of public school programs, including:

- Regular and special day classes
- Continuation high schools
- Community day and court schools
- Regional occupational programs or schools
- Adult education, if combined with employment
- Independent study
- Community college, if approved

Supplementary instruction (remedial instruction and summer school) does not meet the requirements of compulsory attendance, nor does a program of adult education that is not combined with regular employment. Supplementary instruction does not qualify for state funding.

Certain students may be exempt from compulsory attendance law for reasons of age, physical or mental conditions, in the interest of public health, or in the best interest of the student as determined by the county health department or the site principal (Ed Code 48213).

Exemptions from *full-time regular education* include:

1. Students who are instructed in a valid private full-time day school. A non credentialed parent teaching their own children at home does not necessarily constitute a private school. A full-time private school may include a parent instructing his or her own child at home if the home meets the criteria applied to other private schools.
2. Students who are tutored by a credentialed teacher for a minimum of three hours a day for 175 days each calendar year. (Ed Code section 48224)
3. Students from out of state between the ages of 12 and 18 who enter a school attendance area from another state within 10 days of the end of the school term shall be exempted for the remainder of the term. (Ed Code section 48231)
4. Students aged 15 or older and taking an approved leave of absence, up to two semesters with appropriate approvals, for "supervised travel, study, training or work not available to the pupil under another education option." (Ed Code section 48232)
5. Students in the entertainment industry who hold a work permit to work for a period of not more than five consecutive days in the entertainment or allied industries shall be excused from school during the period that the student is working in the industry for a maximum of up to five absences per school year. (Ed Code section 48225.5)
6. Students who hold a work permit and attend part-time classes. (Ed Code section 48230)
7. Students who attend a community college as a special full-time student on the grounds that he/she would benefit from advanced scholastic or vocational work. (Ed Code section 48800.5)

Exemptions from *compulsory continuing education* include (Ed Code 48410):

1. Students who have graduated from a public high school maintaining a four year course above grade 8 or have had an equal amount of education in a private school or from a private tutor.
2. Students who have successfully demonstrated proficiency equal to or greater than standards established by the California Department of Education and have verified approval submitted by his/her parent/guardian.
3. Students who are attending a public or private full-time day school or satisfactory part-time classes maintained by other agencies.
4. Students who are attending adult school for not less than four hours per week.
5. Students who are attending a regional occupational program or center.
6. Students who are disqualified because of his/her physical or mental condition or because of personal services that must be rendered to his/her dependents.
7. Students who are between the ages of 12 and 18 and enter a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term.

Students who are between the ages of 16 and 18 may be exempted from continuation education if he/she is taking a leave of absence for up to two semesters for the purpose of supervised travel, study, training, or work not available to the student under another educational option. (Ed Code 48416)

In the case of a private school, the exemption shall be granted only if the Superintendent or designee has verified that the private school has filed Section 482600) A student who has three unexcused absences or three tardies or absences of more than 30 minutes, or any combination thereof, without valid excuse is considered legally **truant**. A student who has seven unexcused absences is considered **habitually truant** and may be referred to the district attorney's office for legal action. **(E.C. 48262)** Parents are required to compel the attendance of the student at school. Parents who fail to meet this obligation may be subject to prosecution. **(E.C. 48260.5)**

P.C. 270.1 A parent or guardian of a pupil of six years of age or more who is in kindergarten or any of grades 1 to 8, inclusive, and who is subject to compulsory full-time education or compulsory continuation education, whose child is a chronic truant as defined in Section **48263.6** of the Education Code, who has failed to reasonably supervise and encourage the pupil's school attendance, and who has been offered language accessible support services to address the pupil's truancy, is guilty of a misdemeanor punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

Types of Absences During the Regular School Year

Education Code sections 46010 and 48205 identify the **Acceptable reasons** for "excused" absences. Students who are "excused" must be given opportunities to complete work which is reasonably close to, but not necessarily identical to, missed work. The types of absences identified in these codes include the following:

- Personal illness (school may require a doctor's note and will require doctor's verification if school deems absences are excessive)
- Quarantine under the direction of health officer
- Personal medical appointment (may require doctor's note)
- Funeral services of parent, sibling, grandparent, brother-in-law, sister-in-law, or any relative living in the student's immediate household (limit is one day in the state, and three days out of state). Any additional days exceeding the allotted amount will be unexcused.
- Student serving on jury duty
- Exclusion for medical reasons (not to exceed 5 school days)
- Personal court appearance (requires verification)
- Prior Principal approval for employment conference
- Observance of a religious holiday or ceremony (recommend three days advance notice to school).
- Religious retreat (limited to four hours per semester)

- For the purpose of attending the pupil's naturalization ceremony to become a United States citizen [AB 1593]
- He/She is the custodial parent of a student who is ill or has a medical appointment during school hours (school may require a doctor's note and will require doctor's verification if school deems absences are excessive)

Unacceptable reasons for being absent from school are considered unexcused (truant). They include, but are not limited to, the following:

- Going to work with parent/guardian or other family member
- Going on vacation
- Going to a concert
- Visiting a college not associated with a school field trip
- Babysitting, taking care of other family members
- Under the influence of alcohol or other drugs
- Traffic
- Personal problems
- Repairing car or household items
- Waiting for service or repair people to come
- Visiting a sick family member
- Student refusing to go to school
- Attending a personal sporting event not associated with the school
- Homelessness
- Other reasons not included in the Education Code sections 46010 and 48205

Absences for Religious Activities

ARTICLE 2. Absences [46010-46014]

(Article 2 enacted by Stats. 1976, Ch. 1010.)

46014.

Pupils, with the written consent of their parents or guardians, may be excused from school in order to participate in religious exercises or to receive moral and religious instruction at their respective places of worship or at other suitable place or places away from school property designated by the religious group, church, or denomination, which shall be in addition and supplementary to the instruction in manners and morals required elsewhere in this code. Such absence shall not be deemed absence in computing average daily attendance, if all of the following conditions are complied with:

The governing board of the district of attendance, in its discretion, shall first adopt a resolution permitting pupils to be absent from school for such exercises or instruction.

The governing board shall adopt regulations governing the attendance of pupils at such exercises or instruction and the reporting thereof.

Each pupil so excused shall attend school at least the minimum school day for his grade for elementary schools, and as provided by the relevant provisions of the rules and regulations of the State Board of Education for secondary schools.

No pupil shall be excused from school for such purpose on more than four days per school month.

It is hereby declared to be the intent of the Legislature that this section shall be permissive only.

(Enacted by Stats. 1976, Ch. 1010.)

Excused Absences

ARTICLE 1. Persons Included [48200-48208]

(Article 1 enacted by Stats. 1976, Ch. 1010.)

48205.

(a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

- (1) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.*
- (2) Due to quarantine under the direction of a county or city health officer.*
- (3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.*
- (4) For the purpose of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five days per incident.*
- (5) For the purpose of jury duty in the manner provided for by law.*
- (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child, for which the school shall not require a note from a doctor.*
- (7) For justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district.*
- (8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.*
- (9) For the purpose of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.*
- (10) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.*
- (11) For the purpose of participating in a cultural ceremony or event.*

(12) (A) For the purpose of a middle school or high school pupil engaging in a civic or political event, as provided in subparagraph (B), provided that the pupil notifies the school ahead of the absence.

(B) (i) A middle school or high school pupil who is absent pursuant to subparagraph (A) is required to be excused for only one schoolday-long absence per school year.

(ii) A middle school or high school pupil who is absent pursuant to subparagraph (A) may be permitted additional excused absences in the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(13) (A) For any of the purposes described in clauses (i) to (iii), inclusive, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has died, so long as the absence is not more than three days per incident.

(i) To access services from a victim services organization or agency.

(ii) To access grief support services.

(iii) To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.

(B) Any absences beyond three days for the reasons described in subparagraph (A) shall be subject to the discretion of the school administrator, or their designee, pursuant to Section 48260.

(14) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

Missed Assignments

(b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed one schoolday per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) For purposes of this section, the following definitions apply:

- (1) A “civic or political event” includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.
- (2) “Cultural” means relating to the practices, habits, beliefs, and traditions of a certain group of people.
- (3) “Immediate family” means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.
- (4) “Victim services organization or agency” has the same meaning as defined in paragraph (7) of subdivision (g) of Section 230.1 of the Labor Code.

(Amended by Stats. 2023, Ch. 846, Sec. 1.5. (AB 1503) Effective January 1, 2024.)

Truancy

ARTICLE 5. Truants [48260-48273]

(Article 5 enacted by Stats. 1976, Ch. 1010.)

48260.

1. A 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 on three occasions in one school year, or any combination thereof, shall be classified as a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.
2. Notwithstanding subdivision (a), it is the intent of the Legislature that school districts shall not change the method of attendance accounting provided for in existing law and shall not be required to employ period-by-period attendance accounting.
3. For purposes of this article, a valid excuse includes, but is not limited to, the reasons for which a pupil shall be excused from school pursuant to Sections 48205 and 48225.5 and may include other reasons that are within the discretion of school administrators and, based on the facts of the pupil's circumstances, are deemed to constitute a valid excuse.

The consequences of truancy impact both the student and the parent

5.1. Student penalties

Students who are chronically truant can face repercussions at school.

Most schools in California have created School Attendance Review Boards (SARBs). These Boards have wide discretion to take action to keep a minor in school. They can:

- strip students of school privileges,
- require attendance at meetings with teachers and the student's parents, and
- require the student to attend counseling.

If the SARB's actions do not reduce the school absences, it can refer the student to the local Juvenile Court or district attorney.

The Court or prosecutor can issue more severe penalties against a truant student. They can:

- require the student to attend makeup classes,
- put the student on juvenile court probation,
- declare the minor a ward of the court,² and
- delay, suspend, or revoke a student's driving privileges.

Throughout, these penalties focus on getting the minor to attend school. They are not designed to punish them.

5.2. Penalties for the parents of a truant student

The penalties for a parent of a truant student are more severe.

If the SARB thinks the parent is allowing their child to miss school, the Board can refer the case to the district attorney, and law enforcement may arrest the parent. Each referral is handled on a case-by-case basis.

If prosecutors think the parents are not making an effort to get their child to school, criminal charges could be brought under Penal Code 270.1a PC – failing to supervise a child's school attendance. Misdemeanor convictions carry up to:

- 1 year of county jail time, and
- \$2,500 in fines.

Prosecutors can file less severe charges for contributing to a child's delinquency, though. For example, it can be charged as an infraction, which only comes with a maximum fine of \$250.ended by Stats. 2012, Ch. 432, Sec. 1. (AB 2616) Effective January 1, 2013.)

Entertainment Work Permit

Work permit; excused absence; entertainment or allied industries [48225.5]

1. (A) Notwithstanding Section 48200, a pupil who holds a work permit to work for a period of not more than five consecutive days in the entertainment or allied industries shall be excused from school during the period that the pupil is working in the entertainment or allied industry for a maximum of up to five absences per school year.

(B) Notwithstanding Section 48200, a pupil shall be excused from school in order to participate with a not-for-profit performing arts organization in a performance for a public-school pupil audience for a maximum of up to five days per school year provided the pupil's parent or guardian provides a written note to the school authorities explaining the reason for the pupil's absence.

A pupil absent from school under this section shall be permitted to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion, shall be given full credit therefore. The teacher of any class from which a pupil is absent shall determine, pursuant to the regulations of the governing board of the school district, or the county board of education, what assignments the pupil shall make up and in what period of time the pupil shall complete those assignments. The tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

A pupil absent pursuant to paragraph (1) of subdivision (a) shall receive instruction during the period of the absence from a studio teacher certified by the Labor Commissioner holding credentials as defined in Section 11755 of Title 8 of the California Code of Regulations. The instruction shall be offered between 7 a.m. and 4 p.m. for pupils in kindergarten and grades 1 to 6, inclusive, and between 7 a.m. and 7 p.m. for pupils in grades 7 to 12, inclusive. The school district or county superintendent of schools shall accept the work done by the pupil and the grades given to the pupil on that work and shall provide the pupil with credit for the instruction the pupil received from that teacher.

At the request of a pupil excused from school pursuant to paragraph (1) of subdivision (a), the pupil may be permitted to enroll in a work experience program of the school district and shall receive appropriate academic credit for that work experience.

This section shall apply to all pupils, whether a pupil is enrolled in regular classes or special education classes, a regional occupational program or center, or a program of independent study, or any other program of the school district or county superintendent of schools.

(Added by Stats. 1997, Ch. 879, Sec. 1.)

Certification of District Supervisors of Attendance

EC [Section 48245](#) 

(Enacted by Statutes 1976, Chapter 1010.)

Investigation of School Attendance Complaints

EC [Section 48290](#) 

(Enacted by Statutes 1976, Chapter 1010.)

Criminal Complaints against Parents

EC [Section 48291](#) 

(Amended by Statutes 1980, Chapter 1329, Section 7.)

Filing and Prosecution of Complaints by Attendance Supervisors

EC [Section 48292](#) 

(Enacted by Statutes 1976, Chapter 1010.)

Challenging the Content of an Inaccurate Record of Truancy

EC [Section 49070](#) 

(Amended by Statutes 2019, Chapter 179, Section 2. [AB 711] Effective January 1, 2020.)

Recording Daily Attendance

According to the California Education Code, the section that mandates correct attendance records is "EDC 44809" which states that every public elementary school teacher must keep a state school register, accurately recording student attendance and absences for each pupil; essentially requiring teachers to take attendance correctly every day.

Key points about EDC 44809:

- **Attendance recording:** Teachers must record attendance information for each student in their class, including absences.
- **Compliance with law:** Failure to maintain accurate attendance records can be considered a violation of the Education Code.

Legal References

California Education Code Sections

1740 Employment of personnel to supervise attendance (county superintendent)

2550.3–2558 Computation of revenue limits

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

42238–42251 Apportionments

46000 Records (attendance)

46010–46015 Absences

46100–46119 Attendance in kindergarten and elementary schools

46140–46148 Attendance in junior high and high schools

48200–48208 Children ages six to eighteen (compulsory full-time attendance)

48210–48216 Exclusions from attendance

48240–48246 Supervisors of attendance

48260–48273 Truants

48291 Criminal complaint against parent

48292 Filing complaint against parent

48293 Relating to truants, fine for non-attendance

48320–48324 School attendance review boards

48340–48341 Improvement of student attendance

49067 Unexcused absences as cause of failing grade

California Elections Code Section

12302 Student participation on precinct boards

California Family Code Sections

6920–6930 *Consent by minor*

California Welfare and Institutions Code Sections

601–601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

California Code of Regulations, Title 5 Sections

306 *Explanation of absence*

420–421 *Record of verification of absence due to illness and other causes*

California Attorney General Opinions

66 *Ops. Cal. Atty. Gen 244 (1983)*

California Court Decisions

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

Resources

California Department of Education

School Attendance Review Board Handbook 2018

[State SARB Handbook](#) (PDF)

California School Boards Association

California School Boards Association website

[California School Boards Association](#)