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California truancy bill would crack down on parents of truant schoolchildren

OAKLAND -- The word "truant" might bring to mind a teenager with a spray can. But younger children miss school each year, too, with alarming regularity. If a bill clears the state Legislature this month, parents could face jail time and a hefty fine.

In the Oakland school district, more than 5,000 children in kindergarten through eighth grade -- or 18 percent -- missed at least five full days of school without excused absences this past school year, according to district records. About 2,000 missed 10 days or more. Some of their parents, after repeated warnings, were sent to truancy court in Alameda County and charged with an infraction.

Contra Costa County's nine elementary school districts reported that 5,600 children -- or 22 percent of their combined enrollment -- had at least three tardies or unexcused absences in 2008-09, according to data posted by the California Department of Education.

Senate Bill 1317 would make truancy a misdemeanor, at least for the more serious offenders -- those whose children have missed 10 percent of the school year. Other states, such as Florida and Texas, have similar laws on the books.

The legislation was drafted by Kamala Harris, the San Francisco district attorney and candidate for state attorney general. She oversees a truancy program that she credits with a dramatic rise in school attendance in San Francisco. She's a Democrat, as is Mark Leno, the state senator from San Francisco who introduced the bill, which has received bipartisan support.

"I think that everyone realized that for too long, issues that affect children were seen as small issues -- maybe because children are small -- instead of taking these on

as big issues," Harris said. "You know who that chronically truant 6-year-old is going to be? The 'menace to society' that everyone will be knocking on our door about, asking me to prosecute."

Under a recent amendment, school districts would be required to provide "language accessible support services to address the pupil's truancy," referring a parent to the justice system. Parents sent to court will be allowed to enter a guilty plea in exchange for a "deferred judgment." That means the charge will be dismissed if their child's attendance improves and they have followed court orders, which may include parenting classes and substance abuse treatment.

Teresa Drenick, a deputy district attorney for Alameda County, said parents often wind up in truancy court because "their life issues have gotten so overwhelming to them that getting their child to school becomes a very low priority." Many have physical or mental health problems, move from home to home, and rely on public transit to get their child to school. Some are grieving the loss of a family member. Others suffer from domestic violence and homelessness.

Drenick says it is important for the court to step in when parents have not responded to appeals from the school district. "At that point, maybe the parent needs the criminal justice system to enforce the law in order to get the children the help they need to be students," she said.

After all, she said, school attendance habits often start in elementary school. Most of the high school truants she encounters in court, Drenick said, missed lots of seat time when they were younger. As they fall further behind in school, they become embarrassed and discouraged when they go to class and seek out peers with similar attitudes about

school. Their attendance then worsens, she said, as do their prospects for high school graduation and gainful employment.

Since the county's truancy court opened in 2004, Drenick has charged about 500 parents of nearly 1,000 children with infractions. She said she sees only a handful of repeat cases each year, and at least 80 percent of the families show significant improvements in attendance.

"By and large, in our program, the infraction has been enough," Drenick said. Still, she added, a misdemeanor would give the district attorney "more teeth and more tools."

But some have concerns. Safe Passages, a 12-year-old intergovernmental partnership that advocates for Oakland's poorest children and families, withdrew its opposition after the recent amendment to the bill. Its legislative analyst, Isabelle Mussard, says the organization still has concerns about the further criminalization of families.

Adrian Kirk, who directs the Oakland school district office that works with truant children and their families, said he feels the bill is too punitive. Sending your child to school is such a basic thing, he said. If a parent is not doing so, they must have serious problems -- problems that the threat of punishment is not necessarily going to solve.

"Where's the solution?" he asked. "The circumstances of their lives haven't changed one iota, and now we're going to punish them harder."

If the bill becomes law, Kirk said, "More people will wind up going before the DA. More people will wind up having to pay a fine. People will end up going to jail."

Meanwhile, he said, the problem will continue.