

Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 461 (Ahrens) – As Amended March 24, 2025

SUBJECT: Truancy: CalWORKs: school attendance

SUMMARY: Revises the requirement for school attendance for children in an assistance unit (AU) in California Work Opportunity and Responsibility to Kids (CalWORKs), and repeals the criminal offense for parents who fail to reasonably supervise and encourage pupil school attendance resulting in chronic truancy. Specifically, **this bill:**

- 1) Upon implementation of 2) and 3) below, repeals existing law requiring CalWORKs recipients with children where school attendance is compulsory in an AU to attend school. Repeals existing law specifying that children 16 years of age or older are not considered in computing the monthly grant amount when a county is informed that the child did not attend school, unless specified conditions are met.
- 2) Provides, if a county human services agency is informed that any child in the CalWORKs' AU is not attending school, as required by the Compulsory Education Law, both of the following apply:
 - a) The county human services agency must screen the family to determine eligibility for family stabilization services and in accordance with county policy and procedures; and,
 - b) Allows the child, if they are 16 years of age or older, to participate voluntarily in the welfare-to-work program. Specifies that a child who participates in welfare-to-work program is eligible to participate in all welfare-to-work activities available to an adult participant, including, but not limited to, substance abuse services, mental health services, vocational education, or job readiness activities, as long as activities support, but do not interfere with, the child's compliance with the Compulsory Education Law or attendance or progress in school, and that all welfare-to-work activities support the goal of the child completing their secondary education, or its equivalent.
- 3) Establishes 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.
- 4) Provides that 2) and 3) above, will become operative on July 1, 2026, or on the date that the California Department of Social Services notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement these provisions, whichever date is later.
- 5) Repeals the criminal misdemeanor offense punishable by up to a \$2,000 fine for failing to reasonably supervise and encourage a pupil's school attendance who is six years of age or more who is in kindergarten or any of grades 1 to 8. Repeals the allowance of diversion program to adjudicate cases involving chronic truancy.

EXISTING LAW:

- 1) 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. (Welfare and Institutions Code [WIC] § 11325.21)
- 2) Establishes qualifying welfare-to-work activities to include employment, on-the-job training, community service, adult basic education, and other specified activities, and requires a specified number of weekly hours of welfare-to-work participation to remain eligible for aid. (WIC § 11322.6)
- 3) Provides that a recipient is eligible to participate in family stabilization if the county determines that the recipient's family is experiencing an identified situation or crisis that is destabilizing the family and would interfere with participation in welfare-to-work activities and services. A situation or a crisis that is destabilizing the family may include, but shall not be limited to:
 - a) Homelessness or imminent risk of homelessness.
 - b) A lack of safety due to domestic violence.
 - c) Untreated or undertreated behavioral needs, including mental health or substance abuse-related needs. (WIC § 11325.24)
- 4) Establish that each person between the ages of 6 and 18 years unless exempt is subject to compulsory full-time education. (Education Code [EDC] § 48200)
- 5) Requires all children in a CalWORKs AU for whom school attendance is compulsory to be required to attend school, as specified. (WIC § 11253.5)
- 6) 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. (EDC § 48260)
- 7) 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. (EDC § 48263.6)
- 8) Establishes a process for notifying a pupil's parent of the pupil's truancy and provides that, upon the fourth truancy report, a pupil shall be within the jurisdiction of the juvenile court, which may adjudge the pupil to be a ward of the court. (EDC §§48260.5, 48264.5)
- 9) 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. (Penal Code § 270.1)

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS: This analysis only discusses policy issues germane to the jurisdiction of the Assembly Committee on Human Services.

Background: *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. Among others, the supportive services include mental health counseling, substance use disorder treatment, or domestic violence services; job skills training; attendance in a secondary school or in a course leading to a certificate of general educational development.

Unless deemed exempt or otherwise not required to participate per *CalWORKs* rules, parents are required to develop and participate in a welfare-to-work plan. *CalWORKs*-approved welfare-to-work activities can 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.

As of October 2024, the maximum monthly grant for a family of three on *CalWORKs* (one parent and two children), if the family has no other income and lives in a high cost-of-living county, is \$1,039. In 2024-25, the administration estimates the average *CalWORKs* grant amount to be \$1,001 per month across all family sizes and income levels. *CalWORKs* recipients are often also eligible to receive supportive services and resources, such as subsidized child care, employment training, mental health counseling, and housing assistance.

Compulsory Education. In California, education is mandatory for children between 6 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.

This bill continues that approach by removing the criminal offense altogether and by removing the condition of attendance for *CalWORKs* aid.

Author's Statement: 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."

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.

This bill is seeking a different approach to compelling families to send children to school with a recognition that there might be additional reasons leading to chronic truancy.

Double referral: Should this bill pass out of this committee, it will be referred to the Assembly Committee on Public Safety.

RELATED AND PRIOR LEGISLATION:

AB 2382 (Bradford), Chapter 905, Statutes of 2014, among other provisions, required school attendance for any child in a CalWORKs assistance unit who is 16 years of age or older and subject to compulsory school attendance requirement, unless he or she is eligible for Cal-Learn, and eliminates the school attendance requirement, solely for the purpose of determining CalWORKs eligibility, for children in the assistance unit under 16 years of age.

SB 691 (Portantino), Chapter 863, Statutes of 2024, see comments above.

REGISTERED SUPPORT / OPPOSITION:

Support

Grace End Child Poverty Institute (Co-Sponsor)
 SEIU California (Co-Sponsor)
 Western Center on Law & Poverty (Co-Sponsor)
 Back to The Start
 Bridges of Hope CA
 County Welfare Directors Association of California
 Courage California
 End Poverty in California (EPIC)
 Initiate Justice
 SEIU California State Council
 Smart Justice California, a Project of Tides Advocacy

Opposition

None on file.

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