

# Contact by Truancy Officers

The compulsory attendance laws are enforced by attendance officers, usually at the district level (and never by the California Department of Education). While most attendance officers work on very serious truancy cases and leave homeschooling families alone, there may be one or two who dislike homeschooling and who may try to investigate families for truancy.

It is extremely rare for truancy officers to come to the door, and the vast majority of homeschooling families never have any contact with these officials. Most (but not all) investigations of truancy cases involving homeschoolers start because the children were removed from a public or private school without first complying with one of the legal ways to homeschool, because they were involved in truancy issues prior to leaving school, or because they had come to the attention of Children's Protective Services for abuse or neglect.

If someone comes to your door, the first thing you should do is ask to see official identification. Do not allow the person in your home unless s/he has a warrant entitling him or her to enter. If you leave that person's presence, such as to retrieve documents, you should shut the door behind you until you return.

The legal team has prepared a letter (see "Open Letter on Legality of Homeschooling") that you can give to any truancy officer or other government official who wants to know why your children are not in public school. The letter explains what statutory authority there is for parents forming their own home-based private schools and covers which documents the state has the authority to see and which it does not. We recommend that you print out a copy of this letter and put it in the binder you keep with your copy of your affidavit, and give it to any such person at the time you show them your affidavit.

Truancy investigations can only be started if officials have the name of a child. If anyone comes asking questions, but does not know your child's name, that person has no authority. Do not tell them your child's name and politely insist that they leave. If s/he does have the child's name, the attendance supervisor (truancy officer) is only authorized to verify that the student is enrolled in and attending a legal school. If your child is in a public program, give the truancy officer the administrator's name. If your child is in a private school operated by someone else, you should have a copy of the letter confirming the child's attendance. The attendance officer needs to contact the school administrator for other information. If you operate your own school, then the officer is entitled to verify that your child is attending the private school (which is why you need the letter) and that the "private school has complied with the provisions of §33190 requiring the annual filing by the owner or other head of a private school of an affidavit or statement of prescribed information with the Superintendent of Public Instruction" (§§48321.5 and 48415). Therefore, in the extremely unlikely event that the local attendance officer comes to your door, you should get the binder, referenced earlier in Section II, that has a copy of the filed private school affidavit, attendance records, and the letter on school letterhead confirming that the child is enrolled in and attending that school. (if the school was formed after October 15 in that year, you should have considered whether

to file the affidavit or not for that year. See the discussion of the private school option. Neither a truancy officer nor a social worker has the authority to obtain additional information or records. If s/he believes that s/he does, ask her/him to show you the legal authority for the request. You may want to keep a copy of the relevant code sections in your binder.

While providing these documents usually resolves the issues, in rare cases the attendance officer may, on being shown proof of the school's compliance and the child's enrollment, then claim that the private school that the children attend is not legal, and that the children are, therefore, truant. District attorneys have attempted prosecution in a few such cases, although we are not aware of a case where they have been successful. If an attendance officer attempts to escalate a claim, an attorney's help may be needed. Please [contact the HSC Legal Team](#) at [info@hsc.org](mailto:info@hsc.org) for possible referral to experienced attorneys.

Also see: [When Officials Come Knocking At Your Door, A True Story](#) by Elizabeth Van Bryant, Esq.