IN THE SUPREME COURT OF CALIFORNIA

In re A. N.,

THE PEOPLE,

Plaintiff and Respondent,

v.

A. N.,

Defendant and Appellant.

S242494

Ct. App. 2/6 B275914
(Ventura County
Super. Ct. No. 2015040294)

OPENING BRIEF ON THE MERITS

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Issues Presented

Does the statutory scheme for juvenile school truancy prosecutions require the utilization of the School Attendance Review Board, or a similar type of truancy mediation, as a condition precedent before a juvenile prosecution?

Second, is Education Code section 48264.5, to be interpreted in conjunction with Welfare and Institutions Code section 601, subdivision (b), and if so, does section 48264.5 require the issuance of a fourth truancy report before a juvenile court is vested with jurisdiction?

Facts and Procedural History

In the 2015-2016 school year, appellant was enrolled in the 9th grade of Hueneme High School in Oxnard, California. A.N. had a difficult 8th grade, during which time she engaged in self-mutilation due to a custody situation in her home involving a very young nephew, Daniel. (CT: 72.) A. N.'s problems continued into 9th grade and she either came to school late or missed classes. Her tardiness and or absences resulted in a computer-generated school notification of truancy on October 6, 2015,

which documented four unexplained absences/tardiness. (*In re A. N.* (2017) 11 Cal.App.5th at pp. 406-407.) A second notification of truancy was mailed October 13, 2015, which listed five subsequent unexplained absences and/or tardiness. (*Ibid.*)

A third letter was sent on December 15, 2015. In addition to documenting the days that A. N. was either tardy or absent on ten occasions, the letter stated that A. N. was now classified as an habitual truant pursuant to Education Code, section 48262[1], and that she was being referred to the School Attendance Review Board (herein, SARB). (*Ibid.*; CT: 84.)

On December 12, 2015 - three days before the third notification letter was mailed - an Oxnard Police Officer issued A. N. a misdemeanor citation at her residence for an alleged section 48262 violation. (CT: 2.) On December 31, 2015 - *prior to A. N. appearing before the SARB* - the prosecution filed a petition against A. N. for being habitually truant. (CT: 1.) The petition specifically alleged that on or about December 12, A. N. was in violation of section 48262 due to her failure to "respond to the directives of a school attendance review board, or to services provided." (*Ibid.*) The petition contended that the juvenile court was vested with jurisdiction under Welfare and Institutions Code section 601, subdivision (b).[2] (*Ibid.*) On January 5, 2016, the juvenile court issued a letter requesting that she appear for a court hearing on the petition on February 5, 2016. (CT: 3-4.)

On January 12, 2016, A. N. attended a SARB hearing. At the conclusion of the hearing, she signed a contract wherein she agreed to attend school regularly and be on time. Further, A. N.'s mother was directed to contact the school about all absences and provide doctor reports for any illnesses. (CT: 90.)

On May 6, 2016, the trial court sustained the petition. (1RT: 134-135.) The court concluded that the three letters sent to A. N. documented 19 unexplained absences or tardiness and that satisfied the prerequisites to sustain the petition. (*Ibid.*).

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[1] All statutory references are to the Education Code unless otherwise specified.

[2] Referred to herein as W&I 601(b) for ease of reading.

Appellant timely appealed to Division Six of the Second District. In a published opinion, the Court of Appeals affirmed the trial court's exercise of jurisdiction. The opinion stated: "The juvenile court properly exercised jurisdiction here. The first notice of truancy lists four of A. N.'s unexcused absences - one more than required under section 48260. The second notice lists an additional five - four more than required under section 48261. The third lists an additional 10 - nine more than required under section 48262." The opinion held that the number of truancies exceeded "the four truancy threshold that vests jurisdiction in the juvenile court." (*In re A. N., supra,* 11 Cal.App.5th at p. 407.)

The decision specifically rejected the notion that "failing to respond to a SARB directive is a prerequisite to juvenile court intervention." (*Ibid.*) Instead, the court reasoned that section 48264.5, subdivision (d), and W&I 601(b), do not require SARBs to take specific steps before commencing a juvenile truancy prosecution. (*Ibid.*) The court posited that the Legislature intended the juvenile court to have flexibility in exercising jurisdiction over truancy.

The court also denied that this Court required the use of a SARB as a condition precedent to the juvenile court intervention. "While the court in *In re Michael G.* (Citations omitted) noted the Legislature's move toward the use of SARBs as a 'condition precedent to the juvenile court's intervention,' its holding did not turn on the use or nonuse of the SARB process. (Citations omitted.)" (*In re A. N., supra,* 11 Cal.App.5th at p. 407.)

Last, the opinion rejected the claim that a fourth truancy report must issue before the juvenile court can assert jurisdiction over truancy. (*Id.,* at p. 408.) The court concluded that when the Legislature amended section 48264.5 in 2012, it intentionally omitted the word "report" in 48264.5, subdivision (d). Therefore, there is not a requirement that a fourth truancy report be issued. (*Ibid.*)

A. N. filed a timely petition for review to this Court and on July 19, 2017, review was granted.

Memorandum of points and authorities

I.

The statutory truancy scheme intends that the use of a SARB, or a similar type of truancy mediation, be a condition precedent before court intervention.

The opinion below held that the "SARB process is not a prerequisite to juvenile court intervention." (*Ibid.*) That holding misconstrues the truancy statutory scheme and contradicts this Court's decision in *In re Michael G.* (1988) 44 Cal.3d. 283.

In 1975, the Legislature enacted W&I 601(b). As enacted, the statute provided: "If a school attendance review board determines that the available public and private services are insufficient or inappropriate to correct the habitual truancy of the minor, or to correct the minor's persistent or habitual refusal to obey the reasonable and proper orders or directions of school authorities, or if the minor fails to respond to directives of a school attendance review board or to services provided, the minor is then within the jurisdiction of the juvenile court which may adjudge such a person to be a ward of the court. . . ." (Stats. 1975, ch. 192, § 1; ch. 1183, § 2.)

In 1994, the Legislature amended W&I 601(b). (Stats. 1994, ch. 1023, § 6; SB 1728.) As amended, the statute read: "If a minor has four or more truancies within one school year as defined in Section 48260 of the Education Code, or a school attendance review board or probation officer determines that the available public and private services are insufficient or inappropriate to correct the habitual truancy of the minor, or to correct the minor's persistent or habitual refusal to obey the reasonable and proper orders or directions of school authorities, or if the minor fails to respond to directive of a school attendance review board or probation officer or to services provided, the minor is then within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court." (Welf. & Inst. Code, § 601, subd. (b).)[3]

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[3] W&I 601(b) was last amended in 2014. The 2014 amendments are not relevant to this appeal.

The primary change from the 1994 amendments was the addition of the language of "four or more truancies" as defined in section 48260. (*Ibid.*) The opinion below interpreted W&I 601(b) to now confer jurisdiction on the juvenile court when (1) the student has four or more truancies within one year; (2) the SARB determines that available resources are insufficient or inappropriate; or (3) the student fails to respond to SARB directives. (*In re A. N., supra,* 11 Cal.App.5th at 407.) Appellant contends the opinion erred by holding that a juvenile court is vested with jurisdiction when a student has four truancies without any use of SARB.

Under well-established principles of statutory construction, if the language of a statute is clear and unambiguous, the court must follow the plain meaning. (*People v. Canty* (2004) 32 Cal.4th 1266, 1276 (*Canty*).) A reviewing court must look at a statute in the context of the overall statutory scheme and not simply in isolation. "Every statute should be construed with reference to the whole system of law of which it is a part so that all may be harmonized and have effect. [Citations omitted.]" (*Landrum v. Superior Court* (1981) 30 Cal.3d 1, 14.) Put another way, "statutes or statutory sections relating to the same subject must be harmonized, both internally and with each other, to the extent possible." (*Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1387.) "If the statutory language permits more than one reasonable interpretation," courts may consider various "extrinsic aids, including the ostensible objects to be achieved, the evils to be remedied, the legislative history, public policy, contemporaneous administrative construction, and the statutory scheme of which the statute is a part." (*Wilcox v. Birtwhistle* (1999) 21 Cal.4th 973, 977.)

Appellant contends that the language of the four truancies in W&I 601(b) cannot be read in isolation but must be harmonized with the Education Code sections[4] that were amended by the same Legislation that amended W&I 601(b), and most importantly, with section 48264.5, which was specifically enacted in conjunction with the amendment to W&I 601(b). (Stats. 1994, ch. 1023 § 4 (SB 1728).) In sum, the four

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[4] Senate Bill 1728 amended sections 48260, 48260.5, and 48264, and added section 48264.5. The bill also amended Welf. & Inst. Code, sections 601 and 601.2, and repealed section 601.1. Last, the bill amended Vehicle Code, section 13202.7.

truancies in W&I 601(b) track the language of 48264.5, which prescribes the consequences of truancy. W&I 601(b) is not a stand-alone basis of jurisdiction separate from the truancy statutory scheme commencing with section 48260 and culminating with section 48264.5. The legislative history of the statutory truancy scheme and the public policy goal to reduce truancy support this interpretation.

Section 48260, subdivision (a), provides: "[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 . . . shall be classified as a truant and shall be reported to the attendance supervisor or the superintendent of the school district."

Next, section 48261 states that once a student has been reported as a truant, subsequent absences or tardiness will result in another truancy report. Section 48262 states that a pupil will be classified as a habitual truant with three or more truancy reports provided that a school district employee has made a conscientious effort to hold a conference with the parent or student. If the county has set up a School Attendance Review Board, the third truancy report may trigger a meeting with the SARB. (§ 48263.) Further, section 48263.5 authorizes SARB to notify the district attorney only after a pupil has been classified as a truant *and* the SARB has determined that, 1) available community services cannot resolve the truancy or insubordination, and 2) that the pupil or the parents have "failed to respond to directives of the school attendance review board or probation officer or to services provided." (See section 48263.5, subdivision (a)(1)(B).) If the district attorney does not participate in a truancy mediation, either SARB or probation may notify the juvenile court directly. (§ 48263.)

If a county has not established a SARB, the school district may notify the district attorney or probation if the available services cannot resolve the truancy or the pupil fails to respond to the district's directives, provided either the district attorney or probation has agreed to participate in a truancy mediation program. (See §§ 48263, 48260.6.)

The truancy statutory scheme is clear that after a pupil is designated a habitual truant upon the issuance of a third report, then the pupil is referred to SARB (see § 48263.5); or, if the county has not established SARB, the pupil is referred to the district attorney or probation if either has agreed to participate in a truancy mediation program (see § 48263); or, as a last resort, the school district conducts truancy mediation. (*Ibid.*, see also § 48264.5, subd. (c).)

Only after SARB or a similar type of truancy mediation determines that either community services are not available or the pupil fails to respond to the mediation directives is a truancy prosecution warranted.

The consequences for truancy as set forth in section 48264.5 support such an interpretation. The first truancy report may result in a meeting with the school to address the issue. (§ 48264.5, subd. (a).) The second truancy report may generate a warning by a peace officer that will remain in the pupil's school file. (§ 48264.5, subd. (b).) The third truancy report results in the pupil being classified a habitual truant and may require that a meeting occur between the pupil and SARB or another comparable truancy mediation. (§ 48264.5, subd. (c).) The fourth time a truancy report is generated, *then and only then* is the juvenile court vested with jurisdiction under W&I 601(b). (See § 48264.5, subd. (d).)

The interpretation that a fourth truancy report under the truancy statutory scheme can only occur after the utilization of SARB or similar type of truancy mediation is consistent with the legislative history of the relevant amendment to W&I 601(b). "Upon the 3rd truancy within the same year, the bill would provide the pupil be referred to and required to attend a school attendance review board, truancy mediation program, or a comparable program. This bill would provide that if a pupil who has attended certain programs including a school attendance review board has a 4th truancy in the same school year, the pupil . . . may be adjudged a ward of the court." (1994 Cal. Legis. Serv., ch. 1023 (SB 1728).) The analysis of SB 1728 by the Assembly Committee commented that, "[u]pon failure of the earlier steps to alleviate the truancy problems, the juvenile court may exert jurisdiction over the minor pupil." (CA B. An., S.B. 1728 Assem., Aug.

9, 1994, p. 3.) These earlier steps are the written warnings, the afterschool programs, and finally, the school attendance review board or equivalent programs. Only after those earlier steps were tried, and failed, did the legislature contemplate referral to a juvenile court, stating, "[c]ourt intervention is reserved until after other steps have failed, so as not to overburden already heavy court calendars until necessary." (*Ibid.*)

In sum, the legislation that both amended W&I 601(b) and enacted section 48264.5, created a statutory scheme that provided graduated consequences for continual truancy. The graduated consequences to the pupil were triggered by corresponding actions by the school district. The statutory scheme requires the school district to: 1) provide notice to the parent upon the initial classification of a truant (§ 48260.5); 2) engage in a "conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself" before labeling a pupil a habitual truant (§ 48262); and (3) before issuing a fourth truancy report and possibly referring the pupil to the juvenile court, the pupil must be afforded a truancy mediation by SARB or a similar type of mediation (§§ 48263 & 48263.5.) The four truancies language in W&I 601(b) did not remove the school district or law enforcement's obligations before proceeding to the juvenile court.

The opinion therefore erred by interpreting "four truancies" to mean having accrued "six or more unexcused absences," without requiring the use of a SARB or a similar truancy mediation as a condition precedent. (*In re A.N., supra,* 11 Cal.App.5th at 406.) As the legislative history of SB 1728 makes clear, neither the amendment to W&I 601(b), nor section 48264.5, subdivision (d), intended to remove the mediation process before court intervention. The fact that section 48264.5, subdivision (c), authorizes rather than requires a referral to SARB upon the issuance of a third report does not remove truancy mediation as a condition precedent. Section 48264.5, subdivision (c), and section 48263 reflect the reality that not every county has established a SARB, therefore, requiring the use of SARB for those counties without a SARB would be futile. What is clear is that for a county with a SARB, like Ventura County, the use of the SARB is a

condition precedent. For a non-SARB county, a similar truancy mediation is a condition precedent.

An interpretation that SARB is a condition precedent is consistent with the legislative analysis of A.B. 2616, the legislation that amended section 48264.5 in 2012. (2011 Legis. Bill Hist. CA A.B. 2616, June 27, 2012.) The analysis first stated the current state of the law regarding the truancy statutory scheme. The statutory scheme "[authorizes a habitually truant pupil to be referred to a school attendance review board (SARB) or to the probation department for services. If the SARB or probation officer determines that available community services can resolve the problem, the pupil or pupil's parents shall be directed to make use of those services. If it is determined that services cannot solve the problem, or if the pupil and/or parent have failed to respond to directives, the SARB may notify the district attorney or probation officer. (Citations omitted.)" (*Id.* pg. 2.)

The opinion not only misinterpreted the truancy statutory scheme, but also glosses over the absence of any meaningful mediation in this case. The opinion states that after appellant was referred to the SARB, her behavior never changed and "[s]chool officials thus turned to the juvenile court in their continuing effort to compel A. N.'s attendance." (*In re A.N., supra*, 11 Cal.App.5th at 405.) That statement is inaccurate. A. N. was issued a citation to appear in juvenile court *before* the issuance of the third truancy report and the classification of A. N. as a habitual truant. (CT: 2.) The prosecution then followed the school's example of foregoing the use of the SARB and filed the W&I 601(b) petition before the SARB meeting. (CT: 1.) The December 31, 2015 petition alleged that A. N. failed to respond to the SARB directives on December 12, 2015, even though her meeting with the SARB did not occur until January 12, 2016. Contrary to the opinion, both the school district and the prosecution turned to the juvenile court before using SARB.

The utilization of a SARB or similar type of mediation as a precondition before a juvenile court is vested with jurisdiction is consistent with this Court's interpretation of the statutory scheme. In *In re Michael G.*, this Court explained the

difference between a juvenile court's authority to incarcerate juvenile contemnors - after the court properly found the juvenile a ward of the court - and the Legislature's limitation on the court having authority for truancy in the first place. The Court was clear that the legislation made the utilization of a SARB prior to any juvenile court intervention. "The Legislature's move towards utilizing the school attendance review boards as a *condition precedent* to the juvenile court's intervention is understandable and in keeping with legal commentary calling for greater participation of school and social welfare professionals, even to the exclusion of the juvenile court's jurisdiction." (*Id.,* at 290, emphasis added.) This Court added that the "most important overall change [to Welf. & Inst. Code, § 601, subd. (b)] was to require referral of truants to school attendance review boards before juvenile court intervention." (*Ibid.*)

The legislature is presumed to be aware of this Court's decision when it enacted section 48264.5 and amended W&I 601(b). (*People v. Weidert* (1985) 39 Cal.3d 836, 844.) Further, section 48264.5, subdivision (c), states that only after "the pupil does not successfully complete the truancy mediation program or other similar program, the pupil shall be subject to subdivision (d)." An interpretation that W&I 601(b) provides juvenile court jurisdiction after only four truancies and without the use of a truancy mediation program renders section 48264.5, subdivisions (c) and (d), superfluous. This Court should avoid such an interpretation. (See *People v. Aguilar* (1997) 16 Cal.4th 1023, 1037, [Courts should avoid "a reading that renders any part of a statute superfluous."].)

II.

The opinion erred by concluding that a fourth truancy report need not be issued before a juvenile court can assert jurisdiction under the 2012 amended Education Code section 48264.5.

The opinion claimed that section 48264.5, subdivision (d), of the Education Code only requires a fourth truancy to occur - rather than the issuance of a fourth truancy report - before a court is vested with jurisdiction. (*In re A.N., supra,* 11 Cal.App.5th at p.

408.) According to the opinion, this is the plain meaning of the statute and the court is precluded from interpreting it otherwise. "When the Legislature amended section 48264.5 in 2001, it substituted 'truancy report' for 'truancy' in subdivisions (a), (b), (c), and 'truancy is required to be reported' for 'truancy' in subdivision (d). (Stats. 2001, ch. 734, § 29, p. 5786.) When the Legislature amended section 48264.5 again 11 years later, it left in place 'truancy report' in subdivisions (a), (b), and (c), but substituted 'truancy is issued' for 'truancy is required to be reported' in subdivision (d). (Stats. 2012, ch. 432, § 2.) We decline to reinsert 'report' into subdivision (d)." (*Ibid.*)

Such an interpretation completely misses the mark on the Legislature's intent behind section 48264.5, subdivision (d), as amended in 2012, under established principles of statutory construction. The court's role "is to ascertain the Legislature's intent so as to effectuate the purpose of the law. . . . If the language is clear and unambiguous, [the court] follow[s] the plain meaning of the measure. (*People v. Canty, supra,* 32 Cal.4th at p. 1276. "If the statutory language permits more than one reasonable interpretation" courts may consider 'extrinsic aids, including. . . the legislative history, public policy. . . and the statutory scheme of which the statute is part." (*Wilcox v. Birtwhistle, supra,* 21 Cal.4th at p. 977.) Last, '[t]he meaning of a statute may not be determined from a single word or sentence; the words must be construed in context, and provisions relating to the same subject matter must be harmonized to the extent possible." (*People v. Superior Court (Arevalos)* (1996) 41 Cal.App.4th 908, 912.)

With these principles of statutory construction in mind, in 2001, section 48264.5, subdivision (d), was amended to provide in relevant part: "[t]he fourth time a truancy is *required to be reported* within the same school year, the pupil *shall be* within the jurisdiction of the juvenile court . . . ." (Stats. 2001, ch. 734, § 29, p. 5786, emphasis added.) In 2012, the subdivision was amended to read: "[t]he fourth time a truancy is *issued* within the same year, the pupil *may* be within the jurisdiction of the juvenile court that may adjudge the pupil to be a ward of the court pursuant to section 601 of the Welfare and Institutions Code." (Stats. 2012, ch. 432, § 2, emphasis added.)

The 2012 amendment was not intended to remove the requirement that fourth report be issued before a juvenile is within the jurisdiction of the juvenile court, but rather, to remove the mandatory language that a juvenile *shall* be within the jurisdiction of the juvenile court upon the issuance of a fourth report. In other words, the amendment "eliminates the mandate that a pupil found truant for the fourth time in a school year be referred to the juvenile court." (2011 Legis. Bill Hist. CA A.B. 2616, p. 2.) This is consistent with the fact that the mandatory language for when a report is required to be issued *was also removed* in section 48262.5, subdivisions (a), (b), and (c). The Court of Appeal was wrong to conclude otherwise.

Any ambiguity as to whether the Legislature intended to remove the issuance of a fourth truancy requirement is dispelled by the following explanation of the bill by the Legislative Service. "The bill would revise certain penalties resulting from the issuance of specified truancy reports and would specify that the first time a truancy report is issued, the pupil and, as appropriate, the pupil's parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the pupil's attendance. The bill would specify that the 2nd time a truancy report is issued, the pupil may be personally given a written warning by a peace officer, as specified, and that the *4th time a truancy report is issued,* a pupil who is adjudged a ward of the court may instead be required to pay a fine." (2012 Cal. AB 2616, Stats. Ch. 432, emphasis added.)

Additionally, the opinion's interpretation that section 48264.5 was amended to make it easier for juvenile court intervention in truancy matters conflicts with the author of A.B. 2616. "Research shows that the approaches that work best for addressing attendance and truancy involve parents, community, schools, and counselors first and foremost and law enforcement only for extreme cases and as the very last resort. In addition, research shows that involving children in the Juvenile Court system, as a means for addressing school attendance issues, actually makes it as much as four times more likely that they will drop out of school, which of course, runs counter to the purpose of any approach to reengage a student in school and improve their attendance." (2011

Legis. Bill Hist. CA A.B. 2616, p. 3.)[5] The appellate court erred by focusing entirely on the absence of the word "report" without construing the statute in context with the other subdivisions within the statute or attempting "to ascertain the Legislature's intent so as to effectuate the purpose of the law." (*People v. Canty, supra,* 32 Cal.4th at 1276.)

III.

The purpose of the truancy statutory scheme to limit jurisdiction of the juvenile court supports reversal of the Court of Appeal opinion.

The requirement that a violation of a SARB directive is a condition precedent before a pupil becomes a ward of the juvenile court furthers the purpose of the statutory scheme for school truancy. School truancy is a status offense applicable only to juvenile pupils subject to compulsory full-time education. (§ 48260.) Truancy does not apply to adults and therefore is not considered criminal in nature. (*In re Michael G., supra*, 44 Cal.3d at 305, fn. 2.)

Given that truancy is not criminal and applies only to juveniles having attendance issues, there was a move in the 1970's to eliminate juvenile court jurisdiction over status offenders. (See Ketchum, *Why Jurisdiction Over Status Offenders Should be Eliminated from Juvenile Courts* (1977) 57 B.U.L. Rev. 645.) The reason for this movement was that vast amounts of resources were wasted on juvenile courts when there was no evidence that such intervention increased attendance. In fact, in 1971, the California Legislative Committee for Juvenile Court Processes stated that "[n]o one can prove that truants who become wards of the court end up better educated than those who do not." (Calif. Assem. Interim Com. on Crim. Proc., Report, Juv. Ct. Processes (1971).)

In 1977, with this backdrop, California sought a middle ground. A juvenile court would retain jurisdiction over truancy, but only after the utilization of school attendance review boards. (*In re Michael G., supra*, 44 Cal.3d at 290; § 48264.5.) The hope was, with aggressive intervention by the schools coupled with the use of social resources, there would be little need for juvenile courts. In fact, section 48320 expresses

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[5] Assemblywoman Ms. Carter authored A.B. 2616.

the Legislative intent that alternatives to the juvenile court are preferred even after the proper use of a SARB. (See § 48320, sub. (b)(1), [School Attendance Review Boards should "[p]ropose and promote the use of alternatives to the juvenile court system."].)

Appellant contends that the opinion undercuts the middle approach adopted by California. If the opinion holds, no school district or district attorney's office will be compelled to offer mediation services for school truancy. Instead, the prosecution will be able to commence a truancy prosecution after a certain number of unexplained absences/ tardiness without any obligation to try to resolve the underlying problems that caused the truancies in the first place. To allow a prosecution first approach conflicts with the carefully crafted statutory scheme set forth in section 48260 et seq. In sum, a prosecution first approach under the guise of "flexibility" undermines the statutory purpose of SARB to divert children from the juvenile justice system.

In addition to the fact that the use of a juvenile court increases the likelihood that students will drop out of school, being adjudged a ward of the court has significant direct and collateral consequences. A court can suspend or delay a minor's driving privilege up to one year. (Veh. Code § 13202.7.) A court may impose probation and order urine testing (Welf. & Inst. Code section 729.2, subd. (a)(2)), and require that the minor be monitored by a global positioning system (GPS). (*Ibid;* see also *In re A. M.* (2013) 220 Cal.App.4th 1494, 1497.) A court may order curfew. (*Ibid.*) A minor reported as a truant may lose or may cause his or her parents to lose necessary financial aid. (Welf. & Inst. Code § 11253.5(d).)

In the instant case, the school district and the district attorney short-circuited the truancy statutory scheme. Instead of allowing the SARB process try to resolve A. N.'s truancy issues, A. N. was cited for truancy before the issuance of a third truancy report. The prosecution then filed a petition prior to appellant's SARB meeting. Both the school district and the prosecution involved the juvenile court before the utilization of the SARB. This violated both the statutory truancy scheme and this Court's interpretation of such scheme. Accordingly, the opinion erred by holding that the Juvenile Court properly sustained the district attorney's petition.

Conclusion

Appellant A. N. respectfully requests that this Court reverse the judgment of the Court of Appeal and make clear that before the commencement of a truancy prosecution, there must be a SARB hearing or other meaningful mediation to try to resolve a child's truancy without referring the matter to the Juvenile Court.

Dated: August 17, 2017

Respectfully Submitted,
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CERTIFICATE OF WORD COUNT

The undersigned hereby certifies that by utilization of MSWord word count feature there are 6,086 words in Times New Roman font in this document, excluding Declaration of Service.

Dated: August 17, 2017

Jeane Renick
Legal Mgmt. Asst. III

DECLARATION OF SERVICE

Case Name: ***In re A. N.; The People, Plaintiff and Respondent v. A. N., Defendant and Appellant.***

Case No. **S242949 from Ct. App. 2/6 B275914 [Superior Court No. 2015040294)**

On August 17, 2017, I, Jeane Renick, declare: I am over the age of 18 years and not a party to the within action or proceeding. I am employed in the Office of the Ventura County Public Defender at 800 South Victoria Ave., Ventura, California, 93009. On this date I personally served the following named person(s), at the place(s) indicated herein, with a full, true and correct copy of the attached **Opening Brief on the Merits:**

Hon. William Redmond, Comm., and
MICHAEL PLANET, Exec. Officer
Superior Court – Hall of Justice
800 South Victoria Ave., 2nd Floor
Ventura, CA. 93009
[Trial Commissioner]

On this date, I *electronically served* the attached **Opening Brief on the Merits,** as indicated below:

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Counsel for The People: *AppellateDA@ventura.org*

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on the above date at San Buenaventura, California.

TODD W. HOWETH, Public Defender

By _____
Jeane Renick, Legal Mgmt. Asst. III