

California Makes Slight Adjustments to Laws Regarding Truancy, Expulsion, and School Holidays

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Assembly Bills (AB) 461, 1230, and 268 were recently signed into law by Governor Gavin Newsom. These bills affect policies regarding truancy, rehabilitation plans for expelled students, and school holidays.

AB 461 – Truancy

Under existing law, children between the ages of six and 18 are subject to compulsory full-time education, unless otherwise exempted. Prior to this bill, a parent or legal guardian could be charged with a misdemeanor if their child was chronically truant or if the parent/guardian failed to reasonably supervise and encourage the student's school attendance, provided the parent/guardian was offered support services to address the student's truancy.

AB 461 repeals such criminal offense. The purpose of AB 461 is to allow school districts to work with parents and students to determine the cause of the student's truancy problem. Specifically, AB 461 aims to ensure that support and resources are available to keep students in school and on track for success. The bill authors reasoned that criminalizing parent behavior ignores the root causes of truancy.

AB 1230 – Expulsions

Under existing law, school districts must conduct a periodic review and assessment for readmission of students who have been expelled. Part of this process includes a rehabilitation plan, which must be developed at least 45 days before the end of the expulsion term, to address the student's individual needs and the behavior that led to the expulsion, along with consultation with school personnel who are familiar with the student.

AB 1230 requires school districts to assist expelled students in locating accessible opportunities that are necessary to complete the requirements of their rehabilitation plan. AB 1230 also prohibits school districts from requiring the student to pay for any costs necessary to complete the rehabilitation plan. Furthermore, the bill prohibits school districts from denying readmission of a student if they are unable to complete their rehabilitation plan due to financial or transportation constraints, or lack of opportunity. If this occurs, the school district must readmit the student unless: 1) the student did not substantially meet the conditions of the rehabilitation plan despite having access to the necessary resources and viable opportunities to complete the plan; or 2)

continues to exhibit the documented behaviors that the student was expelled for or committed one or more new acts during the expulsion term that would make the student eligible for another expulsion. If one of these exceptions occurs, the school district's governing board is authorized to extend the expulsion term.

AB 268 – Holidays

Under existing law, the Education Code designates specific days, such as “Genocide Remembrance Day” and “Native American Day,” as days on which public schools may be closed pursuant to a memorandum of understanding between the governing board and represented employees. Additionally, existing law allows State employees to be given time off with pay for specified holidays. Lastly, existing law adopts State holidays as judicial holidays with certain exceptions.

AB 268 adds Diwali to the list of State holidays on which community colleges and public schools are authorized, but not required, to close pursuant to a memorandum of understanding between the governing board and represented employees. Additionally, this bill authorizes State employees to elect to take time off with pay in recognition of Diwali. Lastly, this bill adds Diwali on the list of holidays that are excluded from designation as a judicial holiday.

Takeaways

AB 461 removes the criminal offense against parents or legal guardians who do not bring their children to school and, instead, focuses on resolving the root causes of the student's truancy issue. AB 1230 requires school district to work with students who have been expelled to find opportunities outlined in the student's rehabilitation plan, and provides that students or parents cannot be required to pay out of pocket for these opportunities. AB 268 allows public schools and community colleges to close on Diwali.

In light of these new bills, we recommend reviewing board policies regarding truancy, rehabilitation plans, and holidays and revising them as necessary. In addition, school districts wishing to close schools on Diwali must first negotiate an agreement with represented employees.

If you have any questions about AB 461, 1230, and 268, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#) and [LinkedIn](#), or download our [mobile app](#).

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