



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2015 Biennium

Bill # HB0313

Title: Revise school truancy laws

Primary Sponsor: Schreiner, Casey

Status: As Amended in House Committee

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2014 Difference</u>	<u>FY 2015 Difference</u>	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: HB 313 revises school truancy laws to provide and clarify consequences to a truant child and the child's parent or guardian and clarifies that a habitually truant child may be referred to youth court. The Judicial Branch is unable to estimate the fiscal impact of this legislation.

FISCAL ANALYSIS

Assumptions:

Office of Public Instruction (OPI)

1. HB 313 defines "truant" or "truancy" as the persistent nonattendance without excuse, as defined by district policy, for all or any part of a school day equivalent to the length of one class period of a child required to attend a school under 20-5-103, MCA.
2. If a school attendance officer discovers that a child is truant, the officer, school, or district may make a reasonable effort to notify the parent, guardian, or other person responsible for the care of the child that the continued truancy of the child may result in the prosecution of the parent or guardian under the provisions of 20-5-106, MCA.
3. If the child is discovered to be truant after the attendance officer has made a reasonable effort to notify the parent or guardian, the attendance officer may require that the parent and child to meet with an individual

designated by the school district to formulate a truancy plan. If the person and child fail to meet with the designated individual or comply with the provisions of the truancy plan, the attendance officer may refer the matter to the prosecuting attorney in a court of competent jurisdiction for a determination regarding whether to prosecute the parent or guardian.

- 4. If convicted the person shall be fined, ordered to perform community service, or required to give bond with sureties.

Judicial Branch

- 5. The Judicial Branch reports that there were 137 truancy charges referred to Youth Court in 2012 and 139 truancy charges referred to Youth Court in 2011. The Judicial Branch is unable to estimate how the new definition of habitual truancy will affect the number of truancy referrals made to Youth Court.
- 6. The workload of district courts and youth courts including juvenile probation may increase as a result of this legislation; however, the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact.

Department of Health and Human Services (DPHHS)

- 7. Truancy does not constitute educational neglect, and therefore would not be investigated by DPHHS, Child and Family Services Division (CFSD).
- 8. While CFSD may become responsible for a truant child for other reasons, working with community partners including local school systems to address issues and support education would be a normal procedure and would not result in additional costs.

Effect on County or Other Local Revenues or Expenditures:

Office of Public Instruction

- 1. The development of truancy plans is likely to increase the workload for attendance officers in some school districts. The school district cost of this workload increase is unknown.

Judicial Branch

- 2. The changes in Section 1 effects the charges against parents or guardians in truancy cases. This may increase the workload in Courts of Limited Jurisdiction which are funded by local governments.

Sponsor's Initials

Date

Budget Director's Initials

Date