

Fiscal Estimate Narratives

DPI 8/12/2005

LRB Number 05-1852/1	Introduction Number SB-285	Estimate Type Original
Subject Child in need of protection or services jurisdiction for educational neglect		

Assumptions Used in Arriving at Fiscal Estimate

Currently, the compulsory school attendance law requires, subject to certain exceptions, that a person having under his or her control a child six years of age or over cause the child to attend school regularly during the full period and hours that the school in which the child should be enrolled is in session until the end of the school term, quarter, or semester in which the child becomes 18 years of age, unless the child has an acceptable excuse for not attending school. Current law also permits counties, cities, villages, and towns to enact ordinances prohibiting a person under 18 years of age from being absent from school without an acceptable excuse for part or all of five or more days on which school is held during a school semester (habitual truancy). In addition, current law grants the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) exclusive jurisdiction over a juvenile alleged to be in need of protection or services on the grounds of habitual truancy.

This bill grants to the juvenile court exclusive jurisdiction over a child alleged to be in need of protection or services on the grounds of truancy, not just habitual truancy, including intermittent attendance carried on for the purpose of defeating the compulsory school attendance law, if all of the following conditions are met:

1. The child is six years of age or over and enrolled or should be enrolled in grades kindergarten to five.
2. The truancy is the result of the person having control of the child not causing the child to attend school regularly rather than the result of the child's intentional refusal to attend school.
3. Appropriate school personnel have met or attempted to meet with the child's parent or guardian, provided an opportunity for educational counseling, and evaluated the child for learning and social problems.

The department does not have data to indicate what fiscal impact, if any, the bill would have on local school operations. Therefore, the local cost of the bill is indeterminate.

Long-Range Fiscal Implications